

HOW TO MAKE ENVIRONMENTAL CRIME UNPROFITABLE

Presentation of the European Public Prosecutor's Office

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**Protecting EU
taxpayers' money
from criminals**

www

WHAT DOES THE EPPO DO?



Protecting EU
taxpayers' money
from criminals





The EPPPO:

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

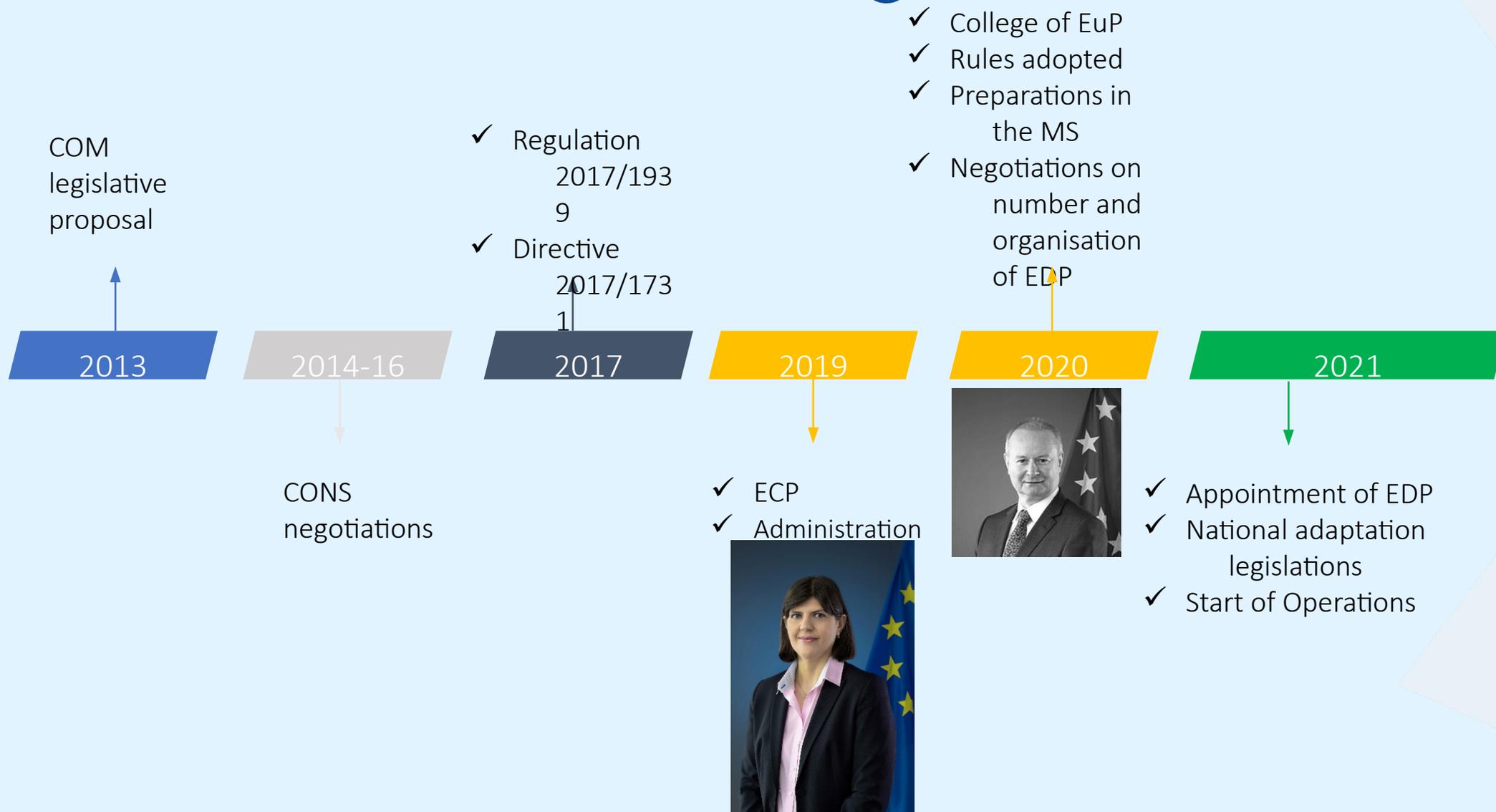
Art 86 of the Treaty on the Functioning of the EU

1. In order to combat crimes affecting the **financial interests** of the Union, the Council, by means of regulations adopted in accordance with a special legislative procedure, may establish a European Public Prosecutor's Office from Eurojust.

2. The European Public Prosecutor's Office shall be responsible for investigating, prosecuting and bringing to judgment, where appropriate in liaison with Europol, the perpetrators of, and accomplices in, **offences against the Union's financial interests**, as determined by the regulation provided for in paragraph 1. It shall exercise the functions of prosecutor in the competent courts of the Member States in relation to such offences.



