

Ursula von der Leyen

President of the European Commission

Charles Michel

President of the European Council

Brussels, 29 June 2021

Dear President von der Leyen,
Dear President Michel,

The Slovenian government is taking over the Council presidency this week. Yet, European values are under increasing pressure in Slovenia. Civil society and the free press are being fiercely attacked by prime minister Janez Janša, an independent European judiciary is being obstructed. We are watching recent developments in the country with great concern. They require immediate action by the European Union in order to protect civil rights, the rule of law and to enforce European rules on the fight against fraud and corruption.

In recent months, the government headed by Prime Minister Jansa has launched several hate and smear campaigns against numerous independent media outlets and journalists in the country. Slovenia's largest news agency STA is under threat of closure because the government is not paying out public funds according to legal obligations since December 2020. Janša called the agency a "national disgrace" and demanded criminal investigations. Other journalists have been even more intensely targeted by Prime Minister Janša.

In addition, the Slovenian Prime Minister is obstructing the work of the European Public Prosecutor's Office. Slovenia is the only participating Member State which has not yet delegated their full-time prosecutors to EPPO. After months of deliberately delaying the formal acknowledgment of the nominations, Slovenian Prime Minister Janez Jansa has cancelled the appointment of two public prosecutors that had been proposed by the State Prosecution Council, in full conformity with Slovenian legislation. With this action, Mr Jansa is overstepping his competences as Head of government. This act represents an unacceptable violation of the rule of law in Slovenia.

Mr. Jansa's undue interference in the nomination process of the Delegated Prosecutors, whose task it is to carry out investigations and prosecutions in their respective Member State, has far-reaching consequences. Since EPPO took up its activities on 1st June 2021, it is now the competent authority to investigate and bring to court any serious case of fraud and corruption affecting the EU's financial interests in the country. But with Slovenia still not having nominated its Delegated Prosecutors, EPPO de facto does not dispose of the necessary capacity and knowledge of the Slovenian judicial system to fully carry out this

task. This constitutes a serious risk that potential cases of fraud and abuse of EU funds will at this point not sufficiently be investigated, prosecuted or tried. At a time where the EU is disbursing unprecedented amounts of funds to Member States, including an additional 1.8 billion Euro to Slovenia from the Recovery Fund, it is imperative for the EU to ensure that strong mechanisms are in place to protect EU funds from being misused.

Therefore, we demand from the EU Commission and the EU Council to:

1. **Suspend EU payments to Slovenia:** The failure of Slovenian authorities to appoint Delegated Prosecutors to EPPO can be deemed a serious deficiency in Slovenia's justice system, since as of 1st June of this year, EPPO should be the body authorised to prosecute fraud and corruption against the EU budget in Slovenia. The Commission must consider the use of the complete toolbox available to it to react to this deficiency, including the rule of law conditionality mechanism and the Common Provisions Regulation, to ensure the EU budget is fully protected.
2. **Insist on the proposed candidates to be appointed:** The selection process of the two proposed candidates was conducted in accordance with Slovenian and EU rules. Undue interference in this process by the Prime Minister is harming the standards of the rule of law, undermining the overall integrity of the new institution and causes the risk that any new candidates be rejected by the EPPO college.
3. **Demand that Slovenia appoints its delegated prosecutors immediately:** EPPO needs to take up its work in Slovenia as soon as possible and any such undue delays must need to be avoided. Council must ensure that the situation in Slovenia is rectified as soon as possible for Slovenia to take over the rotating presidency. Council must play its role in protecting the rule of law, democracy and the integrity of EPPO and protect EU funds from fraud and theft.

With kind regards,

Daniel Freund, MEP Greens/EFA

Franziska Brantner, German MP, B90/Die Grünen

Sergey Lagodinsky, MEP Greens/EFA

Stelios Kouloglou, MEP The Left

Ramona Strugariu, MEP Renew

Lara Wolters, MEP S&D