

# EPPO and EU Law

(Jean Monnet Centre of Excellence - STEPPO)



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# The EPPO, Judicial Cooperation and Internal and External Security

LECTURER: Dott.ssa Fabrizia Bemer





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## The EPPO is responsible for the enforcement of the PIF DIRECTIVE (Protection des Interêts Financiers)

### Definition of fraud

According to **article 1 of the Convention on the protection of the European Communities' financial interests**:

"Fraud" is a deliberate act of deception intended for gain (personal or on behalf of a third party) or to cause a loss to another party.

"Irregularity" is any infringement of a provision of Community law resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the Communities or budgets managed by them, either by reducing or losing revenue accruing from own resources collected directly on behalf of the Communities, or by an unjustified item of expenditure.

Unlike fraud, an irregularity is not intentional.



## EXTERNAL BUT ALSO INTERNAL ANTI FRAUD STRATEGY



Pursuant to **Articles 19(4) (g) and 14(b) of Regulation 2017/1939** establishing the EPPO, the College, on the proposal of the European Chief Prosecutor, shall adopt an internal anti-fraud strategy.

The EPPO adopted its first Anti-fraud Strategy for the period 2021-2022 on 7 April 2021 (**College decision 20/2021**).



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## The EPPO and the European Commission's anti-fraud STRATEGY 2019

General contest with regard to the strategy: → 4 main issues:

- Next Generation EU;
- Rule of Law;
- Eu and Global Anti fraud Strategy;
- Cooperation with Partners:
  - Participating Member States
  - European Anti-Fraud Office (OLAF); EUROJUST; EUROPOL





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## EPPO GUIDING PRINCIPLES OF THE ANTI-FRAUD STRATEGY:

- Internationally accepted ethical standards,
  - Professional integrity of the EPPO staff,
  - Zero tolerance against fraud proportionality towards the fraud risks,
  - Cost-benefit analysis of the fraud measures to be implemented
- 
- **EPPO WILL NOT TOLERATE ANY FRAUD OR SUSPICION OF FRAUD OR IRREGULARITY FOR STAFF MEMBERS AND NON-STAFF MEMBERS**



## FRAUD RISK ASSESSMENT

It is an essential stage of the anti-fraud strategy: it enables identifying the most important sources of potential risks:

### INTERNAL FRAUD

- favouritism
- data theft/mishandling of confidential information
- undeclared conflict of interests
- false cost declarations especially with regard to mission expenses

### EXTERNAL FRAUD

- attempts to influence operations or the staff
- cyber attacks
- Double claiming of costs or overcharged invoices by contactors



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This anti-fraud strategy shall be **reviewed** at the **end of 2025** and lessons learned will be taken on board to prepare the next strategy from 2026 onwards

The strategic objectives, supported by an action plan aim at encompassing all stages of the anti-fraud cycle:

DETECTION – INVESTIGATION – RECOVERY AND SANCTION





## ANOTHER MILESTONE OF THE RESULT OF THE ANTI-FRAUD STRATEGY



### COMMISSION DECISION EU2024/807 OF FEBRUARY 2024: CONFIRMATION OF THE PARTICIPATION OF POLAND ON THE ESTABLISHMENT OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE

Art. 1 the participation of Poland in the enhanced cooperation on the establishment of the EPPO is confirmed

Art. 2 (1) Regulation (EU) 2017/1939 shall apply in Poland with regard to any offence within the competence of the EPPO committed after 1 June 2021.

Art 2 (2) the Regulation will be applied in Poland from the twentieth day of the appointment of the European Prosecutor from Poland in accordance with Article 16 of that Regulation.





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Secretary of State in the Ministry of Justice Arkadiusz Myrcha, Acting National Prosecutor Jacek Bilewicz, Director of Legislative Department of Criminal Law in the Ministry of Justice Michał Hara and Chief Specialist in Legislative Department of Criminal Law Daniel Łoniewski – met with European Chief Prosecutor Laura Kövesi, Deputy European Chief Prosecutors, European prosecutors, heads of Legal service and Operations unit



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COMMISSION ANTI-FRAUD STRATEGY ACTION PLAN – 2023 REVISION  
(COM(2023) 405 FINAL

STRATEGIA EUROPEA DI FORMAZIONE GIUDIZIARI A COM(2020) 713 FINAL DEL  
02.12.2020





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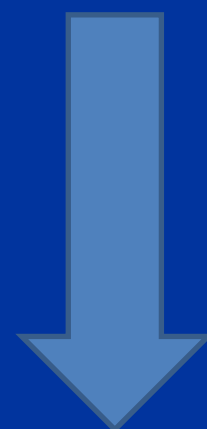
## STRATEGIA EUROPEA DI FORMAZIONE GIUDIZIARIA COM(2020) 713 FINAL DEL 02.12.2020

### PUNTI CHIAVE:

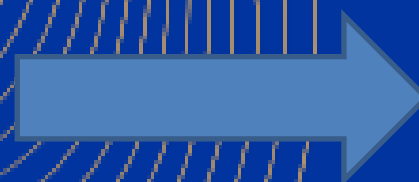
- Promuovere una cultura comune dello Stato di Diritto.
- Difendere i Diritti Fondamentali
- Migliorare la digitalizzazione della Giustizia
- Tenere il passo con l'evoluzione del diritto dell'Unione
- Preparare gli operatori della Giustizia ad affrontare nuove sfide



