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DRAFT REPORT

with recommendations to the Commission on future Revision of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO')
(2026/2125(INL))

Committee on Budgetary Control
Committee on Civil Liberties, Justice and Home Affairs

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(Initiative – Rule 47 of the Rules of Procedure)

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

with recommendations to the Commission on the future Revision of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (2026/2125(INL))

The European Parliament,

- having regard to Article 225 of the Treaty on the Functioning of the European Union,
- having regard to Article 86 of the Treaty on the Functioning of the European Union,
- having regard to Rules 47 and 55 of its Rules of Procedure,
- having regard to the Charter of Fundamental Rights of the European Union, in particular Articles 7, 8 and 47 to 50,
- 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'), as amended by Commission Delegated Regulation (EU) 2020/2153, in particular Articles 119 and 120 thereof,
- having regard to Commission Decision (EU) 2018/1094 of 1 August 2018 confirming the participation of The Netherlands, Commission Decision (EU) 2018/1103 of 7 August 2018 confirming the participation of Malta, Commission Decision (EU) 2024/807 of 29 February 2024 confirming the participation of Poland, Commission Decision (EU) 2024/1952 of 16 July 2024 confirming the participation of Sweden, and Commission Decision (EU) 2026/1701 of 10 July 2026 confirming the participation of Hungary, in the enhanced cooperation on the establishment of the EPPO, and to the Commission notice concerning the effects of Decision (EU) 2026/1701 on Regulation (EU) 2017/1939,
- having regard to Commission Implementing Decision (EU) 2021/856 of 25 May 2021 determining the date on which the EPPO assumed its investigative and prosecutorial tasks,
- having regard to Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law, as amended by Directive (EU) 2026/1021 of the European Parliament and of the Council of 29 April 2026 on combating corruption,
- having regard to Council Regulation (EU) 2026/1743 of 10 July 2026 amending Regulation (EU) No 904/2010 as regards access by the EPPO and OLAF to value added tax information at Union level,
- having regard to Directive (EU) 2024/1226 of the European Parliament and of the Council of 24 April 2024 on the definition of criminal offences and penalties for the violation of Union restrictive measures, Directive (EU) 2024/1260 of the European

Parliament and of the Council of 24 April 2024 on asset recovery and confiscation, Regulation (EU) 2024/1624 of the European Parliament and of the Council of 31 May 2024 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, Directive (EU) 2024/1640 of the European Parliament and of the Council of 31 May 2024 on the mechanisms to be put in place by Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and Regulation (EU) 2024/1620 of the European Parliament and of the Council of 31 May 2024 establishing the Authority for Anti-Money Laundering and Countering the Financing of Terrorism,

- having regard to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and of the free movement of such data, in particular Chapter IX thereof, and to the Commission’s proposal of 24 June 2026 for its revision (COM(2026)314),
- having regard to Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings, Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings, Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty, Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings, Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings and Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings,
- having regard to the communication of the Commission of 12 September 2018 entitled “A Europe that protects: an initiative to extend the competences of the European Public Prosecutor’s Office to cross-border terrorist crimes”, in particular the Annex thereto containing a Commission initiative for the possible adoption of a European Council decision amending Article 86(1) and (2) of the Treaty on the Functioning of the European Union (TFEU) with a view to extending the EPPO’s competence to terrorist offences affecting more than one Member State;
- having regard to the study commissioned by the Commission on the compliance of Member States to adapt their systems to Council Regulation (EU) 2017/1939 (JUST/2022/PR/JCOO/CRIM/0004, September 2023) and to the subsequent Evaluation of the implementation and impact of Regulation (EU) 2017/1939 of 12 October 2017 on the European Public Prosecutor’s Office (EPPO), and of the effectiveness and efficiency of the EPPO and its working practices¹,

¹ European Commission: Directorate-General for Justice and Consumers, Centre for Strategy & Evaluation

