



EUROPEAN COMMISSION

Brussels, 18.3.2014
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Dear President,

The Commission would like to thank the Državni Zbor for its Reasoned 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.

In its Communication of 27 November 2013 (COM (2013) 851) the Commission carefully analysed the arguments presented by the Državni Zbor from the perspective of the principle of subsidiarity. As a result of the analysis of the different arguments, the Commission concluded that its proposal of 17 July 2013 complies with the principle of subsidiarity and decided to maintain it. The Commission stressed, however, that during the legislative process it will take due account of the Reasoned Opinions of the national Parliaments.

This letter addresses the arguments submitted by the Državni Zbor which according to the Commission's assessment do not relate to the principle of subsidiarity and hence fall outside the scope of the subsidiarity control mechanism and therefore of the Communication of the Commission.

In respect of these issues, the Commission would like to provide the following comments:

The Državni Zbor expressed the concern that the proposal has a far-reaching impact on the Slovenian constitutional and legal arrangements and the work of the competent Slovenian bodies.

The Commission considers that the proposed decentralised and integrated office would correspond adequately with the objective of the Union to effectively combat crimes affecting the financial interests of the Union. The Union is competent to establish an investigatory and prosecutorial body such as the European Public Prosecutor's Office pursuant to Article 86 of the Treaty on the Functioning of the European Union.

The proposed decentralised and integrated model is based on respect for the national legal traditions and judicial systems of the Member States. This is reflected in particular in the fact that the proposed European Delegated Prosecutors would be national prosecutors, familiar with their domestic jurisdiction and embedded in the national prosecutorial system thereby ensuring close links to and cooperation with the national authorities. Enforcement of investigative measures as well as judicial review would remain at national level in national

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hands. Equally, accused persons would be tried on the basis of national substantive law by national judges.

Accordingly, the Commission considers that its proposal strikes a fair balance between the objective to have a more efficient protection of the Union's financial interests by creating the European Public Prosecutor's Office and the impact this may have on the Slovenian constitutional and legal arrangements.

The Commission will take due account of the views expressed by the national Parliaments during the legislative process.

The Commission hopes that these clarifications address the concerns raised by the Državni Zbor of the Republic of Slovenia and looks forward to continuing our political dialogue.

Yours faithfully,

*Maroš Šefčovič
Vice-President*