



DIPARTIMENTO DI
GIURISPRUDENZA
SCHOOL OF LAW

THE EPPO and EU law: a step forward in integration



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EPPO AND EU LAW: A STEP FORWARD IN INTEGRATION

TOPIC I: THE ROAD TO EPPO

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THE EPPO AND EU LAW: A STEP FORWARD IN INTEGRATION



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LEGAL BASIS

- Article 86 Treaty on the Functioning of the European Union: the EPPO shall exercise the functions of prosecutor in the competent courts of the Member States
- EPPO Regulation (EU)2017/1939
- PIF Directive(EU) 2017/1371
- Italy: D.L.vo 9/2021 in force since 6.2.2021, already amended by D.L. 17/2022 (GU 1.3.2022)

EPPO – MAIN FEATURES

- Entirely new judicial body and system
- Supranational (EU) prosecutor's office, entirely independent from the European and national authorities, including the national prosecutorial and judicial authorities
- Single office with a central and a decentralised level: European Delegated Prosecutors fully members of the EPPO
- Competence for investigating, prosecuting and bringing to judgment “PIF offences”, up to the final judgement (until the case has been finally disposed of) – any offence that could affect the financial interest of the EU
- Within the 22 Member States participating in the EPPO, as a rule the tools of the judicial cooperation between prosecutor's offices are not applicable – direct execution of investigative measures

STRUCTURE

College: strategic matters, including determining the priorities and the investigation and prosecution policy of the EPPO

Permanent Chambers: collegial organ with decision making powers, monitor and direct investigations and prosecutions

The supervising European Prosecutors: supervise investigations and prosecutions in their Member State of origin; may give instructions to the handling EDP; in exceptional cases, may conduct the investigation personally



