



EUROPEAN COMMISSION

*Brussels, 21.1.2019  
C(2019) 159 final*

*Dear President,*

*The Commission would like to thank the Bundesrat for its Opinion on the Communication from the Commission to the European Parliament and the European Council – A European that protects: an initiative to extend the competences of the European Public Prosecutor's Office to cross-border terrorist crimes {COM(2018) 641 final}.*

*The Commission welcomes the principle support expressed by the Bundesrat for this initiative. This Communication forms part of a broader package of ambitious measures aimed at completing the Security Union and thus enhancing the security of the European citizens.*

*With regard to the concerns expressed by the Bundesrat that a discussion on this matter at the Summit in Sibiu on 9 May 2019, as suggested by the Commission, would come too early, it is the Commission's view that a timely political debate on this important matter is indispensable.*

*This political debate will positively feed into – rather than prejudice – further discussions, such as on the precise scope of a possible extension of the material competence of the European Public Prosecutor's Office and any additional analyses of the current situation related thereto, as pointed out by the Bundesrat.*

*The Commission would also like to underline that a debate on the extension of the competences of the European Public Prosecutor's Office does not, as such, impact the current set up process of the European Public Prosecutor's Office and the Commission's efforts to make the Office operational by the end of 2020.*

*Moreover, the Commission would like to recall that an extension of the competences of the European Public Prosecutor's Office to cross-border terrorist crimes, based on Article 86 (4) of the Treaty on the Functioning of the European Union, follows a two-step approach. It requires a decision by the European Council amending Article 86 of the*

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*Treaty on the Functioning of the European Union accordingly, and, secondly, a legislative proposal to amend Regulation (EU) 2017/1939 so as to extend the competences of the European Public Prosecutor's Office.*

*It should also be stressed in this context that the extension of the competences of the European Public Prosecutor's Office does not aim at affecting or extending the mandates of other European Union bodies and agencies, in particular Europol.*

*The Commission hopes that the clarifications provided in this reply address the issues raised by the Bundesrat and looks forward to continuing the political dialogue in the future.*

*Yours faithfully,*

*Frans Timmermans  
First Vice-President*

*Věra Jourová  
Member of the Commission*