

European Chief Prosecutor Complained about Ireland's Non- Cooperation



News

Thomas Wahl

On 23 November 2022, European Chief Prosecutor *Laura Kövesi* addressed a letter to the Commission on Ireland's refusal to cooperate with the EPPO. The information letter is based on Recital 16 of Regulation (EU) 2020/2092 on a general regime of conditionality for the protection of the Union budget. Accordingly, the Commission should take into account EPPO's reports when assessing a breach of the principles of the rule of law by an EU country (which could lead to the interruption, reduction, termination or suspension of payments from the EU budget to the country).

Even though Ireland does not take part in the enhanced cooperation scheme of the EPPO, Ireland is obliged to cooperate on the basis of the existing EU instruments, in particular the 2000 Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union and the Framework Decision on the European Arrest Warrant.

Kövesi pointed out that Ireland has persistently refused to execute EPPO's requests for judicial cooperation since it does not recognise the EPPO as a competent authority for the application of existing instruments for judicial cooperation, as notified by the participating Member States. As a result, the EPPO is unable to obtain evidence from Ireland in cross-border cases. Thus, the EPPO's ability to counter criminality affecting the Union budget is systematically hindered, *Kövesi* wrote. The EPPO currently has six ongoing investigations involving Ireland.

Reports by the EPPO under Recital 16 of Regulation 2020/2092 were previously sent to the Commission also in relation to Slovenia and Poland (→ [eucrim 1/2022, 16-17 and 22](#)).

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