

**Mr. José Manuel Barroso
President
European Commission**

Brussels

Dear Mr. President,

I have the honour to inform you Mr. President that the Hungarian National Assembly carried out the examination of the enforcement of the principle of subsidiarity in conformity with Article 6 of Protocol No. 2 on the application of the principles of subsidiarity and proportionality attached to the Treaties of the European Union as well as the relevant provisions of Act XXXVI of 2012 on the Hungarian National Assembly and Resolution No. 46/1994. (IX. 30.) on certain regulations of the Standing Orders with regard to the Proposal for a Council regulation on the establishment of the European Public Prosecutor's Office [COM(2013)534; 2013/0255(APP)].

The resolution adopted by the Hungarian National Assembly on 21 October 2013 declares that the Proposal for a Council regulation on the establishment of the European Public Prosecutor's Office does not comply with the principle of subsidiarity, therefore the reasoned opinion by virtue of Article 6 of Protocol No. 2 on the application of the principles of subsidiarity and proportionality is hereby forwarded to you.

The reasoned opinion of the Hungarian National Assembly - based on the report No. J/12694 submitted by the Committee on European Affairs on 14 October 2013 - is summarised as follows:

- the exercise of exclusive competence of the European Public Prosecutor's Office [Article 11 (4) and Article 14 of the Proposal] would exceed the authorisation enshrined in Article 86 of the Treaty on the Functioning of the European Union, since the latter doesn't provide exclusive competence to the European Public Prosecutor's Office;
- the supranational model of the European Public Prosecutor's Office would disproportionately limit the Member State's existing sovereignty in the field of criminal law;
- the exclusive right of instructions of the European Public Prosecutor's Office [Article 6 (5) of the Proposal] would put into question the possibility of the operation of the delegated prosecutor's system integrated into the Member State's prosecutor system;

- the more efficient functioning of the European Public Prosecutor's Office is not sufficiently justified by the Proposal; several difficulties concerning the implementation would be included for example with regard to ancillary competence [Article 13 of the Proposal], the right to reallocate cases [Article 18 (5) of the Proposal], the determination of jurisdiction [Article 27 (4) of the Proposal] or the admissibility of evidence [Article 30 of the Proposal];
- the real added value of the Union level action is not sufficiently supported the Proposal.

Enclosed please find the resolution of the Hungarian National Assembly and the report of the Committee on European Affairs which together represent the full text of the reasoned opinion.

Budapest, ... October 2013

Yours sincerely,

László Kövér