

The European Public Prosecutor's Office



Protecting taxpayers against fraud and corruption

The European Public Prosecutor's Office ('the EPPO') is a new Union body in charge of conducting criminal investigations and prosecutions for crimes against the EU budget. Expected to be operational as of the end of 2020, the EPPO will strengthen the Union's capacity to protect taxpayers' money.



WHAT CAN THE EPPO DO?

The EPPO will be the first supranational public prosecution office. It will investigate and prosecute fraud and other crimes affecting the EU's

financial interests (so-called 'PIF' offences as defined in Directive (EU) 2017/1371):

- » fraud relating to expenditures and revenues;
- » fraud relating to VAT (if it involves two or more Member States and is worth at least EUR 10 million);
- » money laundering of assets derived from defrauding the EU budget;
- » active and passive corruption or misappropriation that affect the EU's financial interests;
- » participation in a criminal organisation if the focus of its activities is to commit crimes against the EU budget.

The EPPO can also investigate and prosecute any other illegal activity that is 'inextricably linked' to an offence against the EU budget.

HOW DOES THE EPPO WORK?

One independent office

The EPPO will operate as a single office headed by a European Chief Prosecutor working with one European Prosecutor from each participating EU Member State. At least two European Delegated Prosecutors (EDPs)

will operate in the judicial system of each Member State and work closely with the central office, located in Luxembourg. The EPPO's independence will be key to its success: the Office is not part of the EU institutions and will not take instructions from them or national authorities.

Getting information

The competent national authorities must inform the EPPO of any fact that may constitute an offence under its mandate. The EPPO can also proactively gather information from other sources to initiate investigations, for example from news reports, private parties or whistleblowers.

Investigations and prosecutions

As a rule, the EDP in the Member State where the alleged offence was committed will handle the case. EDPs will work under the supervision of a European Prosecutor from the same Member State, on behalf of the competent Permanent Chamber, which monitors and directs the investigations and prosecutions conducted by the EDPs.

The EPPO will bring cases to national courts.



EPPO KEY STATISTICS

Central level: **Luxembourg**
Expected start date: **End 2020**

Minimum case value:
EUR 10 000+

For fraud involving EU funds
(with some exceptions under EUR 10 000)

EUR 10 000 000+

For cross-border VAT fraud

Significant powers

In addition to investigation measures already available to prosecutors under national law in similar national cases, the handling EDP can order or request other measures, such as the freezing of the proceeds of crime or the interception of electronic communications. These measures can be ordered in cases involving offences punishable by a maximum penalty of at least four years of imprisonment.

The surrender of a person requested by an EDP of another Member State will be governed by ordinary European Arrest Warrant procedures.

Horizontal relationships

Under specific circumstances, a case can be reallocated to another EDP from the same Member State. In exceptional cases, the supervising European Prosecutor may conduct the investigation personally in his/her Member State of origin.

Powers of the Permanent Chamber

The Permanent Chambers monitor and direct the investigations and

prosecutions conducted by the EDPs and have to that end a number of decision making powers. For example, once an investigation is completed, the competent Permanent Chamber will decide, based on a proposal by the EDP, whether to prosecute the case before a national court, to dismiss it or otherwise dispose of the case, such as a simplified prosecution procedure under national law (e.g. plea bargaining).

A case can be dismissed by the Permanent Chamber, following a proposal by the handling EDP, when prosecution becomes impossible due to a lack of evidence, statute of limitation, *ne bis in idem*, amnesty or immunity, etc. This is without prejudice to further investigations on the basis of new facts not known to the EPPO at the time of the decision to dismiss the case.

Cases brought to trial

Once brought to trial before the competent national court, the case will be dealt with by the EDP, following the applicable national laws and in line with the EPPO Regulation.

National law will also apply in Member States that have a system of simplified procedures (such as plea bargain) in place.

SAFEGUARDING CITIZENS

In the interest of all citizens, the EPPO Regulation includes several safeguards in relation to suspected persons, witnesses and victims and, for the sake of ensuring legality and compliance with EU law, the possibility of judicial review of its investigations.

The EPPO must respect the Charter of Fundamental Rights of the European Union (CFREU) as well as safeguards under existing EU law, such as the right of access to a lawyer and the right to remain silent. Moreover, suspects and accused involved in EPPO proceedings have all the procedural rights available to them under national law.

Judicial review

The EPPO's procedural acts will be subject to judicial review before the national courts of the Member State where the EPPO's activity is carried out.

The Court of Justice of the European Union (CJEU) will also have jurisdiction to give preliminary rulings concerning questions of validity of the EPPO's procedural acts, interpretation of the EPPO Regulation and possible conflicts of competence with national authorities.

Partners

The EPPO is a new body in the fight against fraud: Eurojust, OLAF and Europol will maintain their current roles in protecting the Union's budget and cooperate closely with the EPPO. The EPPO will also work with Member States that are not part of it.

More

Introduction to the EPPO

https://ec.europa.eu/info/law/cross-border-cases/judicial-cooperation/networks-and-bodies-supporting-judicial-cooperation/european-public-prosecutors-office_en



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