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EPPO

Regulation 2017/1939 European Public Prosecutor's Office

DG Justice, European Commission

Disclaimer: These slides accompany the explanation of the acquis to Albania and North Macedonia and can only be used for that purpose. Their content is subject to further development of the acquis and interpretation by the Court of Justice of the European Union

2018

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What is EPPO?

- Independent EU Prosecution Office
- Investigates, prosecutes and brings to judgement crimes against the EU budget (PIF Directive)
- Enhanced cooperation – 22 Member States so far

Why do we need it?

- Greater effectiveness in the fight against PIF crimes
- More coherence in the protection of the Union budget
- Better recovery of misused EU funds

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EPPO Structure

- EPPO as a **single office** across the (participating) Member States
- HQ in Luxembourg but EPPO Prosecutors located in the Member States
- **Role of HQ**: Supervising investigations and prosecutions, taking certain operational decisions
- **EPPO at MS level:** European Delegated Prosecutors investigate, prosecute, and bring to judgement before competent national courts

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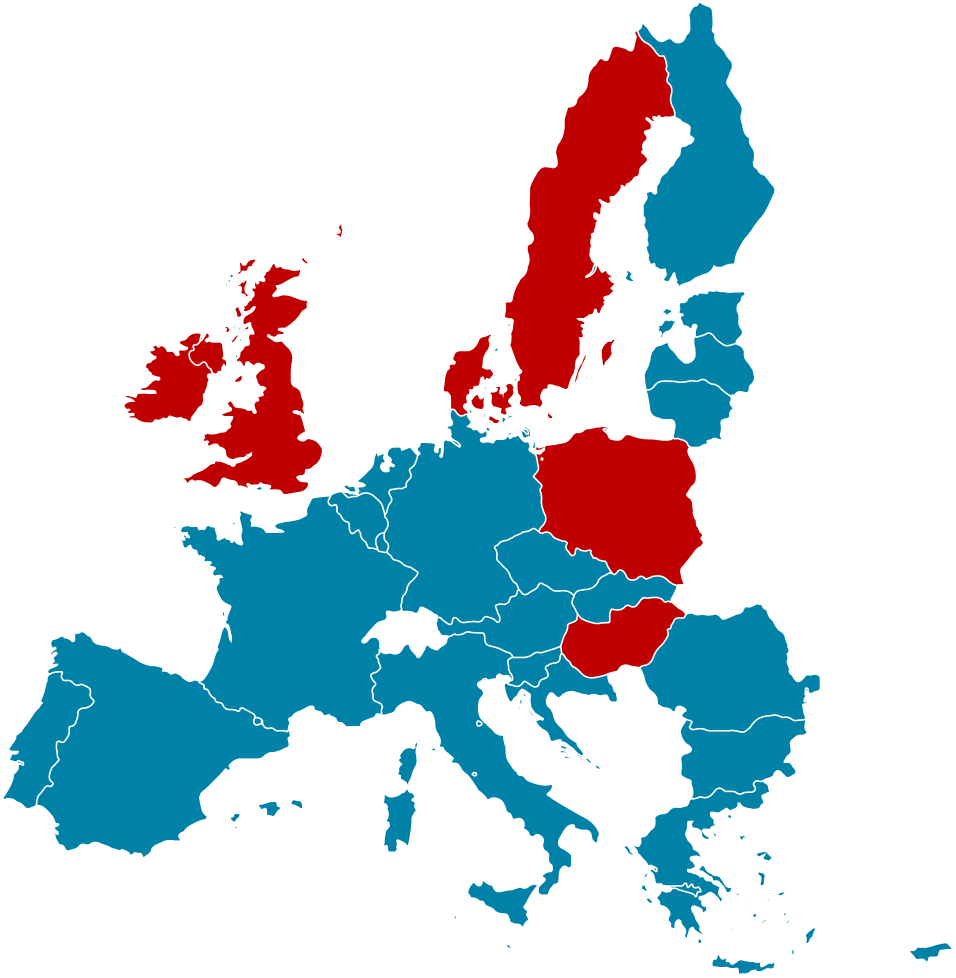
EPPO Geographic Range



Material Competence – PIF Crimes

- PIF crimes: crimes against the EU budget, e.g. fraud, corruption, money laundering or complex VAT carousels (all defined in the **PIF Directive**).
- Organised crime, if the focus of the criminal activity is to commit a PIF crime
- Inextricably linked offences
- Shared competence EPPO - MS

Territorial and personal competence

- Territoriality Principle
- Personality Principle - committed outside its territory, provided that a MS has jurisdiction for such offences
- EU Official - Offences committed outside the territories of point 1) by an EU official, provided that a MS has jurisdiction for such offences
- Broad interpretation of these conditions

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Key elements of the EPPO Regulation

- Investigations and prosecutions
- Procedural safeguards
- Judicial review
- Relations with partners, including Third Countries

Relationship with third countries

Step-by-step approach

- 1) Working arrangements and contact points
- 2) EPPO recognised as a "competent authority" in existing multilateral treaties
- 3) In absence of multilateral agreements, recognition and notification of the EPPO as a competent authority
- 4) ‘double hat’ option EDP
- 5) Reciprocity

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Added value of the EPPO

- Only judicial actor at EU level to fight these crimes
- Speed! Dedicated single office, helicopter view, expertise, coherent prosecution policy, recovery, more justice
- But - not all 28 MS on board, lack of harmonised procedural law, language issues? needs to be tested?

Outlook

- Build-up phase and aim to set up by end 2020
  - Recruitment, Rules of Procedure, EPPO Case Management System, Training, Logistics etc.
- Transposition of PIF Directive
- Adaptation at MS level to EPPO reality
- Relations with partners (conclusion of arrangements and agreements)