- having regard to the communication of the Commission of 16 July 2025 entitled “White Paper for the Anti-fraud Architecture Review” (COM(2025)0546) and to the communication of the Commission of 16 July 2025 entitled “A dynamic EU budget for the priorities of the future - The Multiannual Financial Framework 2028–2034” (COM(2025)0570),
 - having regard to the Special Reports of the European Court of Auditors on the protection of the Union’s financial interests 26/2025 and on the recovery of funds 07/2024,
 - having regard to the judgments of the Court of Justice of 21 December 2023 in Case C-281/22 and of 8 April 2025 in Case C-292/23,
 - having regard to the report of the Committee on Budgetary Control and of the Committee on Civil Liberties, Justice and Home Affairs (A10-0000/2026),
- A. whereas Parliament’s early and detailed contribution is particularly necessary under the special legislative procedure provided for in Article 86 TFEU; whereas Parliament must therefore set out its priorities before the Commission proposal and the Council’s position have been established, so as to exercise meaningful democratic scrutiny, to safeguard the institutional balance and to ensure that its recommendations are duly reflected throughout the legislative negotiations;
- B. whereas the EPPO has successfully addressed cross-border fraud not previously investigated or left unprosecuted at the national level, uncovering systemic vulnerabilities and cross-border networks and has demonstrated its operational necessity in prosecuting fraud affecting the financial interests of the Union;
- C. whereas prosecutorial independence must be protected against political influence, retaliatory measures and operational obstruction, and must be accompanied by judicial control and democratic accountability;
- D. whereas the Union’s financial interests include its revenue as well as its expenditure, and investigative priorities should reflect that scope; whereas Article 325(1) TFEU requires the Union and the Member States to counter fraud and any other illegal activities affecting the financial interests of the Union without drawing any distinction between the two sides of the budget, and whereas Article 310(1) TFEU requires all items of revenue and expenditure to be shown in the budget;
- E. whereas the EPPO, established under Article 86 TFEU to combat crimes affecting the financial interests of the Union, is an essential component of the Union’s Anti-Fraud Architecture (AFA), whose activities are complemented by OLAF’s administrative investigations and measures taken by other AFA actors; whereas strengthening the AFA requires improved governance, closer operational coordination, enhanced cooperation and information-sharing between the EPPO and other AFA actors, as well as a

Services (CSES), Asterisk Research & Analysis, Spark Legal and Policy Consulting and Tetra Tech International Development, Evaluation of the implementation and impact of Regulation (EU) 2017/1939 of 12 October 2017 on the European Public Prosecutor’s Office (EPPO), and of the effectiveness and efficiency of the EPPO and its working practices – Final report, Publications Office of the European Union, 2026.

modernised legal framework to ensure more effective recovery of Union funds, while fully respecting the EPPO's independence and fundamental procedural safeguards; whereas the revision of the AFA complements the work of the next multiannual financial framework (MFF);

- F. whereas the fragmentation of reporting channels within the AFA hampers effective information-sharing and coordination between the EPPO, OLAF and other relevant actors; whereas complex and time-consuming assessments of the EPPO's competence by reporting authorities may lead to delays, duplication and inconsistent handling of potential fraud cases; whereas insufficient information-sharing between the EPPO and OLAF risks creating information gaps and missed opportunities for precautionary measures, undermining the timely protection of the Union's financial interests;
- G. whereas criminal investigation, administrative recovery, law-enforcement analysis and judicial coordination are complementary functions requiring clear responsibilities and lawful information exchange;
- H. whereas five years of operational experience have revealed structural weaknesses in Regulation (EU) 2017/1939 which cannot be remedied by internal rules of procedure, College decisions or working arrangements;

General considerations

- 1. Requests the Commission, pursuant to Article 225 TFEU, to submit a proposal to amend Regulation (EU) 2017/1939, on the basis of Article 86 TFEU, following the detailed recommendations in the Annex to this resolution; requests that, where a proposal has already been submitted, those recommendations be addressed through the Commission's legislative proposal and, where appropriate, an amended proposal;
- 2. Welcomes the results achieved by the EPPO during its first five years of operation, which have demonstrated that a Union prosecution body with a decentralised structure can function in practice, has generated a level of prosecutorial activity in relation to fraud affecting the Union's financial interests that far exceeds the aggregate performance of national authorities before 2021, and has become an indispensable component of the Union's AFA and a unique actor in the Union's criminal justice area;
- 3. Considers that the core revision of Regulation (EU) 2017/1939 should strengthen operational effectiveness, independence, judicial review and defence rights as mutually reinforcing requirements, while in parallel consistently ensuring that the EPPO is granted commensurate resources with its role, mission and tasks in the MFF for 2028-2034;

EPPO's material competence (Articles 22 and 23 of Regulation (EU) 2017/1939)

- 4. Considers that the violation of Union restrictive measures, as defined in Directive (EU) 2024/1226, falls within the objectives of the EPPO and, insofar as it concerns frozen assets destined for or connected to the Union budget or Union-managed funds; calls on the Commission to prepare, in accordance with Article 86(4) TFEU, a proposal for a decision of the European Council extending the EPPO's powers to the criminal offences defined in that Directive, and invites the European Council to adopt such a decision;

5. Stresses that the EPPO contributes to the fight against organised crime where criminal organisations are involved in offences affecting the Union's financial interests; invites the Commission to assess the possibility of extending the EPPO's mandate to other serious crimes with a cross-border dimension, as referred to in Article 83(1) TFEU, including environmental crime and terrorism, while taking into account the need to preserve its focus and expertise on the protection of the Union's financial interests, to avoid overlaps with existing national and Union authorities, and to ensure adequate resources; recalls that any such extension must comply with the procedures laid down in the Treaties, in particular Article 86(4) TFEU;

