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European Law Forum: Prevention • Investigation • Prosecution



The EU's External Dimension in the Areas of PIF and JHA

La dimension extérieure de l'UE dans les domaines de la PIF et JAI

Die externe Dimension der EU in den Bereichen Finanzschutz und Justiz/Inneres

Guest Editorial by *Peter Csonka*

Nadine Kolloczek and Liam Fuchs: New Challenges for Investigating EU External Spending

Francesco Clementucci: The EU-UNODC Relationship in the Context of Anti-Corruption Efforts – A Collaborative Approach to Global Integrity

Maend Kullaj: EU Justice and Home Affairs Framework for Accession Cooperation – A Case Study of Albania

Christian Johnson: Financial Penalties Reloaded – New Treaty between Germany and Switzerland

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Guest Editorial

Dear Readers,

While internal and external security remain key priorities for the European Union, they require constant adaptation to the evolving crime situation and geopolitical context. As the April 2025 EU Security Strategy (ProtectEU) puts it, the current threat landscape is stark: the line between hybrid threats and open warfare is becoming increasingly blurred, and hostile states are waging hybrid campaigns against the EU across online and offline domains to disrupt our societal cohesion and democratic processes. As Europol outlines, powerful organised crime networks are proliferating in Europe, most with extra-EU connections, penetrating our economy and affecting our society. Cryptocurrencies and parallel financial systems still help criminals launder and hide their criminal proceeds, and the terrorist threat in Europe continues to loom large. Regional crises outside the EU create a ripple effect, providing new motivation for terrorist actors across the entire ideological spectrum to recruit, mobilise, and build up their capacities. They target radicalisation and recruitment efforts specifically towards the most vulnerable sections of our societies, in particular certain young persons. Cyberattacks and foreign information manipulation are also increasingly prevalent, exploiting emerging technologies like artificial intelligence.

Faced with such threats and their external dimension, the EU has no choice but to enhance its security through an ever-closer cooperation with countries outside the bloc, including via strategic partnerships, operational, and formal cooperation agreements. Stepping up such Union action was the clear objective of the June 2024 Council conclusions on strengthening judicial cooperation with third countries in the fight against organised crime. These conclusions call for the establishment of a European Judicial Organised Crime Network (EJO CN) and the identification of priority third countries for reinforced cooperation to combat organised crime. This should take into account the number of “high value targets” located in third countries and pending requests for judicial cooperation. Other measures include sharing expertise and best practices among experts experienced in judicial cooperation with priority third countries, including liaison officers, liaison magistrates, and diplomatic representations; seconding Eurojust liaison magistrates to third countries in select cases; and eliminating difficulties in

judicial cooperation with third countries, in particular extradition.

As a follow-up, the Commission will develop and regularly update a briefing package to support engagement with priority third countries, including relevant data on the current level of law enforcement and judicial cooperation. In addition, the Commission and Member States will organise dedicated “*Team Europe*” dialogues with priority third countries to discuss judicial cooperation improvements on all sides. A first “*Team Europe*” dialogue took place earlier this year with the United Arab Emirates – and will hopefully yield concrete and sustainable improvements in judicial cooperation soon.

In addition, the Commission will continue to negotiate cooperation agreements between Union agencies (Europol and Eurojust) and third countries with a view to enhanced police and judicial cooperation, including information exchange, the posting of liaison officers or prosecutors, and joint investigation teams. New cooperation agreements are being finalised and concluded with countries in Latin America, Europe, and the Middle East. The EU’s existing mutual assistance and extradition agreements remain under close scrutiny and will be updated as necessary, including to enable the exchange of electronic evidence.

All these efforts aim to strengthen the fight against cross-border crime by improving information exchange, joint investigations, and coordinated action, based on joint commitments to respecting the rule of law and fundamental rights, including data protection. I encourage our readers to discover this eye-opening issue of *eu crim* and realize the importance of international police and judicial cooperation for Europe’s security and, consequently, our freedoms.

Peter Csonka,
Director (Acting), Directorate-General Justice and Consumer Protection, European Commission



Peter Csonka



European Union

Reported by Thomas Wahl (TW), Cornelia Riehle (CR),
Dr. Anna Pinggen (AP)

Foundations

Fundamental Rights

ECJ Clarifies Principle *Lex Posterior Mitius*



On 1 August 2025, the European Court of Justice (ECJ) announced an important ruling in [case C-544/23 \(BAJI Trans\)](#) on the interpretation of the principle of retroactive application of the more lenient criminal law (*lex posterior mitius*). The ruling stems from a request for a preliminary ruling from the Slovak Supreme Administrative Court and concerns the interpretation of the last sentence of Art. 49(1) and Art. 51(1) of the Charter of Fundamental Rights of the European Union (CFR). The last sentence of Art. 49(1) reads as follows:

“If, subsequent to the commission of a criminal offence, the law provides for a lighter penalty, that shall be applicable.”

► Facts of the case

In Slovakia, the driver of a concrete mixer truck belonging to the company BAJI Trans was fined €200 because it

was found in 2015 that his vehicle’s tachograph had not undergone the mandatory periodic inspection. The Bratislava Regional Court, which heard the case, upheld the fine and dismissed the action. It, *inter alia*, pointed out that the obligation to use tachographs in road transport vehicles was laid down in Art. 3 of EEC Regulation No 3821/85 and in Paragraph 2(1) of the Slovak Law No 461/2007. Exceptions listed in Arts. 3 and 13 of Regulation No 561/2006 did not include vehicles intended for the carriage of concrete.

The driver and BAJI Trans then lodged an appeal against the decision of the Bratislava Regional Court. They argued that, due to a change in the relevant EU law after the verdict was handed down, in conjunction with a dynamic reference in Slovak law to this EU legislation, concrete mixers in Slovakia did not have to be equipped with a tachograph. Therefore, the EU amendments had to be taken into account, the act committed in 2015 ceased to be unlawful, and the fine be lifted.

The Slovak Supreme Administrative Court asked the ECJ about the appli-

cation of the Charter of Fundamental Rights and the scope of the principle of retroactive application of the more lenient criminal law enshrined in the Charter.

► ECJ ruling

In its [judgment](#), the ECJ provided the following explanations:

■ First, both through its initial legislation and through the amendment made subsequently, the Slovak legislature was implementing Union law, with the result that the Charter applies in the present case.

■ Second, the principle of *lex posterior mitius*, laid down in the last sentence of Art. 49(1) CFR remains reserved for the field of criminal law. However, the national court must assess the criminal nature of a penalty for the purposes of, *inter alia*, applying Art. 49 CFR. The fact that a penalty is classified as administrative under national law does not necessarily preclude the application of that principle. As it is settled case-law and in order to guarantee a uniform application of that principle throughout the EU, two other criteria may still lead such a penalty to be classified as a criminal penalty: (1) The intrinsic nature of the offence and (2) the degree of severity of the penalty. Referring to other judgments, the ECJ indicates that these two criteria are likely to be fulfilled in the present case. Nonetheless, should the referring court conclude that the

* Unless stated otherwise, the news items in the following sections cover the period 1 May – 15 September 2025. Have a look at the eucrim website (<https://eucrim.eu>), too, where all news items have been published beforehand.

fine in question is not of a criminal nature, no EU rule would require the observance of the principle *lex mitior*. This is underpinned by Art. 2(2) of Regulation 2988/95 on the protection of the European Communities financial interests that indicated that the retro-active applicability of the less severe administrative penalty cannot be considered a general principle of EU law.

■ Third, the application of the last sentence of Art. 49(1) CFR presupposes that a succession of legal systems over time reflects a change of position favourable to the perpetrator of the offence, either as regards the criminal classification of the act or acts liable to constitute an offence or as regards the penalty to be applied to such an offence. This must delineated from changes of factual circumstances only. In the present case, the Slovak legislature did indeed change its position with regard to the wish to punish acts such as those of which the driver concerned is accused.

■ Fourth, the principle *lex posterior mitius* applies so long as no final conviction has been handed down. However, the fact that a conviction is regarded as final under national law does not preclude the application of that principle. Indeed, a conviction cannot be regarded as final for that purpose where it may be the subject of an ordinary appeal, that is to say, any appeal which forms part of the normal course of an action and which, as such, constitutes a procedural development which any party must reasonably expect. This is the case for the appeal in cassation brought before the Slovak Supreme Administrative Court. Accordingly, a court hearing an appeal in cassation is, in principle, obliged to ensure that the perpetrator of an offence the penalising of which constitutes the implementation of Union law benefits from a piece of criminal legislation that is favourable to that perpetrator, even if that piece of legislation entered into force after the delivery of the judi-

cial decision that is the subject of that appeal in cassation.

► Put in focus

The BAJI Trans ruling provides important clarification on the scope and application of the *lex posterior mitius principle* enshrined in the CFR. It ensures that individuals can benefit from more favorable laws that are enacted after their alleged offense, even if the penalty was classified as administrative under national law. The national courts in the EU Member States are called to examine this principle, even if seemingly only an “administrative/regulatory offence” is at stake. The ECJ continues its settled case-law of a wide interpretation of the “criminal nature” of an administrative fine at first glance. The judgment also stressed that Art. 49(1) CFR should be interpreted in line with Art. 7 ECHR as interpreted by the ECtHR and the judges in Luxembourg applied the requirements set by their colleagues in Strasbourg. Lastly, the ECJ provides important hints on the legal force of a national judgment and emphasises the primacy of EU law over the Member States national legal system: If necessary, the national court must disapply any provision of national legislation that is contrary to the EU guarantee. (TW)

Rule of Law

Commission's 2025 Rule of Law Report

On 8 July 2025, the European Commission published its [sixth annual Rule of Law Report](#), the first under its new mandate. It examined developments in all 27 EU Member States and, as in 2024, in four enlargement countries (Albania, Montenegro, North Macedonia, and Serbia) and across four pillars: justice, anti-corruption, media freedom, and institutional checks and balances.

The Rule of Law Report (published in the form of a [Commission Commu-](#)

[nication](#)) is accompanied by several [additional documents](#), such as [country chapter abstracts and recommendations](#), country chapters on each individual state, factsheets, and the Eurobarometer surveys on [citizens'](#) and [business'](#) attitudes towards corruption in the EU.

Eucrim has reported on the previous Rule of Law Reports: The first Rule of Law Report was presented on 30 September 2020 ([→eucrim 3/2020, 158–159](#)); the second report on 20 July 2021 ([→eucrim 3/2021, 134–135](#)); the third on 13 July 2022 ([→eucrim 3/2022, 166–167](#)); the fourth on 5 July 2023 ([→eucrim 2/2023, 110–111](#)); and the fifth on 24 July 2024 ([→eucrim 2/2024, 82–83](#)).

The 2025 report focuses on significant developments rather than comprehensive coverage, drawing on EU law, CJEU case law, and Council of Europe standards. Country chapters have been streamlined for clarity, with additional context made available online.

The Commission confirmed that, despite advanced reforms, the scope and pace of reforms varied in many states. Some countries still face persistent or serious concerns. It underscored the preventive, dialogue-based nature of the reform process and its importance for safeguarding democracy, security, and economic stability.

For the first time, the report placed a strong emphasis on the Single Market dimension, underlining that sound law-making, transparent procurement, and a stable regulatory framework are essential for business confidence and cross-border investment, especially for SMEs. The Commission stressed that adherence to rule-of-law principles was key to maintaining a predictable environment for economic activity. Among the key findings:

■ **Justice systems:** Many countries have strengthened judicial councils, appointment safeguards, and prosecutorial independence, yet some continue to suffer from resource shortages

and political influence. Similar issues persist in enlargement countries.

■ **Anti-corruption frameworks:** Several states have adopted new strategies, reinforced institutions, and increased resources, but preventive measures on lobbying, conflicts of interest, and high-level prosecutions are still lagging.

■ **Media freedom:** Legislative changes have aligned national laws with the European Media Freedom Act, and reforms improved the governance of public service media and journalist safety. Concerns remain, however, over regulator independence, ownership transparency, and the fairness of state advertising.

■ **Checks and balances:** Some states have improved legislative quality and stakeholder participation, but others still passed fast-changing laws with little consultation. Civil society generally operates freely, though space for it is shrinking in countries such as Hungary, Slovakia, and Serbia.

Journalist safety remains uneven: Belgium decriminalised defamation, and Greece, Ireland, and Luxembourg adopted stronger protections, but intimidation, online harassment, and abusive lawsuits persist, with stalled reforms in Italy and Slovakia.

Reforms on constitutional and institutional issues are underway in several countries, though Hungary's extensive use of emergency powers continued to undermine legal certainty. Constitutional courts played decisive roles in Bulgaria, Romania, and Czechia, while vacancies and political disputes hindered their functioning in Serbia and Montenegro. A number of national human rights institutions have been strengthened, yet Italy and Malta still lack bodies meeting international standards.

The report also monitored the use of spyware, with investigations or concerns raised for Greece, Italy, Poland, Hungary, and Serbia. In Greece, a judicial inquiry cleared state agencies of

involvement in the Predator spyware case, but a planned presidential decree to strengthen privacy protections has yet to be adopted. In Italy, reports that journalists had been targeted with Paragon spyware prompted a parliamentary investigation, which concluded in June 2025 that intelligence services had not used it against domestic journalists. In Poland, the parliamentary committee examining the use of Pegasus spyware continued its work. In Hungary, concerns persisted over inadequate safeguards and oversight for surveillance outside criminal proceedings. In Serbia, civil society organisations alleged that authorities had unlawfully used spyware to target journalists, environmental activists, and other individuals.

The Commission concluded that, while engagement and reform momentum remain strong, progress has been uneven. It appreciates the new economic lens for shedding light on how governance weaknesses impact investment and growth. Looking ahead, it announced two complementary initiatives for 2025: a European Democracy Shield to strengthen democratic institutions, elections, media, and civic resilience, and the EU's first Civil Society Strategy to protect and empower non-governmental organisations. (AP)

Area of Freedom, Security and Justice

2025 EU Justice Scoreboard

 On 1 July 2025, the European Commission released the [thirteenth EU Justice Scoreboard](#), an annual comparative assessment of the efficiency, quality, and independence of justice systems in the EU. [According to the 2025 edition](#), public perceptions of judicial independence had either improved or remained stable in most Member States compared with the previous year (for the 2024 Scoreboard [→eucrim 2/2024, 84–85](#); for the

2023 Scoreboard [→eucrim 2/2023, 114](#); for the 2022 Scoreboard [→eucrim 2/2022, 86–87](#)).

For the first time, the Scoreboard included additional indicators linked to the Single Market, underscoring the role of efficient and independent justice systems in supporting fair competition. Companies in 16 Member States rated their national competition authorities positively for autonomy, and public procurement review bodies were viewed as independent in more than half of the Member States.

► Key developments

■ **Digitalisation:** Nine Member States now allow evidence to be submitted digitally in civil, commercial, administrative, and criminal cases, up from six in 2024. Twenty-six allow civil and commercial proceedings to be initiated online. By 2025, all 27 EU Member States offered online information about their judicial systems, including clear details on how to access legal aid, applicable court fees, and the eligibility criteria for the reduced fees. Six countries have fully or largely “digital-ready” procedural rules allowing the use of remote communication and the submission of evidence exclusively in digital form, while such provisions apply only in limited circumstances in 23 Member States. Overall, steady progress has been made in this area since 2020. The Scoreboard also assessed the use of digital tools by courts and prosecution services. While most have access to technologies, such as case management systems, videoconferencing, and teleworking arrangements, many are not yet making full use of the possibilities offered by their procedural rules. In particular, further improvements are possible in electronic case allocation systems to enable automatic distribution based on objective criteria. Secure electronic communication tools are available in all Member States' courts, but only 14 provide such tools for all types of monitored communication in all case categories.

Five countries still lack secure systems for digital communication with notaries, detention facilities, or judicial officers. All Member States have secure electronic communication within their prosecution services, and all but one secure channels between prosecution services and courts. However, five still lack tools for secure communication between prosecution services and defence lawyers.

■ **Efficiency of the justice system:** Eight Member States have shortened the duration of proceedings across all case types, and 13 reduced or maintained the length of first-instance civil and commercial trials. In 2023, several Member States that reported data continued to improve the efficiency of their civil, commercial, and administrative proceedings, while others maintained stable performance levels. These results suggest that the measures adopted have strengthened the resilience of national justice systems against future disruptions. For *money laundering cases*, the Scoreboard indicated significant variation in the average duration of first-instance proceedings: in seven Member States, cases were typically resolved within one year; in five others, proceedings lasted up to two years; and in another five, they extended to around three and a half years. With regard to *bribery cases*, there are differences both in data availability and in the average length of criminal trials at first instance. In 2023, such proceedings concluded within about a year in eight Member States, while they could take up to two years in the other seven states which provided data. The time required reflects the complexity of investigating and adjudicating bribery offences, which, by their nature, tend to involve intricate evidentiary and legal issues.

■ **Access to justice:** Twenty-six Member States have dedicated arrangements for people at risk of discrimination: 24 improved physical accessibility to courts, and 19 ran awareness cam-

paigns on where to obtain legal help. In 19 Member States, women continue to make up less than half of the judges serving on supreme courts, whereas, in eight countries, at least half the judges at this level are women. The availability of legal aid and the cost of court fees significantly influences access to justice, especially for individuals living in poverty or at risk of poverty. The data for 2023 showed that those earning below the Eurostat poverty threshold were not eligible for legal aid in three Member States: Hungary, Luxembourg, and Slovakia. Court fees have remained largely unchanged since 2016, but were higher than in 2023 in four Member States, particularly for low-value claims, where the relative burden is proportionally greater. Looking at measures facilitating access to justice for people at risk of discrimination and for older persons, the Scoreboard found that 18 Member States have introduced initiatives to inform those at risk of discrimination about where to obtain legal advice and assistance. Sixteen countries have taken steps to make legal aid more accessible to the elderly, while NGOs or equality bodies were entitled to initiate or join court proceedings on behalf of, or in support of, one or more victims in 17 Member States.

■ **Judicial independence:** Public perceptions of judicial independence have improved or remained stable in most Member States. Compared to 2016, 17 countries have seen stable or achieved better ratings from the general public, while five face persistent challenges; compared to 2024, 21 have improved or remained stable, and six have seen a decline. In three states, perceived independence remains particularly low. Among companies, 18 Member States recorded stable or improved perceptions compared with both 2016 and 2024, while nine have seen a decline. The most frequently cited reasons for low confidence are political interference and pressure from

economic or other special interests, especially in the three countries with the lowest scores. The survey also measured confidence in investment protection, finding improvements in 13 Member States compared to last year. Key factors influencing confidence include the quality and stability of law-making, administrative conduct, court effectiveness, and property rights protection. Additional data covered safeguards for judicial impartiality (such as withdrawal and recusal rules for judges), the appointment and dismissal of prosecution office heads, and the independence of lawyers, which is generally respected across the EU.

► **Background**

The findings fed into the [2025 Rule of Law Report](#) (→previous news item) and informed broader monitoring under the Annual Rule of Law Cycle and the European Semester. Alongside the Scoreboard, the Commission published its Eurobarometer survey results on the perceived independence of the national justice systems in the EU among the [general public](#) and [companies](#). The survey results indicate that over half of EU citizens and businesses view their judicial systems as independent.

First launched in 2013, the EU Justice Scoreboard forms part of the [EU's Rule of Law toolbox](#). The 2025 edition responded to the [2024–2029 Political Guidelines](#) by expanding its data coverage. Under the 2021–2027 Justice Programme, with a budget of roughly €305 million, €41.2 million has been allocated to projects advancing judicial independence, quality, and cooperation in 2024. (AP) ■

Closer Security Cooperation between EU and UK

On 19 May 2025, António Costa, President of the European Council, and Ursula von der Leyen, President of the European Commission, met with Keir Starmer, Prime Minister of the United Kingdom (UK), in London. This was

the [first EU-UK summit since the UK's withdrawal](#) from the EU. The political leaders discussed closer cooperation for peace and security in Europe and the establishment of a new strategic partnership. Three documents were adopted:

- A [Joint Statement](#), in which the leaders agreed a new Strategic Partnership between the UK and EU, building on the Windsor Framework, and the Trade and Cooperation Agreement. The Joint Statement also outlines global and strategic priorities of joint concern, including a reaffirmation of the parties' firm and continued support for Ukraine.

- A [Security and Defence Partnership](#), which frames cooperation across a wide range of areas, such as regional security issues, cyber security, hybrid threats and the resilience of critical infrastructure, counter-terrorism and -extremism, and external aspects of the fight against corruption and illicit finance.

- A [Common Understanding on a renewed agenda for European Union – United Kingdom cooperation](#), which sets out undertakings that are to be jointly implemented in view of a strengthened bilateral cooperation.

In the area of internal security and judicial cooperation, the renewed agenda explores several areas for a reinforced law enforcement and judicial cooperation in criminal matters. In particular, the UK and the European Commission agreed to do the following:

- Intensify technical work in the Specialised Committee on Law Enforcement and Judicial Cooperation with the aim to further streamline the cooperation on mutual legal assistance;

- Explore opportunities to enhance the timeliness, efficiency and effectiveness of the provisions on surrender (Title VII of Part Three of the TCA);

- Finalise pending arrangements regarding collaboration between Europol and the UK's national crime agency and further develop the agencies' cooperation, including within the frame-

work of the European Multidisciplinary Platform Against Criminal Threats;

- Increase operational cooperation between the UK and Europol, for instance on mutually beneficial exchange of information related to terrorism and other serious crimes;

- Reinforce mutual and reciprocal exchanges of data on fingerprints, DNA and the criminal records of third-country nationals;

- Explore extending the exchange of data to facial images for the prevention, detection and investigation of criminal offences;

- Work on potential solutions enabling law enforcement authorities to obtain data from electronic communications held by service providers in different jurisdictions.

The renewed agenda also suggests that the EU Drugs Agency and the relevant UK authorities could conclude a working arrangement on drug-related risks and threats.

Finally, the EU leaders and the UK Prime Minister stressed the importance of regular exchanges, and agreed to hold:

- Regular high-level meetings on joint strategic interests, such as economy and trade, and justice and home affairs;

- Foreign and security policy dialogues every six months;

- Summits every year.

At the joint press conference, [António Costa summarised the main message](#) of the renewed cooperation: "The United Kingdom and the European Union are stronger when we stand together – for prosperity, for security and for peace in Europe and beyond." (TW)

Security Union

Council Assesses Commission's ProtectEU Plan

At the [Justice and Home Affairs Council meeting on 13 June 2025](#), the home affairs ministers of the EU Member States conducted an initial assess-

ment of the Commission's new internal security strategy "ProtectEU" that was presented on 1 April 2025 ([→eucrim news of 29 April 2025](#) and the [article](#) by E. Sason, C. Monti & P. Olivares-Martinez, "Security – A Firm Construct or an Undetermined Concept?" in eucrim 1/2025). They broadly welcomed ProtectEU as an important contribution to strengthening the EU's internal security and they supported the proposed concepts of combining security with preparedness and reinforcing cooperation with non-EU countries.

A controversial issue remains access to data for law enforcement – also an important element in the ProtectEU strategy. Despite criticism of the EU's approach from civil society ([→eucrim news of 29 April 2025 – Update](#)), the ministers reiterated their standpoint that short-term measures should be set up to facilitate access to data and support law enforcement's efforts to fight crime ([→Council conclusions of 12 December 2024 →eucrim 4/2024, 270–271](#)). The Commission was asked to urgently present the requested roadmap on access to data. This roadmap is expected to set out legal and practical measures to ensure lawful and effective access to data.

The viewpoint of the home affairs ministers was also backed by the heads of state or government at the [European Council summit on 26 June 2025](#). In their [conclusions](#) on internal security, they invited the EU institutions and the Member States "to take further action where necessary, notably by strengthening law enforcement and judicial cooperation, including on effective access to data for law enforcement purposes, and by ensuring information exchange and through cooperation with third countries." The European Council also called on the EU institutions and the Member States "to mobilise all relevant policy areas at national and EU level and to fully use all existing instruments" to combat serious and organised crime, and terror-

ism, radicalisation and violent extremism as well as the criminal infiltration of legal business structures. (TW)

Schengen

40 Years of Schengen – EU Renews Commitments

On 12 June 2025, the Council of the European Union adopted the [Schengen Declaration to mark the 40th anniversary of the Schengen Agreement](#). Together with the Council, representatives of the Schengen Associated Countries and the European Commission affirmed the Schengen area's role as one of Europe's most tangible achievements. It enables the world's largest zone of free movement for over 450 million people, fostering trade exceeding €4.1 trillion in 2024 and facilitating two million cross-border commutes daily.

Acknowledging growing geopolitical instability, hybrid threats, and technological challenges, the Council has committed to keeping Schengen a strategic and operational asset, supported by innovation, large-scale IT systems, and the responsible use of artificial intelligence. Cyprus' accelerated efforts toward full integration were also welcomed.

The declaration set out seven commitments:

- Uphold freedom, security, and EU values in a single area of justice;
- Preserve free movement as a core principle, using internal border controls only as a last resort, while reinforcing external border management and tackling cross-border crime and terrorism;
- Strengthen Schengen as the backbone of European security through enhanced law enforcement, interagency cooperation, and interconnected IT systems with strong data protection;
- Control entry to the EU by preventing unauthorised crossings and ensuring humane returns for those without the right to stay;

- Reinforce Schengen's external dimension via visa policy, border management, and cooperation with third countries;

- Maintain mutual trust, improve Schengen governance at EU and national levels, and ensure coherent evolution of the Schengen acquis;

- Invest in Schengen's long-term functioning with funding, innovation, technology, and a merit-based approach to future enlargement.

The Council concluded by pledging to protect Schengen's founding principles – freedom of movement, security, and mutual trust – as it continues to serve European citizens for decades to come. (AP)

Gradual Roll-out of Entry/Exit System Started

On 12 October 2025, the EU's Entry/Exit System ([EES](#)) started to be operational. The system will register data, including biometric data such as facial images and fingerprints, of third-country nationals entering and leaving the Schengen area on shortstay visas. The aim is to reduce the likelihood of identity fraud and visa overstaying (thus improving security), and to speed up border checks.

Alongside the European Travel Information and Authorisation System (ETIAS) and the Automated Border Control (ABC) systems, the EES forms the cornerstone of interoperable databases for EU's border management and security. Authorities in EU countries will have real-time access to third-country nationals' personal data, travel history and information on whether they comply with the authorised period of stay in the Schengen area. For the underlying legal framework on EES adopted in 2017, [→eu-crim 4/2017, 164–165](#).

As the initial deadline to launch the EES by the end of 2024 could not be met and due to concerns that launching the system simultaneously in all countries could compromise it, the

[Council](#) and the European Parliament ([EP](#)) agreed on a gradual roll-out. Following a [Commission proposal](#) tabled in December 2024, the EP and the Council reached an agreement on the gradual launch of the system. [Regulation \(EU\) 2025/1534](#) "on temporary derogations from certain provisions of Regulations (EU) [2017/2226](#) and (EU) [2016/399](#) as regards the progressive start of operations of the Entry/Exit System" was adopted on 18 July 2025 and entered into force on 26 July 2025. On 30 July 2025, the Commission set 12 October 2025 as the [launch date](#) for the start of operations of the Entry/Exit System (EES).

This gives Schengen countries a six-month period in which to implement the EES gradually. The adopted legislation gives countries sufficient flexibility and adjusts the plan's timeline: By the end of the first month (i.e., 11 November 2025), 10% of border crossings must be recorded in the system though no biometric data need be created or updated. After three months, Schengen countries should be operating the EES with biometric functionalities at a minimum of 35% of their border crossing points. The system should be fully operational by 10 April 2026. However, the states can also choose to implement the system all at once. The EP and Council have finally agreed contingency measures in case of problems with the system's central roll-out.

Until the end of the transition period, Schengen states will continue to manually stamp travel documents, a practice that will cease once the EES is fully operational. (TW)

Ukraine Conflict

CJEU Rulings on Restrictive EU Measures against Russia (May – October 2025)

This news item summarises rulings by the Court of Justice of the European

Union (CJEU), i.e. the General Court (GC) and the Court of Justice (ECJ), between May 2025 and October 2025 in relation to EU sanctions against Russia in response to the war in Ukraine. For previous developments → [eucrim 1/2025, 6–7](#).

■ **4 June 2025:** The [GC rejects](#) an action by Alfa-Bank JSC, a major Russian private bank, challenging its inclusion on the EU sanctions list tied to Russia's war in Ukraine. The Court holds that the Council lawfully applied criterion (g) of Decision 2014/145/CFSP, targeting legal persons involved in sectors generating substantial revenue for the Russian state, and that the listing of Alfa-Bank properly relied on its status as the largest private bank in Russia and its operation in a key sector of the Russian economy ([Case T-271/23](#)). The GC dismisses Alfa-Bank's claims, finding that the Council's evidence was sufficiently specific and consistent, and that the reasoning given – linking the bank's systemic importance and role in the Russian financial system to the criterion – was adequate to enable the applicant to understand the decision and to permit judicial review. The GC also holds that, even though the Council did not directly notify the bank at first, delivery via its authorised lawyer satisfied the requirement that the bank have access to reasons and evidence.

■ **25 June 2025:** The GC annuls the EU Council's decision to retain *Pavel Ezubov*, cousin of Russian oligarch *Oleg Deripaska*, on the sanctions list. It found that the Council had not sufficiently established that Mr Ezubov "benefitted from a leading businessperson operating in Russia" ([Case T-273/24](#)). The Council had justified the listing by alleging that Mr *Deripaska* had transferred significant assets to his cousin, including a luxury hotel in Lech (Austria), several properties in France, and a number of companies. The GC rejects the Council's argument that Mr Ezubov, as an "immediate family member," was benefitting from Mr

Deripaska's business empire: the "benefitting" criterion must be interpreted in light of its purpose, i.e., preventing the circumvention of sanctions and increasing pressure on the Russian government, and thus requires proof of a non-negligible financial or non-financial advantage that still existed when the measures were adopted. According to the GC, a family relationship alone does not constitute sufficient evidence of this type of benefit.

■ **23 July 2025:** The [GC upholds](#) the listing of a person anonymised as "OT" under the EU's Russia-Ukraine sanctions framework, rejecting his challenge to the Council's acts of September 2023 and March 2024, which maintained him on the restrictive-measures lists ([Case T-1095/23](#)). The Council had argued that OT was a major shareholder in Alfa Group, and that subsidiaries and associated entities had financial ties to Russian authorities and their operations in occupied Ukrainian territories. OT alleged violations of his rights of defence, including failure to provide critical evidence before the decision, and errors in assessing whether he met the listing criteria. The GC acknowledges that the evidence file was delivered too late, but holds that OT had not shown that earlier disclosure would have altered the outcome. Thus, the procedural breach did not justify annulling the listing. On substance, the GC determines that the Council's evidence was sufficiently specific, consistent, and reliable to support the conclusion that OT qualified as a "leading businessperson operating in Russia" and as a businessperson in sectors providing substantial revenue to the Russian state.

■ **1 August 2025:** The [ECJ dismisses](#) the appeal in [C-703/23 P, *Timchenko v Council*](#), and upholds the GC's judgment of 6 September 2023 ([Case T-361/22](#)) confirming EU sanctions imposed on *Elena Petrovna Timchenko*. The dispute turned on the scope of the "as-

sociated persons" ground in Decision 2014/145/CFSP (Art. 1(1), in fine), mirrored in Regulation No 269/2014), i.e., whether a person may be listed purely by virtue of a family tie to a sanctioned individual (in this case, her husband, *Gennady Timchenko*), and what "association" means in that context. The ECJ endorses the GC's approach: "association" requires objectively common interests that go beyond the mere family relationship; it need not take the form of a business venture or a formal legal structure and must be read broadly in light of the regime's objective to prevent circumvention of primary listings. According to the ECJ, the GC correctly applied this standard by finding that Ms and Mr Timchenko co-founded and played an active, empowered role in the Timchenko Foundation, with direct links to its operational activities. On a textual point, it corrects the GC's reading of the adverb "indûment" in recital 7 of the April 2022 acts, holding that it does not impose a subjective element (such as the family member's awareness that a benefit derives from a person meeting a listing criterion); requiring proof of such knowledge would undermine the anti-circumvention purpose. That interpretive error, however, did not affect the outcome, because the listing was justified on the broader, correct understanding of "association." The ECJ also rejects the appellant's contention that the Council had to prove a specific link between her own activities (e.g., within the foundation) and Russia's invasion of Ukraine. Under the framework, her listing rested on being associated with a person already validly listed under criterion (a); the Council was not required to establish a separate causal nexus between her individual conduct and the underlying geopolitical actions.

■ **3 September 2025:** The [GC dismisses](#) *Alisher Usmanov's* challenge to his inclusion on the EU Russia-related sanctions lists, ruling that the Council had a sufficiently solid factual

basis to treat him as a “leading businessperson operating in Russia” under the post-2023 version of criterion (g) ([Case T-1117/23](#)). The GC finds that Mr Usmanov’s significant stakes and role linked to USM Holding – with interests including Metalloinvest (metals) and Megafon (telecoms) – demonstrated the requisite economic weight to meet the listing criterion. The GC also stresses that one valid ground suffices to uphold a listing, so alternative sub-criteria need not be assessed. It reiterates that, in sanctions cases, the Council may rely on publicly available sources (including press reports) provided they form a specific, precise, and consistent body of evidence, and notes the Council’s wide discretion in Common Foreign and Security Policy (CFSP) matters.

■ **10 September 2025:** The [GC annuls](#) the 2024 and 2025 Council acts maintaining *Dmitry Alexandrovich Pumpyanskiy*, former chairman of the steel group TMK and president of Group Sinara, on the EU Russia-related sanctions list ([Case T-541/24](#)). The GC finds that the Council had failed to substantiate his continued classification as a “leading businessperson operating in Russia” or as a person “supporting or benefiting from” the Russian government. Mr Pumpyanskiy had argued that he had resigned from his corporate roles in March 2022, sold his shares, and no longer played any part in the Russian economy, and that the Council had not produced a “specific, precise, and consistent body of evidence”, as required under Art. 47 of the Charter of Fundamental Rights and the CJEU case law (including *Kadi II*). Referring to its earlier rulings in relation to Mr Pumpyanskiy’s listing ([T-740/22](#) and [T-272/24](#)), the GC holds that the Council’s evidence – press articles, company registry excerpts, and references to Mr Pumpyanskiy’s presence at official events – indeed did not establish ongoing economic or political influence. His former positions at said companies,

his membership in the Russian Union of Industrialists and Entrepreneurs (RSPP), and his attendance at meetings with Russia’s President *Vladimir Putin* could not, without additional evidence, prove that he still operated as a “leading businessperson” or contributed to sectors generating state revenue. Since the Council based its decision entirely on past activities, it had erred in assessment and failed to show that the criteria of Arts. 2(1)(f) or (g) remained satisfied.

■ **10 September 2025:** The [GC dismisses](#) the action brought by *Positive Group PAO*, a Russian IT company, against its inclusion on the EU sanctions list, confirming that the Council acted within its CFSP discretion and respected the company’s rights under EU law. The case ([T-573/23](#)) concerned the validity of Council Decision (CFSP) 2023/1218, which introduced a new listing criterion targeting Russian IT entities holding licences issued by the Federal Security Service (FSB) or relating to weapons or military equipment on the basis that such entities contribute to Russia’s aggression against Ukraine. *Positive Group* sought annulment under Art. 263 TFEU, arguing that the criterion was vague, unforeseeable, and disproportionate, infringing its freedom to conduct business (Art. 16 of the Charter of Fundamental Rights) and its right to effective judicial protection (Art. 47 of the Charter). The GC rejects all pleas, holding that the new listing criterion was sufficiently clear and foreseeable and pursues the legitimate objective of protecting EU security and public policy. Given the crucial role of the Russian IT sector in cyber operations and information warfare, the Court finds the measure proportionate. It further rules that the Council’s statement of reasons allowed the applicant to understand the basis for its listing and to challenge it effectively.

■ **11 September 2025:** The [ECJ rules](#) that entities whose assets are frozen under the EU’s Ukraine-related sanc-

tions regime may obtain authorisation to release limited funds in order to pay the court fees required to challenge national measures implementing those sanctions ([Case C-384/24](#)). The referring Council of State, Belgium, sought guidance on the interpretation of derogations made under Council Regulation (EU) No 269/2014 as amended in 2022. The Regulation formed the basis for the freezing of funds of the *Russisch-Kirgizisch Ontwikkelingsfonds (RKDF)* at the Belgian Euroclear Bank. RKDF applied for authorisation to transfer funds to pay the roll fee and a flat-rate contribution required to lodge an appeal. Belgian authorities refused, arguing that such payments were not covered by the derogations in Art. 4(1) of the Regulation. The ECJ holds that Art. 4(1)(a) of Regulation 269/2014 (funds/economic resources necessary to satisfy the “basic needs”), read in light of Art. 47 CFR, permits the release of frozen funds to cover the national court fees and mandatory contributions required to bring an action against a national measure implementing the sanctions. Such payments constitute “taxes” necessary to satisfy basic needs, as they ensure access to justice and thus the effective exercise of the right to a fair trial. By contrast, the ECJ finds that Art. 4(1)(b), which covers expenses for legal services, does not apply to court fees, since they are paid to public authorities, rather than legal professionals.

■ **24 September 2025:** The [GC dismisses the action](#) brought by Serbian businessman and politician *Bogoljub Karić* against his continued inclusion on the EU sanctions list related to Belarus, holding that the Council respected his procedural rights and that the restrictive measures were based on a sufficiently solid factual foundation ([Case T-238/24](#)). The GC finds in particular that the Council’s statement of reasons met the requirements of Art. 296 TFEU, explicitly re-

ferring to Arts. 3(1)(b) and 4(1)(b) of Decision 2012/642/CFSP, namely that Mr Karić benefited from and supported the *Lukashenko* regime. The GC also sees no violation of Mr Karić's right to effective judicial protection under Art. 47 of the Charter given that the decision's reasoning – detailing his network of real-estate companies in Belarus, his family's close contacts with President *Lukashenko* and his entourage, and the preferential treatment those companies received – was sufficiently specific and contextual to enable him to understand the measure and contest it. The GC also emphasises that EU law does not require the Council to provide exhaustive factual detail and that CFSP sanctions are preventive, not punitive, so the Council may rely on earlier evidence so long as the relevant circumstances have not changed. Lastly, the GC rules that "support" within the meaning of the sanctions framework is not limited to direct financial assistance but may also cover commercial activity that legitimises or strengthens the regime.

■ **15 October 2025:** The [GC annuls](#) the March 2025 acts maintaining *Galina Evgenyevna Pumpyanskaya* on the EU Russia-related sanctions lists ([Case T-235/25](#)). The Council extended the listing of Ms *Pumpyanskaya* on the ground that she was an "immediate family member benefitting from" her husband, *Dmitry A. Pumpyanskiy*, characterised as a "leading businessperson operating in Russia." According to the GC, this foundation collapses in light of its judgment of 10 September 2025 in *T-541/24, Pumpyanskiy v Council* (see above), which found the Council to have wrongly classified Mr *Pumpyanskiy* as a "leading businessperson operating in Russia". Because Ms *Pumpyanskaya*'s 2025 maintenance rested exclusively on the premise that she benefited from someone who met that status, the Council's assessment was vitiated. (AP)

EU Reactions to Russian War against Ukraine: Overview End of April – October 2025

This news item continues the reporting on key EU/CoE reactions following the Russian invasion of Ukraine on 24 February 2022: the impact on the protection of the EU's financial interests, on the EU's internal security policy, and on criminal law.

The following overview covers the period from late April to October 2025. For overviews of developments in previous periods →[eucrim 1/2025, 6–7](#), →[eucrim 4/2024, 267–268](#) and →[eucrim 3/2024, 174–176](#), each with further references.

■ **9 May 2025:** On Europe Day, representatives of the EU, Council of Europe, Ukraine, and an international coalition of states meet in Lviv to [formally endorse the creation of a Special Tribunal for the Crime of Aggression against Ukraine](#). The Tribunal, to be established within the framework of the Council of Europe, will have jurisdiction to investigate, prosecute, and try Russian political and military leaders responsible for the crime of aggression. The decision follows two years of preparatory work, including the efforts of the Core Group and the International Centre for the Prosecution of the Crime of Aggression at Eurojust. The Tribunal's establishment will be based on an agreement between Ukraine and the Council of Europe, with evidence from ongoing national and joint investigations to be made available to its Prosecutor.

■ **9 May 2025:** The Commission [approves an extra €3 billion](#) to help Member States implement the Pact on Migration and Asylum and host refugees from Ukraine. The funding, drawn from the revised MFF and migration instruments, adds to the €11 billion already allocated for 2025–2027.

■ **10 May 2025:** The European Union states its [commitment](#) to a comprehensive, just, and lasting peace in Ukraine, grounded in the UN Charter

and international law. Together with Ukraine, the United States, and other international partners, the EU calls for a full and unconditional 30-day cease-fire as a vital step towards reducing civilian suffering and creating space for meaningful peace talks aimed at ending Russia's war of aggression.

■ **12 May 2025:** The [Council approves conclusions](#) on the European Court of Auditors' report assessing cohesion policy measures for Ukrainian refugees in Europe. The conclusions welcome the audit findings and highlight that the CARE, CARE Plus, and FAST-CARE initiatives gave Member States greater flexibility and liquidity to redirect cohesion funds in response to the refugee crisis triggered by Russia's war of aggression. The report notes that these tools helped finance urgent support for displaced people and were generally seen as useful by national authorities, though their uptake varied across programmes and countries.

■ **12 May 2025:** The Council [prolongs the restrictive measures against cyberattacks](#) threatening the EU and its Member States for another year (until 18 May 2026). The sanctions regime for these measures has been extended for three years (until 18 May 2028).

