



THE ROLE OF OLAF AND OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE (EPPO) IN THE FIGHT AGAINST TRANSNATIONAL CRIME

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OLAF

EUROPEAN ANTI-FRAUD OFFICE

EU BODY MANDATED TO DETECT, INVESTIGATE AND STOP
FRAUD WITH EU FUNDS

- EU expenditure: Structural Funds, agricultural policy and rural development funds, direct expenditure and **external aid**;
- EU revenue, mainly customs duties;
- Serious misconduct by EU staff and members of the EU institutions





OLAF

➤ OLAF Regulation no. 883/2013

of 11 September 2013

➤ New Regulation:

P8_TA(2019)0383

OLAF investigations

and cooperation with the EPPO

Figure 2: EU revenue in 2018

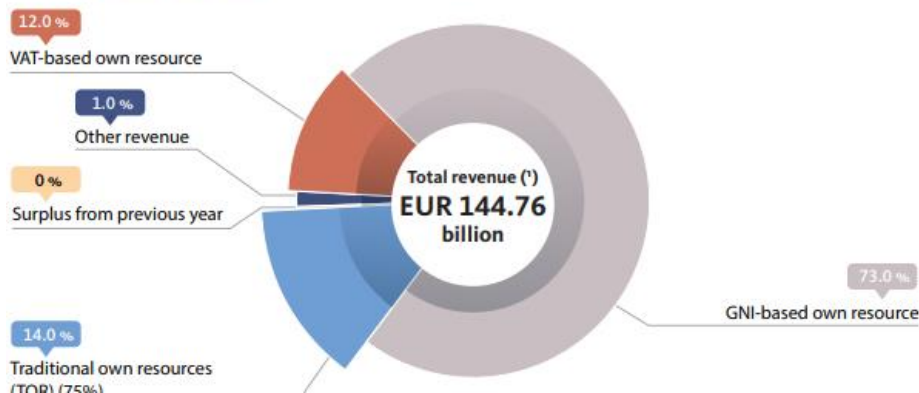
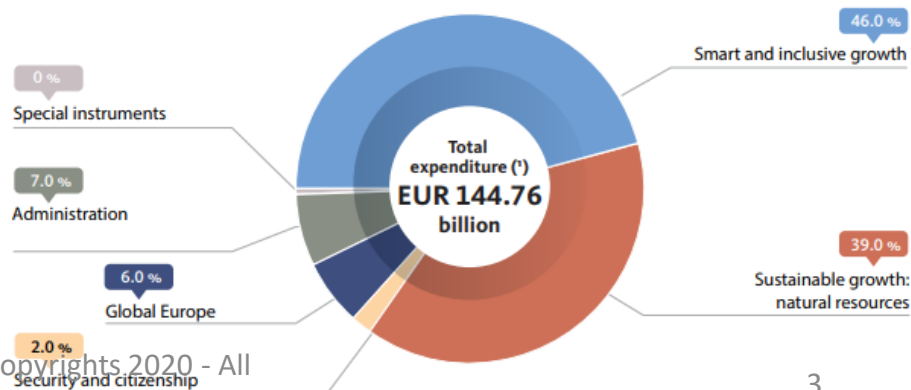


Figure 1: EU expenditure in 2018





OLAF

- **Internal investigations:** within the EU institutions and bodies
- **External investigations:** outside the EU institutions and bodies
- **Coordination cases:** OLAF contributes to investigations by facilitating the gathering and exchange of information and contacts

**OLAF and
Guardia di Finanza
unravel complex
scam with EU funds:
Operation Paper Castle**



OLAF put an end to an intricate fraud scheme through which more than € 1.4 million had been misappropriated.

Investigations took place across several EU Member States.

In Italy, OLAF relied on its close cooperation with **Guardia di Finanza**.





EPPO

- The European Public Prosecutor's Office will be an independent and decentralised prosecution office of the European Union
- Investigate, prosecute and bring to judgment crimes against the EU budget, such as fraud, corruption or serious cross-border VAT fraud
- 22 participating EU countries
- REGULATION (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the EPPO
- Directive (EU) 2017/1371 on the fight against fraud to the Union's financial interests

EUROPEAN PUBLIC PROSECUTOR'S OFFICE

STRATEGY



European Chief Prosecutor (supported by 2 Deputies)

- > Heading the EPPO, organising the work.
- > Contacts EU, EU countries and third parties.



College of Prosecutors (one European Prosecutor per participating country)

- > Decision-making on strategic matters to ensure coherence, consistency and efficiency within and between cases.
- > Adoption of internal rules of procedure.