Organisational structure and decision-making, status of European Prosecutors, European Delegated Prosecutors and governance (Articles 9, 10, 12, 13, 17, 91 to 96 and 114 of Regulation (EU) 2017/1939)

6. Calls for Regulation (EU) 2017/1939 to establish the status of the members of the EPPO, stating their independence, the executive character of their appointment, and, for European Delegated Prosecutors, the guarantee of their national status, career and reinstatement at a level at least equivalent to that held at the time of appointment;
7. Calls for Article 13(2) of Regulation (EU) 2017/1939 to be amended so as to set a minimum number of European Delegated Prosecutors per participating Member State determined by objective criteria such as volume of supervised Union funds, reports submitted and caseload;
8. Notes the Commission's evaluation findings regarding the need to align the status of the EPPO's judicial leadership with its institutional rank; calls for the Commission to put forward, on the appropriate legal basis, a proposal bringing the European Chief Prosecutor and the European Prosecutors within the scope of Regulation (EU) 2016/300 on terms comparable to those applicable to members of the Court of Justice;
9. Notes that European Delegated Prosecutors, although engaged and remunerated by the EPPO under Article 96(6) of Regulation (EU) 2017/1939, remain members of their national prosecution service or judiciary; stresses that this dual status must not affect their independence; invites the Commission, to propose targeted adjustments limited to simplifying their allowances and setting common, transparent principles for their remuneration;
10. Considers that the budgetary status of the EPPO should reflect its independence and judicial character of its functions; invites the Commission to consider treating the EPPO as an institution for the purposes of Regulation (EU) 2024/2509, with its own section of the general budget, its own estimates and discharge on the institutional track, and amending Articles 91 to 95 of Regulation (EU) 2017/1939 accordingly;

Exercise of competence, reporting by national authorities and by the institutions, bodies, offices and agencies of the Union, immunities (Articles 23, 24, 25, 27 and 29 of Regulation (EU) 2017/1939)

11. Considers that the rules on the exercise of competence in Article 25(2) and (3) of Regulation (EU) 2017/1939 based on "damage", produce arbitrary outcomes in mixed cases and should be replaced by a rule allowing the EPPO to retain competence where

the offence against the Union's financial interests ('PIF offence') is the predominant offence, while taking into account the gravity of the offences, their investigative complexity and interest of the persons concerned;

12. Considers the five days limit for evocation, extendable by further five days as insufficient for the EPPO to assess adequately the cross-border dimension of a case and to consult the authorities of other Member States while leaving national authorities the power to take urgent measures which cannot be deferred or where national investigation has reached an advanced stage;
13. Calls for Article 29 of Regulation (EU) 2017/1939 to be amended so that the requests of the European Chief Prosecutor for lifting national immunity or privilege are decided within a fixed period and by reasoned decision on the same conditions and with the same effects as those submitted by national prosecution authorities and subject to judicial review;

Cross-border investigations, judicial review, procedural safeguards (Articles 31, 32, 37 and 42 of Regulation (EU) 2017/1939)

14. Calls for the jurisdiction of the Court of Justice to be extended to disputes concerning the interpretation of Regulation (EU) 2017/1939 as regards decisions on the allocation and referral of cases; calls for Article 25(6) and Article 42(1) of Regulation (EU) 2017/1939 to be amended so that decisions of the authority designated under Article 25(6) of that Regulation are subject to review before a court of the Member State concerned at the request of the EPPO or of the national prosecution authority, within a period not exceeding 15 days;
15. Calls for Regulation (EU) 2017/1939 to establish cross-border execution deadlines (Article 32), rules on admissibility of evidence (Article 37), allowing evidence lawfully obtained by the EPPO at central level or in one participating Member State and not denying such evidence admission on the sole ground that it originates from another Member State, as well as rules on the method of collection and formal requirements of evidence, with a possibility for the accused person to challenge the legality, authenticity, integrity and probative value of that evidence;

Recovery (Articles 38 and 39 of Regulation (EU) 2017/1939)

16. Considers that effective recovery is a key indicator of the protection of the Union budget; notes that Article 38 of Regulation (EU) 2017/1939 provides that confiscated assets are to be disposed of in accordance with national law; invites the Commission to consider amending Directive (EU) 2024/1260 and Regulation (EU) 2024/2509 so that confiscated proceeds attributable to damage to the Union budget are returned to it and recorded transparently; suggests that the Commission clarify the interaction between criminal confiscation and administrative financial corrections, to allow for timely and effective measures to protect the Union budget;
17. Recalls that, under Article 4 and Article 13(1) of Regulation (EU) 2017/1939, European Delegated Prosecutors are responsible for cases until their final disposal; calls on the Commission to develop, in cooperation with the EPPO, a systematic and standardised notification mechanism to ensure that the Commission without undue delay, as long as

it does not jeopardise the criminal investigations, is informed of its decisions to prosecute, to apply a simplified procedure or to dismiss a case, as well as of the final judgments by national courts affecting the Union budget, with a view to facilitating recovery, monitoring and administrative follow-up following criminal proceedings; invites the Commission to assess, together with the EPPO, whether wider use of simplified procedures under Article 40 of Regulation (EU) 2017/1939 could improve recovery and procedural efficiency and free investigative capacity for complex cases;

