

CCPE: Opinion on Role of Prosecutors in Fight Against Corruption and Related Economic and Financial Crime

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At its plenary meeting in Paris on 21-22 November 2019, The Consultative Council of European Prosecutors (CCPE) adopted [Opinion No. 14](#) on the role of prosecutors in fighting corruption and related economic and financial crime. In its Opinion, the CCPE attempted to arrive at a common definition of corruption. It also attempted to gain insight into the fact that, in a significant number of cases, corruption offences are neatly entwined with other phenomena of economic and financial crime, e.g., fraud, tax fraud, money laundering, and embezzlement.

The Opinion concludes that, when defining the term “corruption,” the best reference can be drawn from the CoE Criminal Law Convention on Corruption (ETS173) as applied by GRECO. Said concept covers a variety of criminal offences, such as active and passive bribery in the public and private sectors and trading in influence. The Opinion lists specific challenges faced by prosecution services and individual prosecutors when fighting corruption and makes the following main recommendations:

- The particular challenges of fighting corruption make it necessary to establish a corresponding environment for the work of prosecutors specialized in the field.
- A robust constitutional and legislative framework shall allow the prosecution to act as an independent and autonomous institution free of undue political influence.
- Additionally, guarantees and safeguards shall be put in place for independent, autonomous, and transparent decision-making when it comes to the recruiting, promoting, and transferring of prosecutors and for disciplinary procedures.
- The available human, financial, and technical resources shall enable final decisions to be taken in due time and before the expiry of relevant statutory limitation periods.
- Member States shall provide for the necessary budget to recruit a sufficient number of competent prosecutors, together with properly trained support staff and the necessary modern equipment.
- Measures shall be put in place to ensure the impartiality, professionalism, and specialization of prosecutors and their regular in-service training.
- Effective access to all relevant sources of information shall be enabled, both in public and private databases – subject, where necessary, to judicial authorisation.
- Thorough respect and protection of defence rights, respecting and applying the principles of necessity and proportionality, in particular when applying coercive measures and special investigation techniques.

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- Enabling of good case management, for instance, by establishing specialized teams of prosecutors.
- Stringent rules to protect whistleblowers, namely protecting the identity and personal integrity of persons with insider knowledge when disclosing information.
- Direct contact and cooperation between prosecution services of different Member States, including information sharing with non-public actors, civil society, and NGOs in cross-border cases to enable efficient extradition and mutual legal assistance mechanisms.

Finally, in order to facilitate a harmonized approach to fighting corruption, Member States should ratify, where applicable, the most important international instruments in this regard.

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