■ **13 May 2025:** The Commission [raised €7 billion through a 20-year EU-Bond](#), marking its fifth syndicated transaction of 2025. While the funds will contribute to various EU programmes, a significant share is earmarked for supporting Ukraine. Since the start of Russia's full-scale invasion, the EU has disbursed nearly €16.2 billion to Kyiv under the Ukraine Facility, which is set to provide up to €33 billion in loans between 2024 and 2027. An additional €4 billion has been allocated under the new €18 billion macro-financial assistance scheme, to be repaid from immobilised Russian state assets. With this latest issuance, the EU continues to channel substantial financial resources into sustain-

ing Ukraine's economy and resilience against Russia's aggression.

■ **20 May 2025:** The Council [imposes additional restrictive measures](#) against 21 individuals and six entities responsible for Russia's destabilising activities. The new listings target actors engaged in propaganda, espionage, cyber operations, and efforts to undermine democratic processes in EU Member States and partner countries.

■ **20 May 2025:** The Council [broadens the sanctions framework](#) to cover tangible assets such as vessels, aircraft, real estate, digital and communication infrastructure, as well as financial transactions involving banks and crypto service providers linked to Russian hybrid threats. In addition, the EU gains the ability to suspend the broadcasting licences of Russian state-controlled media outlets spreading disinformation in Europe.

■ **20 May 2025:** The [Council adopts its 17th package of sanctions against Russia](#), the most far-reaching since the start of the war. The measures cut off access to key military technology, curb energy revenues, and target Russia's "shadow fleet" of oil tankers. The package imposes sanctions on 17 individuals and 58 entities, including the oil giant *Surgutneftegas*, and it bans port access and services for 189 additional vessels, doubling the number of blacklisted ships to 342. The sanctions extend to shipping companies, insurers, and actors in third countries enabling Russia's oil trade. In addition, 31 new entities face tighter export restrictions on dual-use goods and technologies, including firms in China, Belarus, Israel, Serbia, Türkiye, Vietnam, and Uzbekistan, who are accused of supplying drones, machine tools, and other critical components to Russia's military-industrial sector. Further export restrictions apply to items such as chemical precursors and machine tool parts that support Russia's war effort. The package also addresses the

looting of cultural heritage in occupied Crimea and the illegal exploitation of Ukrainian agricultural production. In total, EU restrictive measures now apply to more than 2400 individuals and entities, all of whom are subject to asset freezes, travel bans, and prohibitions on EU citizens and companies making funds available to them. High Representative [Kaja Kallas stresses](#) that this package sends a clear message: Russia's illegal war comes with mounting costs, and those who enable it will face severe consequences.

■ **20 May 2025:** The Council [imposes additional restrictive measures](#) on three Russian entities belonging to the Armed Forces and implicated in the development and use of chemical weapons in Ukraine. EU restrictive measures against the use and proliferation of chemical weapons now apply to a total of 25 individuals and six entities.

■ **27 May 2025:** EU Member States [endorse the creation of the Security Action for Europe \(SAFE\) Instrument](#), which will allow the European Commission to raise up to €150 billion in capital to boost defence capabilities. The funds will help Member States invest in missile defence, drones, and strategic enablers, while strengthening Europe's defence industry. Commission President *Ursula von der Leyen* underlined that SAFE is designed not only to bolster the EU's security, but also to strengthen capabilities for Ukraine and the wider continent. Under the scheme, Member States will submit investment plans within six months.

■ **5 June 2025:** The EU's new Ukraine export credit guarantee facility has been activated by means of its [first agreement](#): a €20 million deal between Denmark's export credit agency EIFO and the European Investment Fund. The facility supports Danish SMEs exporting to Ukraine, giving up to 40 companies access to export credit that will help deliver essential goods,

technologies, and services to Ukraine and sustain its economy during the war. This marks the first of 13 agreements across EU Member States, with a total of €300 million in guarantees planned under the programme. The initiative, part of InvestEU, is designed to strengthen EU-Ukraine trade, bolster Ukraine's recovery, and enhance integration on the country's path to EU membership.

■ **6 June 2025:** The [Commission proposes](#) a common European approach to ensure stability and protection for Ukrainians displaced by Russia's war. Alongside a proposal for the [extension of temporary protection](#), the Commission is urging Member States to prepare for a [gradual transition](#) out of temporary protection, offering pathways into national or EU residence statuses, supporting voluntary and safe returns once conditions allow, and coordinating reintegration with Ukraine. The plan also includes the [creation of "Unity Hubs"](#) to provide information on integration and return options, financed under the Asylum, Migration and Integration Fund (AMIF), as well as the appointment of a Special Envoy for Ukrainians in the EU.

■ **12 June 2025:** The justice ministers of the EU Member States discuss [how the EU supports the fight against impunity](#) for crimes committed in connection with Russia's war of aggression. They highlight the recent development that representatives from 35 countries, the Council of Europe and the European Commission met in Lviv, Ukraine, on 9 May, where they agreed to establish a special tribunal for the crime of aggression against Ukraine (see above).

■ **16 June 2025:** The Council [renews](#) the restrictive measures imposed in response to Russia's illegal annexation of Crimea and the city of Sevastopol until 23 June 2026.

■ **17 June 2025:** The Council adopts a [regulation imposing new tariffs on the remaining agricultural products](#) and

certain fertilisers from Russia and Belarus not yet subject to extra customs duties. The tariffs on fertilisers will be phased in gradually over a three-year transition period, with implementation closely monitored to protect EU farmers and the fertiliser industry. Once the legislation enters into force, all Russian agricultural goods will be covered by tariffs. The new duties affect products that made up about 15% of EU agricultural imports from Russia in 2023, including nitrogen-based fertilisers. The regulation enters into force on 1 July 2025.

■ **17 June 2025:** The Commission [proposes legislation](#) to end all Russian gas and oil imports by 2027. The step-wise ban starts with new gas contracts in 2026 and ends long-term contracts by 2027, alongside a full stop to the supply of Russian oil. Member States must present diversification plans, with safeguards to ensure supply security and stable prices.

■ **26 June 2025:** The European Council adopts [conclusions](#) marking the 40th anniversary of the Schengen Agreement and celebrating key milestones in EU enlargement. Leaders underline that enlargement remains a geostrategic investment in peace, security, stability, and prosperity. They exchange views with Ukrainian President Volodymyr Zelenskyy and [reaffirm strong support for Ukraine](#). In the field of defence and security, EU leaders reiterate the urgency of increasing defence expenditure, strengthening Europe's defence industry, and advancing joint procurement.

■ **30 June 2025:** The EU and Ukraine [agree on a modernised Deep and Comprehensive Free Trade Area \(DCFTA\)](#). The new agreements renews the trade liberalisation provisions under the 2014 EU-Ukraine Association Agreement. It will strengthen Ukraine's gradual integration into the EU Single Market and support its accession path. The updated deal safeguards sensitive EU agricultural sectors, introduces

annual reporting on Ukraine's alignment with EU standards, and includes safeguard clauses to protect Member States in case of market disruption. It also enhances trade flows, balancing Ukraine's access with EU farmers' concerns. The agreement now needs formal approval by the EU and Ukrainian institutions.

■ **30 June 2025:** The Council [extends](#) the economic restrictive measures against Russia for another six months (until 31 January 2026) in response to Moscow's continuing war of aggression and actions destabilising Ukraine.

■ **10 July 2025:** Leaders of the United Kingdom, France, Ukraine, and other members of the [Coalition of the Willing meet](#) in London, Rome and virtually to coordinate stronger support for Ukraine and exert further pressure on Russia. For the first time, U.S. representatives – including U.S. Special Presidential Envoy General Keith Kellogg and Senators Graham and Blumenthal – join the meeting. The Coalition of the Willing, proposed by France and the United Kingdom in February 2025, is designed to support Ukraine's sovereignty by upholding a ceasefire in the country and deterring Russia once the fighting has stopped. Alongside commitments in supporting Ukraine's defence and endorsing efforts by U.S. President Trump to establish a broader peace process, the leaders agree to expand restrictive measures against Russia's energy and financial sectors, targeting oil and gas exports, the shadow fleet, and third-country suppliers.

■ **10 July 2025:** At the Ukraine Recovery Conference in Rome, the EU [unveils a €2.3 billion package](#) to support Ukraine's recovery, including €1.8 billion in loan guarantees and €580 million in grants, expected to mobilise up to €10 billion in investments. A new European Flagship Fund for Reconstruction launches with €220 million in capital, aiming for €500 million by 2026. The EU also proposes a €3.05

billion disbursement under the Ukraine Facility, releases €1 billion in macro-financial aid, and steps up Ukraine's EU integration through programmes such as Creative Europe, Erasmus+, and "Roam Like at Home".

■ **10 July 2025:** At the Ukraine Recovery Conference in Rome, the European Investment Bank Group (EIB) and the European Commission [announce](#) nearly €600 million in fresh financing for Ukraine's energy, transport, and business resilience. The package includes loans for hydropower plants, district heating, and major roads and bridges, as well as guarantees and loans to support Ukrainian SMEs. Ten Member States join the InvestEU Ukraine Export Credit Pilot to back EU-Ukraine trade. With these agreements, total EIB Group support to Ukraine is now at €3.6 billion (since 2022).

■ **11 July 2025:** At the Ukraine Recovery Conference in Rome, the EU and Ukraine launch [BraveTech EU](#), a joint initiative to boost defence innovation and integrate Ukraine's battlefield-tested technologies with EU programmes. The project links Ukraine's BRAVE 1 defence tech platform with the European Defence Fund and the EU Defence Innovation Scheme, supporting joint R&D, hackathons, and collaboration between European and Ukrainian companies, especially start-ups and SMEs. BraveTech EU begins with a €50 million EU contribution to be matched by Ukraine in autumn 2025, and will expand under the European Defence Industrial Programme.

■ **14–17 July 2025:** A [joint international law enforcement action](#) disrupts the pro-Russian cybercrime network NoName057(16). The operation code-named "Eastwood" is coordinated by Europol and Eurojust, carried out in twelve countries, and supported by another seven countries. It leads to the arrest of 2 persons and 7 arrest warrants are issued. Law enforcement authorities are able to disrupt over 100 servers worldwide and to take offline

the major part of NoName057(16) main infrastructure. The cybercrime network often operated via DDoS cyberattacks which flood websites or online services with traffic in order to overload them and rendering them unavailable in favour of the Russian Federation. The group was also able to construct their own botnet made up of several hundred servers, used to increase the attack load. It applied sophisticated methods to recruit volunteers. It is estimated that the network had over 4000 supporters.

■ **15 July 2025:** The Council [imposes new restrictive measures](#) against nine individuals and six entities responsible for Russia's destabilising actions in the EU and Ukraine, including through Foreign Information Manipulation and Interference (FIMI). The sanctions target, *inter alia*, the Russian Television and Radio Broadcasting Network (RTRS) and two of its senior executives for replacing Ukrainian broadcasting systems in occupied regions with Kremlin-approved networks aimed at suppressing dissent and delegitimising Ukraine's governance. Also listed is the 841st Separate Electronic Warfare Center and two senior officers linked to GNSS jamming and spoofing operations from Kaliningrad that have disrupted civil aviation and affected navigation in the Baltic States. The Council further blacklists three organisations central to Russian disinformation operations.

■ **15 July 2025:** The Council [imposes restrictive measures](#) on five individuals responsible for serious human rights violations and the repression of civil society and democratic opposition in Russia. The listings target members of the Russian judiciary involved in the persecution of activist *Alexei Gorinov*, a former municipal deputy in Moscow's Krasnoselsky district. Those designated face an asset freeze, prohibitions on EU citizens and companies making funds available to them, and an EU travel ban.

■ **18 July 2025:** The Council adopts its [18th package of economic and individual restrictive measures](#). The [package](#) strikes at Russia's energy, banking, and military sectors, restricts trade with the EU, and includes complementary measures against Belarus. In total, 55 new listings (14 individuals and 41 entities) have been added, bringing the number of sanctioned persons and entities to more than 2500. Regarding energy, the EU lowers the oil price cap from USD 60 to USD 47.6 per barrel and introduces a dynamic adjustment mechanism to ensure its effectiveness. Sanctions are extended to 105 additional vessels in Russia's shadow fleet, raising the total to 444, and now covering operators, insurers, an Indian refinery tied to Rosneft. The measures also include an import ban on refined petroleum products made from Russian crude oil, regardless of processing in third countries, except for close EU partners such as Canada, Norway, Switzerland, the UK, and the USA. The EU further imposes a full transaction ban on Nord Stream 1 and 2 pipelines and ends the exemption allowing Russian oil imports to Czechia. In the financial sector, the Council upgrades the ban on specialised financial messaging services to a full transaction ban, now covering 45 Russian banks. Restrictions also extend to third-country financial and crypto operators that frustrate EU sanctions or support Russia's war effort, particularly those linked to the Russian System for Transfer of Financial Messages (SPFS). A new ban applies to the Russian Direct Investment Fund (RDIF), its sub-funds and affiliated companies, further limiting Moscow's access to global markets. The EU also prohibits the export of certain financial software to Russia. On the military side, the package targets suppliers of Russia's defence industry, including Chinese and Belarusian companies, while extending dual-use export restrictions to 26 more entities. Additional export

bans worth €2.5 billion are introduced on CNC machines, chemicals for propellants, and other critical goods. The sanctions also address accountability for war crimes. The EU introduces new rules to shield Member States from illegitimate arbitration claims launched under bilateral investment treaties by Russian oligarchs and their proxies, requiring non-recognition of such proceedings within the Union. Lastly, measures against Belarus are strengthened with a full transaction ban on financial messaging services and an embargo on arms imports. High Representative [Kaja Kallas emphasises](#) that the package delivers one of the EU's toughest blows yet to Russia's war economy, underlining Europe's determination to keep increasing the pressure until Russia ends its aggression against Ukraine.

■ **8 August 2025:** The Council [approves the fourth regular disbursement of support](#) under the Ukraine Facility, unlocking more than €3.2 billion in funding for Kyiv. The payment is intended to strengthen Ukraine's macro-financial stability and ensure the continued functioning of its public administration at a time when the country faces severe strain from Russia's war of aggression.

■ **11 August 2025:** Ahead of the planned 15 August meeting between U.S. President *Donald Trump* and Russian President *Vladimir Putin*, lead MEPs publish a [joint statement](#), stressing that no peace in Ukraine can be negotiated without the full participation of Ukraine's democratically elected leadership and the backing of its people. They call on the EU and its Member States to remain united and steadfast in providing political, economic, military, and humanitarian support to Ukraine until a comprehensive and lasting peace is achieved.

■ **12 August 2025:** EU leaders issue a [joint statement](#) welcoming U.S. President Trump's efforts to end Russia's war of aggression against Ukraine,

stressing that any just and lasting peace must respect international law, including Ukraine's sovereignty, independence, and territorial integrity. They underline that meaningful negotiations require at least a ceasefire and cannot take place without Ukraine's full participation. Hungary does not associate itself with this statement.

■ **9 September 2025:** The European Parliament adopts its [first enlargement report on Ukraine](#) since the start of Russia's full-scale invasion. MEPs reaffirm unwavering support for the country's independence, sovereignty, and territorial integrity. They call on the Commission to open negotiating clusters without delay in order to accelerate Ukraine's EU membership bid, provided Kyiv continues implementing reforms and aligning with EU rules.

■ **12 September 2025:** The Council [extends](#) the EU's restrictive measures until 15 March 2026. The sanctions include travel bans, asset freezes, and a prohibition on making funds or economic resources available to listed individuals and entities. As part of the regular review, the Council removes one deceased person from the list and decides not to renew the listing of one individual. The EU reaffirms its readiness to increase pressure on Russia through additional measures if necessary.

■ **16 September 2025:** The Council adopts a [recommendation establishing a common EU framework to guide the transition of displaced Ukrainians](#) out of temporary protection, once conditions in Ukraine allow for safe and sustainable return. The recommendation aims to ensure coordinated planning among member states and Ukraine, balancing continued solidarity with long-term integration and reintegration objectives. The framework encourages member states to prepare for an eventual phase-out of temporary protection by facilitating access to other residence statuses for eligible Ukrainians. The recommendation also

promotes the establishment of "Unity Hubs" – contact points co-financed by EU programmes to assist Ukrainians with administrative procedures, job counselling, and preparations for return. The recommendation was proposed by the Commission on 6 June 2025 (see above)

■ **13 October 2025:** The Council adopts the [EU's position](#) to reduce or eliminate customs duties on Ukrainian agri-food products, including dairy, meat, fruit, and vegetables. The move follows the June 2025 EU-Ukraine agreement to review the Deep and Comprehensive Free Trade Area (DCFTA), aiming for a stable and reciprocal trade framework aligned with Ukraine's EU accession process. The agreement includes safeguards for sensitive EU sectors such as sugar, poultry, and eggs, while full liberalisation applies only to non-sensitive goods like dairy. The EU-Ukraine Association Committee will now formally adopt the decision as part of the DCFTA review process.

■ **16 October 2025:** The Danish Council Presidency and European Parliament negotiators reach a [provisional agreement on the European Defence Industry Programme \(EDIP\)](#), a €1.5 billion initiative for 2025–2027 to strengthen Europe's defence readiness and industry.

■ **23 October 2025:** The Council adopts its [19th package of sanctions against Russia](#), introducing new restrictive measures across energy, finance, trade, and defence, alongside 69 additional individuals/entities put on the sanction list. The package aims to further weaken Russia's capacity to continue its war of aggression against Ukraine and extends corresponding measures to Belarus for its ongoing support of Moscow. Further measures were taken against persons responsible for the abduction of Ukrainian children. With regard to energy, the new rules ban imports of Russian liquefied natural gas (LNG) by 2027 and rein-

force restrictions on state-owned oil producers Rosneft and Gazprom Neft. They also target operators of Russia's "shadow fleet" and associated registries, refineries, and traders in third countries such as China and the UAE. An additional 117 vessels are banned from EU ports and maritime services. In the financial field, the amended framework imposes transaction bans on banks and oil traders in Tajikistan, Kyrgyzstan, the UAE, and Hong Kong involved in sanctions circumvention. Five further Russian banks – Istina, Zensky Bank, Absolut Bank, MTS Bank, and Alfa-Bank – are added to the list for transaction bans. Financial measures also target cryptocurrency developers and exchanges. EU operators are banned from providing crypto services and certain fintech services that enable Russia to develop its own financial infrastructure and possibly circumvent sanctions. Trade restrictions are extended to cover a wider range of critical materials and technologies – electronic components, chemicals, metals, and alloys used in arms production. Russia's largest gold producer is now subject to an asset freeze, while new bans are introduced on services related to AI, high-performance computing, and tourism. The package also contains the first EU-wide measures regulating the movement of Russian diplomats across the Schengen area, requiring prior notification or authorisation for inter-state travel to counter hostile intelligence activity. High Representative *Kaja Kallas* comments: "It is becoming increasingly difficult for Putin to finance his war. Every euro we deny Russia is one it cannot spend on war." (AP/TW)

Legislation

Infringement Proceedings for Not Transposing Sanctions Directive

The European Commission [opened infringement procedures](#) against

18 EU Member States for failing to notify measures fully transposing the Directive on the criminalisation of the violation of Union restrictive measures ([Directive \(EU\) 2024/1226](#)). The Directive lays down EU-wide minimum rules for the prosecution of violation and circumvention of EU sanctions in Member States ([→eucrim 1/2024, 14–15](#)). It is in direct connection with Russia's war against Ukraine and seeks to make enforcement of restrictive measures more effective. Member States had until 20 May 2025 to transpose the Directive into their national law. On 24 July 2025, the Commission started the infringement procedures by sending letters of formal notice to the Member States concerned. (TW)

Artificial Intelligence (AI)

Statewatch: The EU Security AI Complex Must Be Questioned

In April 2025, Statewatch published a [report](#) entitled "Automating Authority – Artificial Intelligence in European Police and Border Regimes". The report explores the scene how police, border and criminal justice agencies take advantage of AI tools for their daily work and how the EU creates new infrastructure for "security AI".

In the first section, the report scrutinizes the EU's AI Act ([→eucrim 2/2024, 92–93](#)). It states that the Act achieves two main things in the field of security: (1) it establishes conditions for increased development and use of security AI systems, (2) it ensures that those systems are subject to extremely limited accountability, oversight and transparency measures.

In the subsequent section, the report looks into AI projects and activities that were launched by eu-LISA, Europol, Frontex, Eurojust and the EU Asylum Agency. It is found that a wide variety of AI technologies exists: from facial recognition to machine learning and "predictive" technologies.

In the last section, the report explores the infrastructure required for the development of the "EU security AI complex". It considers two types of infrastructure in this context: institutional and technical.

Annexes provide information on high-risk systems under the AI Act; registration items to be required in the EU database of high-risk AI systems, and AI technologies and techniques of interest to EU policing, migration and criminal justice institutions and agencies.

In its [conclusions](#), Statewatch calls for questioning the EU security AI complex. It is criticised that the AI Act provides an extremely limited framework for the oversight and accountability of security AI. In addition, the law is also confusing and unclear, which will necessitate clarifications through jurisprudence. The new infrastructure being established to embed security AI in EU policy and practice is secretive, complex and confusing. Even basic transparency measures are lacking; this poses risks to democracy. (TW)

Digital Space Regulation

Commission Roadmap on Access to Data for Law Enforcement Purposes

On 24 June 2025, the European Commission presented a [Communication](#) that sets out the "Roadmap for lawful and effective access to data for law enforcement". The Roadmap comes after respective calls from the High-Level Group on Access to Data for Law Enforcement ([→eucrim 4/2024, 270–271](#)), and the Justice and Home Affairs Council ([→Conclusions of June 2024](#) and [December 2024](#)). Last but not least, the Commission announced the roadmap in its new Internal Security Strategy "ProtectEU", which was presented on 1 April 2025 ([→eucrim 1/2025, 3–4](#)).

The [Commission reiterated](#) that 85% of criminal investigations are relying on electronic evidence; law

enforcement authorities need better tools and a modernised legal framework to access digital data in a lawful manner that ensures necessity, proportionality and fundamental rights. It also listed several reasons that lead to inaccessibility of critical electronic evidence needed for successful investigations. The Communication on the Roadmap sets out key actions in six key areas:

- **Data retention:** Later this year, the Commission will carry out an impact assessment on updating the EU rules on data retention "as appropriate". Europol and Eurojust are urged to strengthen cooperation between law enforcement authorities and service providers on access to electronic communication in 2025.

- **Lawful interception:** The Commission will propose measures to improve the efficiency of cross-border requests for lawful interception through existing instruments, including assessing the need to further strengthen the European Investigation Order (by 2027); it will also explore measures to improve cross-border cooperation for lawful interception of data, both among authorities, and between authorities and services providers (by 2027 as well); and it will support the deployment of secured information sharing capacities between Member States, Europol and other security agencies (from 2026 to 2028).

- **Digital forensics:** Among others, the Commission and Europol will coordinate a gap and needs analysis of research, development, deployment maintenance and uptake of common technical solutions for digital forensics (in 2026); furthermore, Europol will develop into a centre of excellence for operational expertise in digital forensics and step up its role in coordinating the creation of knowledge in this area at EU level (from 2026 onwards).

- **Decryption:** The Commission will present a technology roadmap on encryption to identify and evaluate

solutions that enable lawful access to encrypted data by law enforcement (in 2026); it will also support the research and development of new decryption capacities to equip Europol with next-generation decryption capabilities (from 2030).

■ **Standardisation:** The Commission, in close cooperation with Europol, will develop and streamline an EU approach to standardisation for internal security, with a focus on digital forensics, lawful disclosure and lawful interception (from 2025 to 2027).

■ **AI solutions for law enforcement:** The Commission will foster the creation and uptake of new AI solutions and improve existing ones for filtering and analysing digital evidence (by 2028); it will also support the creation of clear guidelines for the use of AI in law enforcement.

The Commission invited the JHA Council to discuss the roadmap at the next Council meetings. (TW)

Overview of the Latest Developments on the DSA: May – Mid-October 2025

The Digital Services Act (DSA) is designed to foster a safer, fairer, and more transparent online environment (→[eucrim 4/2022, 228–230](#)). It establishes new obligations for online platforms, thereby ensuring that EU users are safeguarded against the dissemination of illicit goods and content and that their rights are respected when they engage in interactions, share information, or make purchases online. The DSA is a crucial touchstone for law enforcement purposes (→[eucrim 1/2024, 13](#)).

This news item continues the reporting on the latest DSA developments by giving a chronological overview. It covers the period from May to Mid-October 2025. For overviews of previous developments, see November 2024 – January 2025 →[eucrim 4/2024, 272–273](#) and February – April 2025 →[eucrim 1/2025, 12–13](#), each with further references.

■ **7 May 2025:** The European Commission issues a [reasoned opinion](#) to Bulgaria for not appointing and empowering a Digital Services Coordinator (DSC) and for failing to set out penalty rules as required under the DSA. Member States were obliged to establish their DSCs by 17 February 2024 to monitor the DSA's application and ensure that users can, for example, file complaints against platforms. The Commission gives Bulgaria two months to comply; if it fails to do so, the case may be referred to the Court of Justice of the European Union (CJEU).

■ **7 May 2025:** The Commission [refers](#) Czechia, Spain, Cyprus, Poland, and Portugal to the CJEU for failing to properly implement the DSA. Although Czechia, Cyprus, Spain, and Portugal have designated DSCs, they have not granted them the powers needed to fulfil their functions. Poland has neither designated nor empowered a DSC. None of the five Member States has adopted the required national penalty framework or remedied their failures during the first steps of the infringement procedure.

■ **15 May 2025:** The Commission announces its [preliminary finding](#) that TikTok is in breach of the DSA for failing to comply with the requirement to maintain a transparent and searchable advertisement repository. According to the Commission, TikTok's repository lacks key information and does not allow for comprehensive public searches. The preliminary assessment follows an in-depth investigation into company documents, tool testing, and expert interviews. TikTok now has the opportunity to respond in writing and access the investigation file; the European Board for Digital Services will be consulted. If the Commission confirms its findings, it may adopt a non-compliance decision, imposing fines of up to 6% of TikTok's annual global turnover and potentially placing the platform under enhanced supervision.

■ **26 May 2025:** The Commission and national consumer authorities from Belgium, France, Ireland, and the Netherlands, acting through the Consumer Protection Cooperation (CPC) Network, [formally urge online retailer SHEIN](#) to comply with EU consumer protection law. Following a coordinated EU-level investigation, the authorities identified several unlawful commercial practices on SHEIN's platform and ordered the company to bring its operations in line with EU legislation. The investigation found multiple breaches of EU consumer law, including fake discounts, pressure-selling tactics, misleading or incomplete information on refunds and returns, deceptive product labelling, false sustainability claims, and hidden contact details preventing consumers from easily reaching the company. SHEIN has also been asked to clarify how it ensures that product rankings, reviews, and third-party seller obligations are transparent and not misleading. The company now has one month to reply and propose corrective measures. If its response is unsatisfactory, national authorities may take enforcement actions, including fines based on the company's EU turnover.

■ **27 May 2025:** The Commission [launches formal investigations into Pornhub, Stripchat, XNXX, and XVideos](#) for potential breaches of the DSA concerning the protection of minors. The inquiry focuses on whether said porn platforms have effective age-verification systems and other measures ensuring children's privacy, safety, and well-being, as required under the DSA. The Commission simultaneously withdraws Stripchat's status as a Very Large Online Platform (VLOP) after finding its EU user base to have been below the legal threshold for over a year. Oversight of Stripchat's compliance now falls to Cyprus's Digital Services Coordinator. In parallel, EU Member States are beginning a coordinated action targeting smaller pornographic platforms, ensuring consistent DSA enforcement.

■ **18 June 2025:** The Commission [takes two major steps in its investigation into Chinese online retail service AliExpress](#) under the DSA to strengthen user and consumer safety online. First, the Commission accepts and makes legally binding a set of commitments offered by AliExpress to address DSA compliance concerns. These commitments improve the detection and removal of illegal products, enhance the notice-and-action and complaint systems, increase advertising and recommender system transparency, strengthen trader traceability, and expand data access for researchers. AliExpress will establish a monitoring framework to be overseen by an independent Monitoring Trustee that reports annually to the Commission. Any breach of these commitments amounts to a DSA violation and could trigger fines. Second, the Commission's preliminary findings indicate that AliExpress has failed to properly assess and mitigate risks related to the dissemination of illegal products, such as counterfeit goods and unsafe items. The platform allegedly underestimated moderation shortcomings, inadequately penalized repeat offenders, and allowed traders to manipulate its content-moderation systems – in breach of its obligations as a VLOP under Arts. 34 and 35 DSA. AliExpress can now defend against the preliminary investigation. If the Commission's findings were to be ultimately confirmed, the Commission would adopt a non-compliance decision and impose a fine.

■ **2 July 2025:** The Commission adopts a [delegated act on data access](#) under the DSA, giving vetted researchers unprecedented access to internal data from VLOPs and Search Engines (VLOSEs). The goal is to enable research on systemic online risks and how platforms mitigate them. The act defines procedures, data formats, and documentation standards for data sharing and requires Digital Services Coordinators (DSCs) to vet research-

ers. Applicants must prove institutional affiliation, independence from commercial interests, and compliance with privacy and security standards, while committing to publish their findings. A new DSA Data Access Portal will connect researchers, DSCs, and platforms and will manage applications. The Board of Digital Services has agreed on common vetting tools to ensure consistent EU-wide standards.

■ **4 July 2025:** During the first [EU–Moldova Summit in Chisinau](#), Moldova declares its intention to transpose the DSA by establishing a normative framework that enables efficient interaction with major online platforms, including Very Large Online Platforms and Search Engines (VLOPSEs). Following the adoption of its national law on digital services, Moldova and the EU plan to explore cooperation mechanisms between their respective enforcement authorities, including capacity-building measures for Moldova's designated regulatory body.

■ **14 July 2025:** The Commission presents [new guidelines on protecting minors](#) and a [prototype age-verification app](#) under the DSA to make the online space safer for children. The guidelines urge platforms to curb addictive design features, strengthen tools against cyberbullying, give minors more control over recommender systems, and set accounts private by default to reduce unwanted contact. The age-verification app offers a privacy-preserving way for users to prove they are over 18 without revealing their identity or browsing habits. It will be tested with Denmark, Greece, Spain, France, and Italy before broader rollout. Together, these measures will advance the DSA's goal of ensuring safe, age-appropriate, and privacy-respecting digital environments for minors. The measures were prepared by means of a [stakeholder consultation](#) in spring 2025.

■ **28 July 2025:** The Commission issues a [preliminary finding](#) that online marketplace Temu breached the DSA

by failing to properly assess and mitigate risks related to illegal products on its marketplace. A Commission mystery shopping exercise found that EU consumers are highly likely to encounter non-compliant goods, such as unsafe baby toys and small electronics, on Temu's platform. The Commission concludes that Temu's October 2024 risk assessment was inadequate, relying on generic industry data rather than marketplace-specific evidence, resulting in insufficient safeguards against illegal products. If confirmed, the Commission could issue a non-compliance decision under Art. 34 DSA, impose fines of up to 6% of global turnover, and require corrective measures under enhanced supervision.

■ **10 September 2025:** The [General Court \(GC\) annuls](#) the Commission's 2023 decisions setting supervisory fees for Facebook, Instagram, and TikTok under the DSA. The GC ruled that the calculation method had to be adopted through a delegated act, not an implementing act as done by the Commission. Since the obligation of the companies concerned to pay the supervisory fee for 2023 holds up, the GC is temporarily maintaining the effects of the annulled decisions. The Commission has up to 12 months to correct the legal defects.

■ **10 October 2025:** The Commission [requests information](#) from Snapchat, YouTube, Apple App Store, and Google Play to assess the measures they use to protect minors, marking the first step in enforcing the Guidelines on the Protection of Minors adopted in July 2025 (see above). Furthermore, the Commission takes action to ensure a safe online space for minors: The European Board for Digital Services' Working Group on child protection is working with national authorities to identify high-risk platforms, verify their compliance with DSA safety requirements, and develop common investigatory tools to ensure consistent enforcement across the EU. The guidelines of

July 2025 have been made available in all 24 EU languages, and a simplified version to help children, families, and educators understand key safety principles has been released. The second blueprint for an EU age-verification solution, introducing passport and ID-based verification and support for the Digital Credentials API, has been published. As announced in Commission President *von der Leyen's State of the Union address*, the Commission is now setting up an advisory panel to shape the EU's future strategy for safe online experiences for minors. (AP)

Overview of the Latest Developments on the DMA: May – Mid-October 2025

Eucrim regularly reports on the EU's major new legislation regulating the digital space, i.e., the Digital Services Act and the Digital Markets Act ([→eucrim 1/2024, 12–13](#) with further references). The Digital Markets Act (DMA) aims to ensure contestable and fair markets in the digital sector. It regulates gatekeepers: large digital platforms that provide an important gateway between business users and consumers. Their position can grant them the power to act as bottlenecks in the digital economy.

The following is an overview of the latest developments since the news on the DMA in [→eucrim 4/2024, 178–179](#) (covering the period October–December 2024) and in [→eucrim 1/2025, 13–14](#) (covering the period February – April 2025).

■ **3 July 2025:** The European Commission launches a [public consultation](#) for the first review of the DMA. It seeks feedback from citizens, SMEs, business organisations, and other stakeholders on the DMA's effectiveness, impact, and ability to address emerging challenges such as AI-powered services. The input will feed into the Commission's review report due in May 2026.

■ **23 July 2025:** The Commission's services responsible for implement-

ing the DMA sign a [Cooperation Arrangement](#) with the Japan Fair Trade Commission (JFTC). Under the EU-Japan Digital Partnership framework, Directors General *Roberto Viola* (DG CNECT) and *Olivier Guersent* (DG COMP), representing the European Commission, and Secretary-General *Hiroo Iwanari* (JFTC) sign the agreement. It will strengthen collaboration to promote contestability, competition, and fairness in digital markets. It will also provide for expert dialogues, staff training, and exchanges of non-confidential information on best practices, challenges, and investigatory tools. The Commission stresses that this cooperation will allow both sides to share expertise in the rapidly evolving field of digital markets and to intensify ties with like-minded international partners.

■ **9 October 2025:** The Commission and the European Data Protection Board (EDPB) launch a [public consultation](#) to gather feedback on draft guidelines addressing the interplay between the DMA and the GDPR. The guidelines aim to help companies interpret and comply with both frameworks, particularly where they intersect – for instance, on data combination, portability, and the operation of alternative app stores and distribution channels. These activities involve personal data processing and must therefore comply with the GDPR. The feedback from stakeholders and civil society will support the final guidelines expected in 2026. (AP)

Institutions

Council

Programme of the Danish Council Presidency

The Kingdom of Denmark assumed the [Presidency of the Council of the EU](#) for the period from 1 July to 31 De-

cember 2025. Under the slogan "A Strong Europe in a changing world!", the [programme of the Danish Presidency](#) has two overarching priorities: a secure Europe and a competitive and green Europe.

Under the first priority, in the area of defence, the Danish Presidency prioritises tasks such as curbing irregular migration, reinforcing external borders, strengthening EU resilience and deterrence, upholding European values, and reducing risks to the economy. It also seeks to ensure the EU's political, economic, civilian, and military support to Ukraine.

In the field of Justice and Home Affairs, the Danish Presidency will give priority to preventing and combating migrant smuggling, and it will take steps to dismantle the billion-euro trafficking industry. The Presidency aims to advance negotiations on the Regulation on combating migrant smuggling as well as on the Directive establishing minimum rules to prevent and combat migrant smuggling. It will also continue trilogues on Europol's role in migrant smuggling-related investigations. In addition, the Danish Presidency will prioritise the fight against serious cross-border and organised crime, with a particular focus on drug trafficking and the growing threat posed by synthetic drugs.

The Presidency will focus on strengthening the use of the digital development in law enforcement when fighting serious crime. It will continue dialogue negotiations on combatting corruption and on the protection of victims of crime. Additionally, the new Presidency will focus on tackling the illicit trafficking of firearms and begin work within the Council on a new directive targeting this issue. In the technology sector, it will seek to bolster judicial protection and the capacity of law enforcement authorities to combat online criminal activities. High priority will be given to work on the Child Sexual Abuse (CSA) Regulation and Directive.

The Danish Presidency is the second of the current trio of Presidencies, following Poland and preceding Cyprus, which will take over in the first half of 2026 (for the trio presidency programme → [eucrim 4/2024, 273](#)). (CR)

European Parliament

Former MEP Eva Kaili Gets Win before General Court Regarding Public Access to Documents

On 9 July 2025, the General Court of the EU [decided](#) in favour of former MEP and EP Vice-President *Eva Kaili* in a case on access to documents. *Eva Kaili* is one of the key suspects of the Qatargate corruption scandal, in which countries like Qatar, Morocco, and Mauritania allegedly gave money or gifts to MEPs and EP staff in exchange for influence at the European Parliament (EP). The case at issue ([T-1031/23](#)) concerned *Kaili's* application for access to documents under the EU's transparency Directive 1049/2001.

► Background of the case

In December 2022, based on an investigation into the management of parliamentary allowances, the European Chief Prosecutor of the EPPO requested that the President of the European Parliament lift Ms *Eva Kaili's* parliamentary immunity. This was announced by the President of the Parliament, *Roberta Metsola*, in a plenary session and referred to the Committee on Legal Affairs. In a separate application to the General Court, Ms *Kaili* requested the annulment of both the European Chief Prosecutor's request and the President of the Parliament's decision ([Case T-46/23](#); for the GC's decision in this case → [eucrim 4/2023, 321](#)).

Subsequently, based on Regulation (EC) No 1049/2001 regarding public access to documents held by the European Parliament, the Council, and the

Commission, Ms *Kaili* requested that Parliament grant her access to documents relating to all cases involving irregularities by Members of the European Parliament in the management of allowances relating to accredited parliamentary assistants. In response, the European Parliament denied access to the documents, arguing that granting access would undermine the protection of court proceedings in Ms *Kaili's* case against the European Parliament, which is pending before the General Court. Consequently, Ms *Kaili* sought annulment of this EP decision before the General Court (GC).

► Judgment of the General Court

In its [judgement](#), the GC found that the requested documents, which concern the Parliament's administrative activity, relate to a different subject matter than that of the case concerning the annulment of lifting *Kaili's* immunity (see above). The documents were neither drawn up for the purposes of the proceedings in the case brought before the General Court, nor do they contain the Parliament's internal positions relating to that case file. Therefore, the General Court found that disclosure of the requested documents would neither compromise the equality of arms, nor would access to the documents be detrimental to the sound administration of justice in the case brought before it. Therefore, under these circumstances, access to the requested documents could not be refused on the grounds of protecting court proceedings. This therefore annuls the decision of the European Parliament not to grant access. (CR)

Court of Justice of the European Union (CJEU)

First Preliminary Ruling by the General Court Delivered

As of 1 October 2024, part of the jurisdiction for preliminary rulings was handed over from the Court of Justice

to the General Court (→ [eucrim 2/2024, 98–99](#)). Since then, the General Court has jurisdiction to deal with requests for a preliminary ruling falling exclusively within the following areas:

- The common system of value added tax (VAT);
- The Excise Duty Directive;
- The Customs Code;
- The tariff classification of goods under the Combined Nomenclature;
- Compensation and assistance to passengers in the event of denied boarding or a delay or cancellation of transport services;
- The system for greenhouse gas emission allowance trading.

Since 1 October 2024, 55 preliminary ruling cases have been transmitted to the General Court. On 9 July 2025, the General Court concluded – by means of a judgement – its [first preliminary ruling](#) on a question regarding the interpretation of certain provisions of the Excise Duty Directive ([Case T-534/24, Gotek](#)).

The request for the preliminary ruling concerned the recovery of excise duties in a case of a fictitious supply of excise goods appearing on falsified invoices. The referring court, the Administrative Court of Osijek, Croatia, asked for the compatibility of Croatian law with Council [Directive 2008/118/EC](#) of 16 December 2008 concerning the general arrangements for excise duty. The General Court ruled that national legislation under which excise duty is chargeable on the basis of a fictitious supply of excise goods appearing on falsified invoices is not compatible with EU law. (CR)

OLAF

End of Mandate of OLAF Director-General *Ville Itälä*

The seven-year term of office for OLAF Director-General *Ville Itälä* [ended](#) on 31 July 2025. As of 1 August 2025, the [current Deputy Director-General](#)

[Salla Saastamoinen](#) assumed the role of Acting Director-General of OLAF until a new Director-General is appointed. The selection process is ongoing.

Ville Itälä was appointed OLAF Director-General in 2018. His tenure was marked by major challenges in protecting of the EU's financial interests, including the response to the COVID-19 pandemic, during which OLAF prevented the undue spending of billions of euros on fake medical supplies and vaccines. OLAF also contributed to enforcing sanctions against Russia and its allies, and to bolstering Ukraine's anti-fraud system. Mr Itälä's mandate also saw the establishment of the European Public Prosecutor's Office with which close cooperation in anti-fraud matters had to be implemented. During Mr. Itälä's tenure, OLAF closed 1,588 investigations, recommended the recovery of over €4 billion in misused EU funds, and prevented the undue spending of more than €810 million. Mr. Itälä also contributed [two guest editorials](#) to *eu crim*.

The selection procedure for OLAF's Director-General is regulated in Art. 17(2) of the [OLAF Regulation](#). The Director-General is appointed by the Commission after consultation with the European Parliament and the Council. The Director-General's term of office is seven years and is not renewable. (TW)

The OLAF Report 2024

In 2024, OLAF recommended the recovery of €871.5 million to the EU budget and prevented €43.5 million from being unduly spent from the EU budget. The Office concluded 246 cases and issued 301 recommendations for follow-up to the relevant national and EU authorities. In addition, 230 new investigations were opened after having analysed nearly 1140 reports on fraud and irregularities. These are the key figures of [OLAF's annual report for the year 2024](#), which was [presented on 16 June 2025](#). Next to OLAF's investigative activity, the report includes

information on the following topics: Protection of EU funds, protection of EU revenue, investigation within the EU institutions, impact of OLAF investigations, OLAF's contributions to the EU's anti-fraud policies, and OLAF's cooperation with partners.