Relations with OLAF, Eurojust, Europol and AMLA (Articles 99-105 of Regulation (EU) 2017/1939) and access to information held by the institutions, bodies, offices and agencies of the Union (Article 43)

18. Calls for Article 43(2) of Regulation (EU) 2017/1939 to be amended so that the institutions, bodies, offices and agencies of the Union grant the EPPO direct and immediate access to databases and registers held by them, to the extent necessary for a specific investigation, subject to adequate safeguards;
19. Stresses that differences between the respective investigative mandates and procedures of the EPPO and OLAF, including the procedural treatment of information upon receipt, should not, in themselves, prevent early cooperation and the sharing of relevant information between the EPPO and OLAF from the moment that the information is received by either of them; calls for that principle to be duly reflected in the revisions of the relevant legal frameworks; calls on the Commission to explore, in consultation with the EPPO and OLAF, the feasibility of a mechanism facilitating information-sharing at an entry stage, and strengthening coordination among AFA actors, while fully respecting their respective mandates, investigative confidentiality and procedural safeguards;
20. Calls on the Commission to enhance the information systems of the EPPO and the other AFA actors, including through common data standards, common entity identifiers and secure query mechanisms while respecting the independent and procedural guarantees of each actor and the confidentiality and data protection requirements;
21. Notes that parallel investigations by the EPPO and OLAF raise concerns regarding evidence integrity, procedural rights and the principle of *ne bis in idem*; observes, however, that effective protection of the Union's financial interest benefits from the coordinated deployment of both criminal investigations and administrative measures; acknowledges the need to ensure effective cooperation while respecting their respective mandates; invites the Commission to assess, in consultation with the EPPO and OLAF, whether the current framework provides sufficient flexibility to address those concerns on a case-by-case basis, in the light of the case-law of the Court of Justice and the European Court of Human Rights while fully safeguarding the integrity of criminal investigations and the rights of the persons concerned;

Accountability and scrutiny (Articles 6 and 7 of Regulation (EU) 2017/1939)

22. Calls for the EPPO's accountability measures towards Parliament to be reinforced; calls, accordingly, for Article 7 of Regulation (EU) 2017/1939 to provide for a minimum content of the Annual Report, including per-Member-State data on reporting under Article 24(1), (2), (3) and (5), disagreements under Article 25(6), resources made

available to European Delegated Prosecutors, and amounts frozen, confiscated and recovered, as well as obstacles which can be attributed to national law or practice;

23. Calls for Article 7 of Regulation (EU) 2017/1939 to provide for a structured annual dialogue between the European Chief Prosecutor and the competent committee of the European Parliament; calls on the Commission to inform Parliament systematically of infringement procedures concerning the implementation of Regulation (EU) 2017/1939 and the transposition of Directive (EU) 2017/1371; considers that an annual inter-parliamentary meeting bringing together the European Parliament, national parliaments and the European Chief Prosecutor could be organised to discuss the EPPO's annual report, general activities, strategic priorities and resource needs;
24. Calls for Regulation (EU) 2017/1939 to provide, as a general rule, for the EPPO's participation in the AFA, including in an annual high-level meeting of its actors on best practices, aggregate results and strategic priorities, with the details set out in a working arrangement; stresses that such participation must exclude individual cases and be without prejudice to Article 6 of Regulation (EU) 2017/1939, to confidentiality and to the EPPO's budgetary procedure; calls for the EPPO's aggregate and standardised data to feed into the consolidated AFA annual report and for the next evaluation to assess the EPPO's contribution to the AFA;

Cooperation with non-participating Member States and third countries (Article 57 of Regulation (EU) 2017/1939)

25. Calls for explicit recognition by the participating Member States of the EPPO as competent authority for mutual legal assistance and mutual recognition instruments, for the EPPO to be able to cooperate with the competent authorities in Member States which do not participate in the EPPO under conditions no less favourable than those applicable to national prosecution authorities in comparable cross-border cases; considers that where the Union negotiates agreements with third countries or international organisations concerning such instruments it shall seek to ensure that the EPPO is designated as the competent authority;

Procedural considerations

26. Calls on the Council to keep Parliament fully informed at all stages of its deliberations on the proposal, to transmit to Parliament any documents made available to national parliaments in the context of such deliberations and to invite the Presidency to report to the competent committee of Parliament;
27. Calls on the Commission to keep Parliament fully informed at all stages of its deliberations on the proposal, to report to Parliament at its request after each meeting of the relevant working party discussing the proposal and transmit any related documents such as draft proposals or its positions to Parliament without undue delay;
28. Instructs its President to forward this resolution and the accompanying recommendations to the Commission and the Council and to the national parliaments.

