



EUROPEAN
PUBLIC
PROSECUTOR'S
OFFICE

Managing Financial Investigations

5 - 16 June 2023

EUROPEAN PUBLIC PROSECUTORS OFFICE

13 June 2023

**Protecting EU
taxpayers' money
from criminals**

www



Mission and tasks



The EPPO:

- ▶ investigates,
- ▶ prosecutes, and
- ▶ brings to judgment the perpetrators of or accomplices to crimes affecting the financial interests of the EU.

Crimes investigated by the EPPO*



Expenditure and customs fraud.



VAT fraud involving two or more Member States and total damages of at least €10 million.



Corruption that damages the financial interests of the EU.



Misappropriation of EU funds or assets by a public official.



Money laundering involving property derived from these crimes.



Participation in a criminal organisation with focus on PIF offences.



Any other **'inextricably linked'** offences.

*As provided for in the PIF directive on the fight against fraud to the EU's financial interests by means of criminal law and implemented by national legislations. The directive harmonises definitions, sanctions and limitation periods of criminal offences.

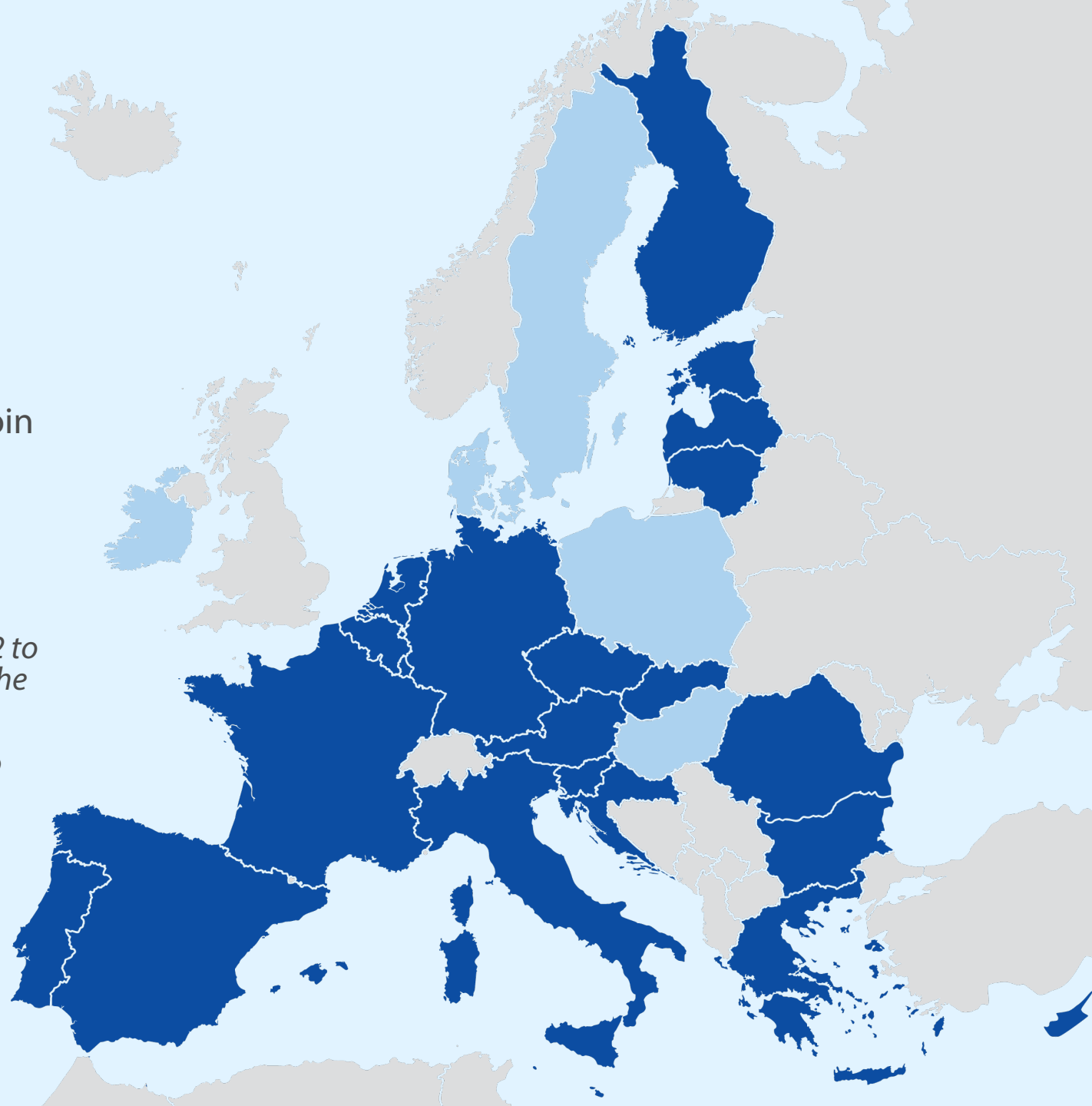
Which Member States participate in the EPPO?

