EPPO AND EU LAW: A STEP FORWARD IN INTEGRATION

TOPIC 1: THE ROAD TO EPPO

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EPPO, WHAT'S NEXT…?

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EPPO, WHAT'S NEXT…?

OUTLOOK

A) Possible extension of the powers of the EPPO

B) Possible review of the regulation

C) Conclusions

THE STARTING POINTS: A) ART. 86.4 TFEU

"4. The European Council may, at the same time or subsequently, adopt a decision amending paragraph 1 in order to extend the powers of the European Public Prosecutor's Office to include **serious crime having a cross-border dimension** and amending accordingly paragraph 2 as regards the perpetrators of, and accomplices in, **serious crimes affecting more than one Member State**. The European Council shall act unanimously after obtaining the consent of the European Parliament and after consulting the Commission."

THE STARTING POINTS: B) ART. 119 REG. 2017/1939

Article 119

Review clause

1. No later than 5 years after the date to be set by the Commission pursuant to Article 120(2), and every 5 years thereafter, the Commission shall commission an evaluation and shall submit an evaluation report on the implementation and impact of this Regulation, as well as on the effectiveness and efficiency of the EPPO and its working practices. The Commission shall forward the evaluation report together with its conclusions to the European Parliament and to the Council and to national parliaments. The findings of the evaluation shall be made public.

2. The Commission shall submit legislative proposals to the European Parliament and the Council if it concludes that it is necessary to have additional or more detailed rules on the setting up of the EPPO, its functions or the procedure applicable to its activities, including its cross-border investigations.

A) THE EXTENSION OF THE POWERS

1. TERRORISM

- **21 June 2016: Opinion "Camera dei deputati"**
- **17 August 2017: Attacks in Barcelona:**
  - **Minister Orlando**
  - **Justice Commissioner Jourova**
  - **President Junker (State of the Union)**
  - **President Macron (Sorbonne)**
- **12 September 2018: COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE EUROPEAN COUNCIL: A Europe that protects: an initiative to extend the competences of the European Public Prosecutor's Office to crossborder terrorist crimes (COM(2018) 641 final) > Extension of the competences of the EPPO to terrorist offences affecting more than one Member State.**

2. ENVIRONMENT

- **24 August 2021 In a letter President Ursula von der Leyen wrote that the EU executive "stands ready to explore … the need and feasibility to extend the EPPO's competence in the medium term so as to cover serious cross-border environmental crime."**
- **FRENCH Presidency of the EU Council (2022)**
- **23 June 2022 European Parliament resolution of on illegal logging in the EU:**
  - **38. Stresses that the establishment of an EU Green Prosecutor, through the extension of the EPPO's mandate, in accordance with Article 86(4) TFEU, is a way to improve the implementation and enforcement of EU environmental legislation and to combat serious environmental crimes with a cross-border dimension;**

3. SANCTIONS: FIRST STEP

L 308/18 EN Official Journal of the European Union 29.11.2022

COUNCIL DECISION (EU) 2022/2332

of 28 November 2022

on identifying the violation of Union restrictive measures as an area of crime that meets the criteria specified in Article 83(1) of the Treaty on the Functioning of the European Union

3. SANCTIONS: SECOND STEP

Brussels, 2.12.2022
COM(2022) 684 final

2022/0398 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the definition of criminal offences and penalties for the violation of Union restrictive measures

3. SANCTIONS: THIRD STEP (…?)

EUROPEAN PUBLIC PROSECUTOR'S OFFICE

Ref. Ares(2022)6410443 - 16/09/2022

EUROPEAN PUBLIC PROSECUTOR'S OFFICE
11, Av. John F. Kennedy, 1855 Luxembourg

Luxembourg, 16 September 2022

EPPO/LCK/2022/562

Mr Didier REYNDERS

Member of the European Commission - Justice

Dear Commissioner, dear Mr Reynders,

Following your letter of 18 July 2022, the College of the European Public Prosecutor's Office (EPPO) discussed the feasibility of an extension of the competence of the EPPO to the violations of EU restrictive measures.

3. SANCTIONS: THIRD STEP (…?)

"… Based on our experience, when tackling violations of EU restrictive measures, compared to a coordinated approach of national prosecution offices, the EPPO should be better placed to preserve circumvented frozen assets, to collect the necessary evidence and to implement a unified approach of prosecution before the competent national courts…"

3. SANCTIONS: THIRD STEP (…?)

DÉBATS

L’appel des ministres français et allemand de la justice : « Nous souhaitons l’extension de la compétence du parquet européen aux violations des sanctions prises par l’UE »

TRIBUNE

Eric Dupond-Moretti
Ministre français de la justice

Marco Buschmann
Ministre allemand de la justice

B) TOWARDS A REVISION OF THE REGULATION (…?)

B) TOWARDS A REVISION OF THE REGULATION (…?)

The need for a revision of the EPPO Founding Regulation - explained

60 visualizzazioni 2 mesi fa ... altro

European Public Prosecutor's Office 222 Iscriviti

0 Condividi Scarica Salva

https://youtu.be/wpRg1XfYPFo

https://youtu.be/wpRg1XfYPFo

B) TOWARDS A REVISION OF THE REGULATION (…?)

https://youtu.be/wpRg1XfYPFo

B) TOWARDS A REVISION OF THE REGULATION (…?)

- Article 25: Exercise of the competence of the EPPO
- Article 31: Cross-border investigations (need for the authorization by the judicial authority of the State of assistance for the sole purpose of the enforcement) (EPPO < EIO)
- Article 16: Appointment and dismissal of European Prosecutors

C) CONCLUSIONS

- Positive achievements
- EPPO as an answer for all emergencies…?
- The need for adequate resources and staffing
- EPPO as a victim of its own success…?

THANKS !