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Editorial

EDITORIAL

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Dear Readers,

The year 2017 has brought and will hopefully lead to further major steps in the development of a true European Criminal Justice Area, particularly but not only with regard to the protection of the EU's financial interests by criminal law.

The adoption of the Directive on the fight against fraud to the Union's financial interests by means of criminal law, the so-called "PIF Directive," is a key achievement in putting an end to the largely outdated 22-year-old "PIF Convention." With its comprehensive catalogue of criminal offences, including fraud, corruption, money laundering, and misappropriation affecting the EU budget as well as its ambitious rules for limitation periods, the PIF Directive guarantees a high level of protection. The inclusion of serious cross-border VAT fraud – the most controversial part of the negotiations – is an especially important milestone, given that the financial damage caused by VAT fraud goes into the billions of Euros annually. The Directive's dissuasive effect could have been strengthened even more with the minimum sanctions proposed by the Commission, which were not taken over by the co-legislators,.

Following the political agreement of 20 Member States the final adoption of the regulation establishing a European Public Prosecutor's Office (EPPO), after the consent of the European Parliament, is within reach. Thanks to such a truly independent European prosecution office, equipped with investigatory and prosecutorial powers, the EU will not only step up the protection of the EU's budget but also enter into a new level of integration in the area of EU criminal law.

In reaction to the increasing security threat from terrorist offences, the 2017 Directive on combating terrorism will contribute to preventing terrorist attacks by criminalizing acts such as undertaking training or travelling for terrorist purposes. It is important that the Directive simultaneously strengthens the rights of victims of terrorism. As part of the EU strategy against financial crimes and, in particular, terrorist financing, the European Commission has adopted two significant proposals that will hopefully be finalised soon: one addresses the quick and efficient mutual recognition of freezing and confiscation orders; a second one aims at countering money laundering by criminal law, complementing the EU's comprehensive and recently revised preventive anti-money laundering rules. With these new rules, the Union will be moving closer to its objective of disrupting and effectively cutting off the financial sources of criminals.

At the same time, significant progress has been made in the EU towards strengthening rights in criminal proceedings in full accordance with the EU's Charter on Fundamental Rights. With the final adoption of the Directive on legal aid by the end of 2016, the EU now possesses a strong protective legal framework to ensure the rights of suspects undergoing a trial procedure. The EU rules range from granting the right to interpretation and translation to suspects to information about their rights in criminal procedure, access to the case file, and access to a lawyer. They strengthen the presumption of innocence and the right to be present at one's trial and improve procedural safeguards for children. It is now imperative to ensure their consequent and correct application across the EU.

A high protection of rights also includes the protection of personal data in the field of criminal law. A specific Directive was adopted last year, as part of the Data Protection Reform, in order to protect individuals' personal data when being processed by police and criminal justice authorities. It will also allow police and criminal justice authorities in the EU to more efficiently exchange the information necessary for investigations. A stand-alone data protection regime is foreseen for the EPPO, but this may develop in the future.

Providing a high degree of security, offering protection from crime, and at the same time guaranteeing freedoms and rights remain the yardstick for the EU legislator, especially in times of high security threats. Work in the area of EU criminal justice is not yet finished.

*The views expressed are those of the author and not necessarily those of the European Commission.

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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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