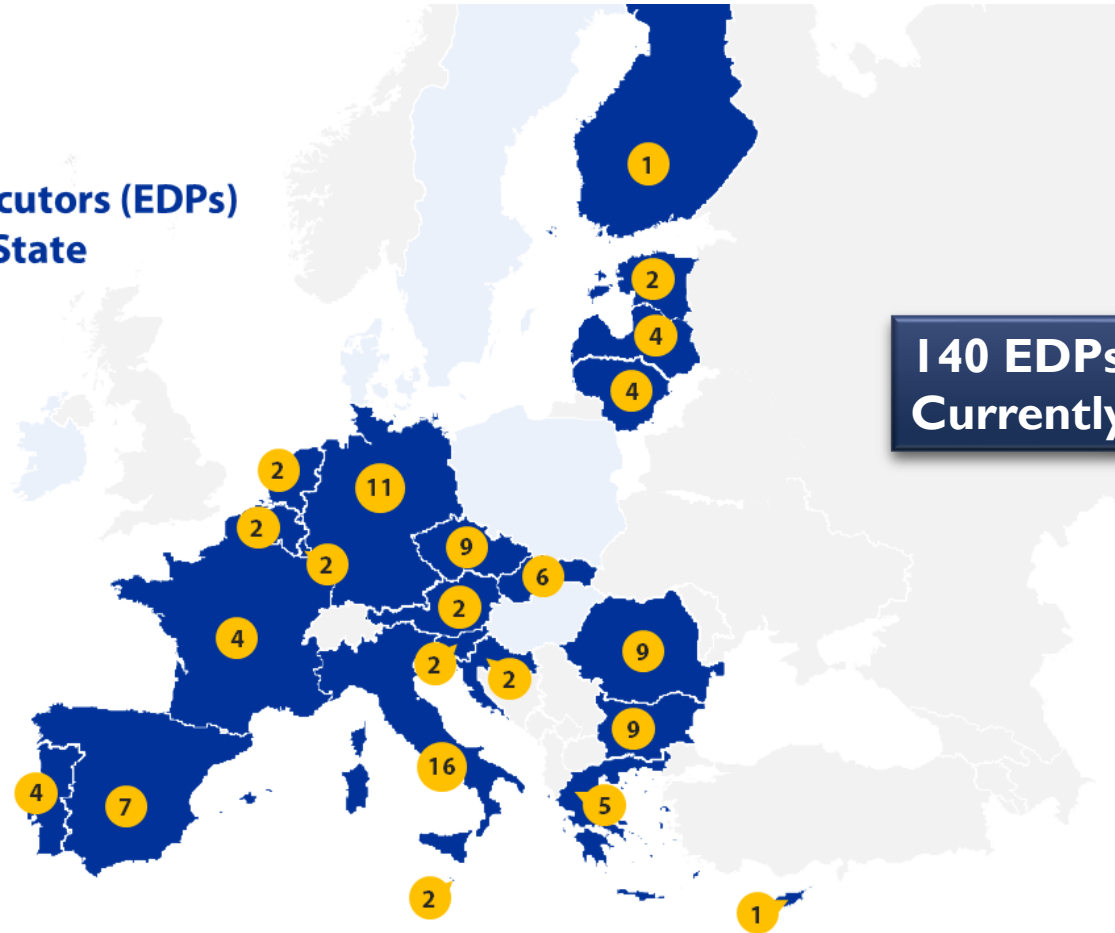
DECENTRALIZED LEVEL



European Delegated Prosecutors (EDPs) per participating Member State

01/04/2022

● Active number of EDPs



**140 EDPs
Currently 108**

DECENTRALIZED LEVEL - ITALY

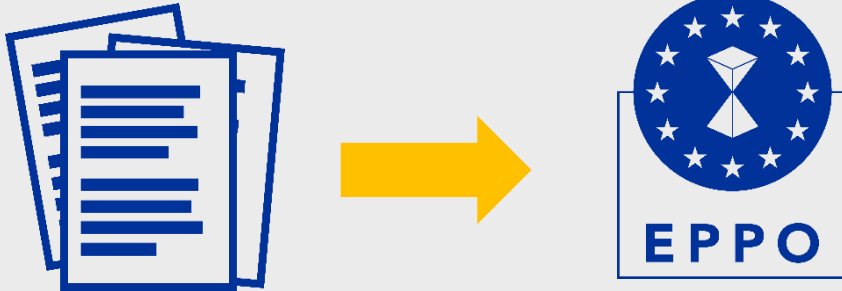
Agreement between the Minister of Justice and the Chief European Prosecutor signed on 1/4/2021;
9 local offices and 20 European Delegated Prosecutors (2 for each office, apart from Rome and Milan, that have 3 EDPs);

- Bari
- Bologna
- Catanzaro
- Milano
- Roma
- Napoli
- Torino
- Palermo
- Venezia



INVESTIGATIONS: HOW IT WORKS

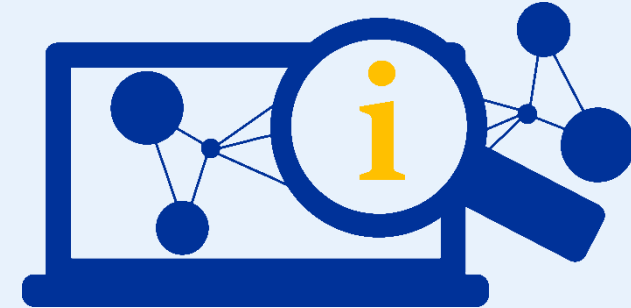
1



Information comes to EPPO

- From private parties: **Report A Crime web form**
- From national authorities

2



Verification and registration in digital **Case Management System** and assigned to a European Delegated Prosecutor.

3



If opened, EDP investigates from start to finish

- Supported by EDPs cross-border investigations
- EPPO financial investigators and case analysts
- Supported by national police, customs, tax services...
- Supervised by a Permanent Chamber in Luxembourg

4



Case is tried before the national courts

Investigations: how it works

- **Opening** an investigation (initiation or evocation) – principle of **legality**
- **Investigation measures:**
 - Available under national criminal procedural law
 - Common set of investigative measures
- **Procedural rights:**
 - EU Charter of fundamental rights
 - National procedural law / EU procedural rights Directives
- **Cross-border investigations**
 - In participating Member States – single office
 - Elsewhere –judicial cooperation instruments.



Operational activity started on 1st June 2021

30 April 2022

Investigations opened	867
Active cross-border investigations	29.35%
Active VAT fraud investigations	15.85%

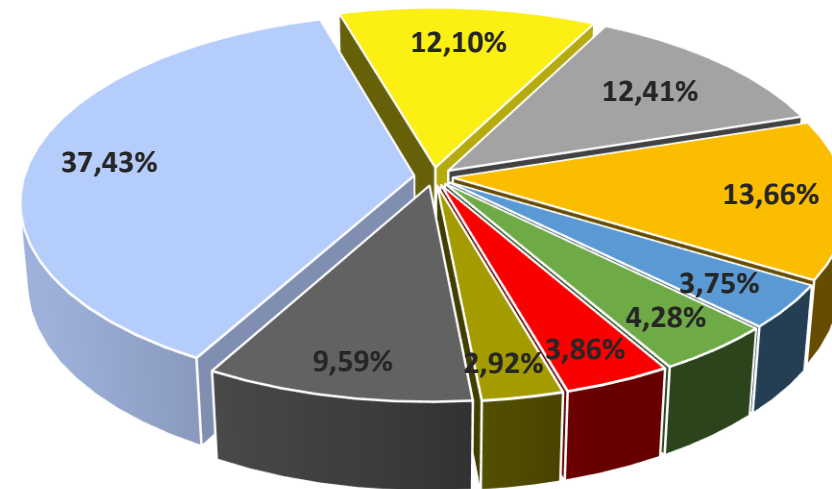
Cases involving non participating EU Member States	66
Cases involving third countries	49

Estimated damage in all active investigations	7,3 bil EUR
Estimated damages in active VAT fraud investigations	3,8 bil EUR

Operational activity started on 1st June 2021

30 April 2022

Investigated offences in active cases	
Non-procurement expenditure fraud	359
Procurement expenditure fraud	116
Non-VAT revenue fraud	131
VAT revenue fraud	119
Participation in PIF-focused CO	28
Corruption	36
Misappropriation	41
Money laundering	37
Inextricably linked offences	92



- Non-procurement expenditure fraud
- Procurement expenditure fraud
- VAT revenue fraud
- Non-VAT revenue fraud
- Corruption
- Misappropriation
- Money laundering
- Participation in PIF-focused CO
- Inextricably linked offences

