



CROATIAN PARLIAMENT
European Affairs Committee

Zagreb, 1 April 2014

EUROPEAN COMMISSION

Opinion of the European Affairs Committee
on the Proposal for a Regulation on the establishment of the European Public
Prosecutor's Office

Introduction

Exercising the powers conferred on them by virtue of the Act on the Co-Operation of the Croatian Parliament and the Government of the Republic of Croatia in European Affairs and the Standing Orders of the Croatian Parliament, the European Affairs Committee and the Judiciary Committee of the Croatian Parliament held a joint session on 27 February 2014, at which the Ministry of Justice submitted its report on the preparations for the EU Justice and Home Affairs Council meeting of 4 March 2014.

As the discussion on the Proposal for a Regulation on the establishment of the European Public Prosecutor's Office featured as one of the items on the Council's agenda, the European Affairs Committee, in cooperation with the Judiciary Committee of the Croatian Parliament, conducted a debate on the presented position of the Republic of Croatia on the stated legislative proposal.

Debate on the Proposal for a Regulation on the establishment of the European Public
Prosecutor's Office

Having discussed the matter, Members of the European Affairs Committee and the Judiciary Committee unanimously supported the Croatian position which generally supports the initiative to establish the European Public Prosecutor's Office, but advocates for a collegial body model of the Office. According to the position of the Republic of Croatia, but also in the opinion of the European Affairs Committee and the Judiciary Committee of the Croatian Parliament, due to the participation of a larger number of Member States, in contrast with a single European public prosecutor, the collegial body model would offer the Office of European public prosecutors greater independence and facilitate their swifter and better informed decision-making. The European Affairs Committee and the Judiciary Committee support the view that for the purpose of its efficiency, the Office's jurisdiction should be limited to important and complex cases, while the jurisdiction to prosecute offenses against the financial interests of the Union in cases of lesser value should remain within the competence of national legal systems.

Opinion of the European Affairs Committee

The European Affairs Committee of the Croatian Parliament has been involved in the course of the legislative process since the publication of the Proposal in July 2013, carefully monitoring the treatment of the Proposal at all levels in the European Parliament and in the Council, as well as at the national level. In this regard, the European Affairs Committee particularly draws attention to the interim report on the Proposal for a Regulation on the establishment of a European Public Prosecutor's Office of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament, by which the Members of the Committee, although supporting the Proposal in principle, presented a series of recommendations to the Council related to the need of introducing amendments to the original Proposal.

The European Affairs Committee also considers that in its Communication to the European Parliament, the Council and the national parliaments on reviewing the Proposal with regard to the principle of subsidiarity in accordance with the Protocol no. 2 of 27 November 2013, the European Commission did not specify concrete explanations of its rejection of arguments that national parliaments of 11 Member States had presented in their reasoned opinions.

The Committee draws particular attention to the fact that the European Commission in its Communication did not act in accordance with Article 7 Paragraph 3 of the Protocol no. 2 on the application of the principles of subsidiarity and proportionality, that is the Commission did not analyse in detail the reasoned opinions nor did it put forward arguments based on which it considers that the legislative proposal does comply with the principle of subsidiarity.

Also, the Committee considers that the Commission did not take into account the explanations of national parliaments in the parts that relate to a satisfactory level of the already existing legislation, i.e. the institutional framework that could be improved instead of creating entirely new legislation on the protection of EU financial interests. Furthermore, the Committee stresses the need for effective implementation of the existing mechanisms of prevention in terms of undertaking concrete educational activities and raising public awareness in order to prevent frauds.

The Committee also stresses the insufficiently reasoned presentation of the Proposal's added value, in relation to which the Committee considers that the protection of the financial interests of the Union could effectively be achieved by strengthening judicial cooperation between Member States, given the relatively large number of bilateral and multilateral agreements concluded in the field of judicial cooperation in criminal matters at international and European level.

Following the debate conducted at the joint session of the European Affairs Committee and the Judiciary Committee and the abovementioned opinions, the European Affairs Committee refers to the Commission the following

CONCLUSIONS

1. In order to preserve the efficiency of the early warning mechanism as one of the fundamental values of the European Union, the European Affairs Committee calls on the European Commission to conduct proper analysis of the reasoned opinions provided by national parliaments and to give preference to legal rather than to political interpretation of the principle of subsidiarity, so that the result of the review of draft legislative acts would reflect the attitudes of EU citizens to the largest possible extent, contributing thereby to democratic legitimacy of the decision-making process in the European Union.

2. The European Affairs Committee asks the Commission to provide it with information on further steps it intends to take to finish the procedure of adopting the Regulation on the establishment of a European Public Prosecutor's Office, especially considering the upcoming elections to the European Parliament and their impact on the dynamics of legislative activities in the coming period.

CHAIRMAN OF THE COMMITTEE
Daniel Mondekar