- Twenty-two EU Member States decided to join the EPPO and participate in the enhanced cooperation.
- Five EU Member States do not participate.

- *Denmark does not take part in the AFSJ (Protocol no. 22 to TFEU): it cannot take part in any EU Regulations, unless the Denmark Constitution and the Protocol are amended;*

- *Ireland has an opt in/out to the AFSJ (Protocol no. 21 to TFEU): it may decide to opt-in and join the EPPO*

- *Hungary, Poland and Sweden decided not to join at the time of establishment, but, like Ireland, they may join the EPPO at a later stage.*



Territorial competence

The EPPO is competent to investigate offences committed:

- ▶ in whole or in part, in a participating Member State,
- ▶ anywhere by a national of a participating Member State,
- ▶ or by an EU servant.



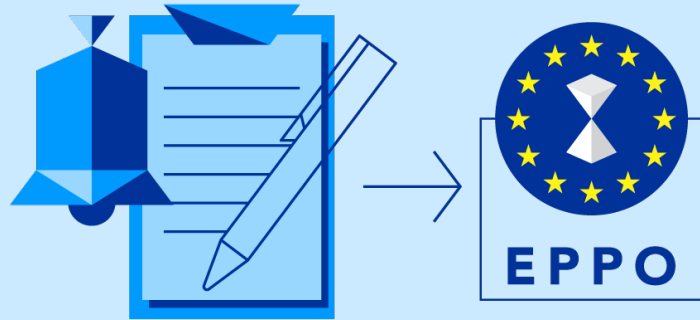
The EPPO: a game-changer

As a supranational prosecution office, the EPPO has an unprecedented capacity to investigate and prosecute financial crime, using its 'helicopter view'. It can:

- ▶ carry out investigations across all participating Member States in a coordinated manner,
- ▶ rapidly exchange information,
- ▶ ensure the fast freezing or seizure of assets and, where necessary, request arrests.

Investigations: how it works

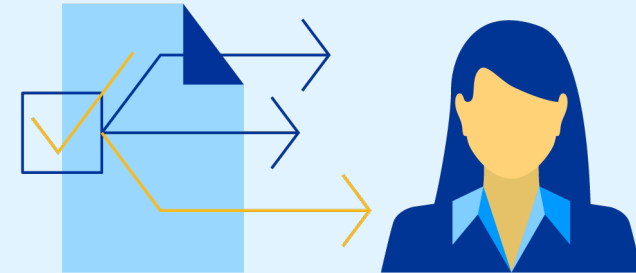
1



Information comes to the EPPO:

- ▶ From private parties via Report a Crime web form
- ▶ From national authorities

2



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

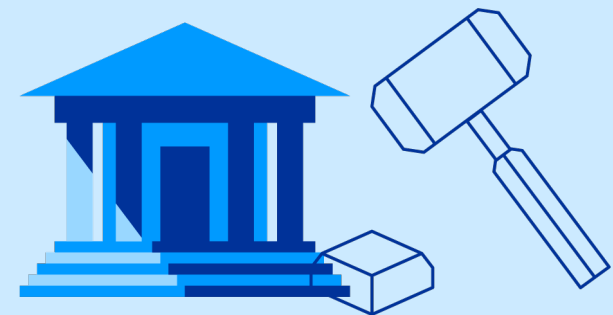
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If opened, EDP investigates from start to finish

- ▶ Supported by EPPO financial investigators and case analysts
- ▶ Supported by national police, customs, tax services...
- ▶ Monitored by a **Permanent Chamber in Luxembourg**



4



Case is tried before the national courts.

