



2024/1952

18.7.2024

COMMISSION DECISION (EU) 2024/1952

of 16 July 2024

confirming the participation of Sweden in the enhanced cooperation on the establishment of the European Public Prosecutor's Office

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 328(1) and 331(1) thereof,

Having regard to Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO')⁽¹⁾,

Having regard to the notification by Sweden of its intention to participate in the enhanced cooperation on the establishment of the EPPO by letter dated 5 June 2024,

Whereas:

- (1) On 3 April 2017, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Finland, France, Germany, Greece, Lithuania, Luxembourg, Portugal, Romania, Slovakia, Slovenia and Spain notified the European Parliament, the Council and the Commission that they wished to establish an enhanced cooperation regarding the setting up of the EPPO. In addition, by letters of 19 April 2017, 1 June 2017, 9 June 2017 and 22 June 2017 respectively, Latvia, Estonia, Austria and Italy indicated their wish to participate in the establishment of that enhanced cooperation.
- (2) On 3 April 2017, the authorisation to proceed with an enhanced cooperation referred to in Article 20(2) of the Treaty on European Union (TEU) and Article 329(1) of the Treaty on the Functioning of the European Union (TFEU) was deemed to be granted in accordance with the third subparagraph of Article 86(1) TFEU.
- (3) On 12 October 2017, the Council adopted Regulation (EU) 2017/1939 implementing an enhanced cooperation on the establishment of the EPPO.
- (4) On 20 November 2017, Regulation (EU) 2017/1939 entered into force.
- (5) Commission Decision (EU) 2018/1094⁽²⁾ of 1 August 2018 confirmed the participation of the Netherlands in the enhanced cooperation on the establishment of the EPPO.
- (6) Commission Decision (EU) 2018/1103⁽³⁾ of 7 August 2018 confirmed the participation of Malta in the enhanced cooperation on the establishment of the EPPO.
- (7) Commission Decision (EU) 2024/807⁽⁴⁾ of 29 February 2024 confirmed the participation of Poland in the enhanced cooperation on the establishment of the EPPO.
- (8) In accordance with Article 1 of Commission Implementing Decision (EU) 2021/856⁽⁵⁾ of 26 May 2021, the EPPO assumed its investigative and prosecutorial tasks on 1 June 2021.
- (9) On 5 June 2024, Sweden notified the Commission of its intention to participate in the enhanced cooperation on the establishment of the EPPO.

⁽¹⁾ OJ L 283, 31.10.2017, p. 1.

⁽²⁾ Commission Decision (EU) 2018/1094 of 1 August 2018 confirming the participation of the Netherlands in the enhanced cooperation on the establishment of the European Public Prosecutor's Office (OJ L 196, 2.8.2018, p. 1).

⁽³⁾ Commission Decision (EU) 2018/1103 of 7 August 2018 confirming the participation of Malta in the enhanced cooperation on the establishment of the European Public Prosecutor's Office (OJ L 201, 8.8.2018, p. 2).

⁽⁴⁾ Commission Decision (EU) 2024/807 of 29 February 2024 confirming the participation of Poland in the enhanced cooperation on the establishment of the European Public Prosecutor's Office (OJ L, 2024/807, 29.2.2024, ELI: <http://data.europa.eu/eli/dec/2024/807/oj>).

⁽⁵⁾ Commission Implementing Decision (EU) 2021/856 of 25 May 2021 determining the date on which the European Public Prosecutor's Office assumes its investigative and prosecutorial tasks (OJ L 188, 28.5.2021, p. 100).

- (10) Regulation (EU) 2017/1939 does not prescribe any particular conditions of participation in the enhanced cooperation on the establishment of the EPPO.
- (11) In accordance with the first subparagraph of Article 120(2) of Regulation (EU) 2017/1939, the EPPO is to exercise its competence with regard to any offence within its competence committed after the date on which Regulation (EU) 2017/1939 entered into force. In accordance with the fourth subparagraph of Article 120(2) of Regulation (EU) 2017/1939, for those Member States which participate in enhanced cooperation by virtue of a decision adopted in accordance with the second or third subparagraph of Article 331(1) TFEU, Regulation (EU) 2017/1939 shall apply as from the date indicated in the decision concerned.
- (12) For offences referred to in Articles 22 and 23 of Regulation (EU) 2017/1939 that are not already subject to the competence of the EPPO since the initial entry into force of that Regulation, the EPPO should therefore exercise its competence, as regards the territory or nationals of Sweden, after the date on which that Regulation applies in Sweden.
- (13) The exercise of the competence of the EPPO in Sweden is subject to the relevant provisions of Regulation (EU) 2017/1939, including Article 26 on the initiation of investigations and Article 27 on the right of evocation.
- (14) The Swedish authorities, the Council and the EPPO should have sufficient time to finalise the preparatory work that is strictly necessary to enable the EPPO to operate effectively in Sweden. In particular, the EPPO should be able to swiftly start its operational activities in Sweden, including in the context of cross-border investigations, notably by initiating investigations, if need be, upon reporting from institutions, bodies, offices and agencies of the Union and the competent authorities of the Member States in accordance with Article 24(1) of Regulation (EU) 2017/1939, or by exercising its right of evocation. This requires at least the appointment of the European Prosecutor from Sweden, who could, in exceptional cases, take a reasoned decision to conduct the investigation personally, in accordance with Article 28(4) of Regulation (EU) 2017/1939. To avoid that notifications are made to the EPPO while it is not able to deal with them or that time limits elapse, Articles 24 to 27 and 31 of Regulation (EU) 2017/1939 should apply in Sweden as from the twentieth day of the appointment of the European Prosecutor from Sweden in accordance with Article 16 of that Regulation.
- (15) The participation of Sweden in the enhanced cooperation should be swiftly confirmed in order to ensure the timely appointment of the European Prosecutor from Sweden, which is essential for the EPPO to start its operations in Sweden. This Decision should therefore enter into force on the day following that of its publication in the *Official Journal of the European Union*.

HAS ADOPTED THIS DECISION:

Article 1

The participation of Sweden in the enhanced cooperation on the establishment of the EPPO is confirmed.

Article 2

- (1) Regulation (EU) 2017/1939 shall apply in Sweden as from the day of entry into force of this Decision.
- (2) By way of derogation from paragraph 1, Articles 24 to 27 and 31 of Regulation (EU) 2017/1939 shall apply in Sweden as from the twentieth day of the appointment of the European Prosecutor from Sweden in accordance with Article 16 of that Regulation.

Article 3

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 16 July 2024.

For the Commission
The President
Ursula VON DER LEYEN
