

Ceann Comhairle



Speaker of Dáil Éireann

23 October 2013

Mr. Jose Manuel Barroso
President of the European Commission
European Commission
Rue de la Loi 200
1049 Brussels
Belgium

Re: Reasoned opinion of Dáil Éireann on the Proposal for a Council Regulation on the Establishment of the European Prosecutor's Office – COM (2013) 534

Dear President Barroso

I am writing to inform you that Dáil Éireann, at its meeting today, considered the Proposal for a Council Regulation on the Establishment of the European Prosecutor's Office – COM (2013) 534 under Article 5(3) of the Treaty on European Union and Protocol 2 on the application of the principles of subsidiarity and proportionality and is of the opinion that the proposal does not comply with the principle of subsidiarity.

Under Standing Orders of Dáil Éireann, a Select Committee was conferred with the power to consider the above Proposal for compliance with subsidiarity. The Committee was obliged under Standing Orders to report back to Dáil Éireann if it was of the opinion that the proposal did not comply with the principle of subsidiarity. The Committee duly reported to the Dáil and a motion on the Report of the Committee was considered and adopted by the Dáil at its meeting today.

In accordance with Standing Orders, I have enclosed a copy of the Resolution of Dáil Éireann together with the Reasoned Opinion and a copy of the Report of the Committee. I have also sent this letter to the Presidents of the European Parliament and the Council and the Irish Minister for Justice and Equality.

Yours sincerely,

Seán Barrett, T.D
Ceann Comhairle
Dáil Éireann

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Houses of the
Oireachtas
Tithe an Oireachtais

**An Comhchoiste um Dhlí
agus Ceart, Cosaint agus Comhionannas**

COM (2013) 534

**Togra le haghaidh Rialacháin ón gComhairle maidir le hOifig an
Ionchúisitheora Phoiblí Eorpaigh a bhunú**

Deireadh Fómhair 2013

Joint Committee on Justice, Defence and Equality

COM(2013)534

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

October 2013

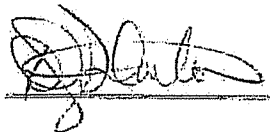
Opinion of the Joint Committee

5. The Joint Committee on Justice, Defence and Equality has had specific regard to the Treaty provisions and is of the opinion that the proposal does not comply with the principle of subsidiarity. The reasons are set out in the following paragraphs.
- a) While the Joint Committee agrees that effectively combatting all fraud, including fraud related to the EU's financial interests, is of vital importance, nevertheless, it considers criminal law to be primarily a national competence. Therefore the investigation and prosecution of all fraud related offences, including offences against the financial interests of the EU, is primarily a duty of national authorities.
 - b) The Joint Committee believes that the Commission has not adequately explored whether action short of a supranational agency would be capable of delivering effective protection against EU financial fraud. The Committee believes that the Commission has not adequately considered the option of strengthening existing or alternative mechanisms, which could be enforced at national level and EU level, but has assumed that the establishment of a supranational prosecution and investigative agency is the only way that EU budget related fraud can be addressed.
 - c) The Joint Committee believes that more emphasis should be placed on the value of improving the effectiveness of better cooperation between Eurojust, OLAF and member states. While the Commission, in its impact assessment, argues that member states undertake inadequate action against EU-fraud, this argument lacks a solid basis, and the Commission has failed to demonstrate that member states take fraud against the financial interests of the EU any less seriously than fraud committed against anyone else.

