



EUROPEAN COMMISSION

Brussels, 13.3.2014
C(2014) 1599 final

Dear President,

The Commission would like to thank the Senat for its Opinion concerning the proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office {COM (2013) 534 final} and apologises for the delay in replying. The Commission would like to express its appreciation for the support by the Senat of the establishment of the European Public Prosecutor's Office.

The Senat has also presented its views on structure and competence of the European Public Prosecutor's Office. In response, the Commission would like to provide the following comments:

With regard to the structure, the Senat favours a collective model. The Commission proposal already foresees the establishment of a College at central level with the competence to decide on internal rules of procedure governing the organisation of the work of the European Public Prosecutor's Office. The Commission is open to carefully consider all options, including on structure, provided the above stated principles of independence, accountability and efficiency remain safeguarded.

When it comes to defining the competences of European Public Prosecutor's Office, the proposal is based on a clear distribution of tasks to create neither loopholes nor overlaps for the sake of legal certainty. The proposal seeks to ensure that crimes affecting the interests of the European Union are dealt with by an office that has its focus on such crimes and deals with them as its main priority. The matter, however, will be further examined and the Commission will take due account of the Senat's position during the legislative process.

With regard to ancillary competence of the Office according to the proposal, the European Public Prosecutor's Office would only be competent, if strict criteria are met and in agreement with the national authorities. Where agreement cannot be reached it would be the national judicial authorities competent to decide on the attribution of competences on national level that would decide on ancillary competence. The Commission therefore

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considers that sufficient safeguards are put in place to ensure a balanced and limited approach.

The Commission hopes that these comments address the concerns raised by the Senat and looks forward to continuing our political dialogue.

Yours faithfully,

*Maroš Šefčovič
Vice-President*