EPPO Crime Report



EPPO CRIME REPORT

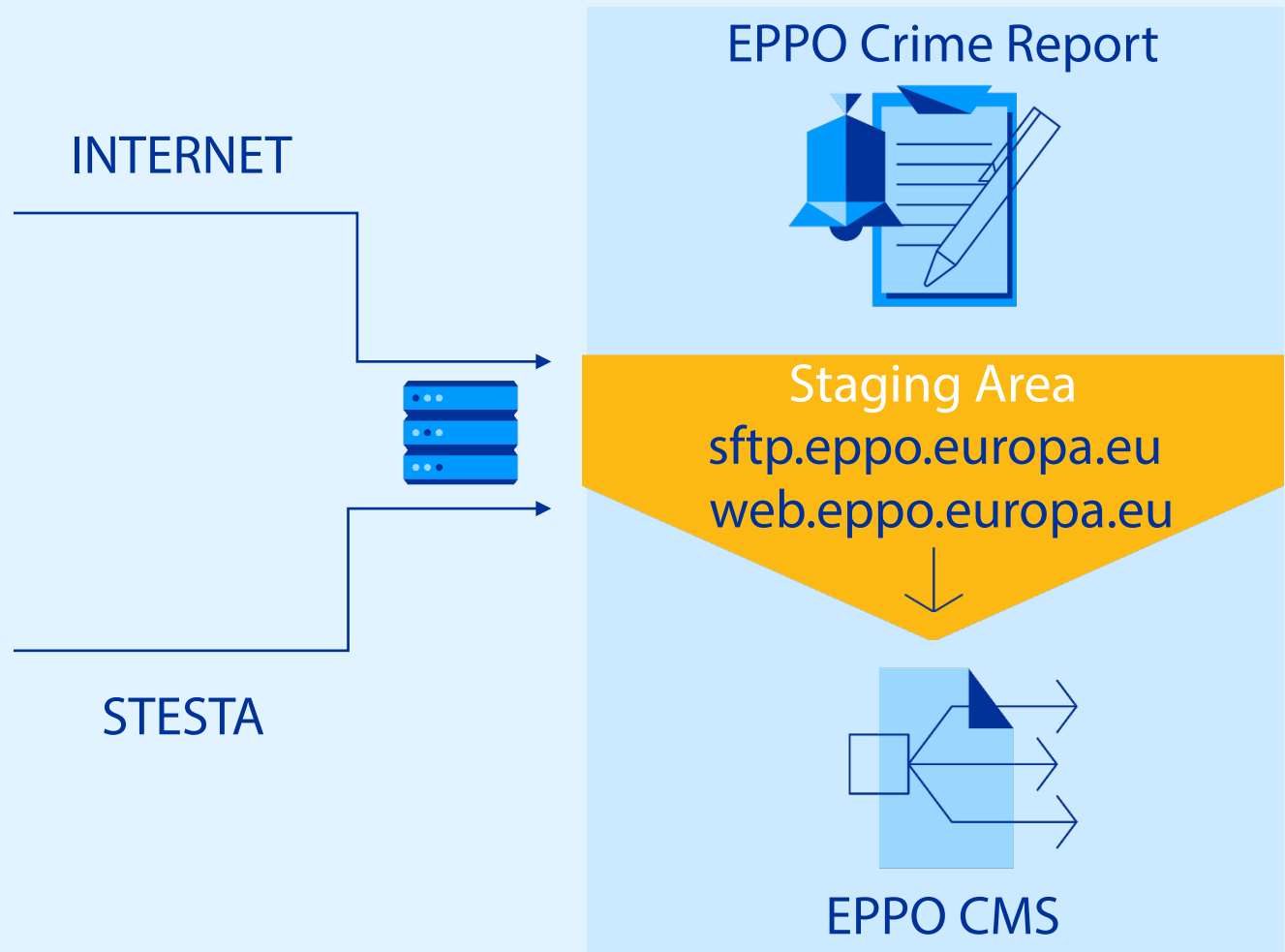
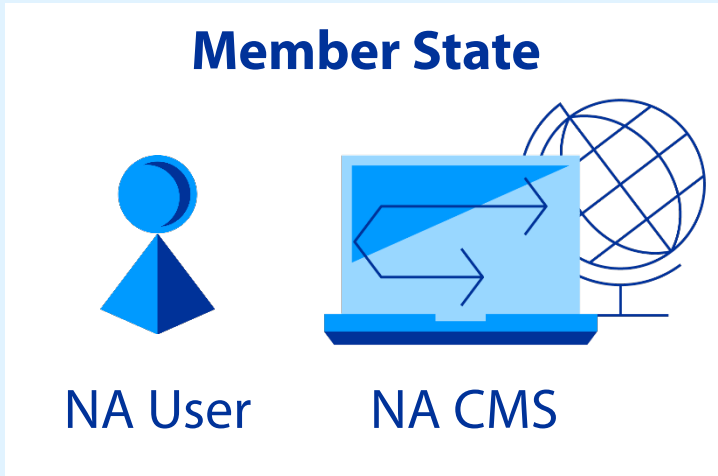
Use this form to report information about a PIF offence

