

Guest editorial eucrim 4-2021

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EDITORIAL

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Dear Readers,

The front page of the eucrim issues published from 2006 to 2009 included the byline: “Successor to Agon”. Indeed, to express the fight against fraud, the term “agon” (an ancient Greek term for “fight”) had been chosen as the title of the original bulletin launched in April 1993 for the Associations of lawyers for the protection of the financial interests of – at that time – the European Community. The Associations were created following a landmark seminar in Brussels in 1989 that demonstrated the need for structures at the national level to bring together practitioners and academics and to provide a forum for their sensitization on the impact of European law on national criminal law. It is generally recognised that the Associations have been a catalyst for the development of European criminal law. In 1997, they released the Corpus Juris study containing the proposal to create a European Public Prosecutor and a European judicial area.

After productive reflection by and brilliant input from Professor *Ulrich Sieber* (Director of the Max Planck Institute for Foreign and International Criminal Law in Freiburg, Germany) and Dr. *Lothar Kuhl* (Head of Unit at OLAF) a new forum, called eucrim, was launched in 2006. Today, eucrim is a remarkable publication, one that is well established in Europe, thanks in particular to the extraordinary work of Professor *Sieber* as Editor in Chief and *Thomas Wahl* as Managing Editor.

After having been responsible for the management of the bulletin Agon during my time at the European Commission and having been a member of the eucrim editorial board from its very beginnings, I recently resigned for reasons of “planned obsolescence”. Since I now feel free as a bird, I would like to take the liberty to share some of my ideas on the future development and design of the eucrim project. First, I would like to call to mind the concept of eucrim, which is – and should remain – an indispensable instrument for all those operating in the area of European criminal law, particularly in the field of the “protection des intérêts financiers” (PIF) of the European Union.

Eucrim serves as a forum for the Associations for the protection of the EU’s financial interests and – as appears in the names of many Associations today – European criminal law. Their activities are financed as part of the EU’s anti-fraud programme (best known under the name “Hercule”) on the basis of annual calls for proposals managed by OLAF. Although OLAF manages the grants, however, it is indispensable that there be a driving force behind the Associations to broadcast and stimulate activities and to spark an innovative spirit. It is of paramount importance that the Associations feel a sense of belonging to a unique network integrated into the working strategy of the European Commission to address the protection of the Union’s finances. At the same time, the network of the Associations can provide the Commission’s services with valuable expertise and a wealth of practical experience from the Member States. Moreover, as representatives of civil society, the Associations are able to play a watchdog role in protecting democracy, especially in those countries in which the EU Charter of Fundamental Rights is under pressure. The fulfilment of the described configuration should tremendously motivate the network of eucrim correspondents to deliver regular contributions within the framework of eucrim’s annual programme. The eucrim editorial team’s challenging task of scouting for contributions would thus be enormously alleviated!

The reading audience genuinely appreciates eucrim’s “News” section. It gives complete and in-depth information on the leading current developments in the European Union and the Council of Europe – a truly exclusive service for legal professionals and the general public thanks to the indefatigable work of *Thomas Wahl* and the eucrim editorial team!

According to its mission statement, eucrim was intended to “develop new visions and models for the European cooperation” (see also *Professor Sieber’s* editorial in eucrim, 1–2/2006, 1). The guest editorials and the articles should both strive towards achieving these objectives. Guest editorials need not necessarily be

linked to the “focus” of each issue (the recently introduced “fil rouge” serves this purpose). Editorials should express opinions that take strong, courageous positions and provoke interesting discussions.

The decision has been taken to expand eucrim beyond criminal law fields. This could be achieved, for instance, by exchanging ideas on the role of justice in the protection of EU-specific objectives. One of my proposals would be to depart from the (always excellent) ordinary path and step into more forward-looking debates, e.g. on the exciting field of climate change. I suggest including a section on “climate justice” to impart a vision of how to resolve and alleviate the unequal burdens created by climate change. In particular, the analysis of innovative national jurisprudence in this area could have a stimulating effect. At a time when EU money is being contributed to the Green Deal, which is at the top of EU policy, this section could address relevant questions of climate justice from human rights and environmental justice perspectives, while at same remaining closely linked with the protection of financial interests. eucrim could participate in the global debate and contribute actively to shaping minds! In its recent annual reports, OLAF has emphasised its role in protecting EU funds destined for the fight against climate change – further legitimisation for eucrim to deal with this topic!

The articles in eucrim should be imbued with originality, which is always appreciated by the readers. It is worth investigating how to venture off the beaten track and confront topics that take a forward-looking approach like, for instance, granting the status of “electronic personality” to robots, who take autonomous decisions, learn from their own variable experience, and interact with third parties. In general, contributions should be dedicated to emerging topics that anticipate future problems. For example, it could become eucrim’s core business to provide an in-depth analysis of possible future areas of competence for the European Public Prosecutor’s Office, e.g. environmental law. I am firmly convinced that, after the initial triumphant announcements of success, our new European criminal law body will quite soon need further areas to investigate.

Ultimately, the editorial board is of paramount importance for eucrim’s future, particularly to prevent eucrim from running the risk of becoming a routine-minded creature. The editorial board should be the “fulcrum” of eucrim and elaborate on future focal topics by way of “corporate democracy”. There should be a constant exchange throughout the year among the members, with the obligation to take a position on any suggestion made by one of them in order to keep up an ongoing dialogue. I also suggest that the editorial board reflect on eucrim’s role, objectives, design, layout (with more brilliant and intensive colours), tone, and targets in the light of a new security architecture at the European level and the challenges of a dramatically and constantly changing world.

May eucrim serve the European community for many years to come!

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ABOUT EUCRIM

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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