OPERATIONS



Permanent Chambers

(3 members: 2 European Prosecutors and chaired by the Chief Prosecutor, one of the Deputies, or another European Prosecutor)

- > Monitor and direct the investigations and prosecutions by the European Delegated Prosecutors (EDPs).
- > Operational decisions: bringing a case to judgment, dismissing a case, applying simplified procedure, refer case to national authorities, instruct EDPs to initiate investigation or exercise right of evocation.
- > European Prosecutor from the EU countries concerned supervises the EDP on behalf of the Permanent Chamber.



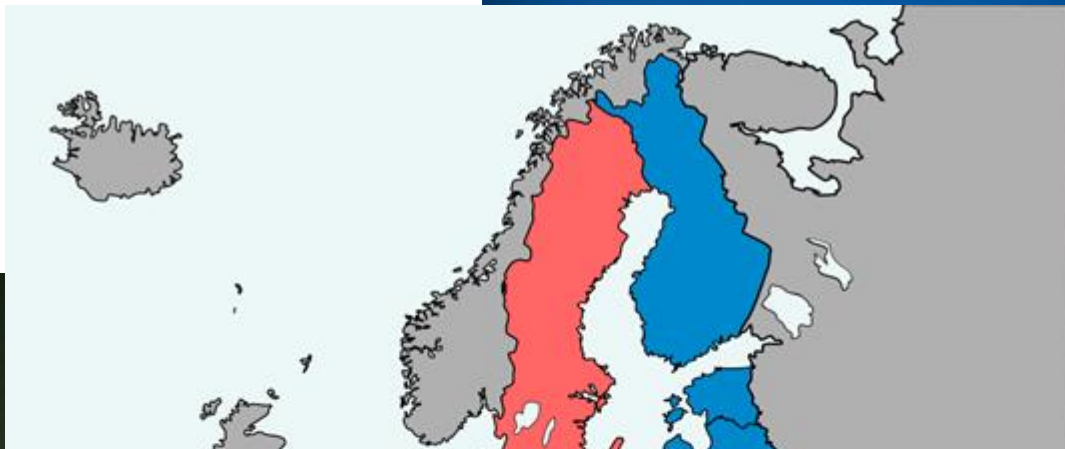
European Delegated Prosecutors (EDPs) (at least two prosecutors per participating country)

- > Responsible for investigating, prosecuting and bringing to judgment cases falling within EPPO's competence.



EPPO

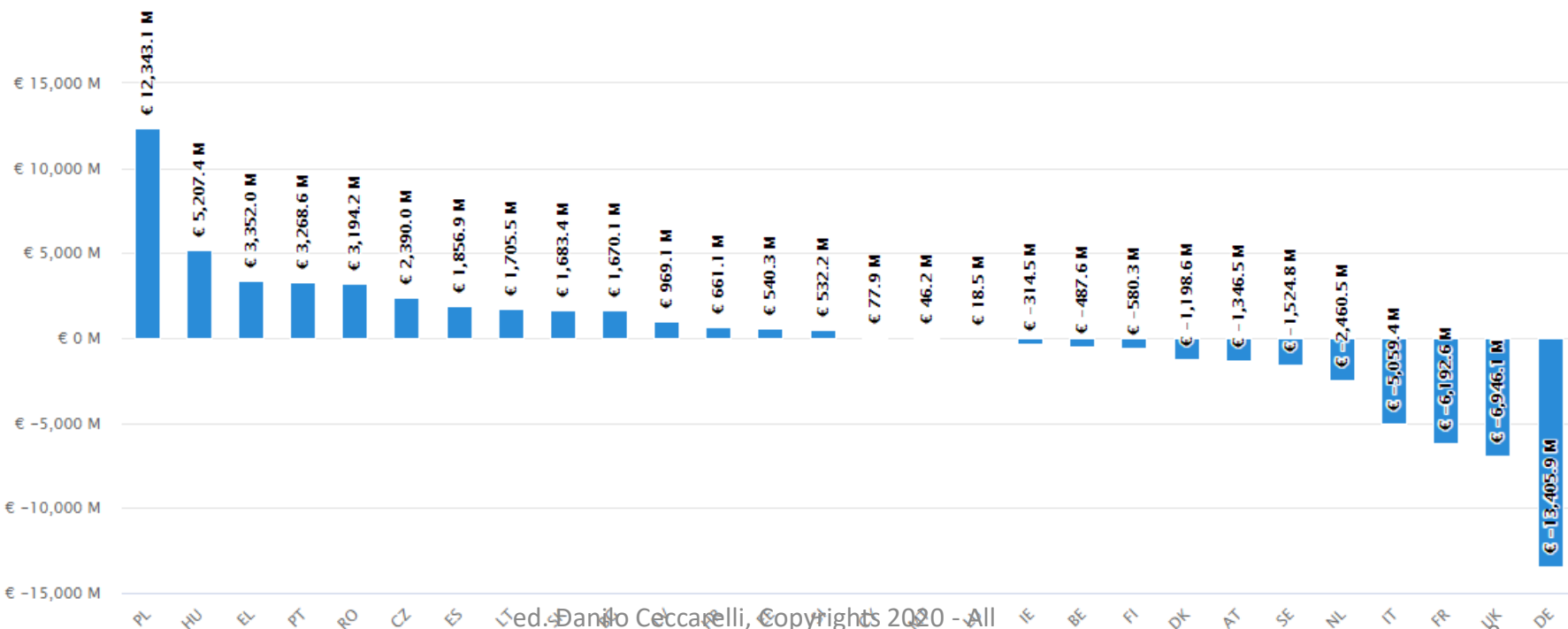
- First supranational public prosecution office
- Independent: is not part of the EU institutions and will not take instructions from them or national authorities
- Will bring cases to National Courts
- Eurojust, OLAF and Europol will maintain their current roles and cooperate closely with the EPPO