With regard to the main trends in 2024, OLAF reported the following:

- OLAF's activities increasingly concern non-EU countries, such as fraud in EU spending in Ukraine and Western Africa;
- On the expenditure side of the EU budget, OLAF particularly investigated conflict of interests, procurement irregularities, inflation of costs, harassment, instances of collusion, inflated invoices and creation of false documents;
- 2024 saw a rise of OLAF investigations into the EU laws aiming at protecting biodiversity and the environment; the illegal trade into refrigerant gases continued to determine OLAF's work as was the illegal export of plastic waste;
- E-commerce fraud increasingly hampers EU competitiveness, particularly due to the drastic growth of the digital economy since the COVID-19 pandemic; fraud schemes in this context are non-declaration of goods to customs, misclassification of products and unlawful release of goods from transit procedures.

With regard to internal investigations, OLAF reports that several complex and sensitive cases involving EU staff in management positions or with a high profile in their workplace had to be investigated in 2024. A lot of cases concerned allegations of harassment, external professional activities and ethical issues linked to recruitment.

Last but not least, the OLAF annual report highlights the Office's role in investigating misuse of EU funds in non-EU countries where EU money is spent to improve infrastructure, promote education and support agricultural development. In addition, OLAF's global

mandate is flanked with signing administrative cooperation arrangements. In 2024, this network was expanded, for instance, by administrative arrangements with the Foreign Service Control Unit of the Norwegian Ministry of Foreign Affairs and the Office of Inspector General of the U.S. Department of Defense. OLAF has also played a pivotal role in enforcing EU sanctions against Russia and its ally Belarus and it has ensured that EU resources for the support of Ukraine, such as humanitarian aid, are effectively allocated and had the desired impact on the ground.

OLAF Director-General, [Ville Itälä](#), [said](#) at the presentation of the report: "Our cooperation with national authorities and other partners remains essential to our success. It allows swift information exchange, coordinated action and stronger results in protecting the EU's financial interest. We look forward to further enhancing this cooperation under the ongoing European anti-fraud architecture review". (TW)

Annual Tobacco Conference in Helsinki

From 16 to 18 September 2025, representatives from customs authorities and other stakeholders met in Helsinki for the [28th edition of the Tobacco Conference](#). Organised by OLAF in cooperation with the Finnish Customs, over 100 participants discussed persistent and evolving challenges in relation to tobacco smuggling and illicit production of cigarettes which do not only harm public budgets but also public health policies. In the focus were new routes and emerging fraud schemes.

A major current challenge is fraud in vaping products which have become an attractive market for criminals due to their popularity especially among young people. Participants agreed on strengthening their cooperation, exchange intelligence and coordinate enforcement efforts in this complex phenomenon.

The annual Tobacco Conference is an important event for OLAF's strategy to reinforce the global fight against illicit tobacco and counterfeit cigarettes, as well as to promote better law enforcement against tobacco fraud. (TW)

Courts Confirm Embezzlement of EU Funds by Rassemblement National

Internal investigations by the European Anti-Fraud Office (OLAF) into the right-wing French party Front National/Rassemblement National and its party leaders have led to court rulings.

On 31 March 2025, a criminal court in Paris found Marine Le Pen (daughter of former party leader *Jean-Marie Le Pen* and MEP between 2004–2017) and other members of the party [guilty of embezzlement of EU funds](#). The central allegation in the trial was that Le Pen's party, Rassemblement National, had received money from the European Parliament for parliamentary assistants who were fictitiously listed as assistants of MEPs, but had worked in reality partly or entirely for the party. Relevant evidence was gathered by OLAF and OLAF's findings were incorporated into the judicial proceedings in France.

On 16 July 2025, the [General Court of the EU upheld a decision](#) by the Secretary-General of the European Parliament to recover over €300,000 in EU funds wrongfully received by the late party leader Jean-Marie Le Pen. In this case (T-480/24), OLAF found that Le Pen had wrongfully claimed reimbursement for personal expenses as parliamentary expenses, including newsletters, pens, business cards, ties, umbrellas, kitchen scales, table clocks, smart bracelets, virtual reality glasses and 129 bottles of wine. Specifically, the case concerned the years 2009 to 2018, when Jean-Marie Le Pen was a Member of the European Parliament.

In the lawsuit filed before his death, Le Pen argued that the recovery violat-

ed the principles of legal certainty and protection of legitimate expectations, as well as the right to a fair trial. Following the death of Mr Le Pen on 7 January 2025, his daughters, as his heirs, pursued the pending proceedings. The Court rejected the arguments and held, *inter alia*, that the investigations led by OLAF and the subsequent administrative procedure by the EP were completely correct. Mr Le Pen was regularly informed of all the facts alleged against him and invited to submit his observations. (TW)

OLAF's Operational Work January – July 2025

This news item highlights key cases that demonstrate OLAF's operational work in the first seven months of 2025. It follows reports on operations supported by OLAF in the second half of 2024 ([→eucrim 4/2024, 275–276](#)). As OLAF and the EPPO have increasingly reported on their close operational cooperation in specific cases, a separate overview is dedicated to this cooperation ([→previous news](#)). The following overview is in reverse chronological order.

■ **18 July 2025:** OLAF report on its assistance of a major law enforcement operation in Ukraine. As an outcome of a joint investigation team between Romania, Ukraine and OLAF with the support of Eurojust, Ukrainian authorities were able to [crack down on a sophisticated criminal network involved in the illegal mass production of pesticides](#) and other agrochemical products which were sold in the EU under the false label of leading European and U.S. chemical companies. Seizures included hundreds of tons of illicit products worth over 2.3 million. OLAF delivered strategic gathering, analysis and sharing of intelligence as well as cross-border coordination that led to the setting up of the JIT. Investigations already started in 2023 with a seemingly isolated seizure of illicit pesticides in Bulgaria. The JIT revealed

that the dimension is much bigger and the criminal network can be traced to Ukraine.

■ **3/4 June 2025:** Upon coordination by OLAF, law enforcement authorities in Romania and Italy [dismantle a large-scale cigarette smuggling network](#). The network operated illegal facilities in Romania and Italy for the production of counterfeit cigarettes and other tobacco products destined for distribution across the EU. The law enforcement operation leads to the seizure of approximately 25 million cigarettes in Romania and of 14 tonnes of counterfeit cigarettes, more than 10 tonnes of unprocessed tobacco, and a large quantity of packaging materials in Italy; six suspects are arrested. The estimated evaded duties amount to €9.8 million.

■ **20 May 2025:** In an OLAF-led [action targeting e-commerce warehouses across Europe](#), Irish customs authorities seize over 4000 electric bikes and a number of e-scooters worth €4,5 million that have been illegally imported into the EU. The estimated loss in customs duties is €2.3 million. OLAF supported the action by providing evidence on fraud techniques and methods of evasion, such as false declarations of goods, unauthorised removal from customs transit procedures, and fabricated claims that goods had left the EU.

■ **2 May 2025:** OLAF sums up the results of a [major operation targeting the smuggling of high-quality counterfeit designer clothing](#), footwear and accessories into the European Union. The counterfeit goods usually come from Turkish ports with destination to EU countries. This was also the case when officials of the Italian Customs and Monopolies Agency and the Guardia di Finanza seize almost one million items of clothing and accessories of international fashion at the port of Trieste. Despite this record seizure of counterfeit textiles, OLAF points out that over 1.8 million counterfeit

items, with an estimated market value exceeding €180 million, have been seized since the opening of the inquiry in 2024.

■ **30 April 2025:** OLAF and Polish authorities [dismantle a complex large-scale VAT evasion scheme](#). The joint action leads to the arrest of four individuals and searches at 50 locations across Poland. An organised crime group operating with a number of shell companies in different countries exploited the so-called “customs procedure 42” – a special EU VAT exemption mechanism that allows businesses to import goods into one EU country without paying import VAT, provided those goods are immediately shipped to another EU Member State. The perpetrators pretended to have followed this rule, thus profiting from VAT suspension; in reality, goods were transported back to Poland and stored in warehouses there; finally, the goods were illicitly distributed across the EU.

■ **25 April 2025:** Thank to OLAF intelligence, Spanish law enforcement authorities [put off fake and standard sportswear from the EU market](#). The coordinated action results in the seizure of 59 boxes containing goods with a market value of approximately €570,000. The sportswear was seemingly intended to be sold in connection with the Copa del Rey football final taking place in Spain on 26 April. OLAF is stepping up its efforts to combat counterfeit sports products that do not comply with EU safety regulations and pose a threat to public health.

■ **10 April 2025:** OLAF investigators and Lithuanian Customs Criminal Service officials successfully [raid a company that is suspected of violating EU sanctions](#). The company is accused of circumventing EU sanctions against Russia and Belarus by rerouting goods through Central Asian countries when the final destination was actually Russia and Belarus. OLAF provided intelligence and analytical support as well as relevant data during the investiga-

tion. It is pointed out that such operations are crucial in combating the circumvention of EU sanctions, and can assist other countries in identifying export routes and tracing the final destination of goods.

■ **18 February 2025:** OLAF reports on the results of a [major procurement fraud in Poland](#). OLAF investigations, which started in 2023 and were concluded in 2024, revealed that public procurement processes for the purchase and delivery of power generators to areas in Ukraine affected by power shortages were affected by several irregularities. The EU project management authority, Poland’s Government Agency for Strategic Reserves (RARS), violated transparency, competition, equal treatment, and financial management principles. In its final report, OLAF recommend the recovery of over €91 million.

■ **30 January 2025:** OLAF and Europol inform the public of [operation SHIELD V](#). Operation SHIELD V was carried out between April and November 2024 targeting misused or counterfeit medicines, doping substances, illegal food or sport supplements and counterfeit COVID medical supplies (for previous SHIELD operations →[eucrim 1/2024, 18](#) and →[eucrim 4/2022, 234–235](#)). The fifth edition of the SHIELD operation [resulted in](#) the arrest of 418 individuals, the dismantling of 4 underground labs, and seizures worth over €11.1 million, including: 426,016 illegal packages of illegal pharmaceuticals; 4,111 kilograms of powder and raw material; 108 litres of active ingredient; 174,968 vials and ampoules; and over 4.6 million tablets and pills. The operation involved law enforcement, judicial, customs, medical and anti-doping authorities from 30 countries. Europol and OLAF call attention to the fact that pharmaceutical crime is a growing threat in the EU having direct impact on public health and safety (see also the recent Europol report on pharmaceutical crime in the EU →[eucrim 1/2025, 26–27](#)).

■ **29 January 2025:** OLAF announces a [major strike against a criminal network that massively smuggled cigarettes](#) into the EU. The estimated tax loss is around €550 million. According to the investigations, the criminal network produced cigarettes in licensed manufacturing facilities in Türkiye and Iran. They were then exported to overseas ports and later shipped to EU Member States, where they were sold. The smuggled goods were concealed in over 150 overseas containers under false product descriptions and with fictitious consignees and customs declarations. A joint operation involving next to OLAF and Eurojust, customs authorities in Germany, Belgium and the Netherlands, led to the arrest of 10 persons and 15 searches. Investigation into the criminal network already began in 2020 when Belgian customs authorities identified suspicious container shipments from Belgium to Hanover, Germany. (TW)

OLAF–EPPO Operational Cooperation January – July 2025

This news item summarises cases in which the European Anti-Fraud Office (OLAF) and the European Public Prosecutor’s Office (EPPO) reported on their cooperation. It covers the first seven months of 2025. The overview (in chronological order) aims at giving an impression on how OLAF complements EPPO’s investigations and on how the two bodies collaborate to protect the EU’s financial interests. OLAF’s core mission is to carry out independently administrative investigations into fraud, corruption, and other irregularities involving EU funds, so as to ensure that all EU taxpayers’ money reaches projects that can create jobs and growth in Europe. The EPPO is the independent public prosecution office of the EU, responsible for investigating, prosecuting and bringing to judgment crimes against the financial interests of the EU. According to Art. 101(1) of the EPPO Regulation,

“the EPPO shall establish and maintain a close relationship with OLAF based on mutual cooperation within their respective mandates and on information exchange. The relationship shall aim in particular to ensure that all available means are used to protect the Union’s financial interests through the complementarity and support by OLAF to the EPPO.” A working arrangement signed in 2021, details the modalities of this relationship ([→eucrim 2/2021, 80](#)). The following *eucrim* overview provides several practical examples that implement the working arrangement. OLAF’s operational work outside this cooperation is summarised separately in the previous news item.

■ **29 January 2025:** OLAF reports on the results of investigations into the [misuse of EU funds for development projects in the Danube Delta](#), Romania. OLAF complemented investigations by the EPPO. Both bodies closely cooperated and detected a significant misuse of funds in over 30 EU-financed projects. In one case, nearly €600,000 were unlawfully acquired from an EU-funded tender. The [EPPO in Bucharest filed an indictment](#) against one individual and one company in this case, while OLAF recommended that the European Commission recover the sum paid in error.

■ **11 February 2025:** Investigations by the EPPO and OLAF lead to the [arrest of a ringleader](#) who managed a mafia-type criminal group that systematically committed subsidy fraud. Investigations by [OLAF revealed](#) that companies of the criminal group, established in Romania and Italy, secured contracts for drinking water distribution and sewage rehabilitation projects worth over €100 million, which were co-financed by the European Cohesion Fund. However, the companies presented false documents and false contracts during the tender and cheated about their financial capacity. Works and services were partly never carried out, some EU money ended up

with associates. For the investigations already finalised, OLAF recommended that the European Commission recover €20 million, representing the total amount paid from the Cohesion Fund for the suspected fraudulent contracts.

■ **10 April 2025:** An EPPO investigation, largely supported by OLAF, leads to [six individuals and six companies being indicted for fraud and money laundering](#) before the Bucharest criminal court, Romania. Investigations revealed that an organised crime group operating in Romania, Cyprus, Czechia, and the United Arab Emirates allegedly [illegally obtained approximately €9.5 million from the European Regional and Development Fund](#) (ERDF) for the development of IT projects. By a sophisticated system of companies and contractors, false documents and fictitious contracts were submitted to the managing authority in Romania. OLAF particularly carried out analysis of seized IT servers and uncovered the *modus operandi* of the gang.

■ **25 June 2025:** OLAF and Europol support the [EPPO-led investigation “Calypso”](#). The investigation targets a Chinese criminal network which smuggled Chinese goods into the EU, e.g. textiles, footwear, e-scooters, and e-bikes. The estimated loss in customs duties and VAT is €700 million. A coordinated raid in Bulgaria, Greece, France and Spain results in the arrest of 10 suspects and over 100 searches at several premises, including at offices of customs brokers, companies controlled by the organised criminal groups, and at offices of tax advisers, lawyers, accountants and transport companies. €5.8 million in different currencies, over 7,100 e-bikes and nearly 3,700 e-scooters were seized as well as 480 containers for further checks and verification in the Port of Piraeus, Greece. [OLAF provided, inter alia](#), crucial evidence on trade flows, sales activities, distribution chains, and warehouse locations. The EPPO is

further investigating the *modus operandi* of the group and will bring the committed crimes to court.

■ **17 July 2025:** Following OLAF investigations which were launched in 2020, the EPPO in Bratislava (Slovakia) [indicts](#) one individual and one company for fraud involving the European Regional Development Fund (ERDF). The investigations found that the beneficiary of [EU funds supporting the construction and operation of a go-cart centre in Slovakia](#) breached the grant agreement by creating artificial conditions both during the application and implementation phases of the project. A sum of nearly €200,000 could be recovered, as recommended by OLAF. The EPPO indicated that the accused individual could face a prison sentence of up to six years and a fine of up to €331,930 and the company could face a ban to receive aid and support provided from EU funds of up to ten years and a fine of up to €1.6 million. (TW)

European Public Prosecutor's Office (EPPO)

EPPO Cooperation with Latin American Countries

At the end of May 2025, the EPPO and the Ibero-American Association of Public Prosecutors (AIAMP) [signed](#) an agreement to enhance their strategic cooperation. The EPPO also signed bilateral agreements with the Public Prosecutor’s Offices of six AIAMP members in Latin America: Argentina, Brazil, Costa Rica, Panama, Paraguay, and Peru.

This increased operational cooperation with partners outside the EPPO zone is intended to combat organised crime groups, particularly by facilitating investigations into organised crime, money laundering, corruption, and the recovery of illicit assets. It is being supported by the EU cooperation programme “EL PACCTO 2.0”, which

aims to strengthen the partnership between the EU and Latin American countries in the fields of justice and security in order to combat transnational organized crime. (CR)

European Prosecutors for Poland and Sweden Sworn In

On 5 May 2025, the first European Prosecutors for Poland and Sweden [took the oath](#) before the Court of Justice of the EU. The European Prosecutors are appointed for a non-renewable term of six years.

Prior to becoming the first European Prosecutor for Poland, Ms *Grażyna Stronikowska* held the position of prosecutor at the National Public Prosecutor's Office, where she was also a member of the National Council of Prosecutors. Her additional international experience includes acting as a contact point for the European Judicial Network (EJN) in Poland, working as an expert on joint investigation teams, serving as the National Correspondent for the EJN, and acting as the Deputy National Member for Poland at Eurojust. She has also served as the National Correspondent for Eurojust, as a Seconded National Expert at OLAF, as a member of OLAF's Supervisory Committee, and participated in the OSCE's mission to Kosovo (2000–2001).

Before becoming the first European Prosecutor for Sweden, Mr *Martin Bresman* served as Chief Public Prosecutor and Head of the National Anti-Corruption Unit. He also worked as a Senior Public Prosecutor at the Swedish Economic Crime Authority in Stockholm and the National Unit against International and Organised Crime.

With the joining of Poland and Sweden in 2024 ([→eucrim 1/2024, 18](#) and [eucrim 2/2024, 101–102](#)), 24 of the 27 EU Member States are now participating in the enhanced cooperation of the European Public Prosecutor's Office. Hungary, Ireland and Denmark are not participating. (CR)

European Prosecutor Suspended

On 26 March 2025, the European Chief Prosecutor [informed](#) the European Parliament, the Council of the EU, and the European Commission that the EPPO College decided to open an administrative inquiry into potential misconduct by the Bulgarian European Prosecutor within the scope of an ongoing EPPO investigation. The European Prosecutor has been temporarily suspended pending the outcome of the inquiry. This is the first time that a European Prosecutor has been suspended and is being investigated for alleged misconduct in the four-year history of the Office.

On 25 September 2025, the EPPO informed that the College [initiated disciplinary proceedings](#) against the Bulgarian European Prosecutor. The suspension of the Bulgarian European Prosecutor continues. (CR)

New EPPO Administrative Director

On 7 May 2025, the College of the EPPO [appointed](#) Ms *Selomey Yamadjako* as its new Administrative Director. The Administrative Director acts as the EPPO's legal representative for administrative and budgetary matters and is responsible for implementing the EPPO's budget. Prior to joining the EPPO, Ms Yamadjako served at the European Food Safety Authority (EFSA) as Head of Management Services and at the United Nations Development Programme as Director of Programmes and Operations. She was also Deputy Resident Representative in Togo and Tunisia. She will serve a four-year term starting.

She follows *Olivier Ramsayer* who was appointed the first Administrative Director at the EPPO in 2021 ([→eucrim 1/2021, 15](#)). (CR)

Overview of EPPO's Operational Activities and Convictions

In the past, *eucrim* news items on the EPPO have provided regular reports on almost all of its main operation-

al activities, as well as court verdicts and alternative resolutions in EPPO cases ([→eucrim 4/2024, 277–280](#)). The overviews served as a tool to showcase fraud patterns, shed light on the impact of the EPPO's work on the protection of the EU's financial interests, to contribute to the discussion on how the EPPO Regulation is applied in practice, and to point out existing potential problems and challenges. The sheer volume of press releases issued by the EPPO is impressive and copious. In the interest of streamlining, the editorial team has decided to no longer reprocess each and every news item about the EPPO related to its operational work. Instead, in this section, we will concentrate on reporting on selected EPPO cases and convictions that stand out. For more reports on individual cases, please refer to the [EPPO press release website](#). For common activities with OLAF, see news item at page 126–127 (CR/TW).

EPPO Investigation "Moby Dick" Continues

The €520 million VAT fraud scheme [Moby Dick](#) was once again the focus of an [operation on 25 June 2025](#), when Italian authorities arrested 11 suspects at the request of the EPPO in Milan and Palermo. The syndicate is suspected of laundering the proceeds of VAT fraud, allegedly using Mafia methods. They also appear to be aiding and abetting the Camorra criminal organisation.

The investigation, codenamed "Moby Dick", began in November 2024 and has involved more than ten countries, with 43 suspects already arrested ([→the eucrim report on EPPO's operational activities in issue 4/2024, 279](#)). To date, 95 individuals are under investigation, involving more than 400 companies. A freezing order totalling over €520 million has been issued to compensate for damage to the EU and national budgets. In Italy alone, authorities froze 129 bank

accounts and seized 192 real estate properties, along with 44 luxury cars and boats. The EPPO stressed that the level of complexity and efficiency of the criminal syndicate behind “Moby Dick” is unprecedented; investigations revealed close links to clans of the Camorra criminal organisation. (CR)

First EPPO Verdict in Dutch Court

In May 2025, the [first verdict by a Dutch court](#) was handed down in a case that was investigated and prosecuted by the EPPO in Rotterdam. The case concerned cross-border VAT carousel fraud related to trade with consumer electronics, causing an estimated damage of over €40 million to the EU and national budgets. The person convicted was the director of a Dutch company that acted as a “missing trader” and did not fulfil its tax obligations. The former director was sentenced to 197 days in prison for his “indispensable role” in an international VAT fraud case (180 days were probational; the probation period was two years), as well as 240 hours of community service. The investigation also revealed links to the wider [Midas](#) investigation, which has unveiled an alleged €195 million VAT fraud spanning 17 countries. (CR)

Authority for Anti-Money Laundering (AMLA)

AMLA Kicks Off Work

spot light Following the assumption of its powers and responsibilities on 1 July 2025, the newly created Authority for Anti-Money Laundering and Countering the Financing of Terrorism ([AMLA](#)) got straight to work. The authority is responsible for improving the supervision of anti-money laundering (AML) and countering the financing of terrorism (CFT) in the EU. The AMLA will directly supervise the EU’s highest-risk financial institutions with significant cross-border exposure

(as of 2028). It will exercise indirect supervision across both the financial and non-financial sectors, ensuring that national supervisors apply EU AML/CFT rules consistently and effectively. It will also support EU Member States’ Financial Intelligence Units (FIUs) in preventing and disrupting financial crime (for further information on the AMLA’s tasks, powers, and structures →[eucrim 2/2024, 113–117](#)). The AMLA was established by [Regulation \(EU\) 2024/1620](#) of the European Parliament and of the Council of 31 May 2024. It is part of an ambitious overhaul of the EU’s AML/CFT legislation, including the “AML Single Rulebook Regulation” and the Sixth EU Anti-Money Laundering Directive (→[eucrim 2/2024, 113](#)).

Eucrim will report regularly on the activities of the new EU body under the new category “Authority for Anti-Money Laundering (AMLA)”.

➤ Looking back: AMLA’s first activities

On 9 April 2025, the AMLA [signed the lease](#) for office space at its seat in Frankfurt am Main, Germany. AMLA will occupy the top floors in the iconic Frankfurt Messe Turm.

At the beginning of July 2025, the AMLA published its [Work Programme for the year 2025](#). Entitled “From Vision to Action”, the programme outlines the milestones achieved in the first half of the year as well as the activities foreseen for the second half of 2025.

Activities in the first half of 2025 included:

- The authority’s establishment in Frankfurt am Main;
- The establishment of its governance structures;
- The design of its digital infrastructure;
- Assigning financial resources for the first year;
- Enhancing visibility;
- The recruitment and onboarding of staff;
- Preparation for the authority’s AML/CFT supervision tasks;

- Initial work to support obliged entities (OEs) to better identify risks and design measures to mitigate them and to build up a robust FIU Support & Coordination Framework.

Regarding the establishment of the AMLA’s governance structures, the following appointments were made in the first half of 2025:

- On 21 January 2025, the Council of the EU appointed [Bruna Szego](#) to the position of first AMLA Chair.
- In May 2025, the Council of the EU then appointed the first [four full-time members](#) of the AMLA’s Executive Board to serve a four-year term beginning on 1 June 2025.
- At the beginning of June, the AMLA’s new Executive Board appointed [Juan-Manuel Vega Serrano](#) as Vice-Chair of the Authority.
- On 4 July 2025, the Executive Board appointed [Nicolas Vasse](#) as new [Executive Director](#) of the AMLA; Mr Vasse assumed his position in September 2025.

Furthermore, to ensure effective cooperation and information exchange with the European Supervisory authorities (ESAs), a [multilateral Memorandum of Understanding](#) (MoU) was [signed](#) on 27 June 2025. The ESAs encompass the European Banking Authority (EBA), the European Insurance and Occupational Pensions Authority (EIOPA), and the European Securities and Markets Authority (ESMA). The MoU aims at ensuring efficient, effective and timely cooperation between AMLA and ESAs in the performance of their respective tasks under Union law. It includes provisions on: representation at the board meetings, committees and their sub-structures, the nomination of contact points, regular exchange of information in common areas of interest, ad hoc exchange of information, cooperation in the development of legal and policy instruments of common interest, and knowledge exchange.

On 27 June 2025, the AMLA [signed](#)

also a [Memorandum of Understanding with the European Central Bank](#) (ECB) setting out cooperation, communication, and information exchange between the two bodies, in particular in order to coordinate their supervisory powers and to avoid duplication of effort.

► **Outlook: AMLA's next activities**

Looking ahead to the second half of 2025, the [Work Programme](#) focuses on defining the AMLA's vision and mission and on drafting the first Single Programming Documents (SPDs), which will guide the authority's activities and development over the coming years. Activities in the second half of 2025 shall also further lay down the foundation for AML/CFT supervision and operational work with regard to the FIU pillar. A structured approach to risk management and mitigation measures will also be set up. (CR) ■

Europol

Europol and Jordan Sign Working Arrangement

On 10 July 2025, Europol and the Public Security Directorate (PSD) of the Hashemite Kingdom of [Jordan signed a Working Arrangement](#) to support EU Member States and Jordan in preventing and combating serious and organised crime and terrorism. The arrangement establishes a structured legal framework for cooperation and information exchange. This includes sharing specialist knowledge and general situation reports, the results of strategic analyses, participation in training activities, and advice and support in individual criminal investigations. It does not permit the exchange of personal data. To facilitate cooperation between Europol and relevant Jordanian law enforcement authorities, the PSD will appoint a national point of contact, and the arrangement provides for the deployment of a liaison officer to Europol. (CR)

AG: EDPS Has Right to Act against Europol Regulation Amendments

On 8 May 2025, Advocate General (AG) *Campos Sánchez-Bordona* delivered his [Opinion](#) on a question concerning the rights of action of the European Data Protection Supervisor (EDPS).

Background: On 6 September 2023, the General Court of the EU had ruled in case [T-578/22](#) that an action for annulment brought by the EDPS against an amendment to the Europol Regulation on the processing of personal data by Europol was inadmissible. The grounds? That the EDPS does not have a privileged right to bring such an action if the contested act does not directly concern it. The EDPS subsequently appealed the General Court's ruling (Case [C-698/23 P](#)), citing an infringement of the principle of institutional balance within the meaning of the ECJ judgment in *Parliament v Council* ([C70/88 of 22 May 1990](#)), and invoking his right to an effective remedy to protect his prerogative of independence. In the context of Art. 263 (4) TFEU, he further claimed that the General Court had erred in finding that the contested transitional provisions did not directly concern the EDPS.

In his opinion, the AG concluded that both the Court and the institutions involved agree that the EDPS does not have a privileged right of action under Art. 263(2) and (3) TFEU. Therefore, the right of action of the EDPS depends on whether the conditions set out in Art. 263(4) TFEU have been met or not. According to the Advocate General, the EDPS had met these conditions in this case. He argued that the EDPS's supervisory role in enforcing data protection rules should not be subject to strict interpretation of the general right to take legal action.

The EDPS is responsible for ensuring that the Union's institutions comply with data protection rules. This important function should not be restricted without good reason. The AG also stated that the EDPS had convincingly

ly demonstrated why the provisions could affect its legal status and that the General Court should have taken this into account.

In conclusion, AG *Sánchez-Bordona* proposed that the ECJ allows the appeal, sets aside the order of the General Court of 6 September 2023, and refers the case back to the General Court for it to give judgment on the substance. The opinion of the Advocate General is not binding on the Court of Justice. (CR)

Eurojust

Evaluation on Eurojust Published

spot light At the end of 2019, efforts to reform Eurojust came to pass with the entry into force of the new Eurojust Regulation ([→eucrim 4/2018, 196–197](#)). The reform aimed to address the new relationship between Eurojust and the EPPO, establish an Executive Board for Eurojust, modify the composition of the College, prepare an anti-fraud strategy for Eurojust, and introduce a new data protection regime. To assess its impact, the Regulation required an evaluation to be carried out by the end of 2024. In compliance with this requirement, the European Commission published an [evaluation](#) on 2 July 2025, assessing the implementation and impact of the new Eurojust Regulation as well as the effectiveness and efficiency of Eurojust and its working practices (from 12 December 2019 to 1 May 2024).

Specifically, the evaluation addressed the following questions:

- Has the Eurojust Regulation been completely and correctly implemented?
- Are the performance of Eurojust and its working practices in line with the Commission's Better Regulation Guidelines and the evaluation concepts of effectiveness, efficiency, relevance, coherence, and EU added value?

- How does the agency use its existing resources, and what significant obstacles and underlying factors can be identified?

- Which areas of the Eurojust Regulation might need revision, and how can these findings serve as a foundation for a possible future revision?

The evaluation concluded that Eurojust has made significant progress towards meeting most objectives of the Eurojust Regulation. The agency appears to be very effective in supporting and strengthening coordination and cooperation between national investigating and prosecuting authorities. Overall, national authorities and prosecutors are satisfied with the work and support of Eurojust. Cooperation with third countries is also deemed to be increasingly effective. The same holds true for Eurojust's work on ensuring accountability for alleged international crimes committed in the context of the Russian war of aggression against Ukraine. The agency is relevant for Member States' needs and even expected to increase its relevance in the foreseeable future.

The evaluation also identified areas where several shortcomings prevent Eurojust from realising its full potential:

- Effectiveness and efficiency challenges – largely resulting from Eurojust's working practices and decision-making culture as well as related structures, systems, and processes, which were either not fully aligned with the intentions of the Eurojust Regulation or impeded by a lack of clarity in the provisions of the Regulation;
- The continuation of working practices pre-dating the Eurojust Regulation;
- Problems related to unclear and non-binding definitions in the Eurojust Regulation – leading to a lack of internal coherence;
- Non-optimised allocation of cases between the EJN and Eurojust – resulting in a decline in efficiency;
- Accountability problems when Na-

tional Members exercise their second function, which is to make decisions for an EU agency;

- A lack of checks and balances between the College and the Administrative Director, who nominally heads the administration but is appointed by and accountable to the College and is not a member of the Executive Board;

- Priority setting – an area requiring streamlining;

- Challenges in clear prioritisation and efficient allocation of the National Members' human and financial resources;

- Outdated IT tools and delays in the implementation of digitalisation – preventing Eurojust from operating at full efficiency;

- Organisation of Eurojust operations in line with the budget available under the Multiannual Financial Framework;

- Overlaps in the practical implementation of the mandates of the different JHA agencies and difficulties in information and data sharing – limiting the effectiveness and efficiency of cooperation.

The Commission's report draws a series of "lessons learned" to improve Eurojust in the future. In this context, the report stresses that Eurojust plays a unique role in the EU's security and justice architecture. Hence, a more cooperative, coherent approach should be explored, envisaging closer collaboration mechanisms and ensuring better information exchange between the JHA agencies and bodies.

The [Commission's evaluation](#) drew upon an [external support study](#), includes the following in its annexes:

- A list of resources;
- An overview of the analytical framework of the study;
- An overview of all stakeholder consultations;
- A detailed analysis of financial and human resources;
- Budget tables for the years 2020–2024;

- Cost-benefit tables;

- Comprehensive case studies examining the questions of the evaluation;

- Comparative legal analysis conducted to identify and examine the differences between the provisions of the Eurojust Regulation and Council Decision 2009/426/JHA;

- An overview of Eurojust's objectives set out in the multi-annual strategies and of its cooperation with partners. (CR)

Eurojust Annual Report 2024

On 15 May 2025, Eurojust [published](#) its Annual Report for the year 2024. It has been published both as a [pdf version](#) for download and as an [online version](#). 2024 was marked by Eurojust's enhanced role in international cooperation and the global fight against crime. In addition to its existing network – which covers 70 jurisdictions worldwide and includes three international organisations, 13 cooperation and nine working arrangements with third countries as well as 12 liaison prosecutors –, the Agency was able to further expand its international liaisons in 2024 as follows:

- Further steps towards Latin American partnerships through the signing of six Working Arrangements with the Prosecution Services of Bolivia, Chile, Costa Rica, Ecuador, Panama and Peru;
- The signing of a Working Arrangement with the Prosecutor's Office and the Ministry of Justice of the Republic of Armenia;
- The start of work by the first Liaison Prosecutor for Iceland at Eurojust;
- The addition of the United Arab Emirates as a new member of Eurojust's Contact Point network, while Mongolia and Nigeria reappointed their Contact Points;
- Participation in the first Summit of Heads of Prosecution Services of G20 countries;
- Adoption of the [Eurojust Strategy on Cooperation with International Part-](#)

[ners 2024–2027](#), outlining the steps that the Agency intends to take in the coming years to strengthen its role as a gateway for cross-border cooperation between authorities investigating and prosecuting serious crime within and beyond the EU.

Looking at the key numbers for Eurojust's work to support judicial authorities in 2024, the Annual Report identified the following:

- Eurojust provided support to 12,972 ongoing investigations, of which 5363 were newly registered;
- Eurojust contributed to the arrest of more than 1200 suspects, the seizure and/or freezing of criminal assets worth almost €1.3 billion, and the seizure of drugs worth almost €19,6 billion;
- Eurojust hosted a record number of coordination meetings, 640 compared to 577 in 2023 (for the 2023 annual report → [eucrim 2/2024, 104–105](#));
- Eurojust supported 361 Joint Investigation Teams (JITs), which represents a 25% increase over the 288 JITs supported in 2023;
- Eurojust provided assistance in 3738 mutual legal assistance cases;
- Eurojust provided operational guidance on the application of EU judicial cooperation instruments, particularly with regard to the European Arrest Warrant (971 cases) and the European Investigation Order (6290 cases);
- As in previous years, the majority of new cases concerned swindling and fraud (1791), drug trafficking (870), and money laundering (721);
- The European Judicial Organised Crime Network (EJOcN) was launched and is being hosted by Eurojust (→ [eucrim 2/2024, 105](#));
- Eurojust also actively cooperated with players in the EU criminal justice area, such as Europol, OLAF, EPPO, eu-LISA, FRA, EUIPO, and the ICC.

Lastly, the Annual Report gives an overview of Eurojust's key cases, publications, and major events in the year 2024. (CR)

Genocide Network Changes Name

Based on [Council Decision 2002/494/JHA](#), 2002 saw the establishment of the European network of contact points with respect to persons responsible for genocide, crimes against humanity, and war crimes. The network aims to enable close cooperation between national authorities in investigating and prosecuting these types of crime, known collectively as core international crimes. The network's national contact points comprise specialised and dedicated prosecutors, investigators, and officers involved in mutual legal assistance. Its secretariat, which was established in 2011, is hosted by Eurojust.

At the end of May 2025, alongside the launch of a new logo, the [network changed](#) its short name from "Genocide Network" to "Genocide Prosecution Network". References to the network should now be made under the new name. The change of the name clarifies that the network's focus is on providing support to investigations and prosecutions of core international crimes.

The new logo, accompanied with new visuals, highlights the Network's commitments to international justice. It combines several symbols bringing together multiple concepts that are considered essential to the Network. (CR)

New National Eurojust Member for Hungary

At the end of August 2025, Dr. *Anikó Orosz* started her term at Eurojust as the [new National Member for Hungary](#). In her longstanding career as public prosecutor, Ms Orosz served at a Budapest District Prosecution Office, at the Chief Prosecution Office of the Capital in Budapest, and at the International Legal Assistance Division of the Department for the Supervision of Investigations and Preparation of Indictments of the Office of the Prosecutor General. Prior to joining Eurojust, she had been seconded to the Cabinet of the Prosecutor General. (CR)

European Judicial Network (EJN)

EJN Signs Memorandum of Understanding with AIAMP

At the end of May 2025, the European Judicial Network (EJN) and the Ibero-American Association of Public Prosecutors (AIAMP) [signed a Memorandum of Understanding](#) to enhance their cooperation in the fight against transnational crime and the globalisation of crime. Cooperation between the parties may include the following:

- Exchanging legal, strategic, and technical information;
- Participating in training activities;
- Inviting each other to awareness-raising and knowledge-building events;
- Facilitating communication between the contact points;
- Ensuring mutual understanding regarding cooperation requirements in relation to serious crimes;
- Exchanging best practices.

The [AIAMP](#) is a non-profit organization that comprises the Public Prosecutor's Offices of Ibero-America, including Portugal and Spain. The aim of the network is to strengthen cooperation between its members and to promote the establishment of common strategies in the fight against organised crime. (CR)

Frontex

Status Agreement Signed Between Frontex and Bosnia and Herzegovina

On 11 June 2025, the EU and Bosnia and Herzegovina [signed a Status Agreement](#) to strengthen cooperation on migration and border management between Frontex and the authorities in Bosnia and Herzegovina. The Status Agreement is based on the existing cooperation between the Agency and Bosnia and Herzegovina, which began with a Working Agreement in 2009.

The agreement allows Frontex to carry out joint operations with Bosnia and Herzegovina and to deploy

its standing corps anywhere along the country's borders, including on the borders with neighbouring non-EU countries and at border crossing points (including airports). It sets out the conditions for launching operational activities, the setting up of an operational plan for each activity, and the mechanism for incident reporting.

To facilitate and improve the coordination of operational activities, Frontex may establish satellite offices in Bosnia and Herzegovina. The agreement also sets out the conditions for deploying a coordinating officer for each operational activity. At the core of the agreement are the rights and obligations of the team members who perform the tasks described in the operational plan. Furthermore, the agreement establishes commitments regarding fundamental rights and complaint mechanisms and sets out the requirements for the protection of personal data.

In order to combat fraud, corruption, and any other illegal activities that could affect the interests of the EU, the agreement stipulates that Bosnia and Herzegovina shall notify the EPPO and/or OLAF accordingly if "credible allegations" exist. If such allegations relate to EU funds disbursed under the Status Agreement, Bosnia and Herzegovina will provide all necessary assistance to the EPPO and/or OLAF in relation to investigative activities on its territory, including facilitating interviews, on-the-spot checks and inspections.

The Status Agreement will enter into force following the consent of the European Parliament and the Council as well as the national ratification procedure in Bosnia and Herzegovina. It is provisionally applicable from the moment of signature. (CR)

New Training Centre for European Border Guards

On 27 June 2025, Frontex and Poland's Ministry of the Interior signed a Memorandum of Understanding to [establish](#)

[a new training centre](#) for future European border guards. To allow for proximity to Frontex's headquarters, which Poland has hosted in Warsaw for 20 years, the new training centre is based at the University of Physical Education in Warsaw. It features modern classrooms as well as sports and tactical training areas. The first 200 officers will begin training at the new centre this year. (CR)

Frontex Annual Risk Analysis 2025/2026

On 3 June 2025, Frontex [published](#) its annual risk analysis for the period 2025–2026. [The report](#) provides a comprehensive overview of current challenges at the EU's external borders and serves as a basis for strategic planning in European border management. Its conclusions on the main risks inform policy and enable strategic decision-making. The new edition now also offers an analysis of air borders, returns, and vulnerabilities.

With regard to air borders, Frontex observed that forged documents, visa abuse, and the use of less-controlled airports are on the rise. At the EU's eastern land borders, the agency warns of hybrid threats through the targeted use of migration as a means of exerting pressure.

In the south, instability in Africa and other external influences are leading to the emergence of new migration routes and increased smuggling. Organized criminal networks that use digital technologies and drones to circumvent border controls play a growing role. Hybrid threats such as disinformation, sabotage, and attempts to destabilise the EU's cohesion remain ongoing concerns.

To address the evolving challenges posed by migration, hybrid threats, and cross-border crime, the Frontex report sets out the following recommendations for the EU:

- Adopt a forward-looking and adaptable approach grounded on predictive

European Integrated Border Management (EIBM) intelligence and a sound and flexible operational response;

- Ensure the full roll-out and use of European Border Surveillance System (EUROSUR) functionalities;

- Enhance the ability to process and share intelligence with a variety of actors across professional constituencies;

- Enhance border resilience through substantial investments in advanced surveillance technology, intelligence-sharing mechanisms, and capacity-building;

- Reinforce border security as part of the EU Action Plan on Ukraine concerning the threat of firearms diversion and smuggling attempts;

- Strengthen multilateral cooperation, particularly with North African and Western Balkan partners;

- Ensure operational preparedness of the Entry/Exit System (EES) and the European Travel Information and Authorisation System (ETIAS);

- Reinforce its return strategy by balancing the growing role of Frontex with robust national capabilities;

- Align operational readiness with strategic foresight.

Looking ahead, Frontex experts anticipate continued migratory pressure and an expanding mix of security threats, ranging from the movement of high-risk individuals to the development of smuggling routes and weapons trafficking. Cross-border criminality will continue to present a substantial threat to EU security. (CR)

Annual Report 2024: Frontex Consultative Forum on Fundamental Rights

On 10 June 2025, the Frontex Consultative Forum on Fundamental Rights [published](#) its twelfth Annual Report. [The report](#) outlines the main observations and recommendations that the Consultative Forum shared with Frontex and its management board throughout 2024, with the aim of

strengthening the protection of fundamental rights in the agency's activities.

In 2024, the Consultative Forum visited Frontex operations in Cyprus, Albania, Greece, North Macedonia, Bulgaria, and Serbia. It provided advice on identifying vulnerable persons in Frontex VEGA operations and on revising the relevant handbooks. The Forum also advised on fundamental rights through the Fundamental Rights Guidance Board of the European Travel Information and Authorisation System (ETIAS). Lastly, it gave fundamental rights training advice and contributed to Frontex policy documents and operational tools.

The report highlights two major challenges for the Consultative Forum: (1) there is limited engagement with its advice by parts of the agency beyond the Academy and Return Unit; (2) after submitting input to the agency, the Forum typically receives little information about subsequent steps in the process or the extent to which its advice was considered by Frontex entities. It also finds that gaps remain in fully integrating fundamental rights measures and operation-specific actions into operational plans, as well as in monitoring and safeguarding their implementation by Member States. The Consultative Forum expresses concern about emerging court cases that confirm fundamental rights violations linked to the agency's failure to take the Fundamental Rights Officer's opinions into account when introducing conditionalities and safeguards.

Looking ahead, the report underscores that the entry into operation of the Entry-Exit System (EES), which will be followed by the implementation of ETIAS and of the new Eurodac Regulation, will mark a crucial step in the EU's border management with the use of many new technologies, such as biometric identity registration and screening. These technologies will not only offer opportunities to streamline

processes, but have also wide-ranging human rights implications, including many related to data protection and privacy rights, which need to be thoroughly assessed and analysed before deployment and during implementation. The Forum's work programme for the year 2025 is annexed to the annual report. (CR)

Vision of the Frontex Fundamental Rights Office

On 19 June 2025, the Fundamental Rights Officer of Frontex, *Jonas Grimheden*, [presented](#) the [Vision](#) of the Fundamental Rights Office, outlining the identity, values, and core dimensions of its work.

Frontex's Fundamental Rights Office, in existence since 2012 and currently boasting 70 staff members, is mandated to independently promote, monitor, and provide advice on fundamental rights. In 2021, the Office received more stringent guarantees of independence and began recruiting fundamental rights monitors. Today, the Fundamental Rights Office monitors air, land, and sea borders. It also supervises forced return flights and carries out aerial surveillance, contributes to the training of standing corps officers, and provides advice on all relevant Frontex processes.

Aligning with the goals of the Agency in its Vision, the Fundamental Rights Office sets out to achieve the following objectives:

- Be a reliable and adaptable partner for Frontex itself, for the EU Member States and non-EU countries it works with, and for all other stakeholders, including civil society, NGOs, and international organisations – delivering operational value through transparency, accountability, and professional learning;
- Make intelligence-driven and priority-based decisions – providing monitoring and advice where it matters most and in the most efficient and impactful way;

- Become a pioneer in European law enforcement – acting as a role model for national monitoring and advice in border management and contributing to the integration of international, EU, and national monitoring mechanisms;
- Set standards and drive innovation for the EU border management community – drawing on the standards set by international and EU law, as interpreted by Treaty bodies and international/EU courts. The Office will promote fundamental rights compliance in areas such as returns, the use of force, screening and identification, border surveillance, search and rescue, and border control – taking into account the increasing use of new technologies in border management by setting standards for monitoring and advising in the smartest possible way, with tools including data and other evidence;
- Be a desirable employer – attracting top EU talent and enabling growth.

The tabled "Vision" is the long-term strategy of Frontex's Fundamental Rights Office outlining the path towards the protection, promotion and monitoring of fundamental rights in Frontex's activities. (CR)

Frontex Fundamental Rights Officer's 2024 Report

On 21 July 2025, the Independent Fundamental Rights Officer of Frontex (FRO) [released](#) its [2024 Annual Report](#).

The Annual Report presents the Officer's monitoring activities at the external borders and in third countries, activities related to returns, accountability mechanisms, and reports on incidents involving the use of force. It also covers the Officer's advisory functions, cooperation, training, and capacity building activities. The priorities for 2025 are outlined in a final chapter.

In terms of numbers, the Fundamental Rights Officer spent around 1850 days on monitoring missions in 24 countries in 2024. In addition, over 200 return operations were mon-

itored. More than 50 serious incident reports were launched, and 500 on-site days were devoted to delivering training on fundamental rights. Of the 84 complaints received in 2024, only one complaint was declared admissible and forwarded to the relevant Member State's authorities for further handling as well as to the Frontex Executive Director for his information. (CR)

Areas of crime

Protection of Financial Interests

36th Annual PIF Report

spot light On 25 July 2025, the European Commission released the [36th Annual Report on the protection of the European Union's financial interests and the fight against fraud – 2024](#). In line with the obligation laid down in Art. 325(5) TFEU, the report provides information on the measures taken for the protection of the EU's financial interests (PIF). The report includes information on the key measures taken at the EU and national levels, including cooperation measures between the EU and national level, and it provides data on irregularities, fraud, corruption and conflicts of interest detrimental to the EU budget. A focus of this year's report is laid on the digitalisation of the fight against fraud. Adapting anti-fraud measures to new technologies is also one of the key requests formulated by the European Parliament in its May 2025 [resolution](#) on the protection of the EU's financial interests based on the 2023 PIF report.

As regards key measures taken at the EU level, the report highlights the cooperation of the main anti-fraud actors at the EU level and the Commission's implementation of the action plan accompanying the Commission anti-fraud strategy (CAFS). It also refers to the Authority for Anti-Money

Laundering and Countering the Financing of Terrorism (AMLA) as the newest actor in the EU anti-fraud architecture and the proposal for the establishment of an EU Customs Authority.

Looking at measures taken at the national level, the report states that there have not been significant developments in strengthening the governance of Member States' anti-fraud networks. Slight improvements were made with regard to national anti-fraud strategies: All Member States reported having anti-fraud strategies in place. However these strategies vary significantly in terms of scope and only 10 Member States have a fully-fledged national anti-fraud strategy in place, the report says. In 2024, a lot of anti-fraud measures focused on conflict of interest, public procurement and anti-fraud/anti-corruption strategy.

In the field of cooperation between the EU and national level, the PIF report highlights the Advisory Committee for the Coordination of Fraud Prevention (COCOLAF) and its sub-groups, managed by OLAF. A recurrent issue remains quality and reliability of available data on suspected fraud and follow-up of fraud detection. The report stresses that OLAF launched a structured dialogue with ten Member States to address identified issues in relation to fraud reporting.

With regard to the focal topic of digitalisation, the report mentions that several initiatives are ongoing, some supported also by the EU anti-fraud programme. Member States show a strong focus on building capacity and commitment to boost digitalisation.

Addressing key operational figures on PIF, the report states that the number of irregularities reported by the competent EU and national authorities slightly decreased in 2024 compared to 2023, while the number of reported cases of fraud increased by 26% compared to 2023. This increase may be explained by the impact of the reiterated recommendations to the Member

States in the past years to better report detected fraud.

In conclusion, the report makes several recommendations to remedy weaknesses of PIF, such as:

- Closing the reporting gap in relation to suspected fraud and irregularities;
- Establishing more effective communication channels;
- Adopting/Improving the national anti-fraud strategy;
- Embedding the digitalisation of the fight against fraud in national anti-fraud strategies.

The findings of the annual PIF report also feeds the review of the anti-fraud architecture that was launched a few days before by means of a White Paper (→news item below at page 137).

As in the previous years, the annual report on the protection of the EU's financial interests is accompanied by [several other documents and annexes](#) addressing specific issues of the PIF report in more detail. For the 2023 PIF report →[eucrim 2/2024, 108–109](#). (TW)

ECA Opinion on Amendments in Cohesion Policy

In an [opinion of 6 May 2025](#), the European Court of Auditors (ECA) highlighted risks arising from proposed changes to the 2021–2027 cohesion policy framework. The opinion concerns two legislative proposals put forward by the Commission on 1 April 2025 in connection with its mid-term review of the cohesion funds. The changes aim to enable cohesion policy resources to be re-allocated to newly defined EU priorities, particularly defence, housing, energy, and water resilience.

The ECA believes *inter alia* that the proposed changes would put additional pressure on administrative capacities, lead to greater complexity in programming and delivery, and dilute the cohesion policy's focus on reducing regional disparities. The differentiated application of eligibility periods and financing conditions, depending on the

extent of reallocation, could create inconsistencies in the treatment of programmes and complicate the overall management of the policy. The Auditors formulated several issues that the co-legislators (European Parliament and Council) should consider when negotiating the Commission's legislative proposals. (TW)

Commission Proposal on Multiannual Financial Framework 2028–2034

On 16 July 2025, the European Commission presented its concept on the multiannual financial framework (MFF) 2028–2034. According to the [Commission Communication](#) “A dynamic EU Budget for the priorities of the future” (COM(2025) 570) and the corresponding [proposal for the MFF 2028–2034 Regulation](#) (COM(2025) 571), the EU is to have a total budget of almost €2 trillion at its disposal for the seven-year period 2028–2034 (equivalent to 1.26% of the EU's gross national income on average), approximately €900 billion more than at present. In the [area of home affairs](#), for instance, the Commission proposes to triple the next long-term budget, with allocating an amount of €81 billion in total. Particular emphasis here is put on the EU's border management, migration, and internal security.

The MFF sets spending limits for multi-year periods in order to ensure long-term planning security and budgetary discipline beyond the EU's annual budgets.

► Main features of the Commission proposal

The Commission proposed a fundamental redesign of the EU budget. The key features in this regard are the following:

- Ensuring significant flexibility across the EU budget: A significant share of the next MFF will not be pre-programmed or pre-planned, so that emerging needs can be addressed swiftly and effectively. The Commission also proposes a flexibili-

ty instrument that would allow the EU to react to new and unexpected needs with funds over the expenditure ceilings. Furthermore, a new extraordinary Crisis Mechanism will be available, offering loans to Member States in case of severe crisis.

- **Simplification** of access to EU funding opportunities: Given that the current application process is felt complex and costly, the Commission proposes to reduce the number of programmes in the next MFF from 52 to 16 and establish more harmonised rules. In addition, beneficiaries should benefit from a single portal by which all funding opportunities under different EU instruments can be accessed.

- **Tailored interventions** to support the Member States' economic, social and territorial cohesion: The next MFF will feature a coherent strategy in which cohesion and agricultural policy remain at the centre. This strategy will be implemented through *National and Regional Partnership Plans* (NRPPs). In the NRPPs, Member States and Regions propose relevant key investments and reforms, and they will cover all relevant support measures, ranging from Cohesion policy, social policy, and Common Agricultural Policy over fisheries and maritime policy, to migration, border management and internal security. The Plans will be designed and implemented through close partnership between the Commission, the Member States, Regions, local communities and relevant stakeholders. Having one single plan per Member State, the Commission expects a stronger impact and a more efficient use of European funding.

- **Competitiveness boost**: The Commission proposes several measures to promote competitiveness in the next EU long-term budget. This includes a new European Competitiveness Fund, worth €409 billion and designed for investments in strategic technologies and for the benefit of the entire Single Market, as recommended in the Letta

and Draghi Reports. The Fund will operate under one rulebook, and offer a single gateway to funding applicants. Support will focus on four areas: clean transition and decarbonization; digital transition; health, biotech, agriculture and bioeconomy; defence, and space. The defence and space area will allocate €131 billion to support the establishment of the European Defence Union. The European Competitiveness Fund is complemented by Horizon Europe, the EU's research funding flagship. With a total of €175 billion, Horizon Europe will continue to finance innovation.

- **A balanced package of new own resources** that is to ensure adequate revenues for the EU's new priorities while minimising pressure on national public finances. To this end, the Commission proposes five new own resources: EU Emissions Trading System (ETS); Carbon Border Adjustment Mechanism (CBAM); non-collected “e-waste”; tobacco excise duty own resource (TEDOR); and Corporate Resource for Europe (CORE). The latter would establish an annual lump-sum contribution by large companies operating and selling in the EU, with an annual net turnover above €100 million.

Another important feature will be that **compatibility with the rule of law and fundamental rights** will continue to play a crucial role in protecting the EU budget. The [general regime of conditionality for the protection of the EU budget](#) (also known as Conditionality Regulation) will continue to protect the entire EU budget. The National and Regional Partnership Plans will provide additional safeguards by making compliance with the rule of law principles and the Charter of Fundamental Rights a prerequisite for receiving any support. Thus, the NRPPs are a means to establish a closer link between the recommendations of the rule of law report and the provision of financial support. According to the Commission's plans, this will be ensured by the following:

- To have their Plans approved, Member States will have to demonstrate that they have adequate mechanisms to ensure compliance with the rule of law principles and the EU Charter throughout the implementation of the funds;

- There will be a possibility to block part or all payments at any moment during implementation, in line with the principle of proportionality, taking into account the nature, duration, gravity and scope of the identified breach;

- Member States will have to address the identified breach in a timely manner or face a reduction of EU support.

With regard to better transparency, the Commission also proposed that information on the beneficiaries of EU funds is to be published in a central database from 2028 onwards.

► *Debate in the run-up*

Before the proposal, the European Parliament already set the tone for the negotiations on the Commission's MFF plans. In a [resolution adopted on 7 May 2025](#), MEPs took the view that the Commission's "single national plan" approach cannot be the basis for spending in Member States and that merging existing funds into the "mega" competitiveness fund is inadequate.

In a debate with Commissioner for Budget, Anti-Fraud and Public Administration *Piotr Serafin* on 9 July 2025, [MEPs reiterate their opposition](#) to the Commission's "national plan" model and called to maintain an independent European Social Fund.

Euronews reported on 2 July 2025 that [14 EU Member States opposed](#) the Commission's plans to centralise the management and distribution of EU funds in a non-paper. They also stressed that the future budget must reflect the different development levels of regions and called for a stand-alone Cohesion Policy dedicated legislation.

On 16 June 2025, the [European Court of Auditors \(ECA\) voiced its opinion](#) on the post-2027 MFF. The Au-

ditors acknowledged the Commission plans for a simpler, more focused and impactful EU long-term budget and presented a list of opportunities for a budget focused on results. They also advocated that transparency and accountability are ensured by means of an independent external audit.

► *Next steps*

The Commission's proposal on the next long-term EU budget must now be negotiated by the Council and, in accordance with Art. 312(2) TFEU, adopted unanimously after approval by the European Parliament. Furthermore, certain elements of the revenue side (in particular the new own resources) also require unanimity in the Council and must additionally be approved by the Member States in accordance with their respective constitutional requirements.

Ministers of the EU Member States had a first exchange of views at the [General Affairs Council meeting on 18 July 2025](#). The Danish Council Presidency assured that it will guide the negotiations and reach progress as much as possible during its term. Follow-up discussions will continue in the General Affairs Council. (TW)

Anti-fraud Architecture Review Launched



On 16 July 2025, the European Commission published a [White Paper](#) that launches the review of the EU's anti-fraud architecture (AFA). The AFA refers to the framework of policies, institutions, and mechanisms established to protect the financial interests of the EU by preventing, detecting, and addressing fraud and other illegal activities that could affect the EU budget. The AFA review complements the preparatory work on the next multiannual financial framework (MFF) aiming to ensure a strengthened and more efficient protection of the EU's financial interests.

The White Paper sets out preliminary orientations and several key

questions that are designed to initiate a broader reflection on the future AFA. It is addressed to the major EU anti-fraud actors, such as the EPPO, OLAF, Europol, Eurojust, the AMLA, the European Court of Auditors, and other stakeholders, which are invited to take part in the review process.

The questions relate to the following topics:

- Improving detection, including the use of new technologies and AI, data analysis and intelligence sharing;

- Improving investigation and prosecution capabilities, including data sharing and operational analysis as well as enhanced complementarity and coordination between the EPPO and OLAF;

- Improving the efficiency of the recovery process for the EU budget;

- Improving the governance of the anti-fraud architecture.

The review of the overall Anti-Fraud-Architecture, taking into account the results of relevant ongoing evaluations and building on the work of Europol and the EPPO, is one of the priorities of current Commissioner for Budget, Anti-Fraud and Public Administration, *Piotr Serafin*. On the occasion of the publication of the White Paper, [he said](#): "To ensure that the Anti-Fraud-Architecture is fit for purpose and all relevant EU bodies can fulfil their function to their best ability, we are kick-starting a holistic review of the entire architecture. No stone will be left unturned in this exercise, from identifying loopholes in the cooperation of key anti-fraud actors to the effectiveness of deterrence, prevention and correction of fraud."

The results of the AFA review will be presented in a Commission Communication in 2026. It may be accompanied by possible legislative proposals related to the main anti-fraud actors, i.e., OLAF, the EPPO, Eurojust, and Europol, as well as the Eurofisc Regulations and – as far as the substantive legal anti-fraud framework is concerned –

the PIF Directive. The overall aim is to establish a more coherent AFA with simplified and operational answers in reply to the issues mentioned in the White Paper. (TW)

ECA Gives Advice on Future EU Cohesion Policy

In its [review “The Future of EU Cohesion Policy: Drawing lessons from the past”](#), the European Court of Auditors (ECA) makes several proposals on how the EU's post-2027 budget on cohesion can be better designed, implemented, managed and overseen. The review, issued on 19 June 2025, is the ECA's contribution to the discussion of the next long-term EU budget in the area of cohesion.

The ECA notes that the EU invested more than €1 trillion through its cohesion policy between 1989 and 2023 and an additional €400 billion will be allocated until 2027. The cohesion policy is the largest regional development policy of its kind in the world, and accounts for around one third of the EU budget. The aim of the cohesion funds is to promote economic, social and territorial cohesion, and reduce disparities in the EU. Cohesion is delivered via the European Regional Development Fund, the Cohesion Fund, the European Social Fund Plus, and the Just Transition Fund.

The ECA also points out that EU cohesion policy has had to cover an ever-increasing set of EU priorities and objectives. Given the significant resources available for the policy, it has also often been used to respond to exceptional situations, such as the COVID-19 pandemic and the massive flow of refugees from Ukraine in 2022. The auditors acknowledge the importance of flexibility in using the cohesion funds, but they warn that this makes cohesion policy more fragmented, and risks diversion from its primary goal of reducing regional disparities. Hence, the design of the cohesion policy objectives in the future

should remain rooted in each region's development needs, and continue the focus on strengthening economic and social convergence. Fragmentation and complexity should be reduced and synergies between cohesion and directly-managed programmes supported, particularly by aligning regulatory provisions such as requirements for public procurement and state aid rules.

Furthermore, the ECA suggests that performance monitoring and evaluation should be strengthened if the “performance-based” model will be continued. Auditors also raise the issue that the speed of fund absorption in cohesion policy should be improved, e.g. by adopting the legal frameworks with as little delay as possible and by establishing a faster programming exercise. Other issues that should be addressed are: reducing the complexity of rules in order to avoid risks of error and making the assurance framework more effective.

Last but not least, the auditors stress that lessons must be learned from the shortcomings of the Recovery and Resilience Facility (RRF). This includes: putting in place appropriate accountability arrangements; reinforcing control systems to ensure compliance with EU and national rules; and ensuring effective arrangements for the recovery of misused funds. (TW)

Commission: End of the Recovery and Resilience Facility is Approaching

In its [Communication “NextGenerationEU – The road to 2026”](#), the European Commission takes stock of the implementation of the Recovery and Resilience Facility (RRF) and provides guidance to the EU Member States to ensure the Facility's successful closure in 2026.

The RRF is the centrepiece of the NextGenerationEU and the main tool to overcome the impacts of the COVID-19 pandemic. It changed the model of EU funding: the Commission raises

funds by borrowing on the capital markets (issuing bonds on behalf of the EU). These are then made available to the EU Member States for the implementation of ambitious reforms and investments, based on milestones and targets fixed in national Recovery and Resilience Plans (RRPs).

The Commission points out that, thanks to the RRF, the EU was able to recover quickly from the COVID-19 pandemic, one of the worst crises in history. At the same time, investments have been done in a more sustainable and prosperous future for European citizens and businesses. Despite a war on the continent and unexpected energy and trade shocks, Member States have implemented ambitious structural reforms, covering justice and pension systems as well as labour markets, public procurement and many other sectors.

However, “only” over €315 billion has been disbursed to Member States so far following the achievement of over 2,000 milestones and targets in the delivery of reforms and investments. More than €335 billion is still available. The Commission reminds the Member States that the RRF runs out in 2026. Member States are encouraged to revise their national recovery and resilience plans in order to ensure that all milestones and targets can be implemented by 31 August 2026. Member States must achieve all milestones and targets by this date, and the Commission must make the final payments by 31 December 2026. The Commission has ruled out any extension of the deadlines (for the time being). (TW)

EP: Concerns about End of Recovery and Resilience Facility

In a [resolution of 18 June 2025](#) on the implementation of the Recovery and Resilience Facility (RRF), the European Parliament (EP) pointed out benefits and shortcomings of this EU financing instrument designed to overcome the

impacts of the COVID-19 pandemic. The resolution deals with the key role of the RRF in strengthening the Europe's economic and social resilience, the design and implementation of the national Recovery and Resilience Plans (RRPs), the extension of projects, transparency and lessons for the future.

MEPs stress that the RRF prevented the fragmentation of the EU internal market and promoted recovery. However, RRF funding must respect the principle of additionality and not replace cohesion policy funding. The resolution calls for targeted investment in EU defence, education and skills, and more cross-border and multi-country measures, including high-speed railway.

MEPs see risks due to the expiry of the RRF in 2026 (→previous news item): the short timeframe for the remaining RRF implementation poses challenges to deliver the key reforms and large-scale investments that need to be finalised towards the end of the RRF and to achieve the remaining 70% of milestones and targets on time. The Commission is urged to set up new programmes, which should be flexible and reactive to changing circumstances and guarantee predictability. MEPs also demand an 18-month extension for ongoing mature projects.

The total costs for capital interest repayments are another concern in the resolution. MEPs reiterate the need for a strong auditing and monitoring mechanism for RRF expenditure to prevent misuse, double funding, and duplication with other EU programmes.

Last but not least, MEPs call to mind the need to improve the transparency and traceability of the use of EU funds. It is also essential to adopt differentiated strategies that recognise the cultural diversity of different regions and strengthen their economic and social cohesion. The Commission is also called to find solutions for public and private investment in order to

close the funding gap which will arise in 2026 when the RRF ceases. (TW)

ECA Summarises its Criticism of Recovery and Resilience Facility



In its [review](#) "Performance-orientation, accountability and transparency – lessons to be learned from the weaknesses of the RRF", issued on 6 May 2025, the European Court of Auditors (ECA) takes another critical look at the Recovery and Resilience Facility (RRF). The RRF is the EU's flagship financial instrument to overcome the impact of the COVID-19 pandemic. Its initial budget was €724 billion, but EU countries signed up for €650 billion (€359 billion in grants and €291 billion in loans). RRF debt must be repaid by 2058 by both the Commission (for grants) and Member States (for loans). The RRF ends in August 2026 (→news item above at page 138).

ECA's review summarises its audits related to the RRF's design, control framework and implementation, which were published up until April 2025. For respective ECA reports summarised in eucrim, see *inter alia* →[eucrim 1/2025, 23](#); [eucrim 2/2024, 110](#); [eucrim 3/2023, 252](#); [eucrim 1/2023, 25–26](#).

The auditors reiterate their criticism that the RRF suffers from several weaknesses in terms of performance, accountability and transparency. Although the RRF has played a crucial role in the EU's post-pandemic recovery, information on results is scarce, and there is no information on actual costs. As a result, it is not clear what citizens actually get for their money. EU policy makers must draw lessons from ECA's audits on the RRF when they discuss the future EU budget, in particular if the financing will be based on performance not linked to costs.

The criticism mainly concerns the following issues:

- The RRF is actually not a performance-based instrument as it focuses on implementation progress rather

than performance. This finding is *inter alia* corroborated by the fact that RRF-funded measures sometimes lack clarity and do not always cover implementation stages, including completion, and common indicators are not well aligned with the EU objectives in the relevant policy areas (e.g. the green and digital transitions). In addition, value for money, i.e. the efficiency of spending, cannot be assessed because the Commission does not collect data on actual costs.

- The RRF covers objectives in a wide range of policy areas, which increases the risk of overlaps with other EU instruments and of lack of focus.

- Even though the Recovery and Resilience Scoreboard is user-friendly, it is affected by data quality issues and lack of transparency in certain aspects.

- There is no sufficient assurance that control systems adequately protect the EU's financial interests. The RRF system is prone to error because there are ambiguities in the legal framework and milestones/targets are often vaguely defined.

- The Commission mainly relies on Member States to detect and correct serious irregularities and to ensure compliance with EU and national rules, but their systems do have weaknesses.

- Another weak point is that the Commission cannot make corrections for individual breaches of public procurement rules except in cases of serious irregularities.

- The EU's financial interests are highly affected, given that the RRF Regulation does not provide the possibility of recovering funds in cases EU funds have not been spent in line with EU or national rules or where measures have not been completed. Furthermore, the term "final recipient" is not always used consistently and the disbursement of funds to Member States does not mean that they have reached the final recipients and the real economy.

Lastly, the auditors raise concerns over the repayments of the RRF funds which were almost entirely borrowed from the market; the current RRF model lacked sufficient foresight as repayments will put pressure on the future multiannual financial frameworks. If the RRF model is repeated in future, EU policy makers must pay attention that interest-related risks in particular are sufficiently mitigated and a plan for repaying loans is set out in advance, identifying where this money will come from.

The ECA's review is an important document that feeds into the discussion on the next, post-2027 EU budget for which the Commission voiced plans to take up the RRF model in certain aspects. The review lists ECA's reports and opinions related to the RRF which were published up until April 2025 in an annex. These documents are also made available at the [ECA's website dedicated to "NextGenerationEU"](#). (TW)

Corruption

MEPs Block Interinstitutional Ethics Body

On 14 May 2025, the European Parliament's Constitutional Affairs Committee (AFCO) [voted against](#) the European Parliament's participation in the [interinstitutional ethics body](#).

This had been proposed following the bribery scandal involving the then Vice-President of the European Parliament (EP), *Eva Kaili* (formerly S&D), which concerned the involvement of MEPs and EU officials in corruption, money laundering and organised crime under the influence of the governments of Qatar, Morocco and Mauritania (Qatargate [→eucrim 4/2022, 242–243](#)).

The aim was to create an independent, external ethics committee to which the Commission, the EP and other institutions would be accountable.

In May 2024, the institutions signed the agreement that sets up the ethics body ([→eucrim 2/2024, 111–112](#)). It would be mandated to promote a common culture of ethics and transparency amongst the parties, in particular by developing common minimum standards and by fostering the exchange of best practices on the matter. The European Council and the Council of the EU already said no to their participation.

In order for the EP to participate in the ethics body, an amendment to the Rules of Procedure would have been necessary. This has now been rejected by a majority of conservative and right-wing MEPs. [They opposed](#) "the creation of a new external body to regulate the internal functioning of the European Parliament" or argued that the body "would violate the presumption of innocence and publicly stigmatize politicians". MEPs also said that, instead of new structures, existing law enforcement agencies, such as OLAF and the EPPO should be strengthened, alongside national judiciaries.

As an alternative to the ethics body, a proposal for an internal parliamentary disciplinary body, without the participation of the other EU institutions, is being drawn up. If this reform of the internal procedure receives a majority, the EP will make a final decision on the termination of the interinstitutional agreement that was to create the ethics body. (TW)

Money Laundering

Commission Updates AML/CFT High-Risk List

In June 2025, the Commission [updated its list](#) of high-risk jurisdictions with strategic deficiencies in their anti-money laundering and counter-terrorist financing regimes, requiring EU entities to apply enhanced vigilance in transactions involving them. Ten jurisdictions were added: Algeria, Angola, Côte d'Ivoire, Kenya, Laos, Lebanon,

Monaco, Namibia, Nepal, and Venezuela. Eight were removed: Barbados, Gibraltar, Jamaica, Panama, the Philippines, Senegal, Uganda, and the United Arab Emirates. The revised list takes the legal form of a [delegated regulation](#) and enters into force after scrutiny by the European Parliament and the Council (for the scrutiny period see Art. 290(2)(b) TFEU).

The legal basis is (yet) Art. 9(1),(2) of the fourth AML Directive ([Directive \(EU\) 2015/849](#)), according to which the Commission is responsible for identifying high-risk third countries with strategic deficiencies in their anti-money laundering and counter-financing of terrorism (AML/CFT) regimes. As set out in Art. 18a, this Directive requires banks and other financial institutions to exercise heightened vigilance when dealing with such high-risk third countries. The identification and listing of third countries whose AML/CFT regimes have strategic deficiencies aims to protect the integrity of the EU's financial system and internal market, reinforce internal security, and promote sustainable development. The list is regularly updated (for previous updates [→eucrim 2/2023, 144](#)). The EU list of high-risk countries specifically takes into account the FATF list of "Jurisdictions under Increased Monitoring". This list is also regularly updated. (AP)

Environmental Crime

Waste Shipment Enforcement Group Launched

On 22/23 May 2025, the [Waste Shipment Enforcement Group \(WSEG\) was launched](#) at a meeting in Warsaw, Poland, which was organised by OLAF. The establishment of the WSEG is based on the [Regulation on waste shipment](#), which entered into force on 20 May 2024. According to Art. 66 of the Regulation, the group "shall be a forum for sharing information rele-

vant for the prevention and detection of illegal shipments, including information and intelligence on general trends relating to illegal shipments of waste, risk-based assessments carried out by the authorities of the Member States, and experience and knowledge on enforcement measures, as well as for exchanging views on best practices and for facilitating cooperation and coordination between relevant authorities.”

Under the Regulation, also OLAF plays an important role in supporting transnational investigations by EU Member States into waste trafficking (for details → article by S. Grassin and L. Garruto, “Fighting Waste Trafficking in the EU: A Stronger Role for the European Anti-Fraud Office”, [eucrim 2/2024, 143–145](#)).

At its inaugural meeting in Warsaw, over fifty stakeholders from across the EU and beyond – including environmental, customs, police and judicial authorities as well as carriers – discussed latest trends, international flows of illicit trade, improvements of inspections and enforcement measures as well as the use of IT tools to collect information and alert partners. Participants also shared best practices with regard to inspections, outlined common challenges and analysed the *modus operandi* detected in the illicit trade of waste. OLAF supports the WSEG and helps turn intelligence into concrete action. (TW)

Cybercrime

Europol Concept Paper “Policing in an Online World”

spot light On 18 July 2025, Europol’s Innovation Lab [published](#) a [concept paper](#) on how the police can adapt to citizens’ increasingly digital lives. While community police officers play a key role in ensuring the safety and security of citizens in the physical world, the online sphere is increasingly perceived as lawless. Digi-

tal equivalents of community policing are often in their infancy or absent. Many police organisations find the objectives and aims of online policing unclear; approaches vary widely.

In response, the paper proposes some guiding principles:

- Maintain a permanent presence in online communities to protect against online crime as effectively as against offline crime, countering the notion that the Internet is a lawless space;
- Engage with all levels of society at eye level, from digital natives to digital immigrants, by building relationships through dialogue and fostering trust, especially with hard-to-reach or at-risk target groups;
- Be transparent by being clearly identifiable (e.g., fully uniformed, using police accounts, and declaring presence and purpose on digital platforms), signalling inclusive justice for all segments of society;
- Stand for evidence-based truth that is non-negotiable, countering misinformation, and helping citizens make informed online choices;
- Offer convenience by lowering the threshold for contacting the police, being available at all times, and leveraging online amplification effects to increase reach.

To advance online policing, the paper stresses the need for enabling parameters, including a legal framework that permits such law enforcement activities. It outlines existing initiatives in Norway, Denmark, Estonia, and Poland, such as regional online patrols, the use of open-source intelligence (OSINT) to investigate online crime, and transparent and accessible online police officers. The appendix includes a self-assessment capability model developed by the Swedish Police. Furthermore, the paper describes the approach taken by the Norwegian National Criminal Investigation Service (NCIS) to set up online policing and explains the role of the Danish Online Police Patrol. (CR)

IOCTA 2025

spot light On 11 July 2025, Europol [published](#) the 10th edition of its [2025 Internet Organised Crime Threat Assessment \(IOCTA\)](#). For the 2024 report → [eucrim 2/2024, 123](#) with references to the previous years’ reports.

Under the title “Steal, deal, and repeat: How cybercriminals trade and exploit your data”, the 2025 IOCTA provides a detailed analysis of the significant developments, changes, and emerging threats in cybercrime in 2024. The report contains five chapters on the following central questions:

- Which data do cybercriminals target?
- How do they exploit it?
- How do they acquire data and access?
- Who are the criminal actors are?
- Where are data and access compromised?

The report emphasises the significant threat posed by data theft. Compromised data is highly valuable to a wide range of criminal actors, who exploit it both as a commodity in its own right and as a target to be acquired for other purposes, including the perpetration of further criminal activities. Cybercriminals use a variety of techniques to exploit both system vulnerabilities and human oversight in order to access and steal personal data.

Social engineering appears to be a particularly prevalent technique used. In addition, the efficacy of social engineering techniques increases with wider adoption of Large Language Models (LLMs) and other forms of generative artificial intelligence that enable more targeted communication with victims and the automation of criminal processes.

The sale of access to compromised systems and accounts is a thriving part of the criminal ecosystem. Consequently, Initial Access Brokers (IABs) are increasingly advertising these services, alongside related commodi-

ties, on specialised criminal platforms used by a wide range of cybercriminals. Looking at data brokers, the report finds that they are spreading their activities across multiple platforms in order to diversify their operations and increase their resilience against law enforcement operations. At the same time, end-to-end encrypted (E2EE) communication apps are increasingly being used to negotiate and conduct sales transactions involving breached data, as well as to share the personal information of targeted victims, including children.

In its conclusions, the report points out the need for multifaceted policy considerations that focus on both societal resilience and effective law enforcement within the EU's robust legal framework. According to the report, key actions should include the following:

- Lawful access by design to E2EE communication channels in cooperation with service providers and regulators.
- Clear and harmonised EU standards for the targeted retention and/or expedited access to essential metadata, operating strictly within the boundaries defined by CJEU case law. This would involve targeting serious crimes and ensuring compliance with the principles of necessity and proportionality. Greater legal certainty would improve the effectiveness of cross-border investigations.
- The promotion of broad digital literacy, critical verification skills, and responsible online sharing practices. This should include an emphasis on specific guidance for parents, guardians, and young people on online risks and effective privacy management in order to mitigate vulnerabilities stemming from data openness. (CR)

Operation ENDGAME Targets Initial Access Malware

At the end of May 2025, [Operation ENDGAME](#), ongoing since 2024, led to the

takedown of Initial Access Malware. This malware was being used for initial infection, helping cybercriminals to enter victims' systems unnoticed and download more malware, such as ransomware, onto their devices. The following malware strains were neutralised during the operation: Bumblebee, Lactrodectus, Qakbot, Hijackloader, DanaBot, Trickbot, and Warmcookie.

Investigators from Canada, Denmark, France, Germany, the Netherlands, the United Kingdom, and the United States conducted the operation, which was also supported by Eurojust and Europol. Some 300 servers were taken down worldwide, 650 domains were neutralised, and 20 international arrest warrants issued. €3.5 million in cryptocurrency was also seized. In addition, several suspects were added to the [EU Most Wanted list](#). (CR)

Organised Crime

Crime Priorities under the EMPACT Cycle 2026–2029

At its [meeting on 13 June 2025](#), the Council (Justice and Home Affairs) approved its [conclusions](#) on the enhancement of the European Multidisciplinary Platform Against Criminal Threats (EMPACT) and on the EU's crime priorities for the 2026–2029 EMPACT cycle.

EMPACT, established in 2010, tackles the most important threats posed by serious and organised international crime affecting the EU. It is a Member States-driven, permanent, and consolidated framework using an intelligence-led (evidence-based), multidisciplinary, and integrated approach to bring together law enforcement authorities, namely the police, customs and tax authorities, border guards, judicial authorities, other public authorities, and the private sector. This integrated approach aims at better coordinating the cooperation in the areas of information exchange, development

and innovation, training and prevention with regard to internal security. Empact is coordinated by Europol and works in four-year cycles, with each cycle starting with the EU Serious and Organised Crime Threat Assessment (EU SOCTA – for the 2025 EU SOCTA [→page 141](#)). Each cycle continues with the development, implementation, and monitoring of biannual operational action plans (OAPs) and concludes with an independent evaluation.

The following seven EU crime priorities were identified by the Council in its conclusions for the next EMPACT cycle:

- Identifying and disrupting the most threatening criminal networks and individuals;
- Tackling the fastest growing crimes in the online sphere, namely cyberattacks, online child sexual exploitation, and online fraud schemes;
- Fighting drug trafficking by focusing on the production, trafficking, and distribution of cannabis, cocaine, heroin, synthetic drugs, and new psychoactive substances;
- Tackling migrant smuggling and trafficking in human beings;
- Targeting firearms and explosives crime;
- Disrupting networks involved in environmental crime;
- Fighting economic and financial crime such as VAT and Missing Trader Intra-Community (MTIC) fraud, excise and customs fraud, intellectual property crime, and the counterfeiting of goods and currencies.

In order to successfully implement the EMPACT cycle, the Council is calling on the Commission to propose an increased allocation for EMPACT in the EU budget, including a higher EU contribution to Europol. Furthermore, it calls upon all relevant national and EU services and stakeholders to actively commit to implementing EMPACT by allocating resources for operational actions under the OAPs and by raising awareness of EMPACT among decision-makers,

law enforcement practitioners, and other relevant stakeholders. (CR)

Darknet Trading Platform 'Archetype Market' Shut Down

In June 2025, an international week of action led to the disruption of one of the longest-running dark web marketplaces for drugs. The [Archetype](#) platform, active for over five years, served around 3200 vendors and over 600,000 users who traded drugs worth at least €250 million. The action week also resulted in the arrest of the platform's administrator (a German national residing in Spain) and seven other individuals, as well as the seizure of assets worth €7.8 million. Eurojust and Europol coordinated the investigations and operations carried out by law enforcement and judicial authorities in Germany, the Netherlands, Spain, Sweden, and Romania, together with the support of the United States. (CR)

Extension of European Ports Alliance Planned

On 21 July 2025, D EU Commissioner for Home Affairs *Magnus Brunner* and Danish Minister for Justice, *Peter Hummelgaard*, who represented the Danish Council Presidency, [took stock of the first year of the European Ports Alliance](#) Public-Private Partnership. The initiative was launched in January 2024 and strengthens cooperation between European ports in the fight against organised crime and drug trafficking ([→eucrim 1/2024, 30](#)). Bolstering security and resilience of EU ports against crime is also one of the priorities of the EU Internal Security Strategy "ProtectEU" ([→eucrim 1/2025, 3–4](#)).

Sixteen major ports, including Hamburg, Rotterdam and Marseille, are currently participating in the alliance. In view of the shift of criminal activities to smaller ports, the Danish Presidency and the Commission want to expand the alliance. They called for targeted investment in control technology and better networking between authorities.

The Commission also emphasised the need to protect maritime infrastructure against hybrid and cyber threats. Another objective is to provide police authorities with legally secure access to data in order to combat organised crime more effectively. (TW)

Trafficking in Human Beings

Ombudsman Inquires Commission's Failure to Carry Out Impact Assessment for Anti-Smuggling Package

Following a complaint by civil society organisations, European Ombudsman *Teresa Anjinho* [opened an inquiry](#) into the Commission's decision not to carry out an impact assessment on two legislative proposals to combat migrant smuggling. Specifically, the legislative proposals concern the directive to prevent and counter the facilitation of unauthorised entry, transit and stay in the EU and the regulation on enhancing police cooperation in relation to the prevention, detection and investigation of migrant smuggling and trafficking in human beings. The package was presented in November 2023 ([→eucrim 3/2023, 257–258](#)).

After the Ombudsman asked the Commission to explain why no impact assessment had been carried out, the latter is now also required to explain the urgency of these two legislative proposals. The state of play of the Ombudsman's inquiry can be retrieved [here](#).

This is the European Ombudsman Office's third ongoing inquiry into whether the Commission has followed the necessary rules when preparing legislative proposals. The European Parliament has already criticised the lack of an impact assessment and the EP's Research Service did a "targeted substitute impact assessment", concluding that the proposed directive is not consistent with either international or EU standards ([→eucrim news of 13 March 2025](#)). (TW)

Terrorism

Europol TE-SAT 2025

On 24 June 2025, Europol [published](#) its [EU Terrorism Situation and Trend Report 2025 \(EU TE-SAT\)](#). The report provides a comprehensive situational overview of terrorism across EU Member States in 2024: jihadist, right-wing/left-wing, and anarchist terrorism; ethno-nationalist and separatist terrorism; and other forms of terrorism and violent extremism. It also provides an outlook on potential developments. For the editions of previous years [→eucrim 4/2024, 286](#) and [→eucrim 2/2023, 146](#) each with further references.

In 2024, the terrorism threat in the EU was once again shaped by developments beyond EU borders: the conflict in Gaza, Russia's war of aggression against Ukraine, and the collapse of the regime in Syria. In addition, the involvement of minors and young people in terrorism and violent extremism represents a worrying development that continued to grow in 2024. Adding to these challenges is the growing intertwining of individuals' digital and physical lives – a phenomenon often referred to as "on-life" reality". Another key concern is the ongoing exploitation of artificial intelligence and other innovative technologies, which are enabling new possibilities in areas such as recruitment, propaganda, methods of operation, and financing tools.

Examining the figures:

- A total of 58 terrorist attacks were recorded in 14 EU Member States in 2024. Of these, 34 had been completed, five failed, and 19 were foiled, marking a decrease compared to previous years.
- Most of the attacks took place in Italy (20) and France (14), followed by Germany (6), Austria (3), Greece (3), Czechia (2), Denmark (2), Lithuania (2), Belgium (1), Ireland (1), Malta (1), the Netherlands (1), Slovakia (1), and Spain (1).

- 24 terrorist attacks were attributed to jihadist terrorism, marking a significant increase from 14 attacks reported in 2023. Most of the jihadist terrorist attacks were perpetrated by lone actors (20 out of 24).

- There were five deaths and 18 injuries as a result of six completed jihadist attacks and two injuries were attributed to other forms of terrorism.

- 21 attacks were attributed to left-wing and anarchist terrorism, with the majority (18) occurring in Italy, followed by Greece.

- One completed right-wing attack was reported by Italy.

- Four ethno-nationalist and separatist attacks, all completed, took place in France (3) and in Italy (1).

- Next to civilians, the industrial sector was the second most frequent target, with nine attacks carried out by left-wing and anarchist terrorists. Other common targets were private businesses, religious entities/symbols, critical infrastructure, political entities, and law enforcement.

- The majority of attacks took place in an urban location (45); others were perpetrated in rural areas (13).

- Arson was the most common *modus operandi* (used in 22 attacks), followed by bombing, stabbing, shooting, damage to property, and one case of kidnapping.

- Fire accelerants were used in the majority of attacks (15), most frequently by left-wing and anarchist terrorists (11). Improvised explosive devices (IEDs) were used in 10 attacks, while bladed weapons were used in 10 jihadist attacks. Improvised incendiary devices (IIDs) were recorded in 6 cases.

- A total of 449 individuals were arrested for terrorism-related offences across 20 Member States, which is an increase compared to 2023 (426). The majority of arrests were carried out in Spain (90), France (69), Italy (62), and Germany (55).

- Of those arrested, 405 were male and 43 were female.

- Sixteen EU Member States informed Eurojust of court proceedings (485) for terrorist offences in 2024. Of these, 426 resulted in convictions and 59 in acquittals.

Two major threats were the focus of the report: (1) the growing threat of online communities inciting violence and (2) the exploitation of a variety of technologies by terrorists and violent extremists.

According to the report, the number of minors and young people involved in terrorist and violent extremist activities continued to increase across the EU in 2024, as terrorist organisations targeted young people and spread propaganda on popular social media platforms. Young people's radicalisation is heavily influenced by a combination of psychological vulnerabilities, social isolation, and digital dependency. Algorithm-driven content reinforces radical ideas, leading to a dangerous normalization and desensitization to harm. The young perpetrators were predominantly male and had most often undergone a process of self-radicalisation online. They were not affiliated with any centralised organisation and often acted alone or within small groups of peers. A growing variety of online communities recruits minors and young adults and then induces them to perform extreme violent acts against themselves and others. Additionally, the growing threat posed by various online cult communities that use digital platforms to normalise extreme cruelty, extort victims, and radicalise young people into carrying out violent acts is a cause for concern.

The report notes that, in 2024, terrorists and violent extremists continued to exploit a variety of technologies, demonstrating different levels of technological skill:

- End-to-end encrypted (E2EE) communication platforms continued to provide secure channels;

- Social media offered far-reaching platforms and large audiences;

- Immersive environments, such as gaming platforms and the metaverse, remained subject to exploitation;

- Generative AI was used to create and disseminate propaganda and hate speech;

- AI tools were employed for various purposes, including large language models (LLMs) and deepfake technology, to create persuasive and deceptive content;

- Cryptocurrencies and non-fungible digital assets (NFTs) enabled anonymous financing and the transfer of funds;

- 3D printing technology facilitated the clandestine manufacturing of firearms;

- Unmanned aerial vehicles (UAVs/drones) raise further concerns. (CR)

Foreign Terrorist Fighters and Female Returnees: Legal Responses and Cumulative Prosecution

In early September 2025, the Genocide Prosecution Network (GPN) [published a report on the cumulative prosecution of foreign terrorist fighters \(FTFs\)](#) for core international crimes and terrorism-related offences, drawing on high-profile jurisprudence in countries such as Germany and the Netherlands. The report aims to equip legal practitioners in the EU and beyond who respond to and prosecute FTFs and female returnees with practical examples and arguments to facilitate their work.

Structured in four main chapters (cumulative charging, evidence, legal defences and judicial assessment, and sentencing), the report:

- Explains the legal and practical implications of cumulative charging (for both terrorism-related offences and core international crimes), including the relevant national and international laws and the cooperation required;

- Details the types of evidence used in cumulative prosecution cases and the overlap between evidence for terrorism and core international crime;

- Sets out the legal defences raised in the context of terrorism-related crimes, compared to those concerning core international crimes;

- Compares sentencing in cumulative prosecution cases with terrorism-only cases, highlighting mitigating and aggravating factors.

The report concludes that cumulatively prosecuting terrorism-related offences alongside core international crimes is essential to ensure comprehensive accountability for FTFs and female returnees, and to deliver justice to victims. This approach effectively addresses the full spectrum of criminal activities committed by ISIS members, ranging from terrorism to core international crimes such as enslavement, sexual violence, and combat-related offences. As the same body of evidence often supports both offence types, the report recommends that national authorities consider both charges from the outset where applicable, question witnesses comprehensively about both, and analyse documentary and forensic evidence through both legal lenses.

Established in 2002, the GPN promotes close cooperation between national authorities investigating and prosecuting genocide, crimes against humanity, and war crimes. Its Secretariat is based at Eurojust. (CR)

Procedural Law

Data Protection

General Court Confirms Adequacy of U.S. Data Protection

On 3 September 2025, the [General Court \(GC\) dismissed an action seeking annulment](#) of the Commission's adequacy decision of 10 July 2023 (Decision EU 2023/1795), namely that the United States of America ensure an adequate level of protection for personal data transferred from the EU un-

der the EU-US Data Privacy Framework ([→eucrim 2/2023, 152–153](#)).

► Background of the case

As a consequence of the adequacy decision, public and private entities from the European Economic Area (i.e., all the 27 EU Member States as well as Norway, Iceland, and Liechtenstein) are able to transfer personal data to companies in the USA that have certified their participation in the EU-US Data Privacy Framework (DPF). In doing so, they fulfill the requirements for international data transfers as regulated in the General Data Protection Regulation (GDPR). The action against this new framework came against the background that the ECJ had invalidated the two previous frameworks, the *Safe Harbour* and the *Privacy Shield*, for not guaranteeing protections “essentially equivalent” to EU law (judgements in *Schrems I* ([→eucrim 3/2015, 85](#)) and *Schrems II* ([→eucrim 2/2020, 98–99](#))).

In response, the USA issued Executive Order 14086 (October 2022), which strengthens the privacy safeguards governing signals intelligence activities (SIGINT) carried out by the intelligence agencies in the United States. It also issued an Attorney General regulation (28 CFR Part 201), establishing new privacy safeguards for U.S. intelligence activities and creating the Data Protection Review Court (DPRC) as a redress mechanism for EU citizens. The Commission took its new 2023 adequacy decision on this basis.

In the present action for annulment (Case [T-553/23](#), *Latombe v Commission*), French citizen *Philippe Latombe*, who is user of various IT platforms that collect his personal data and transfer them to the USA, argued that the 2023 adequacy decision also violates his rights to private and family life, to data protection, and to effective judicial protection under the Charter of Fundamental Rights of the EU (CFR) and the GDPR. He submitted two main arguments:

- The DPRC is not an independent and impartial tribunal established by law, as it is dependent on the executive (possible breach of Art. 47 CFR and Art. 45(2) GDPR);

- The bulk collection of personal data by the U.S. intelligence agencies in transit from the European Union is illegal because it is without the prior authorisation of a court or an independent administrative authority, and it has not been circumscribed in a sufficiently clear and precise manner (breach of Arts. 7 and 8 CFR).

► The GC's judgment

With regard to the first plea (independent tribunal), the GC held that the DPRC is institutionally separate from the Civil Liberties Protection Officer (CLPO), whose decisions it reviews, and that Executive Order 14086 provides clear guarantees ensuring that DPRC judges are not subject to executive influence. Judges are appointed by the U.S. Attorney General after consultation with the Privacy and Civil Liberties Oversight Board (PCLOB), which, though formally part of the executive, functions independently. They may be dismissed only for valid reasons, following standards similar to those for U.S. federal judges.

The Court acknowledged that the DPRC had been created by an executive act rather than by Congress but reiterated that “adequacy” under Art. 45 GDPR requires only *essentially equivalent* safeguards, not identical institutional forms. The combination of the Executive Order and the Attorney General regulation provides sufficient guarantees of independence and impartiality. The Court also noted that the Commission must continuously monitor the U.S. framework and may suspend or amend its decision if those guarantees cease to apply. It therefore found no breach of Art. 47 of the Charter and Art. 45(2) GDPR.

Looking at the second plea (the bulk collection of personal data by U.S. intelligence agencies), the GC held that

neither *Schrems II* nor other case law require prior authorisation, provided there is adequate *ex post* judicial review. Under the new framework, the DPRC performs this function. Bulk collection is authorised only for specific, validated intelligence priorities that cannot be achieved by targeted collection. The Executive Order sets clear limits and provides multiple layers of oversight, including by the Privacy and Civil Liberties Oversight Board (PCLOB), Inspectors General, the Intelligence Oversight Board, and congressional committees.

The GC also dismissed comparisons with the CJEU's judgment in *La Quadrature du Net and Others* ([→eucrim 3/2020, 184–186](#)) and the ECtHR's ruling in *Big Brother Watch*, noting that those cases concerned different contexts and stages of surveillance.

In conclusion, the GC found that the U.S. legal framework ensures a level of protection for personal data that is *essentially equivalent* to that guaranteed within the EU. It therefore upheld the Commission's decision in full.

► *Put in focus*

The GC's ruling in *Latombe* confirms, for now, the legal validity of transatlantic data transfers under the EU-US Data Privacy Framework. It also clarifies that "essential equivalence" does not demand identical institutional arrangements between the EU and third countries, as long as effective and enforceable safeguards exist to protect individuals' rights in practice.

In their [initial reactions](#), data protection organisations expressed surprise at the GC's ruling. They criticised the GC for having deviated significantly from ECJ case law and ignoring the realities of the situation. On the one hand, they argued that some aspects of the current safeguards in the DPF are even more detrimental than their predecessors, which the ECJ had already deemed insufficient in the

Schrems I and *Schrems II* judgments. It is therefore surprising that the Court would rule differently on a third version of the EU-US agreement than it did previously. On the other hand, it must be taken into account that the Trump administration can revoke the Executive Order issued by his predecessor *Joe Biden* in the blink of an eye and will not shy away from dismissing members of a judicial body, even though their independence may be guaranteed by law. Hence, the GC's assessment is in discrepancy with the ECJ's rulings on the independence of the judiciary in Poland; compliance with the guarantees of Art. 47 CFR cannot be assumed.

Data protectionists hope that Mr Latombe will appeal the GC's ruling to the ECJ on points of law and that the Court may then come to a different conclusion. (AP/TW)

Ne bis in idem

ECJ Rules on "Same Act" in Terrorist Offences

The EU's *ne bis in idem* principle prevents a person from being punished for individual terrorist acts if that person has already been punished by another Member State for involvement in a terrorist association with a view to preparing a terrorist act. This is the main statement in the [ECJ's ruling](#) of 11 September 2025 in [Case C-802/23](#) (MSIG). The prohibition of double punishment always applies if the totality of the specific circumstances of which a person is accused in a second criminal proceeding essentially concern the same events as in a previous proceeding. Whether the legal systems of the Member States classify actual conduct differently in legal terms is irrelevant.

► *Facts of the case and question referred*

The answer to the question on the interpretation of the "same acts" was

given to a reference for preliminary ruling brought by the *Audiencia Nacional* (National High Court, Spain) that involves the prosecution of an ETA terrorist in France and Spain. Following a European Arrest Warrant executed in 2019, MSIG is charged in Spain for an act committed as ETA senior leader. Concretely, the Spanish public prosecutor alleged MSIG for having been responsible for a grenade attack on a police station in Oviedo in 1997. According to the charge, MSIG, solely acting from France, set the course of action of ETA's terrorist commandos operating in Spain and supplied weapons to the commandos. Hence, the Spanish prosecutor charged her for terrorism offences consisting in damage to property, attempted murder and actual bodily harm regarding the events in Oviedo.

However, French courts had already convicted her in four judgments (2000–2010) for "involvement in a criminal association with a view to preparing a terrorist act". The referring court noted that the French judgments cover, from a temporal point of view, all of MSIG's activities carried out from France as a leader of ETA and MSIG served 20 years of imprisonment in France for these convictions, including MSIG's responsibility for the planning of ETA's operations and the supply of resources for the purpose of carrying out attacks.

Against this background, the *Audiencia Nacional* is faced with the question as to whether prosecuting MSIG again in Spain would violate the *ne bis in idem* principle under Art. 54 CISA and Art. 50 of the Charter of Fundamental Rights of the EU. More precisely, the referring court sought clarification on how the concept of the "same act" should be interpreted in situations in which EU Member States classify and present acts in judgments differently. It noted that, while the *ne bis in idem* principle requires materially identical acts, it is

unclear whether this refers to objective events alone or includes their legal classification. In the case at hand, both France and Spain prosecuted *MSIG* based on the same underlying conduct, but each applied a different legal classification: France viewing *MSIG* as the leader of a terrorist organisation, preparing terrorist acts by means of one or more acts, even if the terrorist acts themselves would have been physically carried out by other persons; Spain treating *MSIG* as a direct perpetrator, namely as the person whose action or omission directly caused the damage.

► The ECJ's judgment and reasoning

The ECJ reiterated its case-law on the concept of identity of the material acts as the basis for the interpretation of the *idem* condition ("the same acts") under Art. 54 CISA and Art. 50 CFR, in particular:

- The application of the *ne bis in idem* principle is not prevented by the possibility of divergent legal classifications of the same acts;
- Decisive is the assessment of "the same conduct", and not whether or not the constituent elements of the offences at issue in the French judgments were identical;
- The authorities of the second prosecuting Member State (here: Spain) must take into consideration all relevant information concerning the material acts, not only the operative parts of the French judgments and indictments.

The ECJ stressed that the most relevant issue in the present case is that French judgments and indictments established *MSIG*'s criminal liability for giving general lines of action from France to terrorist commandos operating in Spain and in supplying those commandos with the material resources to carry out the actions; the specific charge in Spain for *MSIG*'s act in connection with the attack carried out in Oviedo is seemingly covered by this liability.

In conclusion, the Court held that Art. 54 CISA, interpreted in light of Art. 50 of the Charter, must be understood to mean that the concept of "same acts" includes a situation in which a person is prosecuted in one Member State for terrorist offences after having already been convicted in another Member State for participation in a terrorist organisation, provided that both proceedings relate to the same underlying criminal conduct. The fact that the legal characterisation of the acts or the protected legal interests may differ between Member States does not prevent application of the *ne bis in idem* principle.

► Put in focus

The ECJ's decision in the *MSIG* case shows how difficult it is in practice to distinguish between "identical acts" and "similar acts". The former would trigger the transnational *ne bis in idem* principle, the latter not. Although the *Audiencia Nacional* has the final say in this specific case, the ECJ indicated that the criterion of the "same act" in the sense of its "identity of material acts" doctrine should be met: if the Spanish allegations are essentially based on the same acts committed by *MSIG* from France, renewed prosecution would be inadmissible. Two lessons can be drawn from the ruling in *MSIG*:

- Judicial authorities confronted with a *ne bis in idem* question would need to consider not only the operative part of judicial decisions, but also the reasoning and evidentiary basis underlying those decisions, including any facts discussed during the investigative phase;
- A comprehensive factual assessment rather than a formalistic comparison of legal classifications must be made.

In the end, the ECJ's judgment reinforces the area of freedom, security and justice in favour of individuals who are to be prosecuted for their same wrongdoing twice in the EU. (AP/TW)

Cooperation

Customs Cooperation

Commission Launches Import Surveillance Tool to Counter Trade Diversion

At the beginning of June 2025, the European Commission [announced](#) that it launched a new [import surveillance tool](#) to protect the EU from harmful trade diversion and sudden surges in imports redirected from high-tariff markets. Building on customs data, the tool provides fact-based information to swiftly detect risks and allow early action to safeguard EU industries. The Commission invited manufacturers, industry associations, and Member States to review trends and contribute market intelligence in order to help identify vulnerable products.

The initiative builds on President *von der Leyen*'s vision of an import surveillance task force, which has been monitoring imports since January 2025. The results are published online. The Commission has also opened a dialogue with China to track possible diversions. Commissioner *Maroš Šefčovič* stressed that the tool strengthens the EU's capacity to stop harmful import surges and protect its open market from unfair practices. (AP)

European Parliament Targets Substandard Imports from Non-EU Webshops

On 9 July 2025, the European Parliament (EP) adopted a [resolution](#) to address the sharp rise in substandard and potentially dangerous goods entering the EU from non-EU webshops. The EP noted that e-commerce, while creating unprecedented opportunities, also poses significant risks to consumer safety, public health, the environment, working conditions, and the vitality of local retail.

The resolution highlighted that 4.6 billion e-commerce items under

the €150 customs exemption entered the EU in 2024, with 91% originating from China. This represents about 12 million parcels per day – nearly twice as many as in 2023, and three times as many as in 2022 – placing severe pressure on customs and market surveillance authorities. Investigations revealed alarming non-compliance rates, particularly in fast fashion and ultra-fast fashion products, where speed and cost were prioritised over safety, quality, and sustainability.

MEPs called on Member States to increase funding and resources for customs, market surveillance, consumer protection, and digital services authorities, and to strengthen their coordination. They urged the Commission to promote cooperation, data exchange, and the use of advanced tools such as risk profiling, mystery shopping, and trusted flaggers under the Digital Services Act (DSA). They also welcomed the Commission's plan to coordinate customs and surveillance controls in priority areas and stressed the need to expand EU funding for customs and market enforcement operations.

The resolution underlined the need for stronger customs controls, improved risk analysis, and greater digitalisation of import procedures. It revealed that many non-EU traders circumvent checks by clearing goods at the point of origin or by fraudulently mislabeling shipments, often preferring to pay penalties rather than face scrutiny. Reforms to the Union Customs Code to tackle such practices are urgently needed. The role of the European Public Prosecutor's Office in investigating cross-border customs fraud, including large-scale undervaluation of products, is also emphasised.

Lastly, the EP urged the Commission to strengthen enforcement of the DSA obligations for online marketplaces, to provide authorities with enhanced e-surveillance tools to track dangerous products, and to assess new models, such as bulk shipping

Police Cooperation

Comparative Report Calls for Ban on “Predictive Policing” Systems

At the end of June 2025, civil liberties organisation Statewatch published a [report](#) that aggregates in-depth research conducted in Belgium, France, Germany, and Spain on the use and operation of automated decision-making systems and databases for “prediction”, profiling and risk assessments in policing.

In each country, researchers exposed the “predictive” systems in use, how they work, the outputs they produce, and the impacts these have on people, groups, and communities. The Statewatch report summarises the findings on the use of the following four “systems”: location-focused systems, person-focused systems, AI video surveillance, and databases. In each section, the report provides key examples on the use of the system in the respective countries, the purpose of the system, data used and the outcomes/impact of the system. In the final section, the report outlines key concerns and infringements on individual rights, including discrimination, criminalisation, transparency, accountability, and unlawfulness.

According to Statewatch, “the report demonstrated a clear trend of police forces increasingly implementing ‘predictive’, profiling, and other data-driven decision-making systems. These are often acquired from surveillance tech companies, including companies that have faced criticism for their involvement with the Israeli state.” In conclusion, Statewatch and its partner organisations call for a ban on the “predictive” systems under scrutiny, because:

- Their use leads to racial and socio-economic profiling, discrimination and criminalisation;
- They result in unjust and discriminatory consequences;
- Their use is deliberately secretive and opaque, meaning that people are not aware of the use and thus unable to challenge outputs.

The [full report is available](#) in English, German, French, Spanish and Dutch. Civil society organisations have recently been increasingly vocal in their support for restrictions or prohibitions on the development and deployment of “predictive policing” tools. They argue, *inter alia*, that these tools violate the EU's AI Act ([→eucrim 1/2025, 35](#) and [eucrim 1/2022, 12](#)). See also the report by the EU Agency for Fundamental Rights “Bias in Algorithms” [→eucrim 1/2023, 12–13](#)). (TW)

and EU-based warehouses to improve oversight. It stressed that such measures must balance compliance needs with the realities of diverse e-commerce business models.

The EP's resolution will be fed into the discussion on the major reform of the Customs Union. Negotiations between the EP and the Council started on 8 July 2025. The European Commission tabled the respective legislative proposal in May 2023 ([→eucrim 2/2023, 158–159](#)). (AP)

Judicial Cooperation

ECJ: No Obligation for Mutual Recognition of Decision Taken in Favour of a Person Requested for Extradition to a Third Country

On 19 June 2025, the [ECJ ruled](#) that an authority of an EU Member State is not obliged to mutually recognise a decision taken in another EU Member State that refused extradition of an individual to a third state. However, it must take due account of the reasons

of this previous decision in its own assessment of a possible refusal on the ground of fundamental rights.

► *Background of the case and question referred*

The request for preliminary ruling (Case C-219/25, *Kamekris*) was submitted by the Montpellier court of appeal (France), which is faced with an extradition request from Georgia against KN. KN, a Greek and Georgian national, was convicted *in absentia* by a court in Georgia to life imprisonment for international trafficking of particularly large quantities of cocaine by an organised criminal group, the preparation of a group murder and the illegal possession of firearms. However, the extradition of KN for the execution of this sentence was already refused by a court in Belgium where KN lives. The Belgian court found that there were serious grounds for believing that KN's extradition to Georgia would expose him to a denial of justice and a real risk of inhuman or degrading treatment.

The Montpellier court of appeal wonders whether it can be deduced from Art. 67(3) and Art. 82(1) TFEU that an EU Member State is required to refuse to extradite a national of another Member State to a third country where the authorities of a third EU Member State have previously refused to execute an extradition request from that third country for the enforcement of the same sentence imposed on that national of another Member State on the ground that there is a serious risk of a breach of the fundamental rights guaranteed by Art. 19(2) and the second paragraph of Art. 47 of the Charter.

► *Ruling of the ECJ*

The judges in Luxembourg first clarified that the context of the preliminary ruling question must be seen in its *Petruhhin* case law, i.e. that nationals of other EU Member States (here: Greece) must enjoy their rights of free movement and non-discrimination (Arts. 18 and 21 TFEU) as Union citizens and that the authorities and

courts of the EU Member States must refuse extradition to third countries if the Union citizen would be exposed to an infringement of his/her fundamental rights guaranteed by the Charter, in particular Art. 19 (→eucrim 3/2016, 131). It is therefore in the latter context to determine which concrete obligations the authorities of the requested EU Member States have if they examine a possible non-extradition due to fundamental rights grounds.

The judges in Luxembourg subsequently conclude that the principle of mutual recognition does not apply to decisions refusing extradition requests adopted by EU Member States. They mainly put forward the following arguments:

- It is clear from the wording of Arts. 67(3) and 82(1) TFEU that they do not, as such, establish an obligation of mutual recognition of judgments and judicial decisions in criminal matters adopted in the Member States, but merely provide that judicial cooperation in criminal matters in the Union is based on the principle of such recognition;

- The mutual recognition instruments in place, such as the Framework Decision on the European Arrest Warrant and the Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union, do not provide for an obligation of mutual recognition in the context of extradition requests from third countries either.

However, the requested authority must take due account of the reasons underlying the decision refusing extradition to a third country by another EU Member State in its own examination of the existence of a ground for non-execution. In this regard, the ECJ refers to its judgment in *Breian* (Case

C-318/24 PPU), taken for the examination of the fundamental rights refusal ground by authorities from several EU Member States within the European Arrest Warrant scheme.

► *Put in focus*

In its 2022 statement on mutual recognition of extradition decisions, the European Criminal Bar Association (ECBA) called *inter alia* that a decision by a judicial authority of a Member State is binding upon the authorities of another Member State and as such prevents arrest and extradition or surrender if the denial is based on a risk of a violation of fundamental rights (e.g. risk of ill-treatment, flagrant denial of a fair trial), as long as it has not been established that the requesting state has taken steps to remediate this risk (→eucrim 2/2022, 122). The ECJ's judgments in *Kamekris* (present case) and *Breian* (decided in 2024) take the wind out of the sails of this demand. The ECJ clarified that current positive Union law does not provide for a mutual recognition of extradition decisions taken in favour of a requested person within the EU. It is now for the courts of different EU Member States to find a uniform way since the ECJ established at least a Union principle of "mutual considerations of the reasons" of previous extradition decisions taken for the same or nearly same extradition request. (TW)

Update of Online Criminal Detention Database Released

On 20 May 2025, the European Union Agency for Fundamental Rights (FRA) released an updated version of its [online criminal detention database](#). Originally launched in 2019 (→eucrim 4/2019, 241), the database provides information about detention conditions in EU countries. It aims to support judges and legal professionals in assessing whether prisoners are at risk of inhuman or degrading treatment in violation of their fundamental rights. This is particularly relevant in cross-border cases.

Information on the database can be accessed by country or by detention issue. The database covers information on some of the following detention issues:

- Detention conditions such as the size of cells, sanitary conditions, solitary confinement, external contacts, access to healthcare, prison food, surveillance, strip searches, protection from violence, and the time prisoners spend outside their cells;
- Information about specific groups like women, foreign nationals, vulnerable inmates, children and young detainees;
- The latest case law of the European Court of Human Rights (ECHR) and the Court of Justice of the EU (CJEU) as well as national case law in over 183 cases across EU countries, including case summaries in English (it can be filtered by year, country, or deciding body);
- Reports from relevant monitoring bodies on detention conditions in the countries covered, e.g., from the UN Committee against Torture, the National Preventive Mechanism, and the Council of Europe (e.g., CPT);
- A research findings section showing all country reports produced by FRA's research network;
- A national standards section giving information on legal standards for each country.

The 2025 update of the database contains national standards, laws, and monitoring reports on detention conditions from across the EU and the United Kingdom. (CR)

European Arrest Warrant

ECJ: EU Member State Cannot Enforce Prison Sentence without Consent of Sentencing State



If a Member State issues a European arrest warrant (EAW) for the enforcement of a custodial sentence and another Member

State then enforces the custodial sentence itself without the consent of the issuing (=sentencing) State, the issuing State may maintain the EAW and seek to have the person concerned back. This was decided by the Grand Chamber of the European Court of Justice (ECJ) in its [judgment](#) of 4 September 2025 in [Case C-305/22 \(C.J.\)](#). According to the ECJ, the fact that the requested state may enforce the custodial sentence itself in accordance with Art. 4(6) of [Framework Decision 2002/584/JHA](#) on the European arrest warrant (FD EAW) instead of surrendering the person concerned to the issuing state is an exception that must be interpreted narrowly. The issuing state must agree to this procedure, which the ECJ derives from [Framework Decision 2008/909/JHA](#) “on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union.”

► Background of the case

The background to the ruling was a dispute between Italy and Romania. In 2017, a Romanian national was sentenced to imprisonment by the Bucharest Court of Appeal. On 25 November 2020, after the judgment became final, this court issued an EAW for the enforcement of this sentence. The person concerned was arrested in Italy on 29 December 2020. However, the Italian judicial authorities refused to hand him over to the Romanian authorities and decided to recognise the Romanian criminal judgment and enforce the sentence in Italy. They justified this on the grounds that enforcing the sentence in Italy would increase the man's chances of rehabilitation, given that he was a legal resident there. In addition, they took into account the time he had already served in Italy, suspended the enforcement of the sentence and placed him under house arrest.

The Romanian judicial authorities did not agree with either the recognition of the criminal judgment or its enforcement in Italy. They continued to consider the EAW valid and insisted on the person's surrender for the enforcement of the sentence in Romania. The case eventually ended up before the ECJ after being referred by the Bucharest court.

► The ECJ's ruling

The judges in Luxembourg first pointed out that the EAW is based on the principle of mutual trust. Member States are generally required to execute every EAW. Refusal to execute it can only occur in exceptional cases.

The Italian authorities could not invoke better chances of rehabilitation. According to the European Court of Justice, this objective is not absolute and must be reconciled with the basic rule that Member States must execute every EAW. It is emphasised that non-execution of an EAW in order to execute the sentence in the state where the person against whom the arrest warrant is directed is located only permissible if the executing judicial authority complies with the conditions and procedure laid down for the recognition of the criminal judgment and the assumption of responsibility for the enforcement of the sentence. Without the consent of the issuing state, a judicial authority cannot refuse to execute the arrest warrant and assume responsibility for the enforcement of the sentence itself. Instead, the issuing state may uphold the EAW and enforce the sentence in its own territory.

This does not violate the prohibition of double punishment (*ne bis in idem*, Art. 3(2) FD EAW). However, according to Art. 26 FD EAW, the total length of detention may not exceed the original prison sentence. As a result, the ECJ's decision therefore only affects persons who were released early during their first imprisonment. (TW)

AG: Domestic Enforcement in the Event of Refusal to Surrender on Grounds of Fundamental Rights

If a national or resident of a Member State is sought by means of a European arrest warrant for the enforcement of a custodial sentence and that Member State does not surrender the person to the issuing Member State because there is a risk of a violation of fundamental rights, the refusing Member State is required to enforce the sentence against that person on its own territory. This is the proposal made by Advocate General (AG) Athanasios Rantos in his Opinion delivered on 10 July 2025 in [Joined Cases C-722/23 \(Rugu\) and C-91/24 \(Aucroix\)](#).

► Background of the case

The case stems from a request for a preliminary ruling by the Belgian Cour de cassation (Court of Cassation) and concerns the interpretation of Art. 4(6) of Framework Decision 2002/584/JHA on the European arrest warrant (FD EAW) in conjunction with the *Aran-yosi and Căldăraru* case law of the ECJ ([Joined Cases C-404/15 and C-659/15 PPU](#)). In that case, the ECJ ruled that a Member State may refuse, on the basis of Art. 1(3) FD EAW, to surrender a person if there is a risk of their fundamental rights being violated in the issuing State ([→eucrim 1/2016, 16](#)). The present case concerns the legal consequences of such a refusal.

In the present case, European Arrest Warrants (EAWs) were issued by the Romanian and Greek judicial authorities against a Romanian and a Belgian national, both residing in Belgium, for the purpose of enforcing prison sentences. The Belgian courts of appeal refused to execute the EAWs on the grounds that, given the conditions of detention in Romania and Greece, there was a risk that their fundamental rights would be violated if they were surrendered.

The Belgian Court of Cassation wishes to know, in particular, wheth-

er the executing judicial authority has the option or is even obliged to order the enforcement of the sentences imposed on the convicted persons in the issuing Member State within its own territory in order to prevent them from escaping punishment. It refers in this regard to the interpretation of Art. 4(6) FD EAW which includes an optional refusal ground and provides in situations in which the EAW has been issued for purposes of execution of a custodial sentence or detention order that the executing State undertake to execute the sentence or detention order “in accordance with its domestic law” if the requested person “is staying in, or is a national or a resident of the executing Member State”.

► Opinion by AG Rantos

In his Opinion, AG Rantos first observes that the ECJ created a new ground for mandatory non-execution of an EAW with its judgment in *Aran-yosi and Căldăraru*. In addition, there are the optional refusal grounds, including Art. 4(6) FD EAW. In that regard, the AG considers that the executing judicial authority must apply, in addition, that ground for optional non-execution where the conditions for its application have been satisfied and execute the custodial sentence in its territory. A different solution would be incompatible with the objective of the EAW mechanism, namely to combat impunity.

Lastly, AG Rantos argues that the optional nature of Art. 4(6) FD EAW turns into an obligation when the EAW was not executed due to fundamental rights grounds (Art. 1(3) FD EAW). In doing so, two conditions must be fulfilled: (1) the conditions for the application of Art 4(6) FD EAW are satisfied (i.e., the person concerned is a national or resident of the executing Member State); and (2) the procedure and conditions laid down by Framework Decision 2008/909/JHA are complied with a view to effectively taking charge of that sentence in the executing Member State. (TW)

European Investigation Order

Eurojust: Overview of CJEU Case-Law on EIO

On 22 July 2025, Eurojust [published](#) the first comprehensive [overview](#) of the CJEU’s case-law concerning the application of Directive 2014/41/EU of 3 April 2014 regarding the European Investigation Order in criminal matters (EIO Directive). The overview contains two parts:

- A chronological list of the judgments and pending cases;
- A systematic summary of the Court’s judgments grouped under key topics following the structure of the EIO Directive.

The publication is designed to assist legal practitioners and judicial authorities involved in cross-border criminal investigations and aims to enhance the consistent application of the EIO.

The EIO Directive simplifies the execution of cross-border investigative measures, such as hearing witnesses, obtaining information or evidence already in the possession of the executing authority, and – under specific conditions – interception of telecommunications ([→eucrim 1/2014, 14–15](#)). However, its legal provisions raised several complex legal questions, some of which have been clarified through CJEU judgments. (TW)

ECJ: Judicial Review under National Law Does Not Hinder Issuance of EIO by Administrative Authority

The fact that an investigative measure must be authorised by a court under national law does not necessarily mean that a corresponding European Investigation Order (EIO) can only be issued by a court. According to the [ECJ’s ruling of 10 July 2025](#) in case [C-635/23 \(WBS GmbH\)](#), an administrative authority that investigates crimes can be treated as “issuing authority” within the meaning of Directive 2014/41 regarding the European

Investigation Order in criminal matters (EIO Directive), even if certain investigative measures sought (involving an interference with the fundamental rights of the person concerned) must, in accordance with national law, first be authorised by a judicial authority.

► *Facts of the case and question referred*

The question was posed to the judges in Luxembourg by the Higher Regional Court (HRC) of Berlin, Germany (*Kammergericht Berlin*). In the case at issue, the Latvian Office for Preventing and Combating Corruption (KNAB) is conducting criminal proceedings for large-scale fraud, large-scale unlawful waste of another person's property, forgery and use of forgery. Under Latvian law, KNAB is considered an administrative authority acting in its capacity as investigative authority in criminal proceedings. KNAB wished to search the business premises of the company WBS, situated in Germany. After having obtained the authorisation for the search by the Latvian investigative judge, KNAB issued an EIO to Germany for the hearing of witnesses and the search of the premises, which was validated by the Latvian Prosecutor, in accordance with Art. 2(c)(ii) EIO Directive. WBS opposed the submission of the evidence gathered in execution of the EIO before the HRC of Berlin. It argued that KNAB was not competent to issue the EIO, as the measure in question had to be ordered by a judge under Latvian law.

Therefore, the HRC of Berlin asked: "Can an EIO concerning a measure reserved to the courts under the law of the issuing State be issued by another competent authority, within the meaning of Art. 2(c)(ii) EIO Directive, in collaboration with a non-judicial validating authority, if a court of the issuing State has previously authorised the investigative measure in compliance with the obligations provided for in that Directive to make assessments and state reasons?"

► *The ECJ's ruling*

The ECJ clarified that the first two conditions of [Art. 2\(c\)\(ii\) EIO Directive](#) are fulfilled, however the fulfillment of the third condition, i.e. whether the KNAB as administrative authority "is competent to order the gathering of evidence in accordance with national law", is in dispute. The ECJ mainly takes into account the context of which the provision forms part and argues that the following three points are in favour of KNAB being regarded as "competent issuing authority":

- It suffices for the verification of the necessity and proportionality under Art. 6(1)(a) EIO Directive if the measure(s) to be carried out are under the supervision of a court and the subsequent EIO was validated by a judicial authority as defined in Art. 2(c)(i) EIO Directive;

- This concept is also in line with Art. 6(1)(b) EIO Directive, which provides that the issuing authority may issue an EIO only where the investigative measure(s) referred to in that EIO could have been ordered under the same conditions in a similar domestic case;

- Regarding the relationship with Art. 2(c)(i), Art. 2(c)(ii) would be deprived of its effectiveness if non-judicial authorities could not be regarded as issuing authorities if investigative measures involving an interference in the fundamental rights of the persons concerned must first be authorised by a judicial authority and then only this authority could issue EIOs.

Furthermore, the ECJ stressed that the objectives of Directive 2014/41 support the result: Considering that the Directive identifies the issuing authority as being best placed to decide, on the basis of its knowledge of the details of the investigation concerned, which investigative measure is to be used and having in mind the objective that the Directive provides for a simplified and more effective procedure, "it seems justified that a national authori-

ty which is actually responsible for the criminal investigation can be characterised as an "issuing authority", with- in the meaning of Art. 2(c)(ii), even if certain investigative measures that it wishes to have carried out must, in accordance with national law, first be authorised by a judicial authority." (TW)

AG: High Hurdles for Executing Authority to Refuse Videoconference Hearing

On 26 June 2025, Advocate General (AG) *Athanasios Rantos* issued his [opinion](#) in the case *Bissilli* ([Case C-325/24](#)). In this case, the *Tribunale ordinario di Firenze* (District Court, Florence, Italy) wishes to clarify the lawfulness of a refusal by Belgian authorities to execute a European Investigation Order (EIO) issued by the Florence court. Belgian judicial authorities considered that both the Italian request for a hearing by videoconference of the accused person and his temporary transfer to Italy cannot be authorised.

► *Facts of the case and questions referred*

The District Court of Florence is conducting criminal proceedings against HG for his participation in a criminal organisation and drug trafficking. Given that HG is in custody in Belgium, it issued an EIO requesting from the Belgian judicial authorities to hear HG, as the accused person, via videoconference in accordance with Art. 24 of [Directive 2014/41](#) regarding the European Investigation Order in criminal matters (EIO Directive). The Florence court argued that the purpose of this request was twofold: first, gathering evidence, by means of the accused person's examination and, second, enabling that person to participate in his trial. In this context, the Florence Court pointed out that the videoconference hearing was an effective alternative to a European Arrest Warrant (EAW), given that the conditions for issuing the latter were no longer met. Moreover, the referring court requested a tem-

porary transfer to Italy in accordance with Art. 22 of the EIO Directive, as an alternative to the hearing by videoconference.

The Belgian judicial authorities refused to execute that EIO, arguing that the investigative measure requested did not exist under Belgian law and that the appearance of the accused person by videoconference would, under that same national law, be contrary to the fundamental right to a fair trial. The alternative request for a temporary transfer was also refused on the ground that the hearing of the accused person at the trial did not constitute an investigative measure under Belgian law.

Considering that the position of the Belgian judicial authorities did not comply with the provisions of the EIO Directive which exhaustively identify the grounds for non-recognition or non-execution of an EIO, the Florence court referred several questions for a preliminary ruling concerning the compatibility of those refusals. The questions concern the possibilities and leeway of the executing state to refuse specific measures regulated in the EIO Directive, i.e., videoconference hearings of accused persons and the temporary transfer of persons held in custody to the issuing State, the relationship between the various grounds for refusal provided for in the EIO Directive, and the compatibility of the appearance of an accused person by videoconference with regard to fundamental rights.

► *The Advocate General's Opinion*

AG Rantos takes the view that the Belgian authorities had to take into account the justifications put forward by Italy and they should have applied the principle of mutual recognition more rigorously. In particular, there are high hurdles for the executing authorities to reject the authorisation for a hearing of the accused person by videoconference. In detail, he proposes that the ECJ provides guidance as follows:

- The dual purpose put forward in an EIO request to gather evidence by the examination of an accused person and to ensure his presence in the trial does not preclude the issuance of an EIO for the hearing by videoconference;
- With regard to the relationship between Art. 24 and Art. 10 of the EIO Directive, an executing judicial authority cannot refuse the execution of an EIO for a videoconference hearing of the accused person during his or her trial on the ground that such a measure would not be authorised in a similar domestic case;
- The videoconference of an accused person who is in custody in the executing State cannot be refused by the executing authority on the basis of Art. 11(1)(f) EIO Directive unless there are substantial grounds to believe, on the basis of actual and specific indications, that that hearing would infringe the fundamental rights of the accused person, in particular his or her right to a fair trial and his or her rights of defence in accordance with the second paragraph of Art. 47 and Art. 48(2) of the Charter of Fundamental Rights of the EU;
- The specific refusal ground in Art. 24(2)(b) of the EIO Directive, namely that the videoconference hearing is contrary to the fundamental principles of the law of the executing State, may be based on the executing Member State's general directives, which are neither binding nor absolute; however, the executing authority must carry out an examination which takes account of all the relevant circumstances of the case, including the requirements contained in the national law of the issuing State to guarantee the rights of defence of the accused person;
- The issuing authority can choose to hear the accused person via videoconference or request his temporary transfer pursuant to Art. 22 of the EIO Directive; the temporary transfer must, however, serve at least in part the purpose to gather evidence. (TW)

Law Enforcement Cooperation

Fifth JITS Evaluation Report

In early July 2025, the Secretariat of the Network of National Experts on Joint Investigation Teams (JITs) [published its Fifth JITS Evaluation Report](#), providing practical findings, lessons learned, and best practices, with a particular focus on combating cybercrime. The report draws on 67 evaluations completed by JIT practitioners between December 2022 and December 2024. For previous reports → [eucrim 2/2023, 164](#) and [eucrim 2/2020, 83](#).

A number of challenges and best practices regarding the setting-up phase could be identified. Such challenges include delays due to national translation requirements, procedural hurdles in obtaining approvals from national authorities, and legal discrepancies between participating countries. Best practices include early engagement with Eurojust, the use of Eurojust National Desks and Liaison Prosecutors for initial contact and information sharing, and incorporating adaptable clauses in JIT agreements to address unforeseen issues.

For the operational phase, the report identified challenges such as difficulties navigating legal and procedural differences, cooperation with countries not party to the JIT, managing time constraints, and limitations of real-time interceptions. Best practices include effective coordination, communication and knowledge sharing, leveraging differences in legal systems, efficient file management, joint interviews, and the use of undercover agents within JIT parties.

The report also offers an in-depth analysis of Eurojust's experience with JITs in cybercrime cases, outlining the added value of such setups, and the considerations that might lead to a decision not to set up a JIT. Arguments against setting up a JIT include lengthy establishment timelines, key partners in countries with which a JIT

cannot be set up, or domestic investigations at different stages of readiness. When appropriate, JITs can facilitate continuous and timely data sharing, task assignment and execution (including asset recovery measures), and help prevent and resolve conflicts of jurisdiction. The report also outlines the legal and practical issues that were identified during the setup process and the operational

phase with regard to JITs in cyber-crime cases.

Moreover, the report provides an overview of recent developments in JITs, including available financial and logistical support and other tools developed by the JITs Network and the Secretariat. The final section looks ahead to the [JITs collaboration platform](#) scheduled to begin operations on 7 December 2025. (CR)

(CDPC) [took important decisions](#) on the advancement of cooperation and prevention in criminal matters. The [CDPC](#) is the Council of Europe's steering committee responsible for overseeing and coordinating the Council of Europe's activities in the field of crime prevention and crime control. It identifies priorities for intergovernmental criminal law co-operation, and implements activities in the fields of criminal law and procedure, criminology and penology. Two subordinate committees assist the CDPC: the Committee of experts on the operation of European conventions on co-operation in criminal matters (PC-OC) and the Council for penological co-operation (PC-CP).

At its 87th Plenary meeting from 17 to 19 June 2025 in Strasbourg, the CDPC welcomed the adoption of the following acts:

- The new [Council of Europe Convention on the Protection of the Environment through Criminal Law](#), which is due to be opened for signature in December 2025. The Convention will be the first legally binding instrument with global impact to address environmental crime. It will allow tackling a wide range of criminal acts detrimental to the environment, such as pollution, hazardous waste, illegal logging, trading in wildlife species, mining and the disruption of protected habitats. Delegations were encouraged to raise awareness of the instrument and consider steps toward signature and ratification.

- The [Third Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters](#), which will be opened for signature on 19 September 2025 in La Valletta, Malta. The Protocol will modernise the existing, multilateral provisions governing mutual assistance, extend the range of circumstances in which mutual assistance may be requested, facilitate assistance and making it quicker and more flexible. In this context, the CDPC



Council of Europe

Reported by Thomas Wahl (TW) and Dr. Anna Pinggen (AP)

Foundations

Artificial Intelligence (AI)

Anniversary of CoE's AI Convention

On 5 September 2025, the Council of Europe [celebrated](#) the first anniversary of the opening for signature of its Framework Convention on Artificial Intelligence at a [conference](#) in Madrid, Spain. The Council of Europe's Committee on artificial intelligence ([CAI](#)) and the Complutense University of Madrid jointly organised the conference. Academic experts and members of the CAI Bureau shared theoretical and methodological insights on the convention's key themes, including its regulatory architecture, the negotiation process and implementation prospects.

The first-ever, international, legally-binding instrument on Artificial Intelligence (AI) was opened for signature on 5 September 2024 ([CETS No. 225](#)). The Framework Convention on Ar-

tificial Intelligence provides a common baseline to ensure that activities within the lifecycle of AI systems are fully consistent with human rights, democracy and the rule of law ([→eucrim 3/2024, 194–196](#)).

Over the past year, the Convention was signed by 16 countries (among them 5 non-CoE member states) and the European Union. In order to enter into force, the Convention must be ratified by 5 states, including at least 3 CoE member states.

Eucrim will regularly update the accessions to the Convention on its [website documenting ratifications](#) of CoE Conventions. (TW)

European Committee on Crime Problems (CDPC)

87th CDPC Plenary Meeting: Key Achievements Highlighted

At its [87th Plenary meeting](#), the European Committee on Crime Problems

took note of PC-OC's work, in particular as regards mutual assistance confidentiality, transfer of sentenced persons, supervision of conditionally sentenced or released offenders, and the relationship between asylum procedures and extradition.

■ The Committee of Ministers' [Recommendation CM/Rec\(2025\)2 on the promotion of the mental health of prisoners and probationers](#), which was adopted in February 2025. The Recommendation is considered an important milestone in the promotion and protection of prisoners/probationers regarding their healthcare and management of mental disorders.

Another important item on the agenda of the CDPC plenary meeting was the fight against migrant smuggling. The CDPC will support the drafting of a Recommendation on deterring and fighting the smuggling of migrants through legal means and other actions, which was initiated by the Council of Ministers in February 2025. The initiative builds on the Council of Europe [Action Plan](#) on Fostering International Co-operation and Investigative Strategies in Fighting the Smuggling of Migrants (2021–2025), which was adopted in 2020.

Other topics that were discussed during the meeting included:

- Accountability for combating technology-facilitated violence against women and girls (a respective Recommendation is currently prepared by the Committee GEC/PC-eVIO);
- Artificial intelligence and criminal liability (continued deliberations);
- Asset recovery (in particular regarding the work of the PC-RAC Committee on a draft Additional Protocol to the CoE AML/CFT Convention).

In addition, the CDPC discussed developments in other areas of its mandate, including ongoing cooperation with the European Forum for Restorative Justice, and work related to child-friendly justice, the Medicine Convention, trafficking in human

organs, drug trafficking, protection of cultural property, and hate crime. (TW)

Areas of Crime

Corruption

GRECO: Fifth Round Evaluation Report on Liechtenstein

On 27 May 2025, GRECO published its [5th Round Evaluation Report on Liechtenstein](#). The report evaluates the effectiveness of the measures adopted by the authorities of Liechtenstein to prevent corruption and promote integrity in central governments (top executive functions) and law enforcement agencies. It contains a critical analysis of the situation, reflecting on the efforts made by the actors concerned and the results achieved. It identifies possible shortcomings and makes recommendations for improvement with regard to transparency, integrity, and accountability in public life, in line with GRECO standards.

With regard to corruption prevention in central governments, the report states that Liechtenstein does not have an overarching anti-corruption public policy document. A co-ordinated strategy to promote integrity among persons with top executive functions (PTEFs) should therefore be devised on the basis of a risk analysis. GRECO is also unsatisfied with the level of transparency and the lack of regular activity reports from the part of the Working Group on Corruption Prevention. In addition, Liechtenstein should put in place a specific code of conduct applicable to members of government.

Liechtenstein should strengthen transparency with regard to PTEFs. GRECO sees here several shortcomings, such as possible risks of conflicts of interest and declaration of assets. The framework on access to informa-

tion must be improved. Moreover, clear rules should be adopted concerning the procedure for public consultations in respect of draft legislation originating from the government.

GRECO particularly eyes the executive function of the Reigning Prince. It reiterates its long-standing concern that the Prince has the power to block or discontinue criminal proceedings in respect of PTEFs suspected of having committed corruption related offences. It considers these powers a potential threat to the independence and impartiality of the criminal justice system and recommends their revision.

Several recommendations are also made in respect of the National Police. Among others, GRECO recommends conducting a full assessment of corruption risks in policing areas and activities in order to identify problems and emerging trends; an integrity and anti-corruption strategy for the police should be set up. the protection of whistleblowers within the National Police should be strengthened as well. (TW)

Environmental Crime

Council of Europe Adopts 2025–2030 Environmental Strategy

The Council of Europe adopted its [Strategy on the Environment 2025–2030](#), setting out a forward-looking vision that links environmental protection with the organisation's core values of human rights, democracy, and the rule of law. The Strategy responds to the so-called "triple planetary crisis" of biodiversity loss, pollution, and climate change: resource use has already tripled in the last fifty years and is expected to grow another 60% by 2060. The Council of Europe stressed that member states and civil society have recognised that these environmental threats pose not only risks to ecosystems but also to individuals and society as a whole. The

Strategy is part of the broader environment package considered during the Committee of Ministers session on 14 May 2025, which also includes the new [Convention on the Protection of the Environment through Criminal Law](#).

The Strategy defines a set of values, principles, and approaches to guide future action:

- A human rights-based approach, ensuring that policies protect those in vulnerable situations;
- Good democratic governance, including principles of participation, accountability, transparency, and long-term orientation;
- Key environmental law principles such as sustainable development, prevention, precaution, non-regression, and the polluter-pays rule;
- Ecosystem-based and nature-based solutions supported by science;
- A One Health approach balancing the health of people, animals, and ecosystems;
- Mainstreaming of youth and gender perspectives, children's rights, and the rights of minorities and persons with disabilities.

Building on these foundations, the Strategy has established five strategic objectives:

- To integrate human rights considerations into environmental legislation, policy, and action, and vice versa;
- To strengthen democratic governance in environmental matters;
- To support and protect environmental human rights defenders, environmental defenders, and whistle-blowers;
- To prevent and prosecute environmental crimes through effective criminal law frameworks that fight impunity, enhance accountability, and protect both the environment and victims;
- To protect wildlife, ecosystems, habitats, and landscapes.

Together, these objectives anchor the Council of Europe's work for the next five years – aiming to ensure that present and future generations can

live in a clean, healthy, and sustainable environment. (AP)

[Trafficking in Human Beings](#)

[15 Years of Monitoring Human Trafficking: GRETA's 2024 General Report](#)

In June 2025, the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) has published its [latest general report](#). This report covers developments in 2024 and marks 15 years of sustained efforts to combat human trafficking in Europe and beyond.

[GRETA](#) was established pursuant to Art. 36 of the Council of Europe [Convention on Action against Trafficking in Human Beings](#) ("the Convention") to monitor its implementation by the States Parties. Composed of 15 independent and impartial members serving in their individual capacities, GRETA took up operation in February 2009 after the Convention's entry into force on 1 February 2008. It remains the only independent expert body monitoring binding international legal provisions on combating human trafficking.

GRETA's annual report includes information on GRETA's organisation, internal workings, and substantive activities. During the reporting period, no new ratifications of the Convention took place, leaving the total number of Parties at 48 (46 Council of Europe member states plus Israel and Belarus as non-member states). GRETA reiterated that the Convention remains open to non-CoE member states and expressed hope that more countries will show interest in acceding the Convention. The following summarises the main findings of the 2024 report:

[► Plenary meetings and country reports](#)

In 2024, GRETA held three five-day plenary meetings in Strasbourg, during which it considered 12 draft evaluation reports and adopted 12 final reports.

On the occasion of its 50th plenary meeting (18 to 22 March 2024), GRETA held an anniversary event in Strasbourg. This gathering reflected on 15 years of GRETA's monitoring work, assessed achievements, and discussed future priorities.

[► Evaluation visits and field engagement](#)

GRETA carried out 13 country evaluation visits in 2024. In May 2024, the group was finally able to conduct the long-postponed third round evaluation visit to Ukraine, initially planned for 2022 but delayed due to Russia's full-scale invasion. The visit provided an opportunity to assess Ukraine's ongoing efforts to combat human trafficking despite the immense challenges of war. The first evaluation visit to Israel, however, could not take place due to the continuing Israel-Hamas war.

As in previous years, GRETA's visits involved wide-ranging consultations. Meetings were held with national anti-trafficking coordinators, ministry officials, law enforcement officers, prosecutors, judges, labour inspectors, social workers, and local authorities. Separate meetings took place with ombudsman institutions or independent human rights bodies acting as national rapporteurs. In most countries, GRETA also met with parliamentarians. Civil society organisations, survivors of human trafficking, trade unions, lawyers, employer associations, and academic researchers were consulted. GRETA also engaged with international organisations relevant to its mandate.

Particular attention was paid to child victims of trafficking and unaccompanied or separated children, who are especially vulnerable. GRETA also visited asylum centres and detention facilities for irregular migrants, where victims of trafficking might be placed.

[► Membership and elections](#)

The terms of office of eight of GRETA's 15 members expired on 31 December 2024. Elections were held on 29 November 2024 at the 35th

meeting of the Committee of the Parties and resulted in four members being re-elected for a second term and four new members joining GRETA. Their mandates are set to run from 1 January 2025 until 31 December 2028.

► *Developments in state practice*

GRETA's 2024 report highlights several positive measures by States Parties in response to previous recommendations:

- Andorra adopted its first national action plan against trafficking in March 2021, implementing GRETA's advice and marking a major step forward.
- Germany expanded the mandate of its Financial Control of Undeclared Work Unit to cover trafficking and introduced mandatory corporate human rights due diligence through its 2021 Supply Chains Act.
- Hungary adopted a National Anti-Trafficking Strategy for 2020–2023 with a dedicated budget, filling a gap previously noted by GRETA.
- Italy adopted its second National Action Plan against trafficking (2022–2025) and additional strategies addressing labour exploitation and child protection.
- Switzerland established new cantonal roundtables and enhanced training for labour inspectors to improve anti-trafficking efforts.

► *Reflections on fifteen years of work*

Since its first meeting in February 2009, GRETA has consistently assessed the impact of its monitoring. GRETA observes that its evaluations have stimulated important reforms, including the adoption of comprehensive anti-trafficking strategies, improved victim identification procedures, and the appointment of independent national rapporteurs.

However, progress has been uneven. Some States have yet to adopt national action plans, establish independent rapporteurs, or create specialised shelters and referral mechanisms. GRETA notes that repeated recommendations often remain only

partially implemented due to resource constraints, lack of prioritisation, or insufficient political will.

► *Ongoing and emerging challenges*

The 2024 report emphasises that, despite progress, human trafficking remains fuelled by contemporary crises. Armed conflicts, climate change, restrictive migration policies, and limited legal pathways for migration all increase the risks of trafficking and exploitation. GRETA stresses that anti-trafficking efforts should not be overshadowed by the focus on migrant smuggling.

Children remain particularly vulnerable, with one in three identified victims globally being underage. GRETA points to gaps in child victim protection, including cases where children have been treated as offenders. Stronger measures are called for to counter online recruitment and to forge closer cooperation with internet service providers.

► *GRETA's broader human rights role*

GRETA's monitoring contributes to the prevention of violations of the European Convention on Human Rights, particularly Art. 4, which prohibits slavery and forced labour and covers human trafficking. The European Court of Human Rights increasingly refers to GRETA's reports in its judgments, including *T.V. v. Spain* (10 October 2024) and *B.B. v. Slovakia* (24 October 2024).

► *Conclusion*

Fifteen years after its establishment, GRETA remains central to monitoring States' compliance with the Anti-Trafficking Convention. While significant advances have been made – particularly in policy adoption, victim protection, and inter-agency cooperation – persistent challenges underscore the need for stronger political will and resource allocation. The Committee of the Parties, as the political pillar of the monitoring mechanism, is encouraged to further promote the implementation of GRETA's conclusions. (AP)

Cooperation

Judicial Cooperation

Justice Ministers from CoE Member States Commit to Improving Cooperation in Cross-Border Crime

At a meeting held in Valletta, Malta, on 19 September 2025, the justice ministers from the Council of Europe member states adopted a [declaration](#) designed to foster cooperation in the fight against transnational crime. The declaration acknowledges the importance of the third additional protocol to the 1959 CoE Convention on mutual assistance in criminal matters, which was opened for signature at the same event (→ following news item). In addition, the ministers committed themselves to the following:

- Continuously modernise mutual legal assistance frameworks by integrating the use of digital tools;
- Make efforts to continued judicial dialogue to promote mutual trust and the exchange of best practices across borders;
- Enhance cooperation between national central authorities, prosecutors, and courts to ensure the full and effective implementation of mutual legal assistance instruments;
- Recognise the importance of training, institutional exchanges and the promotion of shared legal values;
- Promote strengthened cooperation among States and with other international and regional organisations to advance global efforts to counter transnational and organised crime.

The declaration also underlines the supportive role of the Council of Europe in setting standards and implementing cooperation frameworks. The respective Council of Europe bodies, particularly the European Committee on Crime Problems and the Committee of Experts on the Operation of European Conventions on Cooperation in Criminal Matters, are invited to contin-

ue providing guidance on best practices, legal interpretations, and emerging issues related to international cooperation in criminal matters. (TW)

Third Additional Protocol to 1959 MLA Convention

spot light At the Minister of Justice Conference, held in Valletta, Malta, on 19 September 2025, the Council of Europe opened for signature a [new additional protocol](#) to the 1959 Convention on Mutual Assistance in Criminal Matters. The briefly dubbed “Valletta Protocol” aims to reinforce the ability of CoE member states, as well as partner states, to adequately respond to crime. This is to be achieved by modernising mutual assistance procedures, introducing new types of requests and embracing digital tools. The protocol supplements the 1959 Convention as well as two Additional Protocols thereto. Key novelties of the Valletta Protocol (the third additional protocol to the 1959 MLA Convention) include:

- Establishes that electronic communications are the preferred means in all cases of sending and receiving mutual assistance requests and other communications in the mutual assistance process;
- Extends the possibilities of direct communication and information exchange between the judicial authorities concerned in the requesting and requested state;
- Allows for greater flexibility and increased use of video conferencing where mutual assistance requests meet the conditions and requirements of the requested and requesting States: hearings of witnesses and experts should no longer be a secondary option, while the Protocol lays down the rules for these video hearings;
- Establishes the legal framework for the use of technical recording devices in the territory of another Party;
- Introduces a specific provision on the cross-border interception of telecommunications;

- Introduces a provision on time limits for the execution of requests for mutual legal assistance;

Supplements the Convention by rules on data protection.

At the [meeting on 19 September 2025](#), the Valletta Protocol was signed by 16 states: Belgium, Georgia, Germany, Greece, Lithuania, Luxembourg, Malta, North Macedonia, Portugal, Romania, San Marino, Sweden, Switzerland, Türkiye, Ukraine and the United Kingdom. In order to enter into force, the Protocol requires that three signatories have expressed their consent to be bound by it. At the meeting on 19 September 2025, ministers for justice of the CoE member states also adopted a declaration in which they voiced commitments to improve cooperation in the fight against transnational crime (→previous news item).

euclid will regularly update the accessions to and ratifications of the Valletta Protocol on its [website documenting ratifications](#) of CoE Conventions. (TW)

Articles

Articles / Aufsätze

Fil Rouge

The focus of this second 2025 *eu crim* issue is the EU's external dimension and the related new challenges in the areas of the protection of financial interests (PIF) and justice and home affairs (JHA).

As *Peter Csonka* explains in the guest editorial, the European Union is increasingly confronted with a stark and hostile landscape characterised by hybrid threats and open warfare. He stresses that organised crime networks, connected worldwide, exploit the full potential of new technologies to infiltrate our economy and affect our society. Meanwhile, the terrorist threat shows no signs of disappearing. The establishment of the European Judicial Organised Crime Network (EJO CN) and the identification of priority third countries with which cooperation in combating organised crime should be reinforced are the EU's initial responses to these challenges. Against this worrying backdrop, the article by *Nadine Kolloczek* and *Liam Fuchs*, both officials in the European Anti-Fraud Office (OLAF), sheds light on the often-overlooked issue of control over EU external spending. This topic can be viewed as a vital aspect of the EU's soft power, reflecting its influence and dedication to global development, humanitarian aid, and international stability. However, EU taxpayers' money is increasingly vulnerable to fraud and misuse. The growing volume and complexity of spending bring with them evolving risks that demand a renewed emphasis on oversight and accountability. In a global scenario characterised by the emergence of new actors and traditional partners (such as the United States) taking a step back, it is essential for the EU to maintain its role as a protector of values-driven, multilateral development cooperation policy. In this context, the article explores the current and future role of OLAF in ensuring the integrity of EU external spending and in investigating potential irregularities, fraud, and corruption within this ever-changing geopolitical landscape.

The growing joint anti-corruption efforts between the EU and the United Nations Office on Drugs and Crime (UNODC) form the focus of the article by *Francesco Clementucci* (World Bank, with a background in the EU Commission). The dialogue between the UNODC, a global actor and guardian of the United Nations Convention Against Corruption (UNCAC), and the EU,

which monitors adherence to the rule of law across its 27 Member States in its annual Rule of Law Report and is currently discussing its new anti-corruption directive, began several years ago. The aim of this dialogue is to coordinate the efforts of the main international players, including the Council of Europe and the OECD, to avoid duplication of activities and to reinforce anti-corruption efforts at a time when some leading stakeholders seem to be retreating from their traditional policies of strong enforcement.

The article by Albanian lawyer and researcher *Maend Kullaj* presents a different perspective, focusing on the relationship between the EU and accession countries and highlighting cooperation between Albania and the EU law enforcement agencies. Of particular interest is the emphasis placed on the mutual benefits of bilateral cooperation agreements established between these agencies and the accession countries, notably through the opportunity to post liaison officers at EU agencies' headquarters alongside those of Member States. This contributes to the shared objective of combating cross-border crime.

In the final article of this issue, *Christian Johnson* from the German Federal Office of Justice examines a specific aspect of the 2022 Treaty between the Federal Republic of Germany and the Swiss Confederation on cross-border police and judicial cooperation. Pursuant to Chapter VI of the Treaty, entitled "Cooperation in the Prosecution of Road Traffic Offences," the two states provide each other with mutual assistance in enforcing decisions by which an authority or court of one state has imposed a financial penalty for violations of road traffic regulations. Modelled along the prominent EU Framework Decision 2005/214/JHA, the article shares initial positive feedback on the application of Chapter VI of the bilateral Treaty since its entry into force on 1 May 2024. We are confident that this issue of *eu crim* will contribute to a greater appreciation of the importance of international police and judicial cooperation for Europe's security and for upholding the rule of law and fundamental rights.

Lorenzo Salazar, Deputy Prosecutor General to the Court of Appeal of Naples (ret.).

New Challenges for Investigating EU External Spending

Nadine Kolloczek and Liam Fuchs*

The proposed European Union's budget for external action is €200 billion for the 2028–2034 period, supporting development, humanitarian aid, and foreign policy worldwide. The EU is facing mounting budgetary challenges, including greater complexity, the emergence of new international actors with approaches differing significantly from those of traditional donors, an overall decrease in funding, and shifting geopolitical priorities. These developments escalate the risk of fraud and misuse, as financial instruments and partnerships are becoming increasingly layered and cross-border in nature. This article highlights how investigators cope with these new challenges: they must adopt innovative solutions, including the use of artificial intelligence for real-time data analysis and anomaly detection, and they must also be trained in advanced technologies.

The authors emphasise that enhancing international cooperation and building trust with both established and emerging partners are crucial for effective investigations. Public-private partnerships also offer promising avenues for detecting and preventing fraud across jurisdictions. Involving local experts ensures a deeper understanding of specific cases. In times of budget constraints and accelerated aid delivery, prioritising high-impact cases and continuous learning from investigation results are vital to maintaining accountability. Last but not least, the authors outline that investigative services can better protect public financial interests and uphold transparency in an increasingly competitive and complex global landscape by adapting investigative frameworks and leveraging innovation.

I. Introduction

In an increasingly competitive world, the European Union's external spending¹ stands as a critical component of its influence and commitment to global development, humanitarian assistance, and geopolitical stability. As the EU navigates an evolving geopolitical landscape marked by emerging powers, shifting alliances, and complex international changes, the need for vigilant oversight of and robust investigative mechanisms into its external expenditures is more urgent than ever. The growing volume and complexity of spending come with an evolving set of risks, demanding renewed emphasis on oversight and accountability. This article analyses current and new challenges faced by investigations into the EU external spending, the tools available to explore the intricate web of international financial flows, potential fraud risks, and the evolving landscape shaped by both technological advances and political priorities. By examining these developments, the article aims to provide a comprehensive outlook into the future of investigative practices in monitoring the integrity of EU external expenditure, underscoring the need for adaptive investigative measures in an ever-changing geopolitical environment.

We will trace the trajectory of EU external spending, from historical patterns to new geopolitical demands. Then, we will turn to the investigative lessons learned and the novel risks that call for adapted anti-fraud strategies. The discus-

sion will highlight the effects of financial shifts and global uncertainties on EU aid. Last but not least, we will assess the concrete investigative responses required to protect EU funds in today's global landscape, safeguard integrity and maintain public trust.

II. Evolving Dynamics: Global Shifts and Their Implications

The world is undergoing profound change. The concept of multilateralism – long championed by the European Union – is currently grappling with a serious crisis. A growing number of international actors are turning away from cooperative approaches toward more competitive ones. Tensions are escalating, regional conflicts intensifying, and trade disputes becoming more frequent. Meanwhile, the rules on which the international order is based are increasingly coming under discussion.

External spending policies and priorities are also undergoing changes, reshaping the traditional landscape of development cooperation donors. New actors are emerging, most notably the BRICS countries (Brazil, Russia, India, China, South Africa), in recent years acting in cooperation through their own development bank, the New Development Bank.² Amongst these actors, China stands out as the most prom-

inent. The EU's Global Gateway³ and China's Belt and Road Initiative⁴ both aim to expand global infrastructure links, but they differ sharply in approach, transparency, and underlying values. Russia's involvement in this sector is more limited but follows another distinctive approach: Russia often makes its assistance contingent upon military and security components, an approach that is uncommon in traditional development cooperation.⁵

Whilst these emerging actors have, for the most part, a different thematic and geographical focus, the BRICS countries do share some common features in their approach to development cooperation policy.⁶ Notably, they reject conditionalities and follow a policy of political non-interference.⁷ This is in strong contrast to the EU's development cooperation policy that puts a strong emphasis on reform requirements or adherence to values like democracy, the rule of law, human rights, good governance, sustainable development, transparency, and accountability.⁸ The new, emerging actors also tend to align their development cooperation policies more closely with their foreign policy objectives.⁹ As a result, the increasingly competitive world order, driven by conflicts, has had a significant impact on these countries' development cooperation policies.

Whilst new actors are emerging, traditional key players in the field of development cooperation are scaling back. The most recent example is the United States, which is drastically reducing its development cooperation engagements under the current government,¹⁰ moving away from the values-driven, multilateral approach it once shared with the EU in order to a focus on its own economic interests and national security.¹¹

As a result, the role of the European Union as an advocate and protector of a values-driven, multilateral development cooperation policy has never been more important. Since transparency and accountability are at the core of the values the EU champions,¹² institutions and bodies dedicated to upholding them play a crucial role in this mission: the European Court of Auditors (ECA), the European Anti-Fraud Office (OLAF), and the European Public Prosecutor's Office (EPPO).

Within the EU's anti-fraud architecture, OLAF has the unique role of protecting EU funds spent externally. Its mandate is to investigate the correct use of EU money wherever it is sent, including to third countries, as explained in a 2019 *eu crim* article by *Claire Scharf-Kröner* and *Jennifer Seyderhelm*.¹³ Since its creation in 1999,¹⁴ OLAF's international activities and partnerships have steadily grown, expanded, and matured, as also detailed in a 2024 *eu crim* article by

Lukáš Jelínek and *Clemens Kreith*.¹⁵ OLAF's mandate, expertise, and experience in conducting international investigations are a key asset for the EU in its mission to uphold the transparency and accountability of the EU's development and humanitarian aid, as well as foreign policy and security financing.

Effective international investigations depend on strong partnerships.¹⁶ Yet, the global landscape is in constant flux: Long-standing allies may change course, and new actors may emerge. In response to these changes, the EU is reshaping its external spending priorities, which are now centred on global engagement, sustainable prosperity and competitiveness, democracy, social fairness and quality of life, climate resilience, and food security.¹⁷ While the Union pursues common goals with longstanding partners, such as the United States, regarding security and defense,¹⁸ OLAF, the EU's internationally active investigative office, demonstrates agility in adapting to the complex and evolving environment in which it operates.

In the context of these developments, it is not only important to look for potential new partners, but also crucial to intensify and further advance relations and cooperation with existing partners in candidate countries, third countries, and international organisations. OLAF already has multiple tools to foster its international relationships, including anti-fraud provisions in international agreements, administrative cooperation arrangements with partners in third countries, and regional partner networks to enhance cooperation and knowledge exchange,¹⁹ e.g., through the InvestAid conference.²⁰ Given the changing geopolitical context, it is essential to leverage all these tools to their fullest extent – and to develop new ones.

III. The Future of the EU's External Spending: New Priorities and Challenges

1. Past and present trends in the EU's external spending

EU external spending dates back to the Treaty of Rome in 1958²¹ and the establishment of the European Development Fund (EDF)²² in 1959, which were designed to support territories governed by European powers.²³ Over time, nominal spending reached around €100 billion, which, when adjusted for inflation, is equivalent to over €140 billion.

Initially focused on development aid, the European Economic Communities (EEC), predecessor to the European Union (EU), expanded the scope of external spending through con-

ventions, such as Yaoundé²⁴ and Lomé.²⁵ This expansion served to support former colonies in Africa, the Caribbean, and the Pacific (ACP countries) and broadened the EEC's scope to include development, regional stability, and trade-based aid. The EU further extended cooperation beyond former colonies through initiatives like the 1995 Barcelona Process,²⁶ focusing on Mediterranean countries, and later supported Central and Eastern European countries during their EU accession process after the fall of the Soviet Union.²⁷

The EU's 2007–2013 Multiannual Financial Framework (MFF) introduced diverse, new financing instruments targeting different regions and objectives, including development cooperation, neighbourhood partnerships, pre-accession assistance, and crisis response.²⁸ The 2009 Treaty of Lisbon endorsed²⁹ formalised development cooperation as a central objective of the EU's external action and underlined the importance of consistency in the EU's external policies.

The 2021–2027 MFF allocates around €100 billion for “Neighbourhood and the World” activities, 6–7% of the total EU budget. It consolidated many previous instruments, including the EDF, into one single instrument: the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI-GE). Other instruments remain with a separate, specific focus, for instance on security and defence³⁰ and on humanitarian aid.

The European Commission's proposal for the 2028–2034 MFF aims to streamline spending while nearly doubling the EU's external action budget to €200 billion through the “Global Europe Instrument”. This instrument is dedicated to development, candidate countries, crisis response, and flexible aid for Ukraine.³¹

2. New priorities in the EU's external spending

In its communication on the 2028–2034 MFF, the European Commission acknowledges the need to respond to growing geopolitical tensions, which are closely linked to rising security threats,³² and to address the resulting global trend of aligning development cooperation policies with foreign policy objectives.³³ Many of these challenges require policies with a significant external spending dimension, including the following:

- Continued support for Ukraine and all other candidate countries;
- Growing demand for humanitarian aid, particularly due to the crisis in the Middle East;
- Strengthened border and migration management programmes;
- Increased investment in security and defence.

In said communication, the Commission also presents its ideas for the operational design of the next MFF. It calls for “greater focus and simplification”³⁴ and highlights the need to measure EU spending by its value for money and tangible results, while safeguarding accountability.³⁵

IV. Challenges for Anti-Fraud Investigations

1. Lessons learned from past and present fraud trends in the EU's external spending

The European Union, together with its Member States, is the world's largest donor of external aid and development cooperation.³⁶ In its 26 years of looking into irregularities, fraud, and corruption in the EU's external spending framework, OLAF has witnessed the emergence of a number of key trends and fraud risks: insufficient transparency in funding allocation, conflicts of interest, and inadequate accountability mechanisms in project implementation. Increasingly complex financial instruments and multi-layered partnerships further complicate oversight and create vulnerability to mismanagement and corruption.

An ongoing, persistent trend is the manipulation of documentation, e.g., inconsistencies or falsifications in invoices and accounting records, particularly in cross-border cases. In one investigation, a migration law and enforcement project in West Africa was found to have forged invoices for shipments from Europe that were never delivered. Conflicts of interest can arise when individuals involved in preparing tender documents fail to disclose prior engagements or affiliations that may compromise their impartiality (e.g., a senior expert drafts terms of reference for an infrastructure project in the Balkans but is discovered to be a former employee of the winning bidder). Other red flags include unexplained increases in personal wealth, advantages, or influence among those managing financial processes (e.g., a procurement officer is invited to luxury cruises despite having a modest declared income). OLAF has also observed the repeated misuse of financial instruments like bank guarantees, where entities exploit disreputable financial institutions to submit unrealistically low bids (e.g., an IT contract in the Middle East is backed by a guarantee that had been declined by the bank in reality, thereby gaining an unfair competitive advantage).

Another recurrent pattern identified by OLAF involves overlapping project timelines and inconsistencies in recorded working hours, suggesting the fraudulent allocation of human resources or double funding. Project managers may be listed as full-time employees on multiple infrastruc-

ture projects implemented across different continents by different beneficiaries, with no plausible explanation for the workload. The repeated listing of the same personnel across multiple projects may also signify fictitious labour costs or an unrealistic workload.

On a systemic level, OLAF notes a growing disregard for due diligence, such as the failure to verify the legitimacy of financial instruments or the legal and compliance status of participating entities. Investigations frequently uncover low-quality deliverables or outright non-implementation, revealing weaknesses in monitoring and accountability. Here, the role of external consultancies and third-party actors in grant distribution and project delivery often creates layers of opacity that facilitate financial irregularities, e.g., an intermediary subcontracting project funds to an excluded partner in Eastern Europe without prior agreement.

These lessons learned highlight the need for robust oversight mechanisms, adaptable investigative tools, and strong relations with international partners to safeguard the EU's financial interests. In practice, this includes early detection of parallel investigations into similar allegations as well as active information sharing, such as the disclosure of information on former employers, beneficiary relations, and current engagements.

2. New challenges for international investigations and how to tackle them

The new priorities of the EU's external expenditures³⁷ will also have an impact on anti-fraud investigations. When larger amounts of funds are shifted to new areas and types of funding, new structures emerge, generating a greater potential for fraud, corruption, and other irregularities. As policy priorities shift, investigative frameworks must keep pace in tandem and quickly address the changing risks and emerging challenges.

Experience shows that investigators receive the first allegations of irregularities about a year or two after a spending mechanism has been implemented. While fraudulent schemes and threats cannot be completely eradicated in today's globalised and highly technical world, the focus must be on foresight and planning to allow investigators to find information, transfer it into intelligence, and use it as effective evidence in their cases.

The following three sub-sections explore how technological shifts, international collaboration, and operational limitations are reshaping the risk landscape and investigative response in EU external spending.

a) Emerging technologies

Predictively, there will be a heightened focus on leveraging advanced technologies, particularly artificial intelligence (AI), to enhance the efficiency and effectiveness of investigations into external spending. As *Konstantinos Bovalis* and *Georg Roebling* explain in a recent *eu crim* article on OLAF's work on artificial intelligence,³⁸ AI can facilitate real-time data analysis, anomaly detection, and predictive modelling, enabling investigators to identify potential fraud patterns and areas of concern more swiftly.³⁹

Blockchain is also expected to increase transparency and traceability in the allocation and utilisation of EU funds. Digital record-keeping systems that allow shared access to transaction data can make complex financial flows more transparent and support smoother cooperation between investigative teams and external partners in joint or parallel cases.⁴⁰

Future investigators must combine complex digital evidence with traditional investigative work and present their findings clearly to the competent authority. New technologies like generative AI, blockchain, nanotechnology and neurotechnology harbour both opportunities and risks, requiring careful handling to ensure that synthetically developed, deep faked, or tampered records do not enter evidence files. Investigators must learn to assess AI-generated output critically, which will help pave the way for its legal acceptance as evidence in court, as was the case with fingerprints and digital documents in the past.

Fraudsters are early adopters of emerging technologies, often operating without legal or geographic constraints, which poses a significant threat to the integrity of financial systems. In contrast, investigators work within legal frameworks and may lag behind in their technical proficiency for detecting complex financial fraud schemes. Addressing this gap requires significant investment in capacity building as well as in training and recruitment of professionals capable of leading data-driven investigations that combine cyber forensic knowledge with financial expertise to trace illicit financial flows across digital and physical domains.

b) Cross-border collaboration

As outlined in Section III, the EU faces a magnitude of global challenges that require policies with a significant external spending dimension. Strong relations with international partners are especially important for conducting efficient international investigations. As discussed in Section II, the changing global world order calls for establishing new part-

nerships and strengthening existing ones – both essential priorities given the critical policy areas linked to external spending.

Successful investigations will increasingly need to involve local experts who understand the specific context of the case. As a result, in addition to technological literacy, there will likely be an even greater emphasis on cross-border collaboration and information sharing among EU Member States, third country law enforcement, and other international partners. Enhanced communication channels and joint investigative efforts can help address the transnational nature of spending-related challenges.

The use of public-private partnerships would especially allow investigators to better tackle emerging risks. For instance, banks and OLAF, working together in a task force to tackle a fraud scheme, while respecting data-sharing limits, may be able to strengthen their cross-border cooperation to uncover complex criminal networks. Although such collaborations depend on trust and legal frameworks, they are a powerful way to strengthen international cooperation.

c) Tackling enhanced risks with limited resources

Funding for international aid is being reduced and shifted into new areas, and the general trend towards simplification will likely lead to reduced oversight in order to speed up aid delivery. Just as oversight is becoming more politicised, this simplification risks weakening accountability. Investigative bodies face resource constraints and reduced political support when their work is more essential than ever.

Investigative reports are only effective if their findings are properly implemented and used to uphold the rule of law. Active learning from investigative results strengthens internal control systems and informs future investigations, particularly during times of weaker oversight.

Likewise, when facing resource constraints, prioritising investigations with the greatest potential impact is crucial.

Using data analytics and clear selection criteria – such as financial thresholds, geopolitical sensitivity, or repeated irregularities – can help focus resources on high-risk cases to maximize financial recovery, deterrence, and systemic change. Strong coordination and early intelligence sharing between partners and investigative units also improve targeting and prevent fragmented or low-priority investigative pursuits.

V. Conclusion

As global dynamics shift rapidly, the European Union is positioned as a powerful donor and partner. EU external spending is becoming increasingly vital, propelled by urgent demands such as providing urgent aid to neighbouring countries like Ukraine, dealing with regional conflicts, and managing migration crises.

At the same time, ensuring oversight in the current landscape of EU external spending is increasingly burdened by complex challenges and competing interests. The persistent tension between innovative and streamlined financial practices, on the one hand, and the need for rigorous accountability, on the other, requires adaptive and resilient investigative approaches.

Embracing technological advancements like AI, intensified international cooperation, and the effective use of increasingly limited resources will be pivotal in safeguarding the integrity of and public trust in external aid.

Amidst tumultuous and rapidly shifting geopolitical conditions, the EU's Anti-Fraud Office (OLAF) remains committed to conducting investigations – jointly and in parallel – through effective global partnerships. By continuously identifying developing threats, flagging risks, and detecting gaps in internal control mechanisms, investigators can foster an ethos of transparency and help spending bodies, economic operators, and other international recipients of funds refine their oversight mechanisms.

* The views expressed in this article are exclusively those of the authors and cannot be attributed to the institution that employs them.

1 The European Union's external spending includes all EU funds allocated outside its Member States, such as those used for development cooperation, pre-accession assistance, and humanitarian aid.

2 New Development Bank, "History", *New Development Bank*, <<https://www.ndb.int/about-ndb/history/>>. All hyperlinks in this article were last accessed on 20 October 2025.

3 European Commission, "Global Gateway", <https://commission.europa.eu/topics/international-partnerships/global-gateway_en>.

4 Y. Jie and J. Wallace, "What is China's Belt and Road Initiative (BRI)?", *Chatham House*, <<https://www.chathamhouse.org/2021/09/what-chinas-belt-and-road-initiative-bri>>.

5 M. Droin and T. Dolbaia, "Russia Is Still Progressing in Africa. What's the Limit?", *Center for Strategic and International Studies*, <<https://www.csis.org/analysis/russia-still-progressing-africa-whats-limit>>.

- 6 J. Petry and A. Nölke, *BRICS and the Global Financial Order: Liberalism Contested?*, 2024, pp. 57–61.
- 7 J. Petry and A. Nölke, *op. cit.* (n. 6).
- 8 Joint statement by the Council and the Representatives of the Governments of the Member States meeting within the Council, the European Parliament and the European Commission, “The New European Consensus on Development – Our World, Our Dignity, Our Future”, 26.06.2017, pp. 7–8.
- 9 J. Petry and A. Nölke, *op. cit.* (n. 6).
- 10 S. Lyngaas and J. Hansler, “State Department formally notifies Congress it is effectively dissolving USAID”, *CNN*, <<https://edition.cnn.com/2025/03/28/politics/state-department-formally-notifies-congress-effectively-dissolving-usaid>>.
- 11 See, for example, the remarks of US Secretary of State Marco Rubio Before the House Committee on Appropriations, Subcommittee on State, Foreign Operations, and Related Programs on the FY26 Department of State Budget Request, *U.S. Department of State*, <<https://www.state.gov/releases/office-of-the-spokesperson/2025/05/secretary-of-state-marco-rubio-before-the-house-committee-on-appropriations-subcommittee-on-state-foreign-operations-and-related-programs-on-the-fy26-department-of-state-budget-request/>>.
- 12 Joint statement, *op. cit.* (n. 8), p. 54.
- 13 C. Scharf-Kröner and J. Seyderhelm, “OLAF Investigations Outside the European Union – Practical and Legal Aspects”, (2019) *eucri*m, 209–218.
- 14 Commission Decision 1999/352/EC, ECSC, Euratom of 28 April 1999 establishing the European Anti-Fraud Office (OLAF), OJ L 136, 31.5.1999, 20.
- 15 L. Jelínek and C. Kreith, “Protecting EU Taxpayer Money together with Global Partners – 25 Years of International Relations of the European Anti-Fraud Office”, (2024) *eucri*m, 324–333.
- 16 See, in more detail, Jelínek and Kreith, (2019) *eucri*m, *op. cit.* (n. 15), 327–331.
- 17 European Commission, “Commission’s priorities”, <https://commission.europa.eu/priorities-2024-2029_en>.
- 18 European Commission, “Press remarks by President von der Leyen on the first 100 days of the 2024–2029 Commission”, <https://ec.europa.eu/commission/presscorner/detail/en/statement_25_721>.
- 19 Jelínek and Kreith, (2019) *eucri*m, *op. cit.* (n. 15), 327.
- 20 European Anti-Fraud Office, “OLAF at InvestigAid 2024: Financial Investigations and Artificial Intelligence”, <https://anti-fraud.ec.europa.eu/media-corner/news/olaf-investigaid-2024-financial-investigations-and-artificial-intelligence-2024-12-04_en>.
- 21 Treaty establishing the European Economic Community (Treaty of Rome), 25 March 1957.
- 22 European Commission, “European Development Fund”, <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:r12102>>.
- 23 Initially African countries.
- 24 OACPS-EU Joint Parliamentary Assembly, “History of OACPS – EU relations”, OACPS-EU Joint Parliamentary Assembly <<https://www.europarl.europa.eu/oacps/en/about/history>>.
- 25 OACPS-EU Joint Parliamentary Assembly, *op. cit.* (n. 24).
- 26 Union for the Mediterranean, “History”, <<https://ufmsecretariat.org/who-we-are/history/>>.
- 27 European Parliament, “The PHARE Programme and the enlargement of the European Union”, <https://www.europarl.europa.eu/enlargement/briefings/33a1_en.htm>.

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- 28 The Development Cooperation Instrument (DCI) for developing countries, the European Neighbourhood and Partnership Instrument (ENPI) for Eastern and Southern neighbours, the Instrument for Pre-Accession Assistance (IPA) for candidate and potential candidate countries and the Instrument for Stability (IfS) for crisis response and conflict prevention.
- 29 Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007, OJ C 306, 17.12.2007, 1.
- 30 European Peace Facility (EPF), European Defence Fund (EDF), PESCO (Permanent Structured Cooperation), EU Missions and Operations financed through the CFSP budget and EPF.
- 31 Communication from the Commission, “A dynamic EU Budget for the priorities of the future – The Multiannual Financial Framework”, COM(2025) 570 final, pp. 14–16.
- 32 Communication from the Commission, “The road to the next multiannual financial framework”, COM(2025) 46 final, p. 2.
- 33 COM(2025) 46 final, *op. cit.* (n. 32), p. 4.
- 34 COM(2025) 46 final, *op. cit.* (n. 32), p. 5.
- 35 COM(2025) 46 final, *op. cit.* (n. 32), p. 8.
- 36 Council of the European Union, Press Release of 24 June 2024, “Official development assistance: the EU and its member states remain the biggest global provider”, <<https://www.consilium.europa.eu/en/press/press-releases/2024/06/24/official-development-assistance-the-eu-and-its-member-states-remain-the-biggest-global-provider/>>.
- 37 As outlined in Section III.
- 38 G. Roebeling and B. Necula, “Reflections on Introducing Artificial Intelligence Tools in Support of Anti-Fraud”, (2024) *eucri*m, 206–214.
- 39 G. Roebeling and B. Necula, (2024) *eucri*m, *op. cit.* (n. 38), 207–208.
- 40 R. Raycraft and A. Lannquist, “Blockchain alone can’t prevent crime, but these 5 use cases can help tackle government corruption”, *World Economic Forum*, 13 July 2020, <<https://www.weforum.org/stories/2020/07/5-ways-blockchain-could-help-tackle-government-corruption/>>.

The EU–UNODC Relationship in the Context of Anti–Corruption Efforts

A Collaborative Approach to Global Integrity

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The relationship between the European Union (EU) and the United Nations Office on Drugs and Crime (UNODC) in the context of anti-corruption efforts represents a multi-dimensional and strategic partnership that responds to the complexity of global corruption challenges. This article explores the collaboration between the EU and UNODC, which has recently picked up speed. The article emphasises the shared goals of combating corruption globally, strengthening rule-of-law frameworks, and creating multileveled synergies in response to emerging global contests. It also examines specific milestones, such as the EU-UNODC Anti-Corruption Dialogue and the implications of recent geopolitical shifts, including some State actors' reduced involvement in international anti-corruption initiatives. The author concludes that multilateral collaboration among regional and international actors, involving the participation of relevant national, local, and sectoral stakeholders can provide a robust tool for combating adaptive corruption – one that is both apt and thorough.

I. Introduction

Corruption remains one of the most pervasive and insidious threats to global development, political stability, and security. Corruption is estimated to cost the European Union between €179 billion and €990 billion per year, amounting to up to 6% of its GDP.¹ The need for coordinated international efforts to combat corruption has never been more urgent, particularly as corruption is becoming increasingly complex and interconnected due to issues such as organised crime, environmental degradation, and the abuse of new technologies, in addition to its impact on human rights². Both the European Union (EU) and the United Nations Office on Drugs and Crime (UNODC) have recognised the importance of addressing corruption as a global challenge and have taken active roles in designing and implementing anti-corruption initiatives worldwide.

This article examines the growing collaboration between the EU and UNODC in the fight against corruption. By focusing on their joint efforts and frameworks for cooperation, we explore how their relationship has recently developed and what specific measures are being undertaken to strengthen global anti-corruption governance. The article presents the different roles and responsibilities of the EU and the UNODC in combating corruption: individually, with each other, and with other significant international and national entities, in a collaborative and inclusive, multilayered framework. An analysis will show that the combined

EU-UNODC action has contributed to accelerated and improved response to global corruption, which is both multi-lateral and comprehensive.

II. The Development of EU Anti-Corruption Initiatives

At the regional level, the EU has consistently been one of the most proactive entities in the fight against corruption. In 2014, the EU took its first significant step by establishing a more systematic framework for addressing corruption risks within its Member States.³ In its 2014 EU Anti-Corruption Report, the European Commission sought to identify national corruption risks and capacities. The report provided an overview of the situation regarding corruption frameworks in each EU Member State: anti-corruption measures in place, outstanding issues, policies that were working well, and areas that could be improved. It was not until 2020, however, that the European Commission began publishing an annual Rule of Law Report, which includes a thorough, robust, and consistent assessment of the rule of law in general, including a specifically dedicated pillar on the anti-corruption frameworks in EU Member States.⁴ The annual Rule of Law Report serves as a comprehensive evaluation tool that monitors adherence to the rule of law across the 27 EU Member States. Corruption is a key area of concern in the report, as it directly impacts the integrity of the justice system, media pluralism, and institutional checks and balances.

The Rule of Law Report has evolved over time, shifting from a descriptive analysis to a more sophisticated and actionable tool, that offers recommendations for improvement, including on anti-corruption.⁵ The European Commission's approach to assessing anti-corruption efforts relies on a diverse set of data sources: meetings and reports with national authorities, non-governmental organisations (NGOs), civil society organisations (CSOs), and international bodies like the UNODC, the Organisation for Economic Co-operation and Development (OECD), and the Group of States Against Corruption (GRECO). These EU reports, which cover both systemic weaknesses and positive developments, play a critical role in ensuring that Member States take the necessary steps to prevent corruption and maintain strong governance.⁶

The year 2023 was pivotal for the European Union in its efforts to combat corruption.⁷ First of all, the European Commission submitted the proposal for a Directive on combating corruption through criminal law.⁸ This marks a significant effort to move toward modernizing and harmonizing the EU's legal framework in the fight against corruption. The proposal aims to expand the scope of criminal corruption offenses beyond conventional bribery to include acts such as misappropriation, trading in influence, abuse of functions, obstruction of justice, and illicit enrichment linked to corruption. Additionally, the initiative emphasises the importance of preventive measures, including raising awareness and promoting a culture of integrity. It also proposes the introduction of minimum criminal penalties and sanctions for both individuals and legal entities, ensuring a consistent legal standard across all EU Member States.

Other important elements of the proposal include extending the statute of limitations for corruption-related offenses and equipping law enforcement and prosecutors with the necessary tools and resources for effective investigations. The proposal is explicitly designed to fulfil international commitments under the United Nations Convention Against Corruption (UNCAC). Ongoing trilogue negotiations⁹ among the European Parliament, the Council of the European Union, and the European Commission are critical in shaping the final version of the Directive and ensuring it meets or surpasses UNCAC standards within the EU.

Furthermore, in the 2023 Joint Communication on corruption, the Commission and the High Representative announced the creation of an EU-wide anti-corruption network, in addition to a proposal for a regime of sanctions against serious acts of corruption committed *outside* the EU.¹⁰ At the same time, the Commission presented a proposal for establishing an EU ethics body.¹¹ Also, the implementation

of the EU Whistleblower Protection Directive (to ensure stronger protection for individuals reporting violations of EU law, including corruption) continued in 2023. Lastly, several transparency-related initiatives advanced, e.g., developments in lobbying regulation (via the EU Transparency Register)¹², financial markets (through the EBA Transparency Exercise)¹³, and environmental claims¹⁴.

III. The Role of UNODC in Global Anti-Corruption Efforts

UNODC plays a crucial role in the global fight against corruption, acting as the guardian of the United Nations Convention Against Corruption (UNCAC).¹⁵ The Convention, adopted in 2003 and entered into force in 2005, provides a comprehensive framework for addressing corruption on an international scale (see also IV). UNODC's mandate includes assisting contracting parties in implementing the provisions of UNCAC, offering technical assistance, and promoting the principles of transparency, accountability, and integrity. Through its regional programmes and field offices, UNODC has strengthened its presence in key areas like Sub-Saharan Africa, Latin America, and the Caribbean, working closely with governments to build effective anti-corruption frameworks.

The UNODC 2021–2025 Strategy focuses on preventing and countering corruption and economic crime, which further solidifies the organisation's role in shaping global anti-corruption governance. UNODC has also been instrumental in facilitating the UNCAC Implementation Review Mechanism, a process through which signatory parties are peer reviewed on their compliance with the Convention's provisions.¹⁶ This mechanism encourages international cooperation, the exchange of best practices, and the strengthening of anti-corruption laws and policies across countries.

IV. The European Union's Implementation of the United Nations Convention Against Corruption

The UNCAC remains the most comprehensive international legal instrument to combat corruption, encompassing preventive measures, criminalisation, enforcement, asset recovery, and international cooperation. With 191 signatory parties to the Convention, including the European Union (EU), the UNCAC serves as a critical framework for global anti-corruption efforts.¹⁷ The EU is the only regional and international organisation that is party to the multilateral UNCAC and, as such, subject to the UNCAC's Implementation Review Mechanism (see III).¹⁸

In this context, the main steps of the first cycle of the UNCAC implementation review of the EU as non-state actor are notable: In June 2021, at the UN General Assembly Special Session (UNGASS) on corruption, the EU declared its readiness to launch the review under the UNCAC. The Implementation Review Mechanism operates in two phases. The first cycle covers criminalisation (Chapter III of UNCAC) and international cooperation (Chapter IV), while the second cycle focuses on prevention (Chapter II of UNCAC) and asset recovery (Chapter V). In September 2022, the European Commission presented the EU's self-assessment under the first round of the UNCAC's Implementation Review to UNODC.¹⁹ This was followed by a written exchange in September 2023, when the EU responded to detailed questions from the peer reviewers. In November 2023, the EU welcomed representatives from Czechia and Niue, accompanied by the UNODC, for the first on-site visit.²⁰ This visit marked an important milestone, since the EU is, as mentioned above, not a typical State party but a regional organisation, posing unique challenges for the Implementation Review. During this visit, EU institutions presented their anti-corruption initiatives, focusing particularly on the efforts to comply with Arts. 15–42 (criminalisation and law enforcement) and Arts. 44–50 (international cooperation) of the UNCAC. The visit was also an opportunity for civil society organisations to engage with the reviewers, who offered a critical external perspective on the EU's anti-corruption efforts.²¹

V. The EU-UNODC Anti-Corruption Dialogue: A Strategic Partnership

The EU-UNODC Anti-Corruption Dialogue represents a cornerstone of their collaboration in the fight against corruption. This high-level exchange is a platform for both organisations to align their strategies, share information, and establish concrete follow-up actions in the anti-corruption domain. The dialogue brings together key representatives from the two institutions and serves as a forum to discuss emerging issues and coordinate efforts in areas such as asset recovery, anti-corruption education, and the role of civil society in promoting transparency.

The first EU-UNODC Anti-Corruption Dialogue, held in October 2022,²² focused on such critical areas as corruption in times of emergency (notably during the COVID-19 pandemic), the integrity of the sports sector, and the role of youth in anti-corruption efforts. Subsequent dialogues, like the one held in October 2023 in Vienna,²³ expanded the scope of discussion to include corruption linked to organised crime, gender issues in anti-corruption work, and collaboration in crisis regions like Ukraine and Haiti. In November 2024 in

Brussels,²⁴ the dialogue also dealt with crimes that affect the environment, new technologies, and Global Gateway investments. Going forward, the goal is to work together more effectively, e.g., in regions like Sub-Saharan Africa, Latin America and the Caribbean, Asia-Pacific, and the EU's East and South Neighbourhoods. These dialogues not only enhance the operational capacity of the EU and the UNODC but also enable the identification of common priorities and challenges that require coordinated responses.

VI. EU-UNODC Initiative to Improve Global Anti-Corruption Action

Based on their previous collaboration, which was fostered through their anti-corruption dialogue, in 2023, the EU and the UNODC launched the International Anti-Corruption Partnership Forum, together with their traditional partners, namely the GRECO and the OECD. This was done on the occasion of a special event organised during the 10th Conference of State Parties to the UNCAC, held in Atlanta, USA.²⁵ The new global anti-corruption partnership, including not only the European Commission, UNODC, Council of Europe/GRECO, and the OECD, but also the World Bank Group (WBG), the International Monetary Fund (IMF), the African Union (AU), the Organization of American States (OAS), and the League of Arab States (LAS), was an achievement that realised the idea (initiated years before) of enhancing synergies between the different organisations committed to prevent and combat corruption.²⁶ In Atlanta, the concerns of the conference panellists ranged from a lack of collaboration, such as the duplication of efforts, to the benefits of closer cooperation for both international organisations and countries. After identifying some of the solutions already developed, either individually or jointly, all panellists agreed to set up a *jour fixe* among their organisations to work on country reviews and support for policy reforms. The first meeting of the Anti-Corruption Partnership Forum took place online in July 2024, co-hosted by the EU and the UNODC. In two sessions, the participants focused on sharing plans and projects to increase synergies as well as exploring which primary data exist in each organisation, with a view to potential data exchange and sharing.²⁷

The EU, UNODC, the Council of Europe/GRECO, and the OECD also collaborate within the framework of the EU network against corruption.²⁸ Established in September 2023 as an outcome of the Commission's Joint Communication on corruption,²⁹ this network is meant to be an umbrella forum for all stakeholders (State authorities, experts, academia, NGOs, and other international partners) in which they can exchange good practices, opportunities, ideas, and

plans for future work. In addition to plenary sessions, the EU network against corruption meets in thematic workshops and national events.³⁰ The discussions so far highlighted ongoing efforts to support technological advancements in combating corruption, e.g., the development of digital tools that improve asset declaration submissions³¹ and public procurement processes. The EU is also a funder of technological projects across its Member States, including those related to the Recovery and Resilience Facility (RRF) and the Technical Support Instrument (TSI).³² These initiatives have been designed to modernise corruption detection and prevention mechanisms, improving the EU's ability to track, verify, and report corrupt activities.

UNODC, on the other hand, has incorporated blockchain technology into training programmes for law enforcement and has developed secure communication tools to enhance cross-border collaboration. These technological innovations are particularly crucial in the context of international cooperation, where data sharing and transparency are essential for effective anti-corruption efforts.

VII. Conclusion

The ongoing collaboration between the EU and UNODC demonstrates the importance of multi-stakeholder ap-

proaches in tackling global corruption. However, significant challenges remain. For instance, the shifting geopolitical landscape, marked by some national decisions to steer away from enforcing anti-corruption measures, could lead to a diminished role for traditional anti-corruption powers in global governance. This further underscores the need for robust regional cooperation, where international actors can continue to play leading roles.

Through their coordinated efforts, the EU and UNODC have made significant strides in strengthening anti-corruption frameworks, promoting transparency, and ensuring the rule of law across borders. As global corruption challenges grow, the EU-UNODC collaboration sets a clear example of an inclusive, multilateral, multisectoral, and multilevel framework of collaboration, which includes global institutions *in primis*, but also national agencies, officials, CSOs, NGOs, academia, and experts at large. This composite, modular structure offers a promising approach by which to respond to the complex and adaptive challenges posed by corruption, and could serve as a driving force in shaping international anti-corruption strategies. Translating discussions, such as the joint dialogues, into actionable outcomes and building enlarged platforms, such as the international anti-corruption partnership forum, will help ensure that the fight against corruption remains a central component of truly global governance.

* The views expressed in this article are solely those of the author and are not an expression of the views of the institution he is affiliated with.

1 M. Fernandes and L. Jančová, *Stepping up the EU's efforts to tackle corruption – Cost of Non-Europe Report*, European Parliamentary Research Service, PE 734.687, January 2023, <[https://www.europarl.europa.eu/RegData/etudes/STUD/2023/734687/EPRS_STU\(2023\)734687_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/734687/EPRS_STU(2023)734687_EN.pdf)> All hyperlinks in this article were last accessed on 15 August 2025.

2 See no. 2 of the draft resolution of the UN Human Rights Council (Fifty-ninth session 16 June–9 July 2025), "The negative impact of corruption on the enjoyment of human rights", A/HRC/59/L.6, stating: "Recognizes the negative impact of widespread corruption on the enjoyment of human rights, including by reducing the resources available for all sectors, thereby hampering the realization of all human rights".

3 See Report from the Commission to the Council and the European Parliament EU Anti-Corruption Report, COM(2014)038 final.

4 Cf. European Commission, "2020 Rule of law report", <https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/annual-rule-law-cycle/2020-rule-law-report_en>.

5 The objective of the recommendations is to assist Member States in their efforts to take forward reforms, to encourage positive developments, and to identify where improvements or follow-up to recent

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changes or reforms may be needed, based on continuous dialogue. Cf. European Commission, "2022 Rule of law report", <https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/annual-rule-law-cycle/2022-rule-law-report_en>.

6 The 2025 Rule of Law Report found that 57% of the recommendations made in 2024 have been followed up by Member States, either fully or partially, see: <https://ec.europa.eu/commission/presscorner/detail/en/qanda_25_1745>.

7 L. Salazar and F. Clementucci, "Per una nuova anti corruzione europea: EU-rbi et orbi", (2023), *sistema penale*, 69–85, <https://www.sistemapenale.it/pdf_contenuti/1689732585_sp-2023-7-8-salazar-clementucci.pdf>.

8 Proposal for a Directive of the European Parliament and of the Council on combating corruption, replacing Council Framework Decision 2003/568/JHA and the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union and amending Directive (EU) 2017/1371 of the European Parliament and of the Council, COM/2023/234 final, <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2023%3A234%3AFIN>>. See further F. Clementucci and A. Miekina, "The Commission Proposal for a Directive on Combating Corruption", (2023) *eu crim*, 276–279. See also the news by T. Wahl, *eu crim* 2/2023, 140–141.

9 For trilogue negotiations in general, see M. Del Monte, *Briefing "Understanding trilogue – Parliament's rules and practices for reaching provisional agreement on legislation"*, European Parliamentary Research Service, PE 690.614, April 2025, <[https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690614/EPRS_BRI\(2021\)690614_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690614/EPRS_BRI(2021)690614_EN.pdf)>.

10 The decision-making process occurs within the Common Foreign and Security Policy (CFSP) framework, which involves the High Representative, the Council, and the Commission. Decisions regarding sanctions are made by the Council through consensus, based on proposals from the High Representative and the Commission, following discussions in the relevant Council working groups.

11 The EU ethics body would establish a unified set of ethical standards and conduct guidelines for members of the institutions, in order to prevent potential corruption-related misconduct, cf. <https://commission.europa.eu/about/service-standards-and-principles/ethics-and-good-administration/interinstitutional-body-ethical-standards-members-institutions-and-advisory-bodies_en>. See also T. Wahl, "New Ethics Body Set Up to Develop Common Ethics Culture in EU Institutions", (2024) *eu crim*, 111–112.

12 European Union, Transparency Register, <https://transparency-register.europa.eu/index_en>.

13 The Transparency exercise is part of the European Banking Authority's (EBA) ongoing initiatives to promote transparency and strengthen market discipline within the EU financial market, cf. <<https://www.eba.europa.eu/risk-analysis-and-data/eu-wide-transparency-exercise>>.

14 European Parliament, "Stopping greenwashing: how the EU regulates green claims", 15 January 2024, <<https://www.europarl.europa.eu/topics/en/article/20240111STO16722/stopping-greenwashing-how-the-eu-regulates-green-claims#:~:text=To%20achieve%20that%2C%20the%20EU,the%20producer%20is%20offsetting%20emissions>>.

15 United Nations Convention against Corruption (UNCAC), available at: <[https://www.unodc.org/corruption/en/uncac/learn-about-uncac.html#:~:text=The%20United%20Nations%20Convention%20against%20Corruption%20\(UNCAC\)%20is%20the%20only,Assembly%20on%2031%20October%202003](https://www.unodc.org/corruption/en/uncac/learn-about-uncac.html#:~:text=The%20United%20Nations%20Convention%20against%20Corruption%20(UNCAC)%20is%20the%20only,Assembly%20on%2031%20October%202003)>.

16 For the UNCAC Implementation Review Mechanism, see: <<https://www.unodc.org/corruption/en/uncac/implementation-review-mechanism.html>>.

17 The EU signed and ratified the UNCAC in 2008.

18 In 2023, the Conference of the States Parties to the Convention decided at its tenth session (decision 10/2) to extend the duration of the second cycle of the Implementation Review Mechanism until June 2026 and tasked the Implementation Review Group (IRG) with continuing discussions on assessing the Mechanism's performance as well as on the scope, thematic sequence, and details of the next review phase. The aim is to provide recommendations to the Conference at its eleventh session and to launch the new phase of the Review Mechanism as soon as possible. Cf. <<https://www.unodc.org/corruption/en/uncac/implementation-review-mechanism-next-phase.html>>.

19 Commission Staff Working document, "Review of the implementation by the European Union of articles 15–42 of Chapter III. "Criminalization and law enforcement" and articles 44–50 of Chapter IV. "International cooperation" of the United Nations Convention against Corruption for the first review cycle", SWD(2022) 295 final, available at: <https://home-affairs.ec.europa.eu/commission-staff-working-document-review-implementation-european-union-united-nations-convention_en>.

20 See European Commission – Directorate-General for Migration and Home Affairs, "The EU moves forward with its implementation review of the UN Convention against Corruption", news article of 17 November 2023 <https://home-affairs.ec.europa.eu/news/eu-moves-forward-its-implementation-review-un-convention-against-corruption-2023-11-17_en>.

21 See European Commission – Directorate-General for Migration and Home Affairs, "UNODC, Czechia, and Niue officials' open call for civil society discussion in Brussels", news article of 5 October 2023 <https://home-affairs.ec.europa.eu/news/unodc-czechia-and-niue-officials-open-call-civil-society-discussion-brussels-2023-10-05_en>.

22 United Nations – Office on Drugs and Crime, "UNODC and European Union hold first-ever anti-corruption dialogue", <<https://www.unodc.org/unodc/en/frontpage/2022/October/unodc-and-european-union-hold-first-ever-anti-corruption-dialogue.html>>.

23 See European Commission – Directorate-General for Migration and Home Affairs, "EU and UNODC meet for 2nd Anti-Corruption Dialogue", news article of 6 October 2023 <https://home-affairs.ec.europa.eu/news/eu-and-unodc-meet-2nd-anti-corruption-dialogue-2023-10-06_en>.

24 European Commission – Directorate-General for Migration and Home Affairs, "EU and UNODC held their third Anti-Corruption Dialogue", news article of 27 November 2024 <https://home-affairs.ec.europa.eu/news/eu-and-unodc-held-their-third-anti-corruption-dialogue-2024-11-27_en>.

25 See side event "Walk the Talk: Strengthening Synergies and Coordination", CoSP10 Atlanta. USA – Special Events Summary Report, <https://www.unodc.org/documents/treaties/UNCAC/COSP/session10/special-events/CoSP10_Special_Events_Summary_Report.pdf>, p. 4.

26 In 2018, CoE's GRECO submitted a paper at the 9th session of the Implementation Review Group of UNCAC, entitled "Enhancing Synergies among the International Anti-Corruption Monitoring Bodies" (<<https://www.unodc.org/documents/treaties/UNCAC/Working-Groups/ImplementationReviewGroup/4-6June2018/V1803681e.pdf>>). In 2021, on the occasion of the 9th Session of the Conference of the State Parties to the United Nations Convention against Corruption, the Secretariats of CoE's GRECO, the OECD WGB, and UNODC presented the joint message "Enhancing synergies between anti-corruption peer review mechanisms" (<<https://www.coe.int/en/web/greco/-/enhancing-synergies-between-anti-corruption-peer-review-mechanisms-joint-message-by-the-secretariats-of-greco-the-oecd-and-unodc>>). Therein, the three Secretariats renewed their commitment to working together in order to achieve their common goals and combine their knowledge and experience so as to further enhance effective synergies, all with the aim of strengthening the implementation of the Conventions and other standards of their respective organisations.

27 First meeting of the Anti-corruption Partnership Forum, <https://home-affairs.ec.europa.eu/document/download/faf786d0-fb77-4f5f-8ec2-1d4c343fd325_en?filename=Report%20First%20meeting%20of%20the%20Anticorruption%20Forum.pdf&prefLang=ro>

28 European Commission, "EU network against corruption", <https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/democracy-eu-citizenship-anti-corruption/anti-corruption/eu-network-against-corruption_en>.

29 European Commission & High Representative of the Union for Foreign Affairs and Security Policy, Joint Communication to the European Parliament, the Council and the European Economic and Social Committee on the fight against corruption, JOIN(2023) 12 final, available at: <https://commission.europa.eu/document/download/b6888f6a-45ed-4af7-b85a-6712dfe8952c_en?filename=JOIN_2023_12_1_EN.pdf>.

30 Workshops were held on Asset Declaration Systems (2024); Fight against Corruption (2023); Future of the fight against corruption (2022); Fight against corruption on lobbying in Europe (2022); Ensuring anti-corruption resilience in times of crisis (2021); whereas national events took place so far in Italy (Rome), the Netherlands (the Hague), Malta (Valletta), Bulgaria (Sofia), Latvia (Riga), Ireland (Dublin), Portugal (Lisbon), Spain (Madrid), Sweden (Stockholm), Croatia

(Zagreb), France (Paris), Slovenia (Ljubljana) and Finland (Helsinki): <https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/democracy-eu-citizenship-anti-corruption/anti-corruption/eu-network-against-corruption_en>

31 See EU Network against Corruption, Technical Report of the Workshop on Asset Declaration Systems on 25 June 2024, <https://home-affairs.ec.europa.eu/document/download/2404c8d1-8253-487c-a043-955ac2c45c5a_en?filename=Technical%20report%20of%20the%20workshop%20on%20asset%20declaration%20systems_en.pdf>.

32 See European Commission, “2024 Flagship Technical Support Project, Technical Support Instrument, Reinforce Democracy and the Rule of Law”, <https://reform-support.ec.europa.eu/tsi-2024-flagship-reinforce-democracy-and-rule-law_en>.

EU Justice and Home Affairs Framework for Accession Cooperation

A Case Study of Albania

Maend Kullaj

At the core of every successful cross-border operation are robust legal foundations that facilitate cooperation between the parties. Along with multilateral, bilateral, and national instruments, the EU's major Justice and Home Affairs (JHA) agencies – Europol, Frontex, Eurojust, and, more recently, the European Public Prosecutor's Office – have established and revised cooperation agreements and working arrangements over the years with aspiring third countries, in turn fostering a more enabling and cooperative environment for the latter. This article explores the relevant legal bases that constitute the multi-layered cooperation framework between JHA agencies, EU Member States, and accession countries, using official secondary data, with a particular focus on Albania's path to EU membership. Overall, the article indicates that the legal mechanisms for cooperation must be combined in order to accommodate jurisdictional complexities in practice. Accession countries benefit greatly from participating in bilateral cooperation agreements, notably through the opportunity to post their liaison officers at EU agencies' headquarters alongside those of Member States. These arrangements ultimately contribute to the shared objective of combatting cross-border crime.

I. Introductory Remarks

As crime increasingly transcends national borders, the European Union (EU) has had to adapt its external action policy over the years. Direct cross-border cooperation with aspiring third countries, or at least its facilitation, has become a crucial strategy in combatting cross-border crime. This cooperation has developed into a symbiotic relationship: the EU can better safeguard financial interests previously outside its reach and strengthen internal security, while the third countries gain access to EU agencies and be-

gin to operate like quasi-Member States in many respects. This dynamic is particularly important for accession countries from the Western Balkans, such as Albania, which are bound by international cooperation obligations arising from Stabilisation and Association Agreements (SAAs) and the benchmarks set by EU accession Chapter 24 – the “Justice, Freedom and Security” chapter of the *acquis communautaire* which candidate countries must align with.

Mindful of the inapplicability of most traditional mutual legal assistance (MLA) instruments operating within the

Union for accession countries, the EU agencies active in the field of Justice and Home Affairs (JHAA) have found a legal solution to extend their application to the latter: bilateral agreements on cooperation and working arrangements. In the case of Albania, this cooperation was initiated with the 2007 Europol Strategic Cooperation Agreement, followed by the 2009 agreement for the placement of a Europol liaison officer in Albania, and subsequently replaced by an amended operational and strategic cooperation agreement in 2013. In addition, Albania has concluded further cooperation arrangements/agreements with Frontex, Eurojust, and the European Public Prosecutor's Office (EPPO). Cooperation agreements combined with existing multilateral, bilateral, and national instruments have established a comprehensive yet adaptable cooperation framework between the EU and accession countries. This article analyses the key elements of this cooperation framework and assesses its practical effectiveness using Albania as a case study.

In Section II, the article outlines the main legal bases for establishing EU-third country cooperation, notably focusing on bilateral cooperation agreements and their implementation. As will be shown, cooperation in practice – under the framework of these cooperation agreements – has greatly facilitated the efforts of all stakeholders in combatting serious cross-border crime. Section III integrates theoretical with practical perspectives by examining the Albanian experience in the context of JHA cooperation: the section begins with an overview of the country's cooperation framework, then highlights existing challenges, and concludes with a presentation of prominent cases from practice. Some general considerations and recommendations on the matter are given in closing in Section IV.

II. Legal Bases for JHAA – EU Member State – Third Country Cooperation

Considering that the relevant EU *acquis* on MLA and judicial cooperation in criminal matters is not directly applicable to third countries, legal practitioners are tasked with identifying alternative legal instrument(s) to establish MLA in criminal matters and data exchange with these countries. Indeed, instruments, such as the European Investigation Order (EIO) and the European Arrest Warrant (EAW) are not available to third countries, including accession countries. Nevertheless, Eurojust plays a key role by facilitating coordination and supporting judicial cooperation, despite divergences in legal systems and procedures across jurisdictions.¹ For countries without access to EIO and EAW mechanisms, the main legal bases used in practice are:²

- Multilateral agreements;

- Bilateral agreements;
- National legislation.

The principle of reciprocity can also serve as a legal basis for MLA in criminal matters with third countries. Legal bases are oftentimes combined – a practical solution found by legal practitioners for cases in which a common legal basis is absent, especially when setting up Joint Investigation Teams (JITs).³

1. Multilateral agreements

Countries outside the European Union rely on conventional instruments of cooperation in the form of multilateral treaties from the UN and the Council of Europe (CoE). These include, in particular:

- The UN Convention against Transnational Organised Crime (UNTOC);
- The UN Convention against Corruption (UNCAC);
- The 1988 Vienna Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;
- The 1957 European Convention on Extradition and its additional protocols;
- The 1959 European Convention on Mutual Assistance in Criminal Matters, and its additional protocols;
- The 1970 European Convention on the International Validity of Criminal Judgements;
- The 1983 Convention on the Transfer of Sentenced Persons;
- The 2001 Council of Europe Convention on Cybercrime (Budapest Convention).

Regional cooperation commitments are also made in the framework of SAAs with Western Balkans countries, under Title VII: Justice, Freedom and Security. It concerns areas of movement of persons, money laundering and illicit drugs, counter-terrorism, and cooperation in criminal matters.

2. Bilateral agreements

a) Scope and content of bilateral agreements

Several EU Member States have existing agreements with third countries on MLA in criminal matters, complementing the relevant multilateral conventions, in particular with regard to extradition and the transfer of sentenced persons. Apart from the classic bilateral agreements of judicial cooperation, third countries – especially accession countries – are brought closer to the EU via agreements and working arrangements on cooperation with the main EU JHA agencies. These instruments are part of the agencies' mandates as enshrined in their respective legal frameworks.

The number of third countries cooperating with the JHA agencies and the level of access⁴ granted to them have increased significantly over the years. According to official EU websites, to date, Europol has concluded 39 such agreements and arrangements around the world, including with the six Western Balkan countries;⁵ Frontex has concluded 19,⁶ and Eurojust a total of 22.⁷ The EPPO has concluded 22 working arrangements on cooperation with various judicial authorities in third countries.⁸

The EU legal framework specifies the nature and content of the cooperation agreements/working arrangements of the JHA agencies. Much of the “EU JHA agency acquis” is integrated into the recitals and the text of the third-country agreements/arrangements, including direct references.⁹ This provides for indirect applicability of the acquis. The agreements and arrangements typically include provisions on forms of operational and judicial cooperation, the posting of reciprocal liaison officers and contact points, as well as rules for the systematic exchange of information and personal data.¹⁰ They are legally binding and may serve as an alternative legal framework in the absence of EU legislation that is only available to EU Member States (see above).¹¹

b) Implementing cooperation agreements with JHA agencies

The EU and its JHA agencies conclude cooperation agreements and working arrangements pursuant to Art. 218 TFEU or their respective legal frameworks, with either the contracting third country or with their line ministries and other institutions. After conclusion, cooperation agreements typically undergo an internal ratification process, which enables them to enter into force for the third country and be implemented by the parties. Working arrangements, such as those with the EPPO, are applicable from the signature date.

A crucial factor in facilitating implementation lies in the secondment of liaison officers. Each agreement provides for the authorisation of the competent national authority responsible for appointing liaison officers to work alongside liaison officers of Member States. Notably, Europol currently hosts liaison officers from 53 countries (including the six Western Balkan countries) as well as Interpol.¹² Except for Bosnia-Herzegovina and Kosovo, liaison prosecutors from each of the Western Balkan countries have been posted at Eurojust for years, actively exercising their duties. According to Eurojust, this enables “[...] a much smoother exchange of information and a considerable increase in cooperation”.¹³

Overall implementation of the agreements may potentially be hindered, however, if their scope remains limited. Therefore, while having proven effective, some of the older agreements, e.g., those from Europol and Eurojust, should be revised to account for the changes to the legal framework governing the JHA agencies’ activities.

3. National legislation

Where multilateral and bilateral instruments do not apply, the third country’s domestic legislation (codes of criminal procedure or special laws on mutual legal assistance in criminal matters) could be examined as a potential legal basis for establishing cooperation with JHA agencies and EU Member States. The relevant national legislation of accession countries can aptly serve as a complementary legal basis for cooperation, due to the ongoing transposition of European standards and the EU acquis.

III. Albania as a Case Study in Multi-level JHA Cooperation

1. Legal bases for cooperation

MLA and operational cooperation with Albania, as an accession country, have their basis in Arts. 78–85 of the 2006 SAA¹⁴ and all relevant multilateral agreements to which Albania is also a party. With regard to multilateral judicial cooperation with EU Member States, the Second Additional Protocol to the 1959 European Convention on Mutual Assistance in Criminal Matters¹⁵ plays a particularly important role, as some of its provisions are nearly identical to those of the 2000 EU MLA Convention.¹⁶

On the bilateral level, several agreements are in place with Albania’s neighbouring and partner countries, including Italy, Greece, and Spain. They cover the simplification of extradition (including extradition of own nationals), MLA in criminal matters, the mutual recognition of criminal judgements, and the transfer of sentenced persons.

As a third layer, the following agreements and arrangements between Albania and EU JHA agencies further reinforce bilateral cooperation:

- Agreement on Operational and Strategic Cooperation between the Republic of Albania and the European Police Office, 9 December 2013, ratified by Albania with Law No. 8, dated 20 March 2014, and amended with the letter from Albania and the 2017 Europol Note (terminating the 2007 and 2009 agreements);¹⁷
- Agreement between the Republic of Albania and the

- European Union Agency for Law Enforcement Cooperation on the deployment of a Europol Liaison Officer, 31 July 2018, ratified by Albania with Law No. 77/2018;¹⁸
- Working Arrangement on operational cooperation between the European Border and Coast Guard Agency (Frontex) and the Ministry of the Interior of the Republic of Albania (Mol), 17 March 2021;¹⁹
 - Agreement between the European Union and the Republic of Albania on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania, 15 September 2023 (repealing the 2018 Status Agreement),²⁰ ratified by Albania with Law No. 2/2024;
 - Agreement on Cooperation between Eurojust and the Republic of Albania, 5 October 2018,²¹ ratified by Albania with Law No. 113/2018;
 - Working Arrangement on the cooperation between the Prosecutor General's Office of the Republic of Albania and the European Public Prosecutor's Office (EPPO), 4 July 2022;²²
 - Working Arrangement on the cooperation between the European Public Prosecutor's Office and the Special Anti-Corruption and Organised Crime Structure of the Republic of Albania (SPAK), 29 June 2023.²³

Despite the distinct mandates of the various JHA agencies, the bilateral agreements they concluded with Albania share a common structure. Typically, provisions cover the scope of cooperation, relevant definitions, and the applicable methods of collaboration (including mutual legal assistance). They also set out rules on confidentiality, the exchange and protection of personal data, the secondment of liaison officers and designation of contact points, as well as liability clauses and mechanisms for conflict resolution.

Albanian legislation also allows for establishing cooperation with Member States, JHA agencies, and other third countries. In line with multilateral agreements, Title X "Jurisdictional Affairs with Foreign Authorities" (Arts. 448–523) of the 1995 Code of Criminal Procedure (as amended) provides a legal cooperation framework for both active and passive extradition, letters rogatory,²⁴ and the mutual recognition and enforcement of criminal judgements. Arts. 294/a–294/c of the Code provide for special investigative techniques, such as sting and covert operations and controlled deliveries, which can be provided within the scope of MLA. This framework was further expanded by Law No. 10193, dated 3 December 2009, "On jurisdictional affairs with foreign authorities in criminal matters" (as amended), which elaborates the procedure on various MLA requests and, since 2021, also provides for the transfer of criminal proceedings and the establishment of JITs.

An important aspect of cooperation in criminal matters is the approach of combining legal bases for cooperation, such that the most facilitated way of cooperation can be followed. This also holds true in the case of Albania. Both Art. 1(3) of the PGO-EPPO arrangement and the EPPO-SPAK arrangement, respectively, serve as instructive examples, which state:²⁵

For gathering evidence or obtaining extradition of persons sought, as well as for other forms of judicial cooperation between them, the Parties shall apply the relevant multilateral instruments for judicial cooperation in criminal matters, including, but not limited to, the European Convention on mutual assistance in criminal matters and its additional Protocols, as well as the United Nations Convention against transnational organised crime and the United Nations Convention against corruption.²⁶

In a similar vein, SPAK stated the following in its 2024 annual report:²⁷

During 2024, the Special Prosecution Office continued international cooperation with foreign authorities, based on the conventions of the Council of Europe and the United Nations Conventions, as well as on bilateral agreements to which the Republic of Albania is a party.

The "combination method" is particularly relevant when setting up multi-party JITs. JITs with Albania have often been established using the EU JIT Model Agreement.²⁸ The model agreement is preferred in practice because of its "inclusive legal bases": the parties indicate the applicable legal bases, which may be taken from various cooperation instruments.²⁹ Under this model, the cooperation framework could be stipulated as follows:³⁰

In accordance with Article 19 of the United Nations Convention against Transnational Organised Crime of 15.11.2000 for A, B, C, D and, for A, C and D, in accordance with Article 20 of the Second Additional Protocol to the European Convention on mutual assistance in criminal matters of 08.11.2001 and, for B and D, in accordance with Article 18 of their respective Europol Agreements, and as for the relations between A and C in accordance with Article 13 of the Convention of 29.05.2000 on mutual assistance in criminal matters between the Member States of the European Union.

Clearly, this example combines UN and CoE multilateral agreements, EU *acquis*, and bilateral JHAA cooperation agreements, while also applying specific instruments between specific partners.³¹

2. Institutional framework

With regard to the institutional framework, the main Albanian bodies involved, apart from the legal practitioners (i.e., police officers, investigators, prosecutors, judges), are:

- Ministry of Justice, Directorate on Jurisdictional Affairs and Judicial Cooperation;

- Ministry of the Interior, Directorate-General for Migration and Asylum Policies;
- Directorate-General of State Police, International Affairs Department, Border and Migration Department;
- Prosecutor General's Office, Directorate of Foreign Jurisdictional Affairs;
- Special Prosecution Office against Corruption and Organised Crime (part of SPAK), Sector for International Cooperation and Liaison in Joint Investigations.

The above are also contact points under bilateral agreements with the JHA agencies, including the National Correspondent for Terrorism Matters at Eurojust. Albania currently has two active liaison officers at Europol's Headquarters in The Hague, the Netherlands, with a potential third one to be deployed by the National Bureau of Investigations (part of SPAK). At Eurojust, Albania is represented by Liaison Prosecutor *Fatjona Memçaj*, who has been in office since January 2021 and is currently serving her second term. According to the 2024 country presentation by Eurojust,³² the Albanian Liaison Prosecutor took part in 109 new cases, over half of which were initiated by the Albanian Desk. Furthermore, the Albanian Liaison Prosecutor participated in 24 JITs, 19 coordination meetings, and three coordination centres. Despite having respective arrangements in place, neither the Prosecutor General's Office (PGO) nor SPAK has yet appointed liaison officers to the EPPO.

In the context of Albania's accelerated integration, the country currently holds observer status in the JIT Network and the European Judicial Training Network (EJTN), as well as EU candidate country status in the European Judicial Network, with the potential to extend its participation in other, similar groups.

