

Croatian Solution to Conflict of Competence Worries EPPO



eucrim

European Law Forum: Prevention • Investigation • Prosecution

Cornelia Riehle

News

Following a conflict of competence with the Croatian Office for the Suppression of Corruption and Organised Crime (USKOK), European Chief Prosecutor *Laura Codruța Kövesi* sent a [formal letter to the European Commission on 21 November 2024](#) expressing concern about violations of the rule of law in Croatia. In her letter, *Kövesi* sees a systemic challenge for Croatia to comply with the principles of the rule of law as laid down in Art. 4 of [Regulation \(EU\) 2020/2092](#) on a general regime of conditionality for the protection of the budget of the EU.

In the present case, USKOK turned to the Croatian State Attorney General to resolve a conflict of competence between its own investigation and that of the EPPO, which the State Attorney General resolved in favour of the USKOK. As a result, the EPPO relinquished its investigation to USKOK.

In her letter, the *Kövesi* draws the Commission's attention to the following concerns:

- The Croatian rule designating the Croatian State Attorney General as the authority to resolve conflicts of jurisdiction is contrary to EU law;
- In the given case, the State Attorney General, tasked with resolving conflicts of competence, further aggravated the situation by basing his decision solely on the interpretation of the USKOK, without giving the EPPO the chance to express its position, and thus undermining the impartiality of the conflict resolution;
- In the present case, when USKOK started its investigation into an EU-funded project, it did not notify the EPPO of the investigation, thus failing to fulfil its obligations under the EPPO Regulation.

It is anticipated that the European Commission will examine the concerns raised by the EPPO and that further action may be taken.

AUTHOR

Cornelia Riehle

Deputy Head of Section
Academy of European Law

Published in
2024, Vol. 19(4) [eucri](#)m
ISSN: 1862-6947



About eucri

eucri

m is the leading journal which regularly informs about current developments in European criminal and "criministrative" law.

All news items are freely accessible at: [Stay informed by emailing to \[The project is co-financed by the \\[Union Anti-Fraud Programme \\\(UAFP\\\)\\]\\(#\\), managed by the \\[European Anti-Fraud Office \\\(OLAF\\\)\\]\\(#\\).\]\(mailto:eucrim-subscribe@csl.mpg.de to receive alerts for new releases of issues.</p></div><div data-bbox=\)](https://eucrim.eu/news/</p></div><div data-bbox=)



Co-funded by
the European Union