

Associations for European Criminal Law and for the Protection of the Financial Interests of the EU

30 Years Later

The first Association was formally constituted in Rome in October 1990. Today, there are associations in most EU Member States, as well as non-EU Member States, e.g. Switzerland and Turkey.

AGON, the bulletin of the Associations, was first published in April 1993. It was replaced by *eucrim* in 2006.

The Associations meanwhile function as a Network and serve as a forum in the field of European criminal law and the protection of the financial interests of the European Union. They are made up of representatives from the legal and judicial professions (academics and practitioners) as well as other law enforcement agencies (police, inspection departments, etc.).

Their mission is based on a series of guiding principles established in the early nineties and highlighting their structure, functions, role, objectives, and activities. Twenty years later, in the light of experience gained and the new environment provided by the Lisbon Treaty, it is appropriate to reflect upon the future role of the Associations in the EU legal space.

To this effect, new guidelines were agreed upon among the Associations' delegates in May 2011 concerning the structure, role, and priorities of the Associations. The guidelines aim in particular to improve the cooperation with OLAF, to support the implementation of the European Public Prosecutor's Office (EPPO) and to further coherent legislation regarding the protection of the financial interests of the European Union.

The Guidelines

Guiding Principles for the Associations' Network Members

Common Aims

In a European area of freedom, security and justice, the traditional aims of criminal law can no longer be achieved on a purely national basis. Thus, the scope of criminal law should not be limited by national borders but instead become transnationally effective. It must also protect supranational values beyond national interests, such as the EU's financial interests in particular. At the same time, criminal law must guarantee civil liberties and be based on the principles of democracy and the rule of law. In addition, criminal law should only be used as a last resort, and it must be enhanced or replaced by non-criminal measures as far as possible. This is illustrated in the protection of the financial interests of the European Union, an area which has become the motor for the development of European criminal law and which will continue to be a catalyst under the Lisbon treaty.

The Associations for European Criminal Law and for the Protection of the Financial Interests of the EU federated in the network are committed to the achievement of the above-mentioned aims and objectives.

Basic Principles

1. Network identity

The name of the Network is "Associations for European Criminal Law and for the Protection of the Financial Interests of the EU"

2. Membership in the Associations

The common requirement for membership in the Associations shall be a professional interest in the legal issues raised by the protection of the financial interests of the European Union.

- Members of the Associations may include judges, magistrates, academics, prosecutors, government lawyers and barristers, and lawyers in private practice or employed in internal and external financial bodies. Members of other related professions, such as accountants or professionals from relevant regional or provincial institutions of a Member State, are also welcome.
- An adequate representation of the regions or provinces of the Member State shall be encouraged.
- Members of the Associations shall be assured independence under the statutes of each Association and join in a purely personal capacity.

3. Objectives

Objectives of the Associations shall include:

- The dissemination of information, advancement of knowledge, and promotion of research in relation to European Criminal Law and the protection of the EU financial interests at the national level;
- The improvement of cooperation and mutual assistance between different jurisdictions and the increase in knowledge of other legal systems through contacts between Associations;
- The stimulation and promotion of debate on issues relating to European Criminal Law and the protection of the financial interests of the EU;
- Contributions to the development of relevant aspects of national and European criminal law.

4. Activities

In pursuit of the objectives of the Associations, it is anticipated that activities will include the organization of meetings, seminars, and conferences at the national and EU levels as well as the carrying out of studies, issuing of publications, and organisation of training seminars, etc.

5. Self-Reliance

Each Association must have the capability and infrastructure necessary to develop a strategy and implement objectives in conformity with the guiding principles. Each Association shall be capable of taking responsibility for all relevant elements of planning, organisation, and financial management of any activities which they undertake.

Communication

Communication applies at three levels: (1) Associations/Commission; (2) within each Association; (3) between different Associations.

1. Associations / Commission (OLAF)

Considering the decentralised structure of the organisation of the network, OLAF should regularly receive a certain amount of information from each Association to increase awareness of activities undertaken in each Association. It is necessary to keep up-to-date all information on the Associations in order to enable OLAF to exercise a communication and supporting function. Information will include annual reports (minutes of Board meetings could be attached to annual reports) and mutual exchanges on an ad hoc basis with regard to important policy initiatives, legislation, judicial decisions, etc. at the national and EU levels. A contact person from each Association will be appointed to this effect.

2. Within individual Associations

It is important that effective means are developed to ensure the distribution of information to all members, particularly those who are not living and working in the capital. To this end, minutes of Board or Committee meetings should be circulated. It is vital that, when representatives of an Association attend a seminar or conference, they prepare a summary report for the benefit of other representatives.

3. Between Associations

An information bulletin for all Associations is necessary to enable the exchange of information and ideas as well as to provide a link between the Associations and the Commission. *eucrim* has been developed to this end. The bulletin has three main functions:

- It is the medium for exchanging information on significant developments in law and practice at the national and EU levels that affect the protection of the EU financial interests and developments in EU criminal law in general;
- Actions organised by the Associations need to be communicated to a wider audience than just participants, via summaries of the contributions to be circulated;
- The Associations share a common identity and wish to develop better information flows and the sharing of expertise amongst those active in combating EU fraud, either as policy makers or as legal professionals in Member States. An Association may choose to communicate its activities by creating a website (with a hyperlink to the OLAF website).

Functioning

Programming

The annual meeting of the Presidents of Associations contributes to defining the work and strategic priorities of the Network.

Each Association shall present an annual activity programme in due time before the annual meeting of the Presidents of Associations.