

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 WORKING ARRANGEMENTS WITH THE E.C.A. AND THE GENERAL PROSECUTOR'S OFFICE AT THE CORTE DEI CONTI



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Summary



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THE EPPO WORKING ARRANGEMENT WITH THE EUROPEAN COURT OF AUDITORS

- The European Court of Auditors – www.eca.europa.eu – was established to audit the EU's finances.
- The ECA may identify cases of potential fraud in the course of its work, or receive reports of such cases from third parties.
- The European Public Prosecutor's Office signed a working arrangement on 3 September 2021 with the European Court of Auditors (ECA). This arrangement aims to provide a structured framework for establishing and maintaining a cooperative relationship between both parties, for the purpose of protecting the EU budget.
- The arrangement includes: timely collaboration on information transmission, access and exchange; precautionary measures on the part of the ECA; the EPPO's access to ECA premises for conducting investigations; the EPPO's provision of information to the ECA for auditing purposes; training in areas of common interest and exchange of staff.

THE EPPO WORKING ARRANGEMENT WITH THE GENERAL PROSECUTOR'S OFFICE AT THE CORTE DEI CONTI

- The Corte dei conti, under the Italian Constitution, has jurisdiction on public accounting, including administrative liability.
- Administrative liability implies a damage to public funds and entails its reparation.
- When a damage to public resources is ascertained, the claim for administrative liability is brought by the Prosecutor's Office at the Corte itself.
- The jurisdiction of the Corte dei conti on frauds in public grants and misuse of them, including EU funds, has been recognized.

THE EPPO WORKING ARRANGEMENT WITH THE GENERAL PROSECUTOR'S OFFICE AT THE CORTE DEI CONTI

- The working arrangement signed by the General Prosecutor at the Corte dei conti with the European Chief Prosecutor provides a mutual duty to report, exchange of documents, access by EPPO to the Corte's databases and cooperation in case-related matters.
- In 2022 the Corte ordered the compensation of damage to public resources amounting to € 36,780,615.83, ensuring the respect of the principle of assimilation (art. 325 TFEU).
- In a recent case, thanks to the cooperation with EPPO (and other investigative bodies), the Prosecutor's Office obtained the spontaneous reimbursement of a damage amounting to more than 2.000.000 euro.