

Select only one addressee:

COUNCIL

COMMISSION

VICE-PRESIDENT / HIGH REPRESENTATIVE

AUTHOR(S): Juan Fernando LÓPEZ AGUILAR

SUBJECT: Extension of the mandate of the EPPO with regard to the criminal offence of violation
(please specify) of Union restrictive measures

TEXT:

While unprecedented sanctions are in place against a.o. Russian and Belarussian individuals and entities, circumvention of restrictive measures has also intensified. In practice, very few violators of Union restrictive measures are actually held accountable, due to insufficient priority in many Member States for the investigation and prosecution. This inconsistent enforcement of restrictive measures undermines their efficacy and the Union's ability to speak with one voice.

Following the Council decision to identify the violation of Union restrictive measures as an area of crime that meets the criteria specified in Article 83(1) TFEU [1], on 22 December 2022 the Commission proposed a Directive on the definition of criminal offences and penalties for the violation of Union restrictive measures, with a view to harmonising the national systems.

Under the proposed Directive, the investigation and prosecution of such crimes will mostly remain under the responsibility of Member States, whereas the European Public Prosecutor's Office (EPPO) will also be able to prosecute in certain cases. However, the EPPO mandate currently remains limited to offences that affect the financial interest of the Union. An extension of the competences of the EPPO to include all types of violations of Union restrictive measures could significantly improve criminal prosecution and effective enforcement of criminal sanctions across the EU. Several Member States are currently pleading for this extension, which requires a unanimous European Council decision [2]. The EPPO has proven that it is very effective at investigating and prosecuting the crimes in its mandate. Today 22 Member States have joined EPPO, but more might be convinced to join.

In light of the above,

1. Does the Council agree that extending the competence of the EPPO to include the crime of violation of Union restrictive measures would help ensure that crimes are investigated and prosecuted in a homogeneous and efficient way across the EU?
2. Does the Council support the initiative of several Member States to this effect?
3. What actions will the Council take to this end?

[1] Council Decision (EU) 2022/2332 of 28 November 2022 on identifying the violation of Union restrictive measures as an area of crime that meets the criteria specified in Article 83(1) of the Treaty on the Functioning of the European Union

Signature(s):

Date: