

THE EPPO and EU law: a step forward in integration



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EPPO AND EU LAW: A STEP FORWARD IN INTEGRATION

TOPIC 6: THE EPPO AND OTHER
JUDICIAL BODIES JOINING
FORCES

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THE EPPO AND BANKING SUPERVISORY AUTHORITIES



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UniCredit S.p.A., Head of Criminal Advice,
Proceedings & Investigations

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EPPO: JURISDICTION RELATED TO SUBJECT MATTER

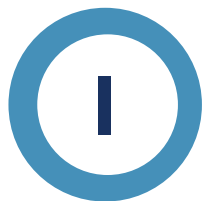
EPPO's jurisdiction related to subject-matter involves **criminal offences affecting the Union's financial interests**.

Types of crime that are brought before the EPPO:

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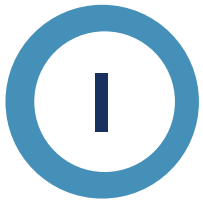


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Instigation, aiding and **abetting** the commission of the crimes listed above

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...in **Milan**: mostly VAT frauds (e.g. Carosel Frauds) committed in Lombardia region and crimes against public administration.
A concrete assessment is in any case needed to establish territorial jurisdiction.

EPPO ANNUAL REPORTS 2021 VS 2022 – CENTRAL OFFICE



Active investigations:

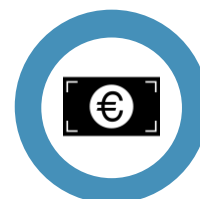
2021	2022
515	1117

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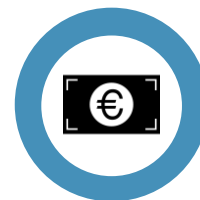
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Indictments:

2021	2022
5	87

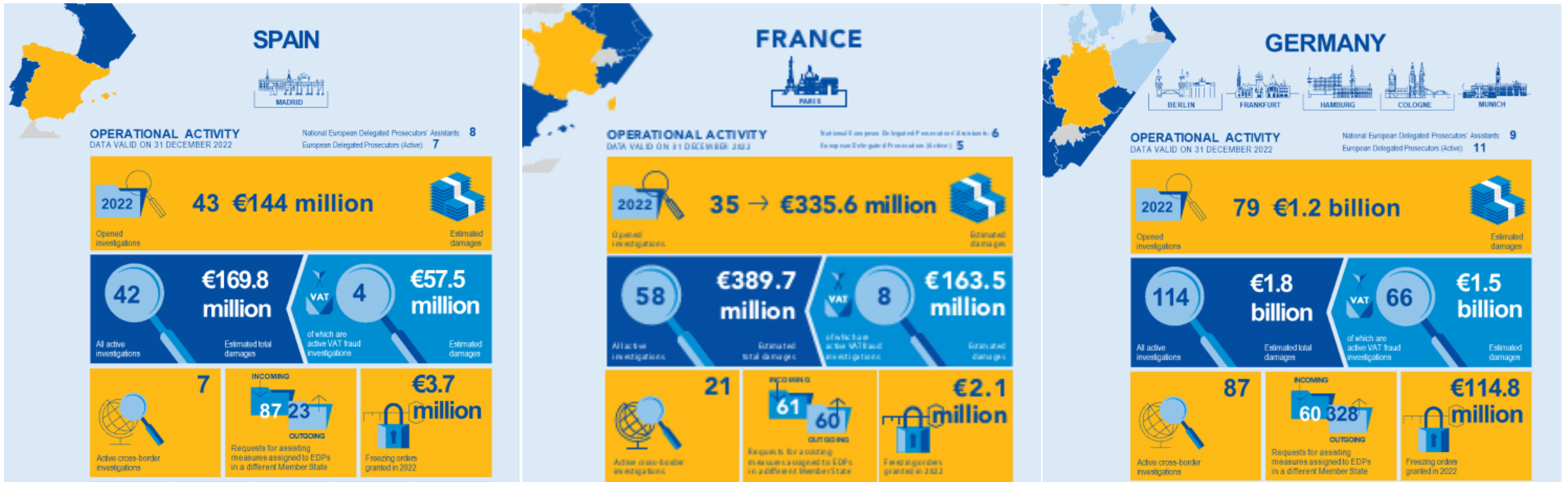
* https://www.eppo.europa.eu/sites/default/files/2023-02/EPPO_2022_Annual_Report_EN_WEB.pdf

EPPO ANNUAL REPORT 2022 – ITALY



* https://www.epo.europa.eu/sites/default/files/2023-03/8%20EPPO%202022%20Annual%20Report%20EN_IT.pdf

EPPO ANNUAL REPORTS 2022 – SPAIN, FRANCE, GERMANY



* <https://www.eppo.europa.eu/en/documents?keywords=&category=All&page=1>

RELATIONSHIP BETWEEN EPPO AND BANKING & FINANCIAL INSTITUTIONS

- In fighting against **money laundering**, EPPO usually has relations and deals with: **Bank of Italy, European Central Bank, Guardia di Finanza**
- In terms of cooperation between EPPO and banking institutions/bodies, two agreements have been concluded with:

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- The Financial Intelligence Unit for Italy is an independent and autonomous body set up within the Bank of Italy pursuant to Legislative Decree 231/2007.
- The Financial Intelligence Unit of Italy and the European Public Prosecutor's Office have signed a Memorandum of Understanding (MoU) with the aim of facilitating their cooperation related to suspicious financial transactions (8th June 2022).
- The document lays down the principles on how both parties will exchange information and provide analytical support, on the suspension of suspicious transactions, on data protection and mutual training initiatives

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* https://uif.bancaditalia.it/pubblicazioni/comunicati/documenti/Comunicato_protocollo_EPPO-UIF.pdf



EIB (European Investment Bank Group)

- The EIB and the EIF (European Investment Fund), as bodies of the EU, have a duty to protect financial interests of the European Union and to implement effective measures against fraud and any other harmful illegal activity of the financial interests of the EU.
- In December 2021, the EIB Group and the European Public Prosecutor's Office (EPPO) signed a Working Agreement "*to make the fight against fraud, corruption, money laundering and any other criminal offences affecting the Union's financial interests, as efficient as possible avoiding duplication of efforts*".
- The Working Arrangement aims at facilitating cooperation between the EPPO and the EIB Group within the existing limits of their respective legal frameworks and mandates, through the exchange of information, including personal data, and other cooperative activities.

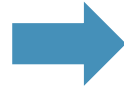
* https://www.eib.org/attachments/publications/eib_group_anti-fraud_policy_it.pdf

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In the context of its relationship with banking institutions and Supervisory Authorities, EPPO operates through the **Italian Financial Police (Guardia di Finanza)**, which is often delegated to carry out investigations.

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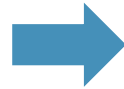
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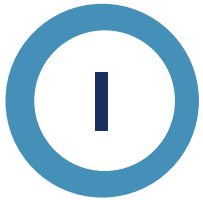
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Recent **case law** involving freezing orders on bank accounts in Italy:

- **22th February '23**, : EPPO in Milan uncovers €40 million VAT fraud: six arrests and seizures in sting against organised crime (**Operation «Marengo Rosso»**).
- **24th November '22**: following a request by the EPPO, the Italian Financial Police (Guardia di Finanza) executed a judicial seizure decree to freeze the bank accounts of an Italian company suspected of fraud involving EU and regional funds of over €70 000.
- **3rd February '22**: Seizures and searches in Italy in case of anti-dumping and import VAT evasion of €13 million.

INTERVIEW TO THE EUROPEAN DELEGATED PROSECUTOR IN MILAN, DOTT. GAETANO RUTA.

Key concepts:



EPPO is working with Italian Guardia di Finanza and dealing with VAT frauds, especially in Northern Italy and in Milan.

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Future prospects: an attempt is underway to harmonize relations with Banking Institutions in order to facilitate cross-border communication by making banking documentation more uniform

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Di cosa si occupa EPPO a Milano? Siamo 3 magistrati dotati di competenza unica nazionale in materia di reati che ledono gli interessi finanziari dell'UE. Ci occupiamo prevalentemente di frodi in materia IVA in Lombardia e di qualche reato contro la PA, mentre nel Sud Italia si occupano maggiormente di frodi legate a contributi per l'agricoltura e per lo sviluppo imprenditoriale.

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Disponete misure di prevenzione, amministrazioni giudiziarie o sequestri? Che rapporti avete con gli Istituti di credito?

Allo stato non disponiamo misure di prevenzione, né amministrazioni giudiziarie. Disponiamo invece molti sequestri secondo i modelli tradizionali del cpp (sequestro preventivo, per equivalente e per sproporzione). Quando sequestriamo conti correnti bancari se ne dà comunicazione all'Istituto di credito, le somme vengono devolute al Fondo Unico Giustizia, poi interviene la confisca e le somme entrano nella disponibilità dello Stato.

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Che rapporti avete con le Autorità di Vigilanza e le istituzioni nella lotta al riciclaggio?

Abbiamo principalmente rapporti con **Banca d'Italia**, in relazione al comparto bancario e alla segnalazione di operazioni sospette, e anche con la **BCE**, con cui è previsto un incontro ad aprile per noi procuratori a Francoforte per avere un'interlocuzione diretta sulle modalità lavorative.

In ottica di cooperazione con queste istituzioni sono stati firmati dagli organi centrali di EPPO alcuni **protocolli di intesa** (come ad es. quelli stipulati con UIF e EIB) che sono molto utili a livello di cooperazione sia dal punto di vista della vigilanza, sia in materia di riciclaggio.

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Quali sono le prospettive de iure condendo per EPPO? Non si sta ancora parlando di una giurisdizione europea né di una “procedura penale europea”, ma ci sono dei tentativi progressivi di armonizzazione, soprattutto con riferimento all’uniformità ed intelligibilità della documentazione, anche bancaria.

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Increasing international cooperation, fluidity and intelligibility of the communication between Banking Institutions and EPPO in fighting against financial crime.

THANK YOU!

