

## Guest Editorial

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### Editorial

### EDITORIAL

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Dear Readers,

The Lisbon Treaty, which entered into force at the end of 2009, mandates the Union to establish a true European area of justice reinforcing mutual trust and enabling mutual recognition of Member States' judicial decisions. This will require, among other considerations, elements as diverse as the strengthening of Eurojust, the establishment of a European Public Prosecutor's Office (EPPO), the reform of the European Anti-Fraud Office (Office Européen de la Lutte Anti-Fraude – OLAF), and common minimum standards in the justice process (such as fair trial rights, fair prison conditions, and rights for victims of crime).

At the April 2010 Justice and Home Affairs Council, the Commission gave an initial outline of its ideas for the future of a European judicial area. We will pursue our reflection in the coming months. As the EU Commissioners for Justice, on the one hand, and Taxation and Customs Union, and Audit and Anti-Fraud on the other hand, we are committed to promoting a combined approach mixing legislative and institutional means in order to reinforce the Union's capabilities to prevent and fight fraud affecting its financial interests.

The Stockholm Programme, adopted in 2009, provides the outline for many of the changes which have to take place in the years to come. The Commission has defined an ambitious action plan for 2010-2014 to implement the Stockholm programme. The implementation of the programme will help to further mutual acceptance of the different judicial systems within the Member States by building up trust: trust in each other's judicial decisions, trust in each other's law enforcement and judicial authorities. The citizens must be confident that the judicial proceedings throughout the Union are fair and that their rights are respected – no matter where they are in the EU.

In keeping with this action plan, the Commission will also prepare the establishment of a European Public Prosecutor's Office (EPPO) from Eurojust to investigate, prosecute, and bring to judgement offences against the Union's financial interests. Its aim is clear: to protect the European taxpayer and pursue cases when EU funds are being siphoned off by fraudsters and when local law enforcement does not have the means to take the necessary action to protect the EU's budget.

Since 2001, the Commission has conducted a review of the feasibility and added value of an EPPO (based on its Green Paper), which ultimately led to the insertion of the concept of the EPPO as a possibility in the Lisbon Treaty.

Under the provisions of Article 86 TFEU, an EPPO may now be established from Eurojust in order to combat crimes affecting the financial interests of the Union. This will include the strengthening of Eurojust. We will continue to work closely together on this crucial project.

OLAF's experience shows that criminal prosecution could benefit from having a function at the EU level to supplement OLAF administrative investigations. Also, Eurojust already plays a useful coordination role, and its powers may be further strengthened under Article 85 TFEU in this regard. There is a need to centralise information and enforce the law, keeping in mind that, in the national legal systems, prosecutions are not always launched or completed in an effective way in order to protect the EU's financial interests.

The setting-up of an EPPO ultimately requires the adoption of legislation on its functions, tasks, and rules of procedure. Rules on the admissibility of evidence and on judicial review are also indispensable. A thorough reflection involving all professionals with relevant experience is needed. We are aware that "eucrim" is a forum which can contribute to this debate. It allows views to be expressed and information to be exchanged among lawyers within all the Member States. By disseminating information on relevant legal and administrative developments in the European Union, it contributes to building mutual trust. And it is of crucial

importance to foster the debate at the European level on how to carry out an assessment of the way the system will work in the end.

In preparing the EPPO, we will further reflect on the EPPO's cooperation with other actors, including and in particular with OLAF. The reform of OLAF is well underway. The Commission submitted a reflection paper in July 2010. It is our intention that the legislative process be concluded by the end of 2011. It is a relatively limited yet important reform, as it aims to improve OLAF's efficiency and effectiveness and prepare it for future challenges, including OLAF's relationship with Eurojust and with the future EPPO.

The ultimate aim of all these ongoing actions and projects is to build up mutual confidence and trust. Trust that the taxpayers' money is not wasted or misused by fraudsters. The goal is also to ensure mutual trust in the judicial systems of all Member States and promote confidence on the part of citizens that their rights and interests are being well safeguarded.

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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.

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