



**COUNCIL OF
THE EUROPEAN UNION**

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**EPPO 8
EUROJUST 36
CATS 18
FIN 114
COPEN 51
GAF 8**

NOTE

from: Presidency
to: CATS
Subject: European Public Prosecutor's Office (EPPO)

Background

The Commission's proposal for a Regulation on the establishment of the European Public Prosecutor's Office (EPPO) was adopted on 17 July 2013, and has since then been - under Lithuanian as well as under Hellenic Presidency - discussed during 12 meeting days in the competent Council Working Party (COPEN). The discussions have been organised on the basis of specific themes, which has allowed for in-depth discussions on a large part of the key features of the proposal, in particular:

- The structure and organisation of the EPPO
- The competences of the EPPO
- Investigation measures and admissibility of evidence in national courts
- Judicial review of decisions taken by the EPPO
- Procedural safeguards

- Cooperation with national authorities, with EU institutions, agencies and bodies and with third countries and international organisations
- The appropriate level of decision-making within the EPPO as regards investigations measures and prosecution

Discussions in COPEN on the level of decision making within the EPPO

During discussions in COPEN¹, a majority of delegations have expressed the opinion that an internal delimitation of the decision-making powers of the future Central Office of the EPPO (whether in the form of a European Public Prosecutor or a College) and its decentralised level (European Delegated Prosecutors) should be spelled out explicitly and in detail in the Regulation. Delegations have thereby underlined the interest to ensure that most decisions are taken at local level, i.e. in accordance with well established judicial and law enforcement practices of the Member States and as close to the relevant criminal activities as possible.

To the extent decision-making powers will be entrusted to European Delegated Prosecutors, questions regarding the powers of the Central Office to supervise, control or directly take over investigations and prosecutions have also been discussed. There seems to be general agreement that there is a need to ensure that the Central Office shall have certain powers in this sense, not the least in order to ensure coherence in the practice of the EPPO.

Delegations are invited to reflect on the appropriate level of decision-making in the future EPPO, and in particular:

- Do delegations agree that most decisions on investigations measures and prosecution should in principle be taken by European Delegated Prosecutors?
- Are there certain decisions of the EPPO that should always be taken by the Central Office?
- What powers of supervision and instruction should the Central Office have in relation to the European Delegated Prosecutors as regards operational work?

¹ The conclusions from the discussions held on this topic under the Lithuanian Presidency are summarized in Council document ST 18120/13 EPPO 37 EUROJUST 153 CATS 106 FIN 966 COPEN 252.

- What roles should the Central Office have as regards appointment and dismissal of European Delegated Prosecutors?

It seems to the Presidency that these questions could be answered in principle regardless of what model would be chosen for the Central Office.