COMPONENTI ESSENZIALI OLTRE AL DIRITTO DELL'UNIONE : COMPETENZE  
MULTI DISCIPLINARI, COMPETENZE GIURIDICHE “FORMAZIONE RAFFORZATA”  
PIU' AMPIA



OBIETTIVI MIRATI CHE COINVOLGONO GIUDICI, PROCURATORI, PERSONALE  
GIUDIZIARIO, AVVOCATI, NOTAI E POLIZIA GIUDIZIARIA



RESPONSABILITA, CONDIVISA



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## COMMISSION ANTI-FRAUD STRATEGY ACTION PLAN – 2023 REVISION (COM(2023) 405 FINAL

LA REVISIONE DEL PIANO D'AZIONE POTENZIA TUTTE LE PARTI DEL CICLO ANTI FRODE: PREVENZIONE, INDIVIDUAZIONE, INDAGINI E RETTIFICA

PREVEDE ANCHE INIZIATIVE STRATEGICHE: PROPOSTA DI ISTITUZIONE DI UN ORGANISMO ETICO INTERISTITUZIONALE, PACCHETTO ANTICORRUZIONE RIFUSIONE DEL REGOLAMENTO FINANZIARIO (IN CORSO), MECCANISMO PER LO STATO DI DIRITTO E MECCANISMO DI CONDIZIONALITA'

INTEGRA LE INDAGINI INDIPENDENTI DI **OLAF** E **EPPO**

**ARACHNE: CHARTER** for the introduction and application of the **ARACHNE RISK SCORING TOOL** in the management verifications:

<https://ec.europa.eu/social/>

It is a risk scoring tool developed by the Commission, represented by the Directorate-General for Employment, Social Affairs and Inclusion and the Directorate General for Regional Policy and Urban Development. Identify effectively and efficiently most risky projects, contracts, contractors and beneficiaries.

Data are provided by internal and external service providers which are in accordance with the European Data Protection Supervisor concerning the processing of personal data.

Information can be requested by Olaf and the Court of Auditors but it is not automatic.





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The ACTION PLAN is the result of a long consultation process:

- THE FRAUD PREVENTION AND DETECTION NETWORK (FPDNet)
- +
- ALL COMMISSION DEPARTMENTS and EXECUTIVE AGENCIES

THE PROCESS IS LED BY **OLAF UFFICIO EUROPEO ANTI-FRODE**

\*The ACTION PLAN has been revised in 2023\*



The revised action plan seeks to strengthen all parts of the anti-fraud cycle:

❖ Prevention – Detection – Investigation – Correction

Many initiatives have complemented the Revised Action Plan:

➤ Proposal for an Interinstitutional Ethics Body - COM(2023) 311 final

Decision of the College of the European Public Prosecutor's Office of 24 January 2024:  
appointment of three European Prosecutors: Ms. Miranda Esther De Meijer – Ms. Anne  
Pantazi-Lamprou, Ms. Kristel Siitam-Nyiri

➤ Anti-corruption Package

➤ The ongoing recast of the Financial regulation

➤ The Rule of Law Mechanism

➤ Conditionality Mechanism

- JOIN(2023) 12 final

- COM (2022) 223 final

- COM (2019) 163 final

- Regulation (EU, Euratom) 2020/2092





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The REVISED ACTION PLAN is the result of an extensive consultation process through the Fraud Prevention and Detection Network (FPDNet) in which all Commission Departments are represented and led by OLAF .

The updating of the Action Plan has been made for two reasons:

- 1- The implementation of the 2019 Action Plan is complete and new actions were needed to ensure sustained progress on anti fraud matters
- 2 - Be in accordance with the new multi-annual financial framework 2021-2027 (MFF) and with the NextGenerationEU and the Recovery and Resilience Facility (RRF) and the start of EPPO's operations

OLAF collected and analysed the main risks fraud identified by the Commission and the result is:

Falsification of documents and administrative expenditure, double funding, conflict of interest, corruption favoritism or collusion, misuse of insider information, plagiarism, undue influence, unreliable counterparts, undue access to IT devices, systems, bank accounts and hacking





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Priority given to actions that are linked to new developments and address important fraud risks

In total the actions are 44 grouped under 7 THEMES

OLAF will coordinate and monitor the implementation of the revised action plan and will regularly update the Commission Board



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1. Foster digitalisation and the use of IT tools to fight fraud;
2. Support Member States to reinforce the protection of the Recovery and Resilience Facility, cohesion, agricultural and fisheries funds;
3. Reinforce the protection of funds under indirect management and in the external relations area;
4. Reinforce the EU's capacity to fight customs fraud and protect EU revenues;
5. Reinforce the EU anti-fraud architecture;
6. Reinforce the Commission's Anti-Fraud governance and maintain a high level of coordination and cooperation among Commission departments and Executive agencies;
7. Strengthen the culture of ethics and anti-fraud in the Commission (anti-fraud considerations into the recruitment process).





- ATTUAZIONE E MONITORAGGIO DEL PIANO D'MONITORAGGIO  
DELIMPLEMENTATION AND MONITORING OF THE REVISED ACTION  
PLAN
- OLAF will coordinate and monitor the implementation of the revised action plan and regularly update the Commission's Corporate Management Board on its progress.
- Each year the Commission will report to the other EU institutions and the public on the measures taken at EU level
- The revised action plan will be implemented in **2023-2026** and **may be amended, if required.**





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OFFICE



**EPPO requests  
an increase in budget  
to allow successful  
EPPO zone enlargement**





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THANK YOU FOR YOUR ATTENTION !

QUESTIONS ?



Dott.ssa FABRIZIA BEMER