



Council of the
European Union

Brussels, 17 September 2018
(OR. en)

12190/18
ADD 1

EPPO 24
EUROJUST 116
CATS 64
FIN 669
COPEN 297
GAF 42
CSC 258
CO EUR-PREP 45

COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	12 September 2018
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2018) 641 final
Subject:	ANNEX to the COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE EUROPEAN COUNCIL A Europe that protects: an initiative to extend the competences of the European Public Prosecutor's Office to cross-border terrorist crimes

Delegations will find attached document COM(2018) 641 final.

Encl.: COM(2018) 641 final



Brussels, 12.9.2018
COM(2018) 641 final

ANNEX

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to the

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT AND THE EUROPEAN COUNCIL**

**A Europe that protects: an initiative to extend the competences of the European Public
Prosecutor's Office to cross-border terrorist crimes**

ANNEX

Draft European Council Decision

amending Article 86 of the Treaty on the Functioning of the European Union with regard to the competences of the European Public Prosecutor's Office (EPPO)

THE EUROPEAN COUNCIL,

Having regard to the Treaty on European Union, and in particular Article 17(1) thereof, and the Treaty on the Functioning of the European Union, and in particular Article 86(4) thereof,

Having regard to the opinion of the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

(1) Article 86(4) of the Treaty on the Functioning of the European Union (TFEU) empowers the European Council, acting by unanimity after obtaining the consent of the European Parliament and after consulting the Commission, to adopt a decision amending paragraphs 1 and 2 of Article 86 of the same Treaty to extend the powers of the European Public Prosecutor's Office to include serious crime having a cross-border dimension.

(2) Taking account of the cross-border nature of terrorism and acknowledging the need for a comprehensive European response to terrorism, the European Council deems it necessary to amend paragraphs 1 and 2 of Article 86 of the Treaty in order to extend the powers of the European Public Prosecutor's Office to include terrorist offences affecting more than one Member State,

HAS ADOPTED THIS DECISION:

Article 1

Article 86 of the Treaty on the Functioning of the European Union (TFEU) is amended as follows:

1) In paragraph 1, the first subparagraph is replaced by the following:

‘1. In order to combat terrorism and crimes affecting the financial interests of the Union, the Council, by means of regulations adopted in accordance with a special legislative procedure,

may establish a European Public Prosecutor's Office from Eurojust. The Council shall act unanimously after obtaining the consent of the European Parliament.'

2) Paragraph 2 is replaced by the following:

'2. The European Public Prosecutor's Office shall be responsible for investigating, prosecuting and bringing to judgement, where appropriate in liaison with Europol, the perpetrators of, and accomplices in, offences of terrorism affecting more than one Member State and offences against the Union's financial interests, as determined by the regulation provided for in paragraph 1. It shall exercise the functions of prosecutor in the competent courts of the Member States in relation to such offences.'

Article 2

This Decision shall enter into force on the twentieth day after its publication.

Done at Brussels, xx xxxxx 20xx.

For the European Council

The President