

European Chief Prosecutor: Slovakia May No Longer Effectively Protect EU's Financial Interests



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News

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On 18 December 2023, European Chief Prosecutor *Laura Codruța Kövesi* sent a letter to the European Commission in which she pointed to several worrying amendments in the Slovak legislation that affect the rule of law as basis for the protection of the EU's financial interests. The letter was addressed in line with Recitals 9, 16 and 17 of [Regulation \(EU\) 2020/2092](#) of 16 December 2020 on a general regime of conditionality for the protection of the budget of the European Union (Conditionality Regulation → [euCRIM 3/2020, 174-176](#)). The EPPO can provide input to the Commission in order to determine whether breaches of the principles of the rule of law in a Member State affect or seriously risk affecting the sound financial management of the Union budget or the protection of the financial interests of the Union in a sufficiently direct way (Art. 4 of the Regulation).

Kövesi concludes that [\(proposed\) amendments](#) to the Slovak Criminal Procedure Code, the Criminal Code, the Act on the Public Prosecutor's Office and the Act on the Protection of Whistle-blowers constitute a serious risk of breaching the rule of law in the meaning of Art. 4(2)(c) of the Conditionality Regulation. In detail, these amendments would entail the following:

- Minimizing detection of potential fraud affecting the EU's financial interests;
- Disrupting functional reporting lines established between the EPPO and the Special Prosecution Service;
- Cutting the EPPO from the specialized investigators of the National Criminal Agency, without adequate replacement;
- Rerouting most of the EPPO cases from the Specialized Penal Court to lower courts, with little expertise in crimes under the competence of the EPPO;
- Constituting a *de facto* amnesty in a substantial number of active investigations into fraud affecting the EU's financial interests in the Slovak Republic.

In addition, *Kövesi* puts into question whether the Slovak government currently maintains the principles of sincere cooperation (Art. 4(3) TEU) and the effective protection of the Union budget (Art. 325 TFEU).

Update: On 18 January 2024, the European Chief Prosecutor replied to the public comment made by *Maroš Žilinka*, General Prosecutor of the Slovak Republic, in which he attempted to downplay voiced concerns over the recent legislative amendments proposed by the Slovak government. According to the [European Chief Prosecutor's statement](#), the reforms will also have an impact on EPPO's cooperation scheme since most in-

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– 326

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vestigated offences under the competence of the EPPO are transnational in nature. They will make Slovakia “a weak link” that “would put at stake the integrity of the whole EPPO zone”.

On 17 January 2024, the EP adopted a resolution on the planned dissolution of key anti-corruption structures in Slovakia and its implications for the rule of law (→ related link).

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