**ANNEX TO THE MOTION FOR A RESOLUTION:
RECOMMENDATIONS AS TO THE CONTENT OF THE PROPOSAL REQUESTED**

Recommendation 1 – material competence (Articles 4, 22, 23 and 25 of Regulation 2017/1939)

- (a) Article 22(1) of Regulation (EU) 2017/1939 should be amended so that the EPPO is competent in respect of conduct falling within the definitions of Articles 3 and 4 of Directive (EU) 2017/1371, irrespective of the legal qualification of that conduct under national law, provided that the conduct is punishable under the law of the Member State concerned. The words ‘as implemented by national law’ should be deleted;
- (b) The threshold of EUR 10 million, set out in Article 22(1) of Regulation (EU) 2017/1939, should be replaced by a threshold of EUR 1 million of total damage, and the cross-border element should be deemed satisfied where any element of the fraudulent scheme, including the conduit or the broker, is located in a Member State other than that in which the tax loss occurs;
- (c) Article 22(3) of Regulation (EU) 2017/1939 should list, as inextricably linked offences for which the EPPO is competent when investigating a PIF offence, at least: money laundering of the proceeds of the PIF offence (Directive (EU) 2018/1673); forgery and use of forged documents; bribery in the private sector, trading in influence, misappropriation in private sector, unlawful exercise of public functions and obstruction of justice as defined in Directive (EU) 2026/1021, where they relate to the PIF offence or to the EPPO investigation; and participation in a criminal organisation within the meaning of Article 22(2) of Regulation (EU) 2017/1939; this should be without prejudice to the fact that the assessment on the nature of inextricably linked offences should be carried out on a case-by-case basis;
- (d) In Article 4(2) of Directive (EU) 2017/1371 a point should be added providing that, where the official concerned is a Union official within the meaning of Article 4(4), point (a), of that Directive, including a person treated as a Union official under that point, the act or omission is to be considered likely to damage the Union’s financial interests, Article 22(1) of Regulation (EU) 2017/1939 should be clarified so as to refer explicitly to the offences referred to in Article 4(2) of Directive (EU) 2017/1371, as amended in accordance with where they involve a Union official or a member of an institution, body, office or agency of the Union, and to any offence inextricably linked thereto;
- (e) Article 25(3) of Regulation (EU) 2017/1939 should be amended so that the EPPO is to refrain from exercising its competence only where the non-PIF offence is, on the basis of a reasoned assessment of the Permanent Chamber, the predominant/leading/preponderant offence in terms of gravity and investigative complexity, the damage criterion serving as one indicator among others;
- (f) The Commission should deliver a proposal for a European Council decision extending the powers of the EPPO to:
 - (i) the criminal offences defined in Directive (EU) 2024/1226, including the circumvention of freezing of funds and economic resources and breaches of

reporting obligations;

- (ii) the criminal offences defined in Directive (EU) 2024/1203;
- (g) The Commission should consider reviewing its proposal for European Council Decision of 12 September 2018 to extend the competence of the EPPO to cover cross-border terrorist crime;
- (h) All the measures under points (e) and (f) of this Recommendation should be accompanied by necessary amendments to Articles 4, 22 and 23 of Regulation (EU) 2017/1939;

Recommendation 2 - Organisational structure and decision-making, status of European Prosecutors, European Delegated Prosecutors and governance (Articles 6, 9, 10, 12, 13, 17, 16, 17 and 96 of Regulation (EU) 2017/1939)

