

OPINION

**of the European Union Affairs Committee
of the Senate of the Republic of Poland
on the proposal for a Council regulation
on the establishment of the European Public Prosecutor's Office**

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adopted at the meeting of 9 October 2013

1. The European Union Affairs Committee (EUAC) supports the proposal to establish the European Public Prosecutor's Office as a body responsible for the prosecution of offences against the financial interests of the European Union.
2. EUAC does not support granting the European Public Prosecutor's Office absolute exclusive competence to prosecute criminal offences against the Union's financial interests (Article 11(4)) and granting it exclusive jurisdiction also in the case where an offence against the Union's financial interest is inextricably linked with another offence (Article 13(1)). In EUAC's opinion, such solution is incompatible with the principle of proportionality, as the applied measures interfere too deeply in the legal systems of the Member States. Such measures are not necessary to achieve the objective of effective prosecution of offences against the financial interests of the EU. In EUAC's opinion, in the case of offences against EU's financial interests which are inextricably linked with other offences, auxiliary competence of the European Public Prosecutor's Office would be sufficient.
3. EUAC is in favour of a more collective nature of the European Public Prosecutor's Office. In particular, it believes that key decisions concerning its functioning should be made collectively, with the participation of representatives of all EU Member States.
4. EUAC supports the proposed model of the European Public Prosecutor's Office based on delegated prosecutors, who also have prosecution powers in a given Member State. The Committee also supports the measures aimed at preserving to the greatest possible extent the procedural autonomy of Member States, and basing as far as possible the delegated prosecutors' competences on those resulting from national laws and procedures.