3. Practical challenges

The European Commission's 2024 Albania Report, which accompanied the Commission's communication on the state of play of enlargement, found, with regard to Chapter 24 that Albania is moderately prepared in aligning with the EU *acquis* in the area of justice, freedom and security. The Commission particularly recommended that Albania further strengthen its fight against organised crime, especially through continued cooperation with Member States and EU agencies (including with Europol, within the framework of the European Multidisciplinary Platform Against Criminal Threats (EMPACT), and with Eurojust).³³ The Commission is largely satisfied with Albania's increase in judicial cooperation in criminal matters, as regards both incoming and outgoing requests.³⁴ It also notes that cooperation with the EPPO is fully in place.³⁵

In the previous year's Screening Report on Cluster 1 – Fundamentals, the Commission noted the positive results of Albania's active participation in international and regional law enforcement cooperation with Europol, Frontex, Eurojust, and Member States in the fight against organised crime, narcotics trafficking, and terrorism.³⁶ However, the Commission identified gaps related to surrender procedures and lack of transposition of the EAW framework, urging Albania to make further alignments regarding the mutual recognition of criminal judgements.³⁷

A specific issue highlighted in Eurojust's practice, *inter alia*, involves the refusal of MLA requests due to a lack of dual criminality, pursuant to Art. 506 of the Albanian Code of Criminal Procedure.³⁸ Eurojust has also identified insufficient early cooperation and coordination between partners, resulting in parallel investigations and MLA delays, as another challenge.³⁹

From the perspective of the domestic authorities, the pressing challenges highlighted by SPAK in its 2024 annual report include the status of staff and jurisdictional disputes. According to SPAK, the three liaison officers in the dedicated sector of the Special Prosecution Office hold only "civil servant" status, limiting them to performing administrative and auxiliary tasks. This restricts them from taking operational and procedural actions, as required by national and international frameworks. As SPAK points out, their counterparts at the Prosecutor General's Office perform the same work but hold the status of judicial police officer. For these reasons, and considering the increase in MLA and JIT requests, SPAK recommends that the necessary legal amendments be made so that the specialised liaison officers have the same competences as judicial police officers.⁴⁰ Regarding the issue of jurisdiction, SPAK highlights that, under the current legal framework, it lacks the competence to review or submit requests for the recognition and enforcement of criminal judgements regarding criminal offences within its specific jurisdiction and for cases of passive extradition of Albanian nationals. Since this competence currently falls under the general jurisdiction, SPAK recommends targeted revisions to the MLA law in order for it to acquire this inherent competence.⁴¹

4. Operational outcomes

Despite the aforementioned challenges, Albania has an impressive track record with regard to judicial cooperation in criminal matters. Coincidentally, the opening of accession negotiations seems to have been accompanied by more intensified efforts on the part of the Albanian authorities.

Albania benefits from Eurojust projects, such as the Western Balkans Criminal Justice (WBCJ) Project, which enhances cross-border cooperation in the fight against organised crime and terrorism within the region and in the EU. Within the framework of this project, Eurojust President *Michael Schmid* highlighted Albania's significant contributions in a speech on 12 March 2025. He also noted that, in the previous year, Albania was Eurojust's third most active partner country after the UK and Switzerland, a figure also reflected in Eurojust's Annual Report 2024.⁴²

A review of operations supported by Europol and Frontex⁴³ reveals that the Albanian side has been successful in tackling organised drug trafficking, the trafficking of human beings, and even corruption detected by the analysis of encrypted communication platforms.⁴⁴ Eurojust data notably show that, between 2019 and 2023, Albania participated in 99 drug trafficking cases, 38 coordination meetings, and two centres, as well as in 17 JITs.⁴⁵ Among these were high-profile operations such as "Shpirti" and "Highway,"⁴⁶ which targeted major cocaine and cannabis trafficking networks led by Albanian criminal groups.⁴⁷ An arms trafficking case in December 2024 was resolved by the cooperation between the Albanian and Kosovan specialised prosecution offices, with the assistance of Europol and Eurojust, utilising a JIT supported by the WBCJ Project.⁴⁸

More recently, "Operation Stream", regarded as the largest international operation against child sexual exploitation, managed to shut down the illicit online platform "Kidflix" that had hosted over 91,000 items of child sexual abuse material (CSAM), together with Europol support and the participation of over 35 countries worldwide – including the help of Albania's State Police.⁴⁹

From November 2022, Albania collaborated with EU Member States, Europol, Eurojust, and other countries on a major operation coded "FRIDA-REFOX", directed against internet fraud in call centres, with the number of victims estimated in the hundreds of thousands. A similarly major operation supported by Europol and Eurojust and carried out as part of EMPACT was brought to a close in May 2025, resulting in the dismantling of the global activity of an organised criminal group that had defrauded more than 100 victims of over €3 million through fake online investment platforms. In addition to SPAK's participation, Europol provided support by also deploying mobile offices in Albania during the operation.⁵⁰

The partnership with the EPPO against PIF offences bore fruit last year in the Midas investigation. This was a large-

scale operation involving the EPPO and 17 countries, including Albania's SPAK and a total of 680 investigators, to bring down a criminal organisation that had implemented a €195 million VAT carousel fraud scheme from the sale of cellphones, earbuds, and face masks.⁵¹

An examination of national data revealed that Albania's Prosecutor General's Office administered 599 letters rogatory and transmitted nearly the same amount (539) in 2024.⁵² During the same year, SPAK administered 70 MLA requests and transmitted 163 MLA requests, mostly in relation to EU Member States. 41 active extradition requests were transmitted by SPAK to the Albanian Ministry of Justice. Lastly, 10 new JITs were established, bringing the total to an impressive 27 active JITs since SPAK's creation.⁵³

IV. Concluding Remarks

The EU's external dimension is undoubtedly reliant on third and accession countries as reliable partners in achieving common goals, such as combating cross-border criminality. This article has demonstrated that there are several elements of cooperation in place, ranging from multilateral and bilateral judicial cooperation agreements and bilateral arrangements with the EU's Justice and Home Affairs agencies (in particular, Europol, Frontex, and Eurojust) to national legislation enabling cooperation. As a result, these countries can participate in justice and home affairs matters as equals and even lead joint operations and investigations with EU counterparts. Considering its combination of elements, the cooperation framework has also established multi-level cooperation with fewer legal obstacles. Eurojust, without a doubt, plays an important role in the facilitation and coordination here.

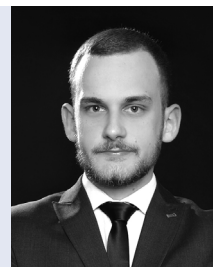
Albania's long-standing cooperation with EU Member States, Europol, Frontex, Eurojust, and the EPPO is a testament to the effectiveness of this cooperation framework. While some shortcomings remain, the country has a proven track record of successful cooperation cases, as acknowledged by the European Commission in its regular enlargement policy reports and as exemplified in this article by highlighting several operations.

Moving forward, Albania should further its ambitious efforts by gaining access to more EU expert groups and by maintaining or increasing the level of cooperation, ultimately benefiting its accession journey.

- 1 B. Škrlec, "Eurojust and External Dimension of EU Judicial Cooperation", (2019) *eu crim*, 188, 191.
- 2 M. Kullaj, "The Participation of Albania in Joint Investigation Teams with Law Enforcement Agencies of the European Union", (2024) 16(2), *OPTIME*, 371, 374.
- 3 See the 2022 Guidelines on Joint Investigation Teams Involving Third Countries by the JIT Network and Eurojust, available at: <<https://data.europa.eu/doi/10.2812/73766>>. All hyperlinks in this article were last accessed on 16 October 2025.
- 4 S. Lavenex and P. Lutz, "Third Country Access to EU Agencies: Exploring Spaces for Influence", (2023) 61(6), *Journal of Common Market Studies (JCMS)*, 1563, 1569.
- 5 See: <<https://www.europol.europa.eu/partners-collaboration/agreements>>.
- 6 See: <<https://www.frontex.europa.eu/what-we-do/beyond-eu-borders/working-arrangements/>>.
- 7 See: <<https://www.eurojust.europa.eu/states-and-partners/third-countries>>.
- 8 See: <<https://www.eppo.europa.eu/en/about/international-cooperation#cooperation-between-the-eppo-and-non-eu-states-third-countries>>. With regard to Albania, the EPPO concluded one agreement with the Prosecutor General's Office (which represents the general jurisdiction to prosecute crimes) and one agreement with a specialised anti-corruption authority. The same approach has been followed for Moldova and Ukraine. In addition to these agreements with third-country authorities, the EPPO concluded two agreements with authorities in Denmark and Hungary, i.e., non-participating EU countries.
- 9 For example, references to liaison officers.
- 10 See the Eurojust Strategy on Cooperation with International Partners 2024–2027 at: <<https://data.europa.eu/doi/10.2812/053094>>.
- 11 M. Kullaj, (2024) 16(2), *OPTIME*, *op. cit.* (n. 2), 371, 377.
- 12 See: <<https://www.europol.europa.eu/partners-collaboration>>.
- 13 Priority 1 of the Eurojust Strategy on Cooperation with International Partners 2024–2027, *op. cit.* (n. 10).
- 14 Consolidated text: Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part, OJ L 107, 28.4.2009, 166.
- 15 CETS No. 182.
- 16 Noted by Eurojust in the 2022 Guidelines on JITs, *op. cit.* (n. 3).
- 17 See: <https://www.europol.europa.eu/cms/sites/default/files/documents/agreement_on_operational_and_strategic_co-operation_between_the_republic_of_albania_and_the_european_police_office.pdf>.
- 18 See: <<https://qzb.gov.al/eli/ligj/2018/11/01/77>>.
- 19 See: <<https://prd.frontex.europa.eu/document/albania-working-arrangement/>>. Art. 6 on the legal status of the working arrangement specifies that it does not constitute an international legally binding agreement.
- 20 OJ L 2023/2107, 5.10.2023.
- 21 See: <<https://www.eurojust.europa.eu/document/agreement-cooperation-between-eurojust-and-albania>>. This agreement was signed just one month before the adoption of the Eurojust Regulation (2018/1727), still making reference to Council Decision 2009/426/JHA. However, Art. 3(2) of the agreement had foreseen this and allows for Eurojust to propose extending the scope of the agreement to reflect changes to its mandate.
- 22 See: <https://www.eppo.europa.eu/sites/default/files/2022-07/Signed-WA-between-EPPO-and-PGO-of-Albania_EN.pdf>.
- 23 See: <<https://www.eppo.europa.eu/sites/default/files/2023-06/WA%20between%20EPPO-SPAK%20Albania%20-%20EN.pdf>>.
- 24 Instead of European Investigation Orders.
- 25 *Op. cit.* (n. 22 and 23).

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- 26 See also Art. 5, Art. 6, and Art. 7 of the arrangements, which make reference to distinct multilateral agreements for the specific forms of cooperation, i.e., freezing of assets, JITs, and extradition. In cases where these forms of cooperation are combined, the legal bases likewise are combined.
- 27 SPAK, *Raporti Vjetor 2024* [Annual Report 2024], <<https://spak.gov.al/wp-content/uploads/2025/07/SPAK-Annual-Rep.-2024-Raporti-Vjetor-SPAK-2024.pdf>>, p. 24.
- 28 See the contribution by Team Albania to the Themis 2019 Semi-Final A, "Mutual legal assistance in criminal proceedings of drug trafficking – Challenges of a non-EU country", pp. 14–15, available at: <<https://portal.ejtn.eu/PageFiles/17913/TH-2019-01%20TEAM%20ALBANIA.pdf>>.
- 29 Consolidated text of the model agreement on the establishment of a Joint Investigation Team, following the approval of the Council Resolution of 22 December 2021 on a revised Appendix I, 2022/C 44/02, OJ C 44, 28.1.2022, 1.
- 30 Eurojust 2022 Guidelines on JITs, *op. cit.* (n. 3), p. 6.
- 31 *Ibid.*
- 32 See: <<https://www.eurojust.europa.eu/states-and-partners/third-countries/liaison-prosecutors/albania>>.
- 33 Commission Staff Working Document, "Albania 2024 Report", SWD (2024) 690 final, p. 8.
- 34 *Ibid.*, p. 46.
- 35 *Ibid.*
- 36 European Commission, Directorate-General for Neighbourhood and Enlargement Negotiations, "Screening Report – Albania", 2023, p. 79.
- 37 *Ibid.*, pp. 66–67, 88.
- 38 See the 2024 Eurojust paper on international cooperation in drug trafficking cases with third countries – Practical experiences of liaison prosecutors at Eurojust, 2024, available at: <<https://data.europa.eu/doi/10.2812/35988>>. The same procedure was taken for Georgia and North Macedonia.
- 39 *Ibid.*, p. 6.
- 40 SPAK, *Raporti Vjetor 2024*, *op. cit.* (n. 27), pp. 64–65.
- 41 *Ibid.*, pp. 65–66.
- 42 See the Eurojust Annual Report 2024, available at: <<https://www.eurojust.europa.eu/sites/default/files/assets/files/eurojust-annual-report-2024-en.pdf>>.
- 43 See the Frontex news release "Three years of operation in Albania", available at: <<https://www.frontex.europa.eu/media-centre/news/news-release/three-years-of-operation-in-albania-Uot4JP>>.
- 44 See the Europol news article "Violent Albanian criminal group linked to corruption disrupted via SKY ECC analysis", available at: <<https://www.europol.europa.eu/media-press/newsroom/news/violent-albanian-criminal-group-linked-to-corruption-disrupted-sky-ecc-analysis>>.
- 45 See information on Albania in the 2024 Eurojust paper on international cooperation in drug trafficking cases with third countries, *op. cit.* (n. 38).
- 46 *Ibid.*

47 See the 2024 Europol Report “Decoding the EU’s most threatening criminal networks”, available at: <<https://data.europa.eu/doi/10.2813/811566>>.

48 See the Eurojust press release “Arms trafficking group uncovered in Albania and Kosovo*”, available at: <<https://www.eurojust.europa.eu/news/arms-trafficking-group-uncovered-albania-and-kosovo>>.

49 See the Europol news article “Global crackdown on Kidflix, a major child sexual exploitation platform with almost two million users”, available at: <<https://www.europol.europa.eu/media-press/news-room/news/global-crackdown-kidflix-major-child-sexual-exploitation-platform-almost-two-million-users>>.

50 See the Eurojust press release “International coalition uncovers EUR 3 million online investment fraud”, available at: <<https://www.eurojust.europa.eu/news/international-coalition-uncovers-eur-3-million-online-investment-fraud>>.

51 See the EPPO news article “EPPO investigation cluster Midas: €195 million VAT fraud spread across 17 countries”, available at: <<https://www.eppo.europa.eu/en/media/news/eppo-investigation-cluster-midas-eu195-million-vat-fraud-spread-across-17-countries>>.

52 Report of the Prosecutor General on the state of criminality in Albania for 2024, p. 170.

53 SPAK, *Raporti Vjetor 2024*, (n. 27), pp. 11, 61.

Financial Penalties Reloaded

New Treaty between Germany and Switzerland

Christian Johnson*

The Treaty between the Federal Republic of Germany and the Swiss Confederation on cross-border police and judicial cooperation (German-Swiss Police Treaty), concluded on 5 April 2022, puts the cross-border cooperation between the two neighbouring States on new footing. This article deals with Arts. 45–55 in Chapter VI of the Treaty, according to which the two States Parties provide mutual assistance in enforcing decisions by which an authority or a court of one of the States has imposed a financial penalty for violations of road traffic regulations. Following Framework Decision 2005/214/JHA on the application of the principle of mutual recognition to financial penalties, Chapter VI now closes the gap for Germany when it comes to “financial penalties/road traffic offences” with regard to Switzerland, the only neighbouring State that is not an EU Member State. The article also shares first practical experiences with Switzerland, which have been highly positive.

I. Overview

The German-Swiss Police Treaty (also alternatively referred to as German-Swiss Police Cooperation Treaty, hereinafter: Treaty)¹ aims at further developing and expanding cross-border cooperation, on a bilateral basis, between both States Parties in the areas of police, customs, and justice. Upon entry into force on 1 May 2024, the Treaty replaced the 1999 Treaty between the Swiss Confederation and the Federal Republic of Germany on cross-border police and judicial cooperation, which ceased to be in force (Art. 64 para. 4).

This article focuses on Chapter VI of the Treaty. Chapter VI (Arts. 45–55) is entitled “Cooperation in the Prosecution of Road Traffic Offences”². The chapter has high practical relevance and has received considerable attention in the

media. Following two key definitions on “violation of road traffic regulations” (*Zu widerhandlung gegen Vorschriften des Strassenverkehrs*) and on “monetary claims” (*Geldforderungen*) in Art. 45 of the Treaty, Art. 46 (identification of vehicle owners and drivers) and Art. 47 (transmission and content of official documents) systematically precede the subsequent phase of recognition and execution of a final financial penalty. This last phase is covered specifically by Arts. 48–51, which are similar in content and wording to Framework Decision 2005/214 on the application of the principle of mutual recognition to financial penalties (hereinafter: FD 2005/214).³ The German Parliament adopted a separate Act especially for the implementation of these articles determining the competences for incoming and outgoing requests as well as the procedure in Germany (hereinafter: “Implementing Act”).⁴ These provisions are almost identical to the Act transposing FD 2005/214 in 2010.⁵

Besides Chapter VI, the Treaty deals with the cooperation of German and Swiss authorities in the border area, covering, for example, the exchange of vehicle data, police support in cases of imminent danger as well as joint training and education (Chapter II). Special forms of cooperation comprise observation and support in cases of major events, disasters, and serious misfortunes (Chapter III). Lastly, the Treaty contains provisions on data protection (Chapter IV) and on the legal situation of officials acting on the territory of the other State Party (Chapter V). Switzerland has concluded similar treaties with France,⁶ Austria and Liechtenstein,⁷ and, recently, with the Netherlands^{8,9}

II. Chapter VI of the German-Swiss Police Treaty

1. Definitions (Art. 45)

While FD 2005/214 is principally applicable to all criminal and regulatory offences (with its concept of list offences for which the double criminality check is excluded and the double criminality check for offences outside the list), the applicability of Chapter VI is, from the outset, limited to violations of road traffic regulations. According to the definition in Art. 45 para. 1, violations of road traffic regulations are criminal or regulatory offences involving conduct that infringes road traffic regulations, including breaches of regulations pertaining to driving hours and rest periods and regulations on hazardous goods. This wording is almost identical with the “road traffic list offence” in Art. 5(1) bullet 33 FD 2005/214. German practice with regard to FD 2005/214 is dominated by cases of speeding and of not keeping the appropriate distance between vehicles (regulatory offences) and by cases of driving under the influence of alcohol or driving without a license (criminal offences). The first cases confirm that such offences are also expected to play a major role in the cooperation with Switzerland.

According to Art. 45 para. 2, monetary claims refer to a sum of money on conviction of a criminal or regulatory offence, which is imposed in a decision on a natural or legal person (fines and penalties) as well as a sum of money in respect of the costs of court or administrative proceedings leading to that decision. As in Art. 9(3) FD 2005/214, legal persons are expressly included. The decision must be final, even though the Treaty does not state this explicitly.

2. Exchange of car owner data, identification of driver, and transmission of documents (Arts. 46, 47)

Before a decision on a road traffic offence can be taken, the facts of the case need to be established, and the person responsible under the law of the State where the offence

was committed needs to be identified. In addition, the person concerned needs to be served with a taken decision (in cross-border cases, regularly together with a translation),¹⁰ and the decision must have become final before transmission to the requested State in cases where the person does not pay within a given time. In practice, this causes many more problems and time-consuming efforts than the subsequent execution of a final decision. Under the German Road Traffic Act, it is always and only the driver (not the car owner) who is liable for an offence. Therefore, German authorities have to identify the driver concerned. The data of the car owner transmitted by the other States Party, in which the vehicle is registered (Art. 46 para. 1, Art. 8), is therefore only the first step for German authorities. It is often at this point already that the prosecution of a road traffic offence committed on German territory with a vehicle having a foreign number plate is doomed to failure and comes to a premature end because the driver cannot be identified.

According to Art. 46 para. 2, the competent authorities of a States Party, upon request by the competent authorities of the other State Party, establish the identity of the driver of the vehicle at the time of the offence, question him or her about the matter, and forward any findings to the requesting authority. It remains to be seen whether Art. 46 para. 2 will improve the situation in relation to Switzerland.¹¹ Administrative efforts are taken into account in Art. 46 para. 3, according to which efforts to identify the responsible driver will only be undertaken if the sum of the anticipated financial penalty is at least EUR 60 / CHF 70 and if previous measures by the requesting State Party to identify the driver were unsuccessful.¹²

Art. 47 para. 1 allows for the direct cross-border transmission of official documents to the recipient, without having to transmit a request from one State to the other for service. The documents, or at least their important passages, need to be translated in accordance with Art. 12 para. 2. Documents granting the person a right to comment must contain the information specified in Art. 47 para. 2. In exceptional circumstances (Art. 47 para. 3), service by means of a request to the other State remains possible.

3. Enforcement of financial penalties for road traffic offences

a) Request for the execution of a financial penalty (Art. 48)

Art. 48 para. 1 sentence 2 No. 1–7 lists the requirements for a request for the execution of a financial penalty. The requirement that the financial penalty (including costs) must be at least EUR 70 (for a German request) or CHF 80 (for

a Swiss request) corresponds (as far as the sum in EUR is concerned) to Art. 7(2)(h) FD 2005/214 and is designed, in both instances, to justify the effort of initiating a cross-border procedure. Besides self-evident requirements based on the rule of law and on the principle of fair trial (the right to be heard, legal remedies, enforceability, lapse of time according to the law of the requesting State), the natural person must reside in the territory of the requested State; a legal person must have its registered seat there. Obviously, the financial penalty must not yet have been paid or executed. If the financial penalty is paid in the requesting State after the request has been transmitted, the requesting State must immediately withdraw it. Looking at common practice under FD 2005/214, this is quite a frequent situation and requires swift cross-border communication to avoid double execution and the later effort of having to reimburse the second payment. A similar, frequently occurring situation in practice is when the requesting State withdraws its request because of lapse of time; this is by Art. 49 para. 4 sentences 2 and 3.

Once the request has been transmitted, the requesting State, as in Art. 15(1) FD 2005/214, may not proceed with the (national) execution of that decision; the right of execution only reverts to the requesting State when it is informed by the requested State that the request has been rejected, that it was not possible to execute it, or if the requesting State has withdrawn its request (Art. 48 para. 2).

As regards the formal requirements, Art. 48 para. 3 sentence 3 prescribes that the request must provide a (simple) copy of the decision to be executed as well as a declaration that all substantial requirements under Art. 48 para. 1 sentence 2 No. 1–7 have been met. Other useful information may be added. If the request does not happen to meet these requirements, the requesting State will then be given the opportunity to provide the missing information. Unlike FD 2005/214, the Treaty does not foresee that a mandatory certificate be used.¹³

b) Grounds for refusal, obligation to notify, scope and termination of enforcement (Art. 49)

The execution of the request can be made subject to the condition that the decision be related to conduct that would constitute a criminal or regulatory offence under the law of the requested State (Art. 49 para. 1 no. 1). This upholds the traditional principle of double criminality, which has long been the cornerstone of international cooperation in criminal matters. For this reason, the Treaty did not take up the modification and simplification of the requirement of double criminality in its concept of listed offences in FD

2005/214. For the road traffic offences under discussion here, however, the double criminality requirement should not pose any obstacles.

Due to the fact that all States have jurisdiction to prosecute at least regulatory road traffic offences only if committed on their territory (e.g., speeding), the ground for refusal in Art. 49 para. 1 No. 2 (*ne bis in idem*) should not play a role in practice either; this has been proven by the practice under FD 2005/214. Art. 49 para. 1 No. 3 (immunity according to the law of the requested State) captures a very rare and exceptional situation. Art. 49 para. 1 No. 4 (lapse of time according to the law of the requested State) establishes another ground for refusal; in fact, it would have been conceivable to consider only the law of the requesting State in determining whether the offence is time-barred or not. Art. 49 para. 1 No. 5 is designed to capture cases where the person on which the financial penalty was imposed did not have the chance to claim that they are not responsible for the offence; e.g. cases of strict car owner's liability. The ground for refusal in Art. 49 para. 1 No. 6 (written procedure, insufficient information on a right of appeal and any applicable time frame) corresponds approximately to the ground for refusal in Art. 7 para. 2 (i) and (j) FD 2005/214. The ground for refusal in Art. 49 para. 1 No. 7 (no criminal liability of a natural person under the law of the requested State due to his or her age) mirrors that in Art. 7(2) (f) FD 2005/214.

In practice, given the experience from the application of FD 2005/214, the most important grounds hampering the execution of financial penalties are simply that the person concerned does not live at the given address and that their whereabouts cannot be established or that they do not have the financial means to pay the penalty – circumstances that are technically not recognised as grounds for refusal in the Treaty.

When the execution of a request is refused, Art. 49 para. 2 obliges the requested State to notify the requesting State and to indicate the ground(s) for refusal. As stated above, the right to execute the decision then reverts to the requesting State. In the case of a remediable obstacle, the requesting State shall be given the opportunity to supplement its request (Art. 49 para. 3).

c) Execution and conversion of the financial penalty (Art. 50)

Decisions will be executed by the competent authorities of the requested State in accordance with its national law and in its national currency (Art. 50 para. 1 sentence 1). The financial penalty shall be converted into the currency of the

requested State at the official exchange rate applicable at the time the penalty was imposed (Art. 50 para. 1 sentence 2). All this is identical, in substance, to Art. 9(1) and Art. 8(2) FD 2005/214.

Should the financial penalty imposed exceed the maximum penalty under the law of the executing (= requested) State for comparable acts, the execution will be limited to that maximum penalty (Art. 50 para. 1 sentence 3). In this way, the executing State is not obliged to execute a financial penalty that is excessive according to its own law. For Germany (as executing State), this means that the “expensive” Swiss penalties in its catalogue of regulatory fines with rule sets are not to be taken into account but instead the maximum penalty provided for in § 24 para. 3 No. 5 German Road Traffic Act (*Straßenverkehrsgesetz*), namely €2000. The principle is that, up to this maximum, anyone in a foreign State must abide by the rules of this State and bear the consequences, including financial penalties imposed in accordance with the law of this State: “When in Rome, do as the Romans do!”

According to Art. 50 para. 2, the enforcement of such a decision shall be governed by the law of the requested State Party, although the requesting State Party may exclude the conversion of the monetary claim into a substitute penalty of imprisonment (*Ersatzfreiheitsstrafe*).¹⁴

d) Costs – accrual of monies obtained from enforcement of decisions (Art. 51)

The regulation of costs and of the accrual of monies obtained from the enforcement of decisions in Art. 51, again, basically follows FD 2005/214. According to Art. 51 sentence 1 (= Art. 17 FD 2005/214), the two States Parties shall not claim from each other the refund of costs resulting from the application of provisions of Chapter VI.

According to Art. 51 sentence 2, monies obtained from the enforcement of decisions shall accrue (without any exception) to the executing State. What makes this system convincing is the tremendous practical advantage of avoiding the additional administrative effort of the cross-border money transfer.

e) Deadline (Art. 53)

Unlike FD 2005/214, the Treaty contains a provision on its scope in terms of time. According to Art. 53, Chapter VI is only to be applied to financial penalties imposed for offences committed after the entry into force of the Treaty (on 1 May 2024).

Some of the first requests in both directions fell victim to this deadline, as authorities “on the ground” were not (yet) aware of it. The first outgoing cases from German authorities concerned offences committed on or after 1 May 2024 and did not reach the Federal Office of Justice (*Bundesamt für Justiz*) before October 2024. Before a request for the cross-border execution can be transmitted to the requested State, the offence must be investigated and sanctioned by the authorities in the requesting State, and the decision must become final there.

f) Implementing agreement (Art. 54); consultations on Chapter VI (Art. 55)

Cooperation with the responsible authorities in Switzerland has been extremely constructive and pragmatic so far. Both sides have not yet seen the necessity for a formal implementing agreement as provided for in Art. 54, which could foresee using certificates as well as the opening and modalities of electronic communication.

According to Art. 55, both States Parties shall consult each other at regular intervals on the practical functioning and impact of Chapter VI.

g) *Ordre public* as a ground for refusal (Art. 56)

Art. 56 is entitled “exception”, but it really contains the traditional *ordre public* clause. Due to its positioning in Chapter VII (“Implementing and final provisions”), this article is applicable to the entire Treaty: If a State Party believes the execution of a request or any other cooperation would jeopardize its sovereignty, its security, or any other essential interests, it shall notify the other State Party that it will refuse cooperation in whole, or in part, or that it will make cooperation subject to certain conditions.

It is to be hoped, at least when making use of Chapter VI, which is about nothing more than road traffic offences, that neither the German nor the Swiss side will see any reason to avail itself of this exception.

III. Competences and Procedure in Germany and in Switzerland

1. Germany

a) Competent authority (§ 2 Implementing Act)

According to Art. 52 of the Treaty, the two States Parties designate the authority or authorities competent for the implementation of Chapter VI when ratifying the Treaty.

Although Germany has a decentralised administrative governance system with federal states (*Länder*), it decided to establish a central authority for incoming and outgoing requests. Accordingly, § 2 of the Implementing Act¹⁵ designates the Federal Office of Justice (*Bundesamt für Justiz*) in Bonn as the responsible authority, as was the case with the implementation of FD 2005/214. The Federal Office of Justice is an authority within the remit of the Federal Ministry of Justice tasked with diverse international duties, both in criminal and civil law matters. Therefore, it can draw on its many years of experience with FD 2005/214 and on experience with over 270,000 incoming and outgoing requests since 2011 as regards the mutual recognition of financial penalties in the EU.¹⁶

In the context of Switzerland, German regulatory authorities and public prosecutor's offices (responsible for the national execution of final decisions "within Germany") send their cases involving Switzerland to the Federal Office of Justice – half is sent by traditional mail and the other half is already sent electronically. The Federal Office of Justice only keeps electronic files.¹⁷ Currently, Germany and Switzerland are working on the electronic cross-border exchange of requests. The aim is to avoid media breaks along the way.

b) Procedure for incoming requests (§§ 4–15 Implementing Act)

The written procedure for incoming requests is very closely modelled on §§ 86 et seq. of the Act on International Mutual Assistance in Criminal Matters (*Gesetz über die internationale Rechtshilfe in Strafsachen*)¹⁸ that implemented FD 2005/214 into German law in 2010. The Federal Office of Justice forwards the Swiss request and any accompanying documents (Art. 48 para. 3) to the person concerned; that person will be given the opportunity to express his or her opinion within two weeks after receipt of the notice of hearing (§ 4 para. 1). The contents of the recognition decision (title of the Swiss decision, sum of the financial penalty to be executed after conversion, reasoning, information on legal remedies) are established in § 6 para. 2. The recognition decision is to be served to the person concerned (§ 6 para. 3). That person may file an objection within two weeks after being served (§ 7 para. 1).

In the case of an objection, the local court (*Amtsgericht*) will decide; the local jurisdiction for a natural person is determined by their place of residence, just as the local jurisdiction for a legal person is determined by the location of its registered seat (§ 8). Under certain conditions, an appeal to the competent Higher Regional Court (*Oberlandesgericht*) is possible (§§ 11–13).

If a Swiss decision is recognized, the underlying offence may no longer be prosecuted as a criminal or regulatory offence under German law (§ 14). The enforcement as such is, again, principally the responsibility of the Federal Office of Justice; if a court has dealt with the matter, the public prosecutor's office takes over responsibility (§ 15 para. 1). Swiss decisions – criminal or regulatory – are enforced in the same way as a German regulatory decision, including the possibility of coercive detention (§ 15 para. 2). Monies obtained from the enforcement accrue to the federal budget; if the matter had been dealt with by a court (which will always be a court in one of the 16 *Länder* (federal states)), i.e., after an objection, the money obtained from enforcement accrues to the respective federal state budget (§ 15 para. 4). Any costs of enforcement shall be borne by the person concerned (§ 15 para. 5).

c) Procedure for outgoing requests (§§ 16, 17 Implementing Act)

Art. 48 para. 2 provides that any enforcement by the requesting State is inadmissible until the request has been withdrawn or until the requested State has refused execution (cf. above II.3.a)). Again, the provisions for requests from Germany to Switzerland closely follow §§ 87p and 87q of the Act on International Mutual Assistance in Criminal Matters for outgoing requests under FD 2005/214. According to § 16 para. 1, the execution of a German decision in Germany is permanently inadmissible if the Swiss authority based its refusal on the fact that a decision against the person concerned in respect of the same act(s) had already been delivered in Switzerland or in a third State and, in the latter case, that decision had been executed (*ne bis in idem* constellation). This corresponds to Art. 7(2)(a) FD 2005/214. As the execution of a German decision in Switzerland is governed by Swiss law, the competent Swiss authority may also grant payment in instalments; in such a case, the German statute of limitations for enforcement is suspended due to the corresponding application of § 79a No. 2 c) of the German Criminal Code and § 34 para. 4 No. 3 of the German Act on Regulatory Offences, respectively (§ 16 para. 2). As indicated above (II.3.a)), this scenario requires swift cross-border communication. For an outgoing request, the application of a substitute penalty of imprisonment (*Ersatzfreiheitsstrafe*) in Switzerland is to be expressly excluded (§ 17 in line with Art. 50 para. 2, above II.3.c)); again, this corresponds to the German practice under FD 2005/214.

2. Switzerland

Like Germany, Switzerland is a federal State, but it has chosen a decentralised execution system, in which it has

designated its 26 cantons as competent for incoming and outgoing requests within their respective local jurisdiction.

As Switzerland has three official languages – German, French, and Italian – the handling of the language issue is of considerable practical importance. According to Art. 60 communication between the authorities of the two States Parties under the Treaty will take place in German; however, the authorities of the French- and Italian-speaking cantons may also respond to German requests in French or Italian. Art. 60 still means a significant simplification compared to the language regime for the 27 Member States under FD 2005/214, which requires translation of an 8-page certificate and often also translation of the underlying decision and even of information on the outcome.

Interestingly, the Swiss government has mandated a consulting company to raise awareness of Chapter VI of the Treaty and to help the 26 cantons with the practical implementation and processing of requests in both directions. This company is also in close contact with the German side.

IV. Outlook

The German-Swiss Police Treaty of 5 April 2022 and its Chapter VI have created a solid basis for the cross-border execution of financial penalties imposed by the authorities

in one of the two States Parties for the violation of road traffic regulations. From the German perspective, the first practical experiences have been highly positive and encouraging. Since October 2024, Germany has forwarded more than 420 requests to Switzerland; the Swiss authorities have reacted swiftly to these requests and in full alignment with the Treaty. Communication between the two sides has been considerably facilitated by said Art. 60 of the Treaty, permitting use of the German language. Taking into account the deadline in Art. 53, according to which Chapter VI is only to be applied to financial penalties imposed for offences committed on or after 1 May 2024 (the entry into force of the Treaty), many more requests in both directions can be expected in the near future.

As Chapter VI covers only road traffic offences, its practical impact will also depend on the removal of various obstacles preceding the final phase of execution in cross-border cases, in particular: establishing the facts of the case, identifying the responsible person (under German law: the driver), translating and serving the decision. To date, these obstacles still hamper an efficiently functioning cross-border system regulating road traffic offences both within the EU and – bilaterally – between Germany and Switzerland. The Treaty represents a significant advancement, however, in that it facilitates identification of drivers across the border between the two neighbouring countries, which is often challenging.

* All views expressed in the text are the personal views of the author only.

1 Vertrag vom 5. April 2022 zwischen der Bundesrepublik Deutschland und der Schweizerischen Eidgenossenschaft über die grenzüberschreitende polizeiliche und justizielle Zusammenarbeit (Deutsch-Schweizerischer Polizeivertrag, Bundesgesetzblatt (BGBl.) 2023 II Nr. 339, S. 3; 2024 II Nr. 222). Unofficial English translation: *Treaty of 5 April 2022 between the Federal Republic of Germany and the Swiss Confederation on Cross-Border Police and Judicial Cooperation* (German-Swiss Police Treaty), *Federal Law Gazette* 2023 II No. 339, p. 3; 2024 II No. 222. Articles (Art.) cited in the text without further specification are Articles of the Treaty. The text of the Treaty is available at: <https://www.fedlex.admin.ch/eli/cc/2024/170/de>. All hyperlinks in this article were last accessed on 17 October 2025.

2 "Zusammenarbeit zur Verfolgung von Zuwiderhandlungen gegen Vorschriften des Strassenverkehrs".

3 Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties, OJ L 76, 22.3.2005, 16, as amended by Council Framework Decision 2009/299/JHA of 26 February 2009 amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA, and 2008/947/JHA, thereby enhancing the procedural rights of persons and fostering the application of the

principle of mutual recognition to decisions rendered *in absentia*, OJ L 81, 27.3.2009, 24.

4 Gesetz zur Umsetzung der vollstreckungshilferechtlichen Regelungen des Vertrages vom 5. April 2022 zwischen der Bundesrepublik Deutschland und der Schweizerischen Eidgenossenschaft über die grenzüberschreitende polizeiliche und justizielle Zusammenarbeit vom 14. Dezember 2023, BGBl. 2023 I Nr. 365 (*Act implementing the provisions for the execution of financial penalties of the Treaty of 5 April 2022 between the Federal Republic of Germany and the Swiss Confederation on Cross-Border Police and Judicial Cooperation of 14 December 2023*, *Federal Law Gazette* 2023 I No. 365), available

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in German at: <<https://www.gesetze-im-internet.de/dechpolvtrug/BJNR16D0B0023.html>>. Paragraphs (§§) cited in the text without further specification are paragraphs of this Act.

5 As regards the implementation of FD 2005/214, see Gesetz zur Umsetzung des Rahmenbeschlusses 2005/214/JI des Rates vom 24. Februar 2005 über die Anwendung des Grundsatzes der gegenseitigen Anerkennung von Geldstrafen und Geldbußen, 18 October 2010, BGBl I, 1408.

6 Abkommen zwischen dem Schweizerischen Bundesrat und der Regierung der Französischen Republik über die grenzüberschreitende Zusammenarbeit in Justiz-, Polizei- und Zollsachen, <<https://www.fedlex.admin.ch/eli/fga/2008/108/de>> (*Agreement between the Swiss Federal Council and the Government of the French Republic on Cross-Border Cooperation in the Areas of Justice, Police and Customs of 9 October 2007*). This agreement came into force on 1 July 2009.

7 Vertrag zwischen der Republik Österreich, der Schweizerischen Eidgenossenschaft und dem Fürstentum Liechtenstein über die grenzüberschreitende polizeiliche Zusammenarbeit, <<https://www.fedlex.admin.ch/eli/oc/2017/442/de>> (*Treaty between the Republic of Austria, the Swiss Confederation and the Principality of Liechtenstein on Cross-Border Police Cooperation of 4 June 2012*). The treaty came into force on 1 July 2017; the related "Durchführungsvereinbarung" (*Implementing Agreement*) of 10 September 2015 came into force on 1 August 2017, <https://www.fedlex.admin.ch/eli/oc/2017/443/de>.

8 Abkommen zwischen der Schweizerischen Eidgenossenschaft und dem Königreich der Niederlande über die Zusammenarbeit bei Zuwiderhandlungen gegen Strassenverkehrsvorschriften, <<https://www.fedlex.admin.ch/eli/oc/2023/239/de>> (*Agreement between the Swiss Confederation and the Kingdom of the Netherlands on cooperation in the area of road traffic offences of 26 October 2022*). The agreement came into force on 1 May 2023.

9 The agreement/treaty with France, Austria, and Liechtenstein comprehensively regulates cross-border cooperation and also contains provisions on the execution of financial penalties for road traffic offences (like the German-Swiss Police Treaty); the agreement with the Netherlands (with only 16 articles) covers solely the execution of financial penalties for road traffic offences.

10 See ECJ, 6 October 2021, Case C-338/20, *D.P. / Prokuratura Rejonowa Łódź-Bałuty* (summarised in *eu crim* 3/2021, 162–163), on

the necessity in cross-border cases of a translation of the decision by the issuing authority into a language the recipient understands (ground for refusal under FD 2005/214 if the decision has not been translated). Service is also part of this step of procedure and is the responsibility of the "issuing" authority in the deciding state, which either serves the document itself, e.g. by post with international return receipt, or makes use of a request for legal assistance.

11 See also Art. 5c ("Mutual assistance in identifying the person concerned") of the new Directive (EU) 2024/3237 of the European Parliament and of the Council of 19 December 2024 amending Directive (EU) 2015/413 facilitating cross-border exchange of information on road-safety-related traffic offences, OJ L, 2024/3237, 30.12.2024.

12 Remarkably enough and without any apparent reason, these two thresholds lie slightly below the two thresholds in Art. 48 para. 1 sentence 2 No. 1 (see above II.3.a)).

13 Cf. Art. 54 (below II.1.f)).

14 Provisions on "Ersatzfreiheitsstrafe" permit a financial penalty to be substituted by imprisonment if the fine cannot be recovered (cf., for instance, § 43 of the German Criminal Code).

15 *Op. cit.* (n. 4).

16 See C. Johnson and S. Loroch, "Wo steht der Rahmenbeschluss Geldsanktionen und wohin geht es mit der neuen CBE-Richtlinie?", *Deutsches Autorecht (DAR)* 2025, 285, also covering the anticipated, significant impact of the new Directive (EU) 2024/3237 on FD 2005/214 (see *op. cit.* n. 11)); C. Johnson and B. Häussermann, "Mutual Recognition of Financial Penalties", (2019) *eu crim*, 141.

17 As permitted by the Verordnung zur Einführung des elektronischen Rechtsverkehrs und der elektronischen Aktenführung beim Bundesamt für Justiz in Verfahren zur Vollstreckung von Geldforderungen nach dem Deutsch-Schweizerischen Polizeivertrag vom 24. April 2025 (Schweizerische Geldforderungen-E-Rechtsverkehrs- und Aktenführungsverordnung – CHGeldERAV), BGBl. 2023 I Nr. 123. Unofficial English translation: *Regulation on the introduction of electronic communication and of electronic file-keeping by the Federal Office of Justice in cases of execution of financial penalties under the German-Swiss Police Treaty of 24 April 2025*, *Federal Law Gazette* 2023 I No. 123.

18 This Act is available, together with an English translation, here: <<https://www.gesetze-im-internet.de/irg/>>.

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