- (a) Article 10 of Regulation (EU) 2017/1939 should be modified to allow the College, by means of internal rules, to delegate to the supervising European Prosecutor decisions on the prolongation of the investigations on the assignment of measures under Article 31 and on the closure of investigations without prosecution where the damage does not exceed a fixed threshold; the Permanent Chamber shall retain the right of evocation and right to be informed of all such decisions;
- (b) Article 13(2) of Regulation (EU) 2017/1939 should provide that each participating Member State shall have at least three European Delegated Prosecutors, while the number should be adjusted by the College on the basis of objective criteria (volume of supervised Union funds, reports submitted and caseload) while a failure by the Member State to nominate the candidates within six months of the request formulated by the European Chief Prosecutor should be notified to Parliament, the Council and the Commission;
- (c) Article 96(6) of Regulation (EU) 2017/1939 should be replaced by a provision setting out that European Delegated Prosecutors retain their status as members of the national prosecution service or judiciary for the entire duration of their term of office and that their service with the EPPO is considered as active national service and counts in full for seniority, evaluation, promotion and pension purposes, without any less favourable treatment on account of their functions for the EPPO;
- (d) Article 96 of Regulation (EU) 2017/1939 should further clarify the duty to provide premises, staff and equipment to European Delegated Prosecutors on defined terms, and provide for the right of European Delegated Prosecutors to refer non-compliance to the Commission;
- (e) A new Article should establish a post-employment restriction for the European Chief Prosecutor and European Prosecutor of at least 18 months – in respect of the activities connected with matters dealt by the EPPO;
- (f) A new Article 96a (Independence and status) should be inserted in Regulation (EU) 2017/1939: “The European Chief Prosecutor and the European Prosecutors are members of the EPPO. They shall act in complete independence and shall neither seek nor take instructions from any person external to the EPPO, any Member State of the

European Union or any institution, body, office or agency of the Union. Their appointment is an executive act not subject to confirmation by any national authority. Before taking up their duties, they shall take an oath before the Court of Justice”;

- (g) Articles 6, 14 and 16 of Regulation (EU) 2017/1939 should be amended to define grounds for dismissal of the European Prosecutors, specifying that serious misconduct includes serious breach of obligations of independence, of the oath or of the rules on conduct and conflicts of interests; in addition to the Parliament, the Council and the Commission, the College should have conferred upon it a right to apply to the Court of Justice by a two-thirds majority, while guaranteeing the rights of the member concerned to be heard and to access to the file;
- (h) Regulation (EU) 2016/300 should be amended to include the European Chief Prosecutor and European Prosecutors among the office holders to whom it applies with basic salary and pension allowance determined by reference to members of the Court of Justice and General Court respectively;
- (i) Article 2 of Regulation (EU) 2024/2509 should be amended so that the definition of “Union institution” includes the EPPO, Article 70 of that Regulation should consequently be amended to exclude the EPPO from its scope, and budgetary amendments should establish a dedicated section of the Union budget for the EPPO;
- (j) Article 91 of Regulation (EU) 2017/1939 should be amended to provide that the College, on the proposal from European Chief Prosecutor and Administrative director of the EPPO. is to draw up estimates of revenue and expenditure and forward it to the Commission for the inclusion in the annual draft Union budget; Article 94 of Regulation (EU) 2017/1939 should be amended in order to refer to the discharge procedure which is applicable to the Union institutions and, consequently, Article 95 should be deleted;
- (k) Article 114 of Regulation (EU) 2017/1939 should be amended to includes rules on the conditions of employment, performance criteria, professional insufficiency, rights and obligations of the European Delegated Prosecutors including the prevention and management of conflicts of interests and disciplinary measures applicable to them; the declarations of the conflicts of interests of the European Chief Prosecutor, European Prosecutors, European Delegated Prosecutors and Administrative director shall be published;

Recommendation 3 – Exercise of competence, reporting by national authorities and by the institutions, bodies, offices and agencies of the Union (Articles 23, 24, 25, 27, 29 of Regulation (EU) 2017/1939)

- (a) In Article 27(1) of Regulation (EU) 2017/1939) “5 days” should be replaced by “15 days” and a “maximum of 5 days” by a “maximum of 10 days”; a new paragraph should be added specifying that during that period national authorities may take any investigative measures which cannot be deferred without prejudice to the investigation, and they shall inform the EPPO of such measures without delay;
- (b) Article 25(6) of Regulation (EU) 2017/1939) should be amended to ensure that in a case where the EPPO and national prosecutorial authorities disagree as to whether a criminal conduct falls within the scope of Article 22(1), (2) or (3) or Article 25(2) or (3) respectively, the authority designated by the Member States concerned shall decide who

is to be competent for the investigation of such a case; furthermore, paragraph 6 should specify that the authority designated shall be a court or tribunal; such an authority should not be subordinate to the one which reports, transmits or supervises transmission of information to the EPPO or which was seized in relation to the investigation or prosecution concerned; the EPPO shall be given the opportunity to be heard and decide by a clearly established time limit by a way of a reasoned decision subject to a review by a court;

- (c) Article 29(1) of Regulation (EU) 2017/1939 should be amended requiring Member States to ensure that requests under this paragraph are dealt with in accordance with the same procedures, subject to same conditions and time limits as requests submitted by national prosecution authorities in a comparable case and the decision on the lifting of immunity has the same effects and in any event under conditions not less favourable; where national law provides for a mandatory statement of reasons or for judicial review of such decisions on requests for lifting the immunity, such statement of reasons should be provided also to all the requests submitted by the European Chief Prosecutor;