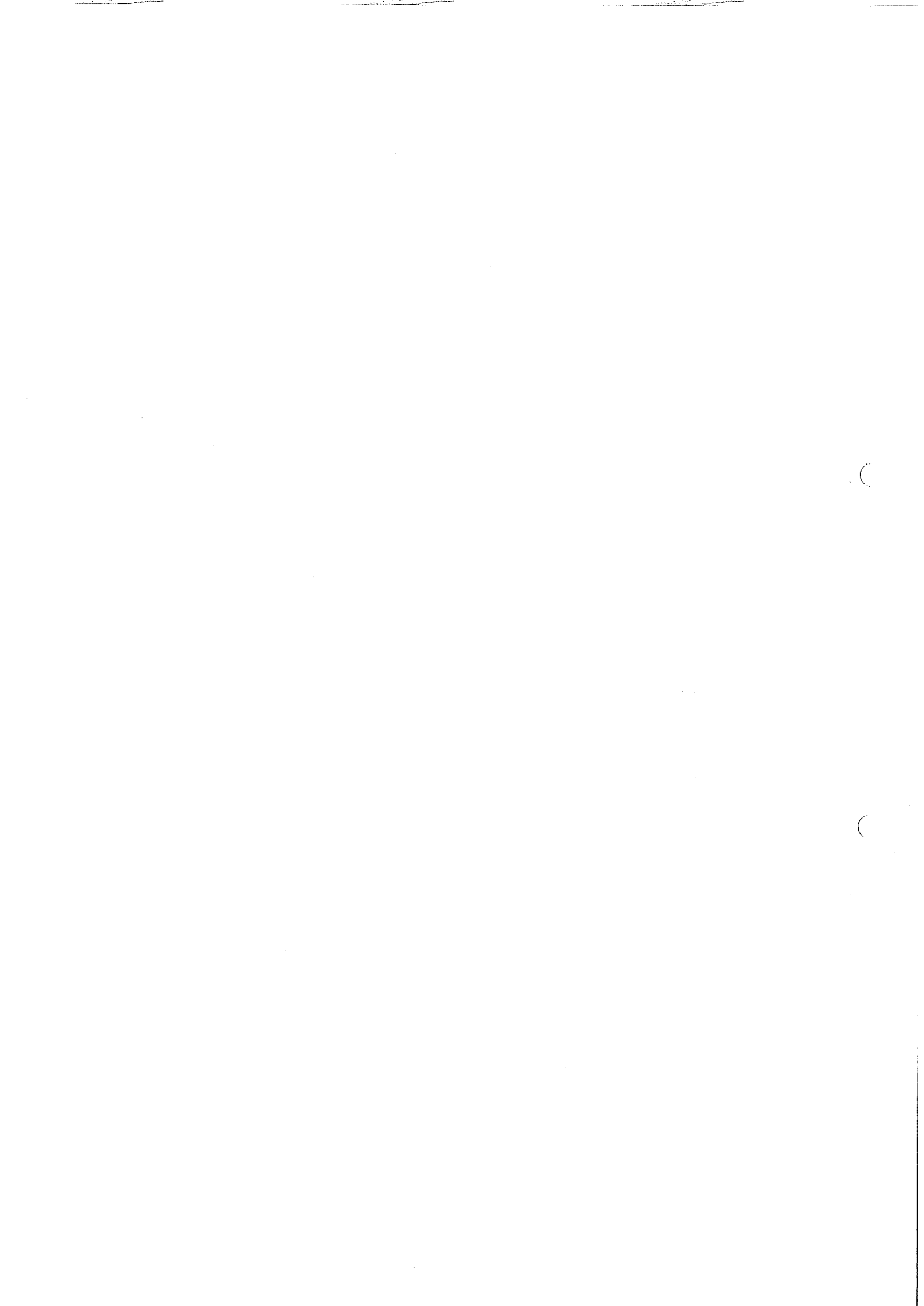
Recommendation of the Joint Committee

The Joint Committee agreed this Report under Dáil Standing Order 105 and Seanad Standing Order 101 on 16 October 2013.

The Joint Committee, pursuant to Dáil Standing Order 105(3)(b) and Seanad Standing Order 101(3)(b) recommends the reasoned opinion contained in paragraph 5 above, for agreement by Dáil Éireann and Seanad Éireann.



