

Statement by the Committee on Justice

2018/19:JuU19

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

Summary

The Committee has examined the Commission's communication on an extension of the competences of the European Public Prosecutor's Office (EPPO) to include cross-border terrorist crimes, COM(2018) 641.

The Committee notes that there is extensive cooperation today in the EU to jointly deal with the threat of terrorism. The question of the need for the proposed extension and the consequences of this must be analysed further.

The examined document

Communication from the Commission to the European Council and European Parliament and the Council – A Europe that protects: an initiative to extend the competences of the European Public Prosecutor's Office to cross-border terrorist crimes, COM(2018) 641.

The position of the Committee

The Committee shares the position of the Commission and the Swedish Government that terrorism is one of the greatest challenges facing our society, and that the EU must take forceful measures to solve the problem. However, the Committee doubts whether an extension of the EPPO's competences to include terrorist crimes is the most effective solution for jointly dealing with the threat of terrorism.

As stated above, the Committee previously carried out a subsidiarity check on the EPPO (2013/14:JuU13). Then, the Committee expressed concern in connection with Article 86 of the TFEU, as it enabled a future extension of the EPPO to include other severe types of cross-border crime. The Committee considered it difficult to obtain an overview of what the proposal for EPPO could mean in real terms, particularly in the long term. In the light of this, for example, the Committee therefore expresses its doubts about the proposal to extend the EPPO's competences also to include terrorist crimes. The Committee considers that a deeper analysis is required of what such an extension would entail, particularly in the light of the fact that the EPPO's original task is to combat financial crime. As a result of the Commission's communication, the EPPO's competences would go far beyond the extent of what the work of the Office was originally envisaged to be.

Today, there is extensive cooperation within the EU to jointly deal with the threat of terrorism, for example, through Europol and Eurojust. The Committee believes that the Commission has not yet been able to show that efforts to combat terrorism can best be achieved at EU level, rather than by the member states themselves. The Committee considers that a possible extension of the EPPO's competences is so far-reaching that the question must be raised as to whether the measures exceed what is necessary to achieve the objective. The Committee considers that it should be possible to

achieve the objective of jointly combating terrorism through the intergovernmental cooperation that already exists, for example between Eurojust and Europol.

Furthermore, the intention is that the EPPO should be established at the earliest three years after the regulation has come into force, that is at the end of 2020. Until then, a number of administrative decisions and other organisational measures need to be taken in order to be able to start operational activities, for example, the appointment of a European Chief Prosecutor and a European Prosecutor for each member state, who will participate in the EPPO. Even if Sweden is currently outside this cooperation, the Committee considers that the EPPO should first be established before the time comes for a possible extension of its competences.

However, since no concrete proposal has yet been presented from the Commission, the Committee believes that it would be too early to take a final position regarding an extension of the EPPO. As far as Sweden's participation in the EPPO is concerned, the Committee does not exclude participation at a later stage. The Committee therefore considers that the need for the proposed extension of the EPPO's competences and the consequences of this should be analysed further,

Reservations

1. A Europe that protects: an initiative to extend the competences of the European Public Prosecutor's Office to cross-border terrorist crimes - explanatory statement (Moderate Party, Christian Democrats)

by Andreas Carlson (Christian Democrats), Johan Forssell (Moderate Party), Louise Meijer (Moderate Party), Ingemar Kihlström (Christian Democrats) and Josefin Malmqvist (Moderate Party).

Position

The EU has considerable problems with international terrorism and organised, cross-border crime, and it is high time that Sweden should play a more active role in restoring security in Europe. That is why we consider that Sweden should now participate in cooperation between public prosecution authorities in Europe.

We have previously been critical of Sweden's participation in the EPPO, but have changed our position on account of developments in society. Some types of cross-border crime require more in-depth and more operational cooperation in the field of crime prevention than we have had so far, and in order to be able to have an influence, Sweden needs to participate.

Our critical approach to the EPPO earlier was based on the opinion that public prosecution activities should come within the competence of the individual member states. This is still our general position, but we also see a value in more in-depth cooperation in certain areas.

We want to intensify police cooperation in Europe and to strengthen the EU's external borders. In order to further strengthen trust in the EU institutions, powerful measures also need to be taken against the organised economic crime that is affecting the EU's financial interests. Instead of remaining outside, Sweden should contribute to preventing the fraud and money laundering that is affecting all the EU member states. Furthermore, as an active member of the EPPO, Sweden should take action to ensure that cooperation also includes terrorist crime.

At present, we are one of few countries in Europe (including Hungary) that are not part of this cooperation. In our opinion, Sweden should become a full member of the EPPO and should participate in efforts to fight organised crime and terrorism in Europe.

2.

A Europe that protects: an initiative to extend the competences of the European Public Prosecutor's Office to cross-border terrorist crimes - explanatory statement (Sweden Democrats)

by Adam Marttinen (Sweden Democrats), Katja Nyberg (Sweden Democrats) and Henrik Vinge (Sweden Democrats).

Position

The Sweden Democrats agree with the Committee's previous position that the proposal conflicts with the principle of subsidiarity. Even though there is a need for cooperation to combat terrorism, this should continue to remain within the competence of the individual member states. We see no future circumstances that would change our opinion that expanding the powers of the EPPO conflicts with the principle of subsidiarity. We therefore consider that the Committee should rule out any future participation in the EPPO, in particular as the activities involve extending its competence.

3. A Europe that protects: an initiative to extend the competences of the European Public Prosecutor's Office to cross-border terrorist crimes - explanatory statement (Liberal Party)

by Juno Blom (Liberal Party)

Position

I share the position of the Commission and the Swedish Government that terrorism is one of the greatest challenges facing our society, and that the EU must take forceful measures to solve the problem. According to the Commission's proposal, the EPPO would create a direct relationship with the different member states' authorities and EU actors when dealing with terrorist cases. This would make investigation and prosecution of terrorist crimes across the Union more effective. In my opinion, this would facilitate effective solutions to jointly deal with the threat of terrorism.

Today, there is extensive cooperation within the EU to jointly deal with the threat of terrorism, for example, through Europol and Eurojust. Giving the EPPO a role in this cooperation would strengthen work to combat terrorism at the European level.

The intention is that the EPPO should be established at the earliest three years after the regulation has come into force, that is at the end of 2020. Until then, a number of administrative decisions and other organisational measures need to be taken in order to be able to start operational activities, for example, the appointment of a European Chief Prosecutor and a European Prosecutor for each member state, who will participate in the EPPO. Of the EU member states that participate fully in the EU's judicial cooperation, just Hungary, Poland and Sweden have chosen not to join the EPPO. In my opinion, it is now time for Sweden to join the EPPO. Regarding the question of extending the EPPO's competence to include terrorist crime, I note that a proposal has not yet been presented by the Commission. The matter still requires further examination and the consequences require further analysis. In my opinion, Sweden should support the Commission's ambitions and the EPPO's mandate should thus be extended to include combating terrorist crime.