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Editorial

EDITORIAL

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Dear Readers,

A strong European Union budget, particularly its sound and correct implementation, is a key element in building trust among European citizens. The resources at the disposal of the EU need to be properly managed and well spent in order to make a real difference in people's lives. Ensuring that these resources are not the object of fraud or corruption is therefore an essential objective.

The adoption by the Council of the Regulation establishing the European Public Prosecutor's Office (EPPO) on 12 October 2017 marks a decisive step in this direction. The EPPO will be established by way of enhanced cooperation between (initially) 20 participating Member States, and others may join in the future. The EPPO will be a crucial element in the fight against fraud to the Union budget and become an essential part of the existing legal architecture for the protection of the Union's financial interests.

Under the current system, criminal investigations into cases of fraud are exclusively within the remit of the Member States. At the EU level, administrative investigations are carried out by the European Anti-Fraud Office (OLAF), which refers the results of its activities to the Member States' judicial authorities for follow-up, should there be any indication of criminal activity. This reliance on Member States' criminal investigation powers has proven to be unsatisfactory as regards effectiveness. Difficulties arise because of the differences in the legal systems of the Member States and from starkly uneven levels of follow-up by national authorities on allegations of fraud affecting the Union's finances. Furthermore, criminal investigations are more difficult in cases of cross-border offences, which is often a characteristic of these types of fraud.

The main aim of the EPPO is to establish an effective and coherent European system for the investigation and prosecution of criminal offences affecting the Union's financial interests and to target particularly the most serious forms of crime against the EU budget. This role will put the EPPO at the heart of the ongoing process for the creation of a truly European Area of Freedom, Security and Justice, as warranted by the Treaties.

The EPPO will be a key player in the protection of the EU budget, as it will be uniquely equipped to carry out criminal investigations and prosecutions of crimes affecting the EU budget, such as corruption or fraud involving EU funds or cross-border VAT fraud, and to bring these crimes before competent national courts. The EPPO's specialised expertise, indispensably needed in complex criminal investigations as well as its European perspective in tackling the crimes mentioned, will help overcome the current fragmented national approach. Since it will be a single office operating across all participating Member States, the EPPO will be in a privileged position to process and exchange information in a more efficient manner than was possible until now for national authorities, each of them acting within the limits of their respective jurisdiction. Moreover, the EPPO will be able to conduct cross-border investigations without the limitations of the current mutual legal assistance instruments.

Following its own European investigation and prosecution policy, the EPPO will work in close cooperation with the competent law enforcement and judicial authorities at the national level. It will also benefit from harmonised definitions of the criminal offences concerned, as provided in the recently adopted Directive (EU) 2017/1371 of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law, which is in the process of being transposed by the Member States bound by it.

The EPPO's action will be guided by high standards of protection of the rights of the persons involved in its investigations, by means of the guarantees provided for in both national procedural law systems and in EU instruments (i.e. the Directives on procedural rights of persons suspected or accused in criminal proceedings).

In order for the EPPO to be able to carry out its mandate with a high degree of efficiency, it will establish a strong cooperation with the relevant Union bodies and offices that are active today in the field of the protection of the EU budget. It will especially cooperate with OLAF, which will operate in full synergy with the EPPO to ensure a homogenous level of protection of the EU budget in all Member States. Strong cooperation will also be established with Eurojust and Europol. The flow of information between these actors, both for operative and for analytical purposes, will be a major asset in stepping up the fight against fraud and contribute to a more comprehensive approach in protecting the Union budget.

Now that the adoption process for the EPPO's founding legal framework has been successfully finalised, it is time to look at the challenges that lie ahead in setting up this body. The European institutions and the Member States will be required make the best efforts to ensure that this phase proceeds swiftly and efficiently, in order to allow EPPO to begin performing its duties rapidly. Once operational, a strong cooperation with European institutions and competent national authorities will be a key element to maximise the EPPO's effectiveness in identifying criminal activities.

A strong, independent, and efficient European Public Prosecutor's Office will be a fundamental step ahead in our efforts to protect European taxpayers' money, by ensuring a truly European approach to the criminal investigation and prosecution of criminal acts committed by fraudsters and criminal organisations who target these resources. Protecting the EU budget means protecting European citizens' money and interests – every cent needs to be spent for their benefit.

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eucrim is the leading journal serving as a European forum for insight and debate on criminal and "criministrative" law. For over 20 years, it has brought together practitioners, academics, and policymakers to exchange ideas and shape the future of European justice. From its inception, eucrim has placed focus on the protection of the EU's financial interests – a key driver of European integration in "criministrative" justice policy.

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

All content is freely accessible at <https://eucrim.eu>, with four online and print issues published annually.

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