Reporting Entity			
Name of public institution or authority *			
<input type="text"/>			
Country/HQ *	<input type="text"/>	<input type="text"/>	
Address *	<input type="text"/>		
Tel.	<input type="text"/>	Email	<input type="text"/>
Contact Person			
Name *	<input type="text"/>	Designation *	<input type="text"/>
Tel. *	<input type="text"/>	Email *	<input type="text"/>

Criminal investigation already initiated by national authorities ? *		<input type="radio"/> Yes	<input type="radio"/> No / Don't know
Case reference number *	<input type="text"/>		
Date when national investigation started	<input type="text"/>		

Is there an EDP linked to the case ?		<input type="radio"/> Yes	<input type="radio"/> No
EDP name	<input type="text"/>		

Channel - EPPOBOX



How can citizens report to the EPPO?

1



Private parties report through the EPPO website

2



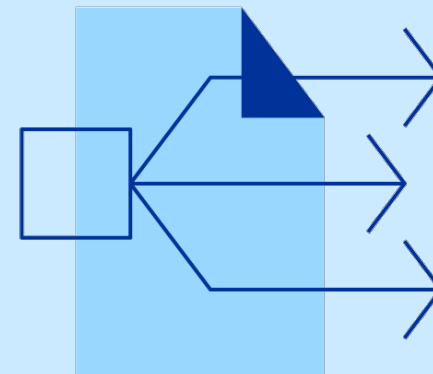
Through the dedicated 'Report a crime' form

3



The report can be submitted
in 24 different languages

4



And is submitted to the EPPO's
Case Management System

European Union Partners:



Europol

- ▶ Working arrangement
- ▶ Exchange of information
- ▶ Reception of support



Eurojust

- ▶ Working arrangement
- ▶ Judicial cooperation with third countries and non-participating Member States
- ▶ Joint Investigation Teams



EU Anti-Fraud Office (OLAF)

- ▶ Working arrangement
- ▶ Hit/No-Hit Mechanism
- ▶ Exchange of information
- ▶ Reception of support
- ▶ Complimentary investigations

Agreement with European Commission

Working arrangements with other IBOAs, such as:

European Court of Auditors
European Investment Bank



Cooperation with non-participating Member States:

- ▶ Judicial cooperation is based on EU instruments for which the EPPO is notified as the competent authority pursuant to Article 105(3) of the EPPO Regulation.
- ▶ In addition, working arrangements can be signed with relevant national authorities, pursuant to Articles 99 and 105(2) of the EPPO Regulation.

