

European Public Prosecutor's Office (EPPO)

2013/0255(APP) - 27/11/2013 - Document attached to the procedure

On 17 July 2013, the Commission adopted a proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office, based on Article 86 of the Treaty on the Functioning of the European Union (TFEU), which empowers the Council to establish that Office in order to combat crimes affecting the financial interests of the Union.

Within the deadline laid down in Article 6 of Protocol No 2, fourteen chambers of national Parliaments sent reasoned opinions to the Commission, thus triggering the subsidiarity control mechanism provided for in Article 7(2) of Protocol No 2, which the Commission confirmed on 6 November 2013.

In this paper, it reviews the proposal, carefully analysing the reasoned opinions submitted by national Parliaments from the perspective of the principle of subsidiarity.

The subsidiarity test involves two closely interrelated questions:

- whether the proposed action can or cannot be sufficiently achieved by the Member States acting on their own;
- whether the action can be, by reason of its scale or effects, better achieved at Union level.

The paper examines whether the insufficiency of Member State action and the added-value of Union action justify the establishment of the European Public Prosecutor's Office. That issue is judged in light of the different aspects of the proposal, i.e. the way in which the Office would be established and the rules and procedural powers that would frame it.

The Commission concludes that its proposal complies with the principle of subsidiarity enshrined in Article 5(3) TEU and that a withdrawal or an amendment of that proposal is not required. The Commission therefore maintains it. During the legislative process the Commission will, however, take due account of the reasoned opinions of the national Parliaments.