THIRD COUNTRIES

EPPO non-participating member states

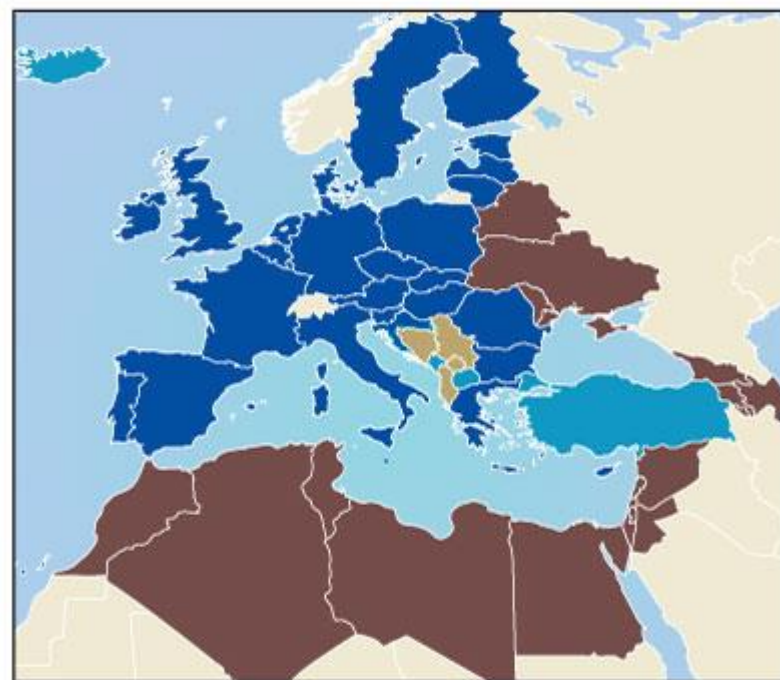
Operating budgetary balance (EUR million) 2018 (EUR million)



THIRD COUNTRIES

THIRD COUNTRIES AS BENEFICIARIES OF EU FUNDS

- Candidate countries
- Potential candidates
- Neighbourhood policy
- International Cooperation and Development



- | | |
|---|---|
|  EU States |  Candidate countries |
|  Potential candidate countries |  ENP countries |

THIRD COUNTRIES

EPPO COOPERATION IN CRIMINAL MATTERS

WORKING ARRANGEMENTS ARTICLE 99(3)

- Liaison officers to the EPPO / contact points
- International agreements...
- concluded by the Union or to which the Union has acceded
- In the absence...
- the Member States shall notify the EPPO as a competent authority
- In the absence...
- the handling EDP ... may have recourse to the powers of a national prosecutor...
- on the basis of international agreements concluded by that Member State or applicable national law and...
- where required, through the competent national authorities

THIRD COUNTRIES

OLAF



- International agreements
- Stabilisation and Association Agreement – IPA
- Individual Financing Agreements
- OLAF clause: programmes, actions and subsequent contracts shall be subject to supervision, control and audit by EU agencies, including OLAF
- Right to access information and to conduct on-the-spot check

Investigations 2018: Jordan (2), Kenya (2), Ecuador (2), North Macedonia (2), Syria (2), Ukraine (2), Gabon (2), Belarus, Central African Republic, Egypt, Eritrea, Guatemala, Guinea-Bissau, Ivory Coast, Morocco, Mozambique, Myanmar, Russia, Sierra Leone, Turkey, Uganda, Yemen

EPPO: THE CHALLENGES

- Independence – at central and national level – and liability
- Resources
- The case management system(s)
- Multiple legal – and cultural – frameworks
- Cooperation with national law enforcement
- Cooperation or conflict with domestic Prosecution
- The non-participating Members States
- The third States
- Interagency cooperation
- The rights of suspects
- The future:
 - ✓ Beyond the protection of the Union's financial interests?
 - ✓ Towards substantive EU criminal law and a European Criminal Court?





QUESTIONS