Working arrangements:

- ▶ Office of the Prosecutor General of **Hungary** entered into force on 6 April 2021
- ▶ **Ongoing:** the Danish Ministry of Justice

Cooperation with third countries:

Judicial cooperation is based either on agreements concluded by the Union/to which the Union is a Party (Art. 104 paragraph 3 EPPO Regulation; e.g. EU-UK TCA, UNTOC, UNCAC), international agreements to which the participating Member States are Parties (Art. 104 paragraph 4 EPPO Regulation; e.g. 1959 Convention on Mutual Legal Assistance), the national powers of the EDPs (Article 104 paragraph 5 EPPO Reg.), or reciprocity or international courtesy (Article 104 paragraph 5).

Working arrangements signed by the EPPO:

- Prosecutor General's Office (**Ukraine**) (18 March 2022)
- Prosecutor General's Office of the Republic of **Albania** (4 July 2022)
- Prosecutor General's Office of the Republic of **Moldova** (13 July 2022)
- **United States** Department of Justice and Department of Homeland Security (26 July 2022)
- Supreme State Prosecutor's Office **Montenegro** (22 September 2022)
- Prosecution service of **Georgia** (28 September 2022)
- State public prosecutor's office of **North Macedonia** (24 October 2022)

Ongoing: Bosnia and Herzegovina, Serbia, Moldova National Anticorruption Centre, Albanian Special Anti-Corruption Structure (Spak), National Anti-Corruption Bureau of Ukraine



Participation in international organisations/networks:

Observer status: European Partners Against Corruption/European contact-point network against corruption (EPAC/EACN); OECD working group on bribery (WBG, Organisation for Economic Co-operation and Development); OECD Task Force on Tax Crimes (TFTC); The Council of Europe's Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC CoE); Camden Asset Recovery Inter-agency Network (CARIN)

Ongoing application: GlobE Network, Financial Action Task Force (FATF) and The Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL CoE)

Participation in: The Financial Action Task Force (FATF) roundtable; Law enforcement officials (OECD) meetings; World Bank forum; NADAL Network; EuroMed



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Structure

The EPPO is composed of two levels:

- ▶ The central level:
 - ▶ the European Chief Prosecutor,
 - ▶ 22 European Prosecutors, two of whom are appointed by the College as Deputies for the European Chief Prosecutor,
 - ▶ the Administrative Director, and dedicated technical and investigative staff.
- ▶ The decentralised level:
 - ▶ European Delegated Prosecutors located in the participating Member States.



The **central level** supervises the investigations and prosecutions carried out at the **national level**.



College of the EPPO

The College of the EPPO

- ▶ Chaired by the European Chief Prosecutor + 22 European Prosecutors (1 per participating Member State)

Role:

- ▶ Decision-making on strategic matters
- ▶ Adoption of internal rules of procedure, to ensure coherence and consistency



Permanent Chambers

What are they?

- The **Permanent Chambers** monitor and direct the investigations and prosecutions conducted by the EDPs. This ensures the EPPO's independence from national judiciaries.
- Formed by 3 European Prosecutors from a country that is not involved in the investigation.

In practice:

- In practice, the **Permanent Chamber decides**, based on a proposal by the EDP, whether to **prosecute** the case before a national court, to **dismiss** it or opt for **simplified procedures** (e.g. plea bargaining).

