

# Guest Editorial for Eucrim 1-2011



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## Editorial

## EDITORIAL

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Dear Readers,

I feel very honoured that I have been asked to introduce this issue of *eucrim*. Having been appointed as Director-General of the European Anti-Fraud Office (OLAF) in February 2011, I will devote my full attention to creating a new vision for the office and its dedicated staff while taking into account its sound experience as an effective administrative investigative service. OLAF's strengths of both contributing to prevention policies and conducting investigations will be developed by further improving OLAF's operational efficiency and internal governance.

The central topic of this *eucrim* issue is "implementation of legal instruments" – a point which is also of particular importance to OLAF given the current debate on the further improvement of its efficiency. OLAF's investigative function will be strengthened through a more streamlined and efficient management of the opening of investigations. It will not only help an efficient monitoring of the duration of its investigations but also the consistent *de minimis* approach, a better clarification of the rights and obligations of the persons affected by an investigation, as well as clearer procedures that enable items of evidence to be safeguarded and preserved. Moreover, Member States should cooperate and report more effectively to OLAF on the follow-up of cases transmitted to them, and they should already cooperate with OLAF during the phase prior to the opening of an investigation. The office will work more efficiently even before new proposals are adopted. The legislative reform of its regulatory framework, which is now the subject of a revised proposal by the European Commission, will ultimately help to further support these developments.

As part of its contribution to fraud prevention, OLAF is playing an active role in raising the anti-fraud standards of the European Union. This will be given further emphasis through the adoption of a Communication on a new anti-fraud strategy. The anti-fraud strategy complements the anti-corruption package of the European Commission and is likely to be adopted in June 2011. It covers prevention policies within the institutions and builds on the establishment of sectoral anti-fraud strategies at Directorate-General level. A simplification of the management of EU funds must not become an achievement at the expense of fraud prevention. Emphasis will be put on actions to be followed within the framework of the multi-annual financial perspectives like modern anti-fraud audit methodologies, enhanced transparency, and better traceability of information on individual projects. In addition to the anti-fraud strategy, an EU Eastern Border Action Plan is currently being developed by OLAF and TAXUD (Taxation and Customs Union Directorate-General) in order to provide a tailored and specific response to the critical problem of smuggling at the Eastern border.

Further developments of OLAF are necessary and feasible under the Lisbon Treaty. Given especially that, for the period 1999-2010, over half of the judicial follow-up paths created by Member States following an OLAF investigation are still open under the current regime, a future specialised European public prosecutor as set out in the Lisbon Treaty could – together with OLAF – conduct judicial follow-up investigations in accordance with shared recommendations which could increase the likelihood and the speed of them to be followed.

OLAF is looking forward to meeting these challenges of the future. However, I know how difficult and time-consuming it will be to achieve further legislative steps. The protection of the EU's financial interests cannot wait and needs to be organised without any delay in a more determined manner starting with an effective application of the available instruments and use of the potential that is already currently offered by OLAF. OLAF will therefore give its determined contribution to a more effective implementation of the available anti-fraud legal framework including prevention, investigation, and cooperation with all our partners.

Giovanni Kessler

Director General

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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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