

## Guest Editorial eucrim 2/2018

**Ville Itälä**

### ABSTRACT

Almost a year has passed since the entry into force of Regulation (EU) 2017/1939 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office (EPPO). Activities aimed at setting up this new important European body are in full swing.

The creation of a strong, efficient, and independent EPPO, which will be able to rapidly carry out its investigative functions, represents a priority for the European Commission and, in particular, for the European Anti-Fraud Office (OLAF), which I have the honour of directing since August 2018.

Setting up the EPPO is a complex task, which requires the contribution of many actors. The Commission has already put a number of steps in place, and many more are being prepared. The Commission is however not alone in this process: Member States participating in the EPPO are called on to ensure that the EPPO operates smoothly and effectively in their legal and judicial systems.

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### CITE THIS ARTICLE

Itälä, V. (2018). Guest Editorial eucrim 2/2018. Eucrim - The European Criminal Law Associations' Forum. <https://doi.org/10.30709/eucrim-2018-008>

Published in eucrim 2018, Vol. 13(2)  
p 77

<https://eucrim.eu>

ISSN:



## Dear Readers,

Almost a year has passed since the entry into force of Regulation (EU) 2017/1939 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office (EPPO). Activities aimed at setting up this new important European body are in full swing.

The creation of a strong, efficient, and independent EPPO, which will be able to rapidly carry out its investigative functions, represents a priority for the European Commission and, in particular, for the European Anti-Fraud Office (OLAF), which I have the honour of directing since August 2018.

Setting up the EPPO is a complex task, which requires the contribution of many actors. The Commission has already put a number of steps in place, and many more are being prepared. The Commission is however not alone in this process: Member States participating in the EPPO are called on to ensure that the EPPO operates smoothly and effectively in their legal and judicial systems.

The bulk of the EPPO's investigative work will be carried out by European Delegated Prosecutors – national prosecutors working for the EPPO, under the supervision and direction of the Central Office. Member States will provide both the legal and material means for these Delegated Prosecutors to be able to act effectively within their national systems, also in cooperation with other law enforcement authorities. Where appropriate, criminal procedural systems will be adapted to allow the EPPO to pursue its investigative and prosecutorial work properly.

Furthermore, the European Prosecutors (one per Member State) in the EPPO's Central Office will act as a prosecutorial authority in each national system, with the power to supervise investigations in their Member State of origin and, in exceptional cases, to conduct them personally.

Member States will also play a crucial role in setting up and maintaining an efficient flow of communication between national authorities and the EPPO: the former will have to report on criminal conduct upon which the EPPO could open an investigation; the EPPO, in turn, will transmit information in order to support national authorities in protecting the EU budget from fraud.

When acting to put in place these adaptations, Member States will be guided by the principles and directly applicable provisions already contained in the EPPO Regulation. It will by no means be an easy task: on the one hand, the legislator has chosen to embed the EPPO firmly in the legal system of each Member State, with prosecutions and subsequent criminal proceedings largely following existing criminal procedural rules. On the other, the truly innovative value of the EPPO is the possibility to shape and implement, for the first time, a European prosecution policy and increase coherence in the fight against EU fraud through criminal law instruments in the participating Member States.

Finding the right balance between these interests will be one of the key challenges. The European dimension and the profoundly innovative spirit of the EPPO must be preserved and promoted by the Member States to ensure that the EPPO will be able to play its role in the future landscape of European justice.

For the Commission, which is accompanying Member States in this process, successfully supporting the setting-up endeavour is paramount to ensuring a better protection of the EU's financial interests – the ultimate aim of the ongoing modernization of the EU's anti-fraud architecture. Within this framework, another important initiative – to which I am particularly committed as Director-General of OLAF – is the recent legislative proposal for revision of Regulation 883/2013 on the operations of OLAF itself. This proposal also includes additional, detailed provisions on cooperation between OLAF and the EPPO.

Once this proposal has been adopted by the legislator, OLAF and the EPPO will become key partners that work together efficiently to step up the EU's response to criminal activity targeting the Union's finances.

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The project is co-financed by the [Union Anti-Fraud Programme \(UAFP\)](#), managed by the [European Anti-Fraud Office \(OLAF\)](#).



**Co-funded by  
the European Union**