Recommendation 4 - Cross-border investigations, judicial review (Articles 31 and 42 of Regulation (EU) 2017/1939)

- (a) Article 42(2), point (c), of Regulation (EU) 2017/1939 should be amended in order to extend the jurisdiction of the Court of Justice to the interpretation of Articles 22 and 25 of that Regulation in relation to any conflict of competence between competent national authorities;
- (b) Article 31(6) of Regulation (EU) 2017/1939 should be amended to allow the handling European Delegated Prosecutor (in agreement with the supervising European Prosecutor) to have recourse to the Union legal instruments on mutual recognition or cross-border cooperation in criminal matters in cases where such a measure does not exist in a purely domestic situation but would be available in cross-border situations covered by such an instrument, or where the measure falls within the categories determined by the College in advance and recourse to such instrument would be more effective or expeditious than an assignment; the recognition and execution of the measure should be subject to rules and remedies applicable to the instrument concerned;

Recommendation 5 - Recovery (Articles 36, 38 and 39 of Regulation (EU) 2017/1939)

- (a) Article 38 of Regulation (EU) 2017/1939 should be amended to align the provisions for the disposal of confiscated assets with Directive (EU) 2024/1260 and to provide that, where a court confiscates property in proceedings brought by the EPPO, the value attributable to damage to the Union's financial interests, on the expenditure or revenue side, is made available to the Union budget; a new provision should include an obligation of the EPPO to provide statistical data on financial impact related to its cases, and – when available – information on asset recovery, in full compliance with the EPPO's competences; such statistical data should be included in the EPPO's annual report;
- (b) Article 36(6) of Regulation (EU) 2017/1939 may be amended, so that the Central Office without undue delay shall notify relevant institutions, bodies, offices and agencies of the Union, including the Commission and OLAF, of a decision to prosecute;

- (c) In Article 36 of Regulation (EU) 2017/1939 a paragraph 8 may be added, providing that where a national judgment in a case prosecuted by the EPPO has become final and has financial consequences for the Union budget, the Central Office shall notify the Commission and OLAF of the judgment, including of any confiscation or compensation ordered and, if available, of any amount recovered;
- (d) Article 39(4) of Regulation (EU) 2017/1939 should be amended in order to provide that the dismissal is notified without undue delay and that dismissed cases could also be referred to OLAF or to the competent national authorities for recovery or other administrative follow-up, where there are indications of damage to the Union's financial interests or of other serious irregularities;
- (e) Article 40(2)(b) of Regulation (EU) 2017/1939 should be amended to refer to full restitution of the amounts due to the Union budget, acceptance of investigative findings, homologation of the decision by judicial court producing same effects as a conviction;

Recommendation 6 - Relations with OLAF, Eurojust, Europol and AMLA (Articles 99-105 of Regulation (EU) 2017/1939) and access to information held by the institutions, bodies, offices and agencies of the Union (Article 43 of Regulation (EU) 2017/1939)

- (a) Article 43(2) of Regulation (EU) 2017/1939 should be replaced by the following: “2. The institutions, bodies, offices and agencies of the Union shall grant to the EPPO direct access to the extent necessary for the purposes of a specific investigation to relevant information stored in the databases and registers they hold, in accordance with regulation 2018/1725 on terms at least equivalent to the access granted to OLAF; each institution, body, office and agency shall designate a contact point which will provide within an established time-limit no longer than (30 days), technical means of access, following the reasoned request of the European Chief Prosecutor;
- (b) Article 100 of Regulation (EU) 2017/1939 should be amended to explicitly allow Eurojust to support the EPPO at its requests in particular in cases involving non-participating Member States and third countries; at the request of the EPPO or of a national authority Eurojust should be able to coordinate cases in which offences arising from the same facts are investigated or prosecuted in part by the EPPO and in part by national authorities and assist them in preventing conflicts arising from the ne bis idem principle; the EPPO should be explicitly entitled to be a party of a joint investigation team relating to offences falling under its competence;
- (c) Article 101(2) of Regulation (EU) 2017/1939 should be updated, in light of the assessment made by the Commission with regards to the interactions between EPPO investigations and OLAF administrative measures;
- (d) Article 102 of Regulation (EU) 2017/1939 should be amended to ensure that the EPPO, including the European Delegated Prosecutors have access to the data processed by Europol for cross-checking strategic and operational analyses in respect of the offences falling under its competence and on terms no less favourable than those applicable to the competent authorities of the Member States; furthermore the EPPO should be enabled to request Europol to provide analytical support, including operational and financial analysis and for the EPPO to participate in the operational task forces of Europol relating to the offences within its competence;

