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Félix Braz



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Editorial

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AUTHOR

Félix Braz

Luxembourg Minister of Justice
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Dear Readers,

The notion of the "cost of non-Europe" was introduced by Michel Albert and James Ball in a 1983 report that had been commissioned by the European Parliament. The notion was also a central element of the report by Paolo Cecchini who contributed to shaping the progressive establishment of a European single market by the end of December 1992.

The method consists of estimating common economic costs in the absence of measures at the European level within a particular domain. It highlights the gain of efficiency that derives from the concrete and effective implementation of a policy as defined in the primary law of the European Union. Whereas, in the past, public debate has focused on the "cost of Europe" and on the need for more political action to reduce the unnecessary administrative burdens that Union law can create, the topic of the "cost of non-Europe" is now experiencing a resurgence. This is a logical development in a period in which the Member States of the European Union are facing major challenges – challenges that more than ever require concerted, coherent, and common responses.

The recent adoption of the better law-making agreement between the European Parliament, the Council of the European Union, and the European Commission confirms this trend. This agreement, which was negotiated and finalised under the Luxembourg Presidency of the Council, sets the guiding principles for the three institutions when they legislate. It stipulates that an assessment of the "cost of non-Europe" in the absence of action at the Union level should be fully taken into account when setting the legislative agenda. Impact assessments, which accompany specific legislative proposals, must also address the "cost of non-Europe."

This approach, which was initially applied to policies that deal directly with the integration of the internal market, is transferable to the area of freedom, security and justice. The added value of a European judicial area cannot be measured exclusively in terms of the quantification of economic costs that are generated by the absence of judicial cooperation. Other factors must also be considered: the quality of justice, better efficiency of procedures, the concretisation of a fundamental right in the Charter of Fundamental Rights of the EU, such as the protection of personal data. We must, however, integrate the aspect of the cost of non-Europe more systematically into initiatives in the field of "justice and home affairs".

An interesting example is the establishment of a European Public Prosecutor's Office. This new judicial body of the Union would investigate, prosecute, and bring to judgment the perpetrators of offences affecting the Union's financial interests. . It is essential that the funds of the EU budget that serve to support policies and European programmes, are correctly used in order to prevent any fraud. The establishment of a coherent European system for the investigation and prosecution of these offences will also significantly contribute to combating corruption.

By ensuring greater efficiency in investigating and prosecuting these offences, the future European Public Prosecutor's Office will, at the same time, increase the number of prosecutions; this will lead to more convictions and a more significant recovery rate of fraudulently obtained funds. In parallel, the deterrent effect on committing these offences will have consequences for a reduction of the costs linked to corruption and fraud.

The European Public Prosecutor's Office remains a political flagship project for the development of a European judicial area. It will render European justice more efficient and reduce the overall costs that are caused by corruption and fraud in the European Union.

Although quantification of the "cost of non-Europe" is not always easy, it is crucial to incorporate this aspect into our analyses. Consideration of this factor will contribute to better explaining the added value of action at the European level.

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Editorially reviewed articles published in English, French, or German, are complemented by timely news and analysis of legal and policy developments across Europe.

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