David Stanton, T.D.
Chairman
16 October 2013





24 October 2013

Mr. Jose Manuel Barroso
President of the European Commission
European Commission
Rue de la Loi 200
1049 Brussels
Belgium

Re: Reasoned opinion of Seanad Éireann on the Proposal for a Council Regulation on the Establishment of the European Prosecutor's Office – COM (2013) 534

Dear President Barroso

I am writing to inform you that Seanad Éireann, at its meeting today, considered the Proposal for a Council Regulation on the Establishment of the European Prosecutor's Office – COM (2013) 534 under Article 5(3) of the Treaty on European Union and Protocol 2 on the application of the principles of subsidiarity and proportionality and is of the opinion that the proposal does not comply with the principle of subsidiarity.

Under Standing Orders of Seanad Éireann, a Select Committee was conferred with the power to consider the above Proposal for compliance with subsidiarity. The Committee was obliged under Standing Orders to report back to Seanad Éireann if it was of the opinion that the proposal did not comply with the principle of subsidiarity. The Committee duly reported to the Seanad and a motion on the Report of the Committee was considered and adopted by the Seanad at its meeting today.

In accordance with Standing Orders, I have enclosed a copy of the Resolution of Seanad Éireann together with the Reasoned Opinion and a copy of the Report of the Committee. I have also sent this letter to the Presidents of the European Parliament and the Council and the Irish Minister for Justice and Equality.

Yours sincerely,

Senator Paddy Burke
Cathaoirleach





Seanad Éireann

Seanad Éireann
Leinster House
Kildare Street
Dublin 2

Seanad Éireann
Teach Laighean
Sráid Chill Dara
Baile Átha Cliath 2

“Go ndéanann Seanad Éireann:

(1) an Tuarascáil chomhaontaithe a thabhairt dá aire ón gComhchoiste um Dhlí agus Ceart, Cosaint agus Comhionannas faoi Bhuan-Ordú 101 maidir leis an Togra le haghaidh Rialacháin ón gComhairle maidir le hOifig an Ionchúisitheora Phoiblí Eorpaigh a bhunú - COM (2013) 534 a leagadh faoi bhráid Sheanad Éireann an 17 Deireadh Fómhair, 2013 de réir Bhuan-Ordú 101(3)(b);

(2) ag féachaint don Tuarascáil réamhráite, agus le linn a fheidhmeanna faoi alt 7(3) d’Acht an Aontais Eorpaigh, 2009 a fheidhmiú, an tuairim a shealbhú nach ndéanann an Togra le haghaidh Rialacháin ón gComhairle maidir le hOifig an Ionchúisitheora Phoiblí Eorpaigh a bhunú - COM (2013) 534, prionsabal na coimhdeachta a chomhlíonadh ar na cúiseanna atá leagtha amach i mír 5 den Tuarascáil; agus

(3) a thabhairt dá aire, de bhun Bhuan-Ordú 101(4), go gcuirfear cóip den Rún seo mar aon leis an tuairim réasúnaithe agus an Tuarascáil réamhráite chuig Uachtarán Pharlaimint na hEorpa, Uachtarán na Comhairle agus Uachtarán an Choimisiúin.

That Seanad Éireann:

(1) notes the agreed Report of the Joint Committee on Justice, Defence and Equality under Standing Order 101 on the Proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office - COM (2013) 534 which was laid before Seanad Éireann on 17 October, 2013 in accordance with Standing Order 101(3)(b);

(2) having regard to the aforementioned Report, and in exercise of its functions under section 7(3) of the European Union Act 2009, is of the opinion that the Proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office - COM (2013) 534, does not comply with the principle of subsidiarity for the reasons set out in paragraph 5 of the Report; and

(3) notes that, pursuant to Standing Order 101(4), a copy of this Resolution together with the reasoned opinion and the aforementioned Report shall be sent to the Presidents of the European Parliament, the Council and the Commission.”