- (e) Specific provisions should be introduced in order to provide for access by the EPPO for the purposes of a specific investigation to the relevant information held by the Authority for Anti-Money Laundering and Countering the Financing of Terrorism, and subject to appropriate safeguards of security and confidentiality;
- (f) Article 103(2) of Regulation (EU) 2017/1939 should be modified, with the aim of allowing the taking of administrative measures by the competent authorities, such as precautionary measures to protect the financial interests of the Union, particularly when assets have been frozen for a long period of time and there is a risk that their recovery is hindered; it should also provide that the EPPO transmits to the Commission at the earliest stage compatible with its investigation in a standardised and actionable format allowing the competent Commission services to take all the relevant measures to protect the Union's financial interests without undue delay;
- (g) Article 101 of Regulation (EU) 2017/1939 may further provide for: (i) regular meetings, at least yearly, between the European Chief Prosecutor and the Director-General of OLAF; (ii) prompt replies by OLAF to the EPPO's requests under paragraph 3; if the request is declined, the reasons should be indicated; (iii) the obligation to transmit to OLAF information on cases that the EPPO dismisses, where there are indications of damage to the Union's financial interests or of other serious irregularities. (iv) the drawing up/ updating of working arrangements for further specifying the cooperation (e.g. related to notifications, deadlines, shared information, postponement, suspension of proceedings);
- (h) A new Article 44a of Regulation (EU) 2017/1939 may provide that the EPPO may use artificial intelligence in accordance with Regulation (EU) 2024/1689 and Chapter VIII of Regulation (EU) 2017/1939, as a support to and not a replacement of human assessment (no decision to initiate, postpone or close an investigation, or on competence, being taken solely by automated means), with human oversight, explainability, bias auditing. The EDPS should be consulted on possible new rules affecting the processing of personal data by the EPPO, including by the use of artificial intelligence;
- (i) The provisions on the hit/no-hit system should be updated, in line with the setting up of a digitalised and automated system that is tailored to the competences of the entities having access to it (including the EPPO and OLAF), with due respect to the mandate and procedural guarantees of each body, and without providing access to the case file;

Recommendation 7 - Accountability and scrutiny (Articles 6 and 7 of Regulation (EU) 2017/1939)

- (a) Article 6(3) of Regulation (EU) 2017/1939 should provide that the independence referred to in Article 6(1) of that Regulation, which remains unchanged, concerns the opening, conduct and closure of individual investigations and prosecutions and does not preclude the EPPO from exchanging relevant information with the other AFA actors, subject to the non-prejudice principle;
- (b) Article 7 of Regulation (EU) 2017/1939 should be amended in order to ensure that the EPPO Annual report on general activities includes as a minimum information broken down by Member State: (1) the number of reports received under Article 24, and the number of cases in which the EPPO exercised its right of evocation under Article 27;

(2) the number of investigations initiated, of cases referred under Article 34 and of cases dismissed under Article 39, with the grounds for dismissal; (3) the number of indictments, simplified prosecution procedures, final convictions and acquittals; (4) the number of disagreements decided under Article 25(6) and their outcome; (5) the number of European Delegated Prosecutors and the resources made available to them under Article 96(6); (5) the amounts frozen, confiscated and recovered in proceedings conducted by the EPPO; (6) the obstacles to the effective exercise of the EPPO's competence which can be attributed to national law or practice, including failures to comply with Article 24 as well as on the cooperation with the institutions, bodies, offices and agencies of the Union, with Member States to which Regulation (EU) 2017/1939 does not apply and with third countries;

- (c) Article 7 of Regulation (EU) 2017/1939 should be further amended to establish an annual inter-parliamentary dialogue organised by the European Parliament in cooperation with national parliaments, with mandatory participation of the European Chief Prosecutor; provide that the dialogue shall cover the EPPO annual report, general activities, strategic priorities and cooperation with national and Union authorities; require that the EPPO provides written responses to recommendations arising from the dialogue within three months from their transmission and ensure that such dialogue respects the EPPO's independence and obligations of confidentiality concerning individual cases and personal data;

Recommendation 8 – The EPPO and the governance of the anti-fraud architecture (Article 99 of Regulation (EU) 2017/1939)

In Article 99 of Regulation (EU) 2017/1939, a new paragraph 3a should provide:

- (i) as a general rule, the EPPO's participation in the AFA, including in an annual high-level meeting of its actors on best practices, aggregate results and strategic priorities, with further details to be set out in a working arrangement and keep Parliament and Council informed;
- (ii) an obligation for the EPPO to contribute with data to the AFA annual report and to participate in periodic evaluations aimed at assessing the AFA's functioning;
- (iii) an obligation to share information with the AFA actors in accordance with the EPPO's mandate, while avoiding unnecessary delays; such sharing of information shall be without prejudice to the confidentiality of investigations and the protection of fundamental rights, including privacy, personal data protection and procedural rights.