



State of the Union 2018: A reinforced European Public Prosecutor's Office to fight cross-border terrorism

Strasbourg, 12 September 2018

A reinforced European Public Prosecutor's Office to fight cross-border terrorism.



On 12 September 2018, on the occasion of his State of the Union Address, President Jean-Claude **Juncker** said: "*Europeans rightly expect their Union to keep them safe. This is why the Commission is today proposing to extend the tasks of the newly established European Public Prosecutor's Office to include the fight against terrorist offences. We need to be able to prosecute terrorists in a more coordinated way, across our Union. Terrorists know no borders. We should not become unwitting accomplices because of our inability to cooperate.*"

Following up on the idea first presented by President **Juncker** in his State of the Union Address last year, today the European Commission is proposing to strengthen the European Public Prosecutor's Office by giving it the power to fight cross-border terrorism.

Günther H. **Oettinger**, Commissioner in charge of Budget and Human Resources, said: "*Protecting the European citizens from terrorism is the primary objective of a true Security Union. The European Public Prosecutor's Office, equipped with the competence to fight against cross-border terrorist crimes, would enable Member States to better coordinate their work when it comes to the investigation and prosecution of such crimes. This will make the EU more effective in its counter-terrorism efforts and bring enhanced security to all of our citizens.*"

Věra **Jourová**, Commissioner for Justice, Consumers and Gender Equality, added: "*The new European Public Prosecutor's Office, once operational, will be a game-changer in the fight against financial crimes related to the EU budget and VAT fraud. I'm working hard on getting it up and running by the end of 2020 and invite all Member States to join. Today, we are suggesting to reinforce the European Public Prosecutors' Office that would also become a strong tool in the fight against terrorism in the EU.*"

A European response to better fight cross-border terrorist threats

The reinforced European Public Prosecutor's Office will improve the fight against terrorism by filling existing gaps:

- **Coordinated investigations:** Today, EU Member States are competent to investigate and prosecute terrorist crimes but their powers end at their national borders. The European Public Prosecutor's Office would be in charge of the investigations and direct the different Member States' authorities and EU agencies dealing with terrorist cases affecting more than one Member State;
- **Timely exchange of information:** Although significant progress has been made with successful cases of cross-border cooperation, the exchange of information on criminal cases between Member States on investigation and prosecution of terrorist crimes is today sometimes still too slow. This can result in some terrorists escaping prosecution. With its integrated structure, the European Public Prosecutor's Office would be in a position to obtain a unique overview of the terrorists' activities across all participating Member States. It would have better access to information from Member States through the European Prosecutors part of the European Public Prosecutor's college or the European delegated prosecutors. It would be best placed to gather and share information across the entire Union, including with the EU Agencies Eurojust and Europol, as well as with non-EU countries;
- **Coherence of investigations in different Member States:** Today, there is a risk that terrorist cases affecting more than one Member State are investigated in an uncoordinated manner, putting at risk a successful prosecution. The European Public Prosecutor's Office would steer centrally the investigations, irrespective of where the crimes occurred and then better connect investigation and prosecution. Moreover, the reinforced European Public Prosecutor, as a Union level actor, would avoid inefficient parallel prosecution of connected cases, which often endangers the successful fight

against terrorist crimes.

Next steps

With a view to the Sibiu Summit in May 2019, the Commission invites the European Council to take this initiative forward together with the European Parliament and decide on the extension of the competences of the European Public Prosecutor's Office to terrorist offences affecting more than one Member State. Once the European Council have unanimously decided to extend its competences, the Commission can take this process further by proposing an amendment to the Regulation establishing the European Public Prosecutor's Office.

Background

The [European Public Prosecutor's Office](#) will be an independent prosecution office of the European Union with the competence for investigating, prosecuting and bringing to judgement crimes against the EU budget, such as fraud, corruption or serious cross-border VAT fraud. The European Public Prosecutor's Office will become fully operational by the end of 2020. This initiative will have no impact on the setting up of the current European Public Prosecutor's Office.

Currently 22 EU Member States participate in the European Public Prosecutor's Office: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Germany, Greece, Spain, Finland, France, Italy, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Portugal, Romania, Slovenia and Slovakia.

Article 86 (4) of the [Treaty on the Functioning of the European Union](#) (TFEU) provides for the possibility of extending the European Public Prosecutor's Office's competences by amending Article 86 of the TFEU to extend its powers to include serious crimes affecting more than one Member State. This decision is taken unanimously, by all Member States participating in the European Public Prosecutor's Office as well as the others, after obtaining the consent of the European Parliament and after consulting the European Commission. Today's Communication is accompanied by an Annex with an initiative for the possible adoption of a European Council decision amending Article 86 of the TFEU.

For More Information

[Website on the 2018 State of the Union](#)

[Commission Communication](#) - A Europe that protects: an initiative to extend the competences of the European Public Prosecutors' Office to cross-border terrorist crimes

[Factsheet](#): Improving fight against terrorism with a reinforced European Public Prosecutor's Office

European Public Prosecutor's Office founding act: [Regulation 2017/1939](#)

European Public Prosecutor's Office structure:

EUROPEAN PUBLIC PROSECUTOR'S OFFICE

STRATEGY



European Chief Prosecutor (supported by 2 Deputies)

- > Heading the EPPO, organising the work.
- > Contacts EU, EU countries and third parties.



College of Prosecutors

(one European Prosecutor per participating country)

- > Decision-making on strategic matters to ensure coherence, consistency and efficiency within and between cases.
- > Adoption of internal rules of procedure.

OPERATIONS



Permanent Chambers

(3 members: 2 European Prosecutors and chaired by the Chief Prosecutor, one of the Deputies, or another European Prosecutor)

- > Monitor and direct the investigations and prosecutions by the European Delegated Prosecutors (EDPs).
- > Operational decisions: bringing a case to judgment, dismissing a case, applying simplified procedure, refer case to national authorities, instruct EDPs to initiate investigation or exercise right of evocation.
- > European Prosecutor from the EU countries concerned supervises the EDP on behalf of the Permanent Chamber.



European Delegated Prosecutors (EDPs)

(at least two prosecutors per participating country)

- > Responsible for investigating, prosecuting and bringing to judgment cases falling within EPPO's competence.

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