Priority question for written answer P-002837/2024
to the Commission
Rule 144
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Subject: Rule of law violations in Croatia

On 19 November 2024, the State Attorney General of Croatia decided[1] to assign to his office the case of conflict of jurisdiction between the European Public Prosecutor's Office (EPPO) and the national prosecution authorities regarding the case of Beroš et al[2], possibly constituting a conflict of interest.

We believe that Croatia's State Attorney General does not have that competence pursuant to recital 62 and Articles 25(6) and 42(2)(c) of Regulation 2017/1939[3]. In Article 20(4) of the relevant Croatian national law (Law on Courts[4]), the Supreme Court of the Republic of Croatia is vested with the power to decide over a conflict of jurisdiction. Furthermore, the State Attorney General does not have the competence to refer the matter to the Court of Justice of the EU per Article 42(2)(c) of Regulation 2017/1939 and Article 267 of the Treaty on the Functioning of the European Union[5].

This interpretation has previously been supported by the Commission's Directorate-General for Justice and Consumers[6] and recently by European Chief Prosecutor Laura Kövesi[7].

1. What steps will the Commission take, and in what timeframe, to ensure the proper implementation of Regulation 2017/1939 in its entirety, including Articles 25(6) and 42(2)(c)?

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1 Hina, 'Turudić odlučio da je za Berošev slučaj nadležan Uskok, a ne EPPO', 19 November 2024, https://www.hina.hr/vijest/11785880.

2 Croatian Office for the Suppression of Corruption and Organised Crime, 'Pokrenuta istraga protiv trojice okrivljenika među kojima je i bivši ministar zdravstva te protiv dvije pravne osobe', 16 November 2024, https://uskok.hr/hr/priopcenja/pokrenuta-istraga-protiv-trojice-okrivljenika-medu-kojima-je-i-bivsi-ministar-zdravstva.

3 Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO'), OJ L 283, 31.10.2017, p. 1, ELI: http://data.europa.eu/eli/reg/2017/1939/oj.

4 https://www.zakon.hr/z/122/Zakon-o-sudovima.

5 Consolidated version of the Treaty on the Functioning of the European Union, OJ C 326, 26.10.2012, p. 47, ELI: http://data.europa.eu/eli/treaty/tfeu_2012/oj.

6 European Commission, *Compliance assessment of measures adopted by the Member States to adapt their systems 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')*, September 2023, https://www.europarl.europa.eu/cmsdata/280160/Final%20Report%20-%20DG%20JUST%20Study%20on%20the%20EPPO%20-%2029.09.2023_en.pdf.

7 European Public Prosecutor's Office, 'EPPO raises concerns over rule of law violations in Croatia following conflict of competence decision', 21 November 2024, https://www.eppo.europa.eu/en/media/news/eppo-raises-concerns-over-rule-law-violations-croatia-following-conflict-competence.

2. How will the Commission protect the freedom and integrity of EPPO-led investigations, prosecutions and overall work in Croatia?

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