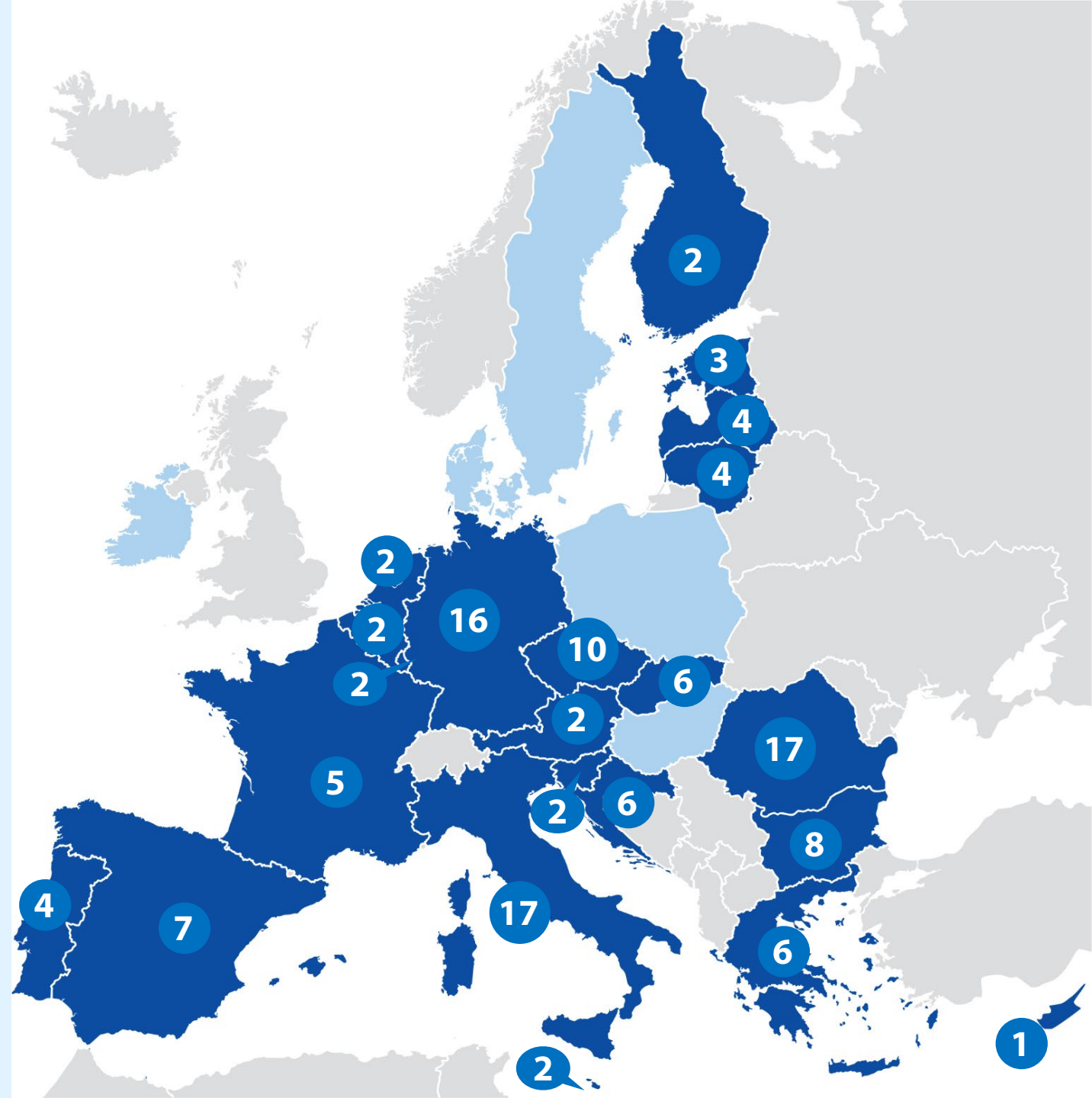
European Delegated Prosecutors:

- EDPs handle investigations and prosecutions in their Member State of origin.
- They work under the supervision of a European Prosecutor from the same Member State, on behalf of the competent Permanent Chamber, which monitors and directs the investigations and prosecutions conducted by the EDPs.
- They shall be granted by their Member State at least the same powers as national prosecutors.
- They remain integrated at an operational level in their national legal system and judicial and prosecution structures.

European Delegated Prosecutors

● Active number of European Delegated Prosecutors

May 2023





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EPPO IN NUMBERS

Reports and complaints received in 2022:

- ▶ 103 from EU institutions, bodies, offices and agencies
 - ▶ 1 258 from national authorities
 - ▶ 1 924 from private parties
- ▶ Out of 3 318 crime reports received in 2022, 58% came from private parties.



EUROPEAN
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2022 IN NUMBERS

1117



Active
investigations

€14.1
billion



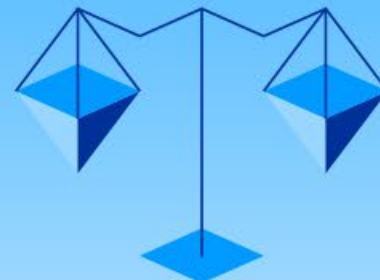
Estimated
total damages

€359.1
million



Freezing
orders

87



Indictments

20



Convictions



THANK YOU!

Johann Zoeller

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