Setting-up Timeline



■ **Regulation (EU) 2017/1939 of 12 October 2017** implementing enhanced cooperation on the establishment of the **European Public Prosecutor's Office ('the EPPO')**

■ **Directive (EU) 2017/1371 of 5 July 2017** on the fight against fraud to the Union's financial interests by means of criminal law (the so-called **PIF Directive**)

➤ Establishes minimum rules concerning the definition of criminal offences and sanctions with regard to combatting fraud and other illegal activities affecting the EU's financial interests (harmonization of criminal law of the EU in the area of PIF crimes)



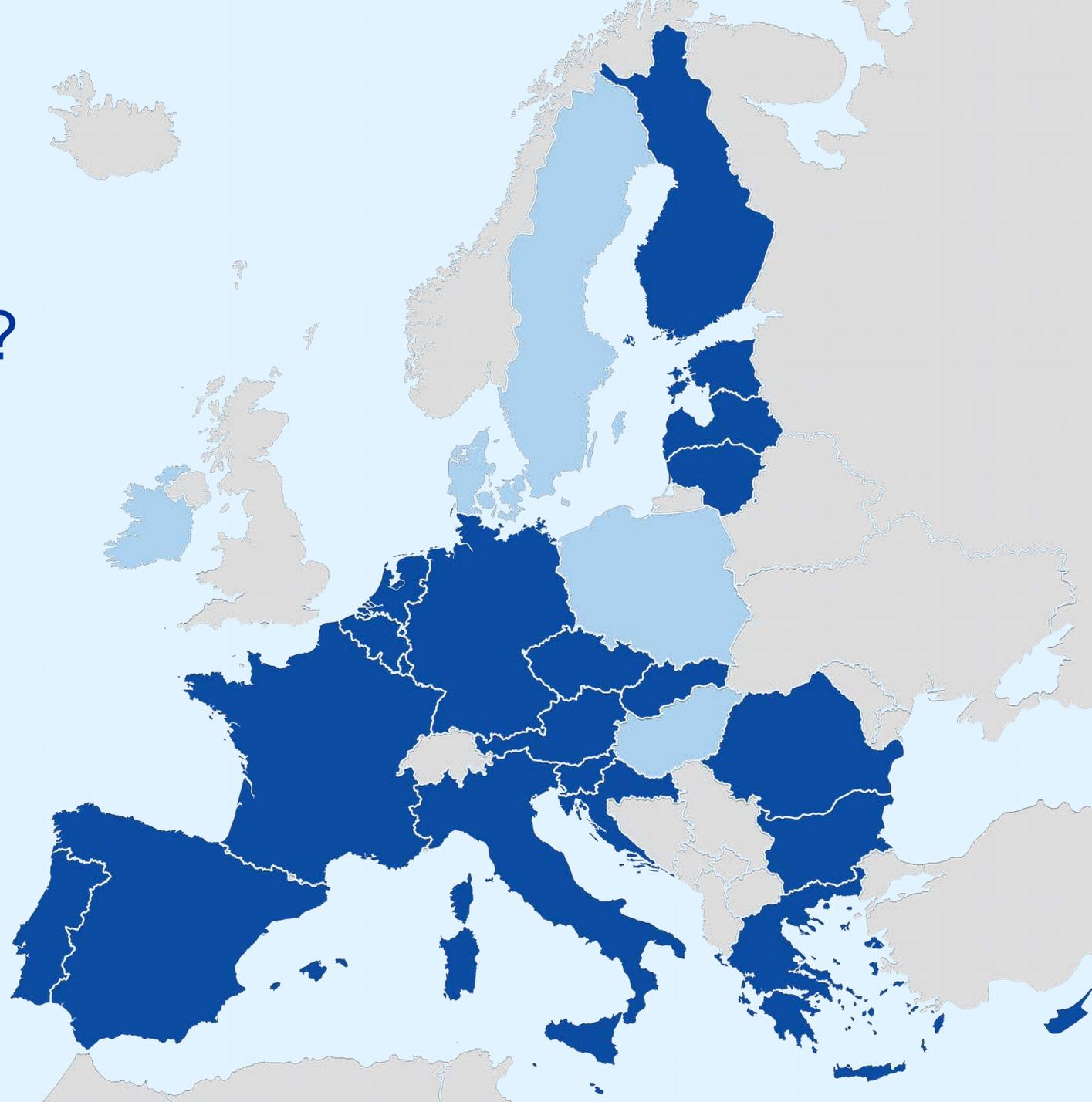
Which Member States participate in the EPPO?

- 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.



WHICH CRIMES DOES THE EPPO INVESTIGATE?



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.



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.

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:

EPPO is an independent body established by Regulation (EU) 2017/1939 of the European Parliament and of the Council of 23 October 2017. It is an independent body established by Regulation (EU) 2017/1939 of the European Parliament and of the Council of 23 October 2017. It is an independent body established by Regulation (EU) 2017/1939 of the European Parliament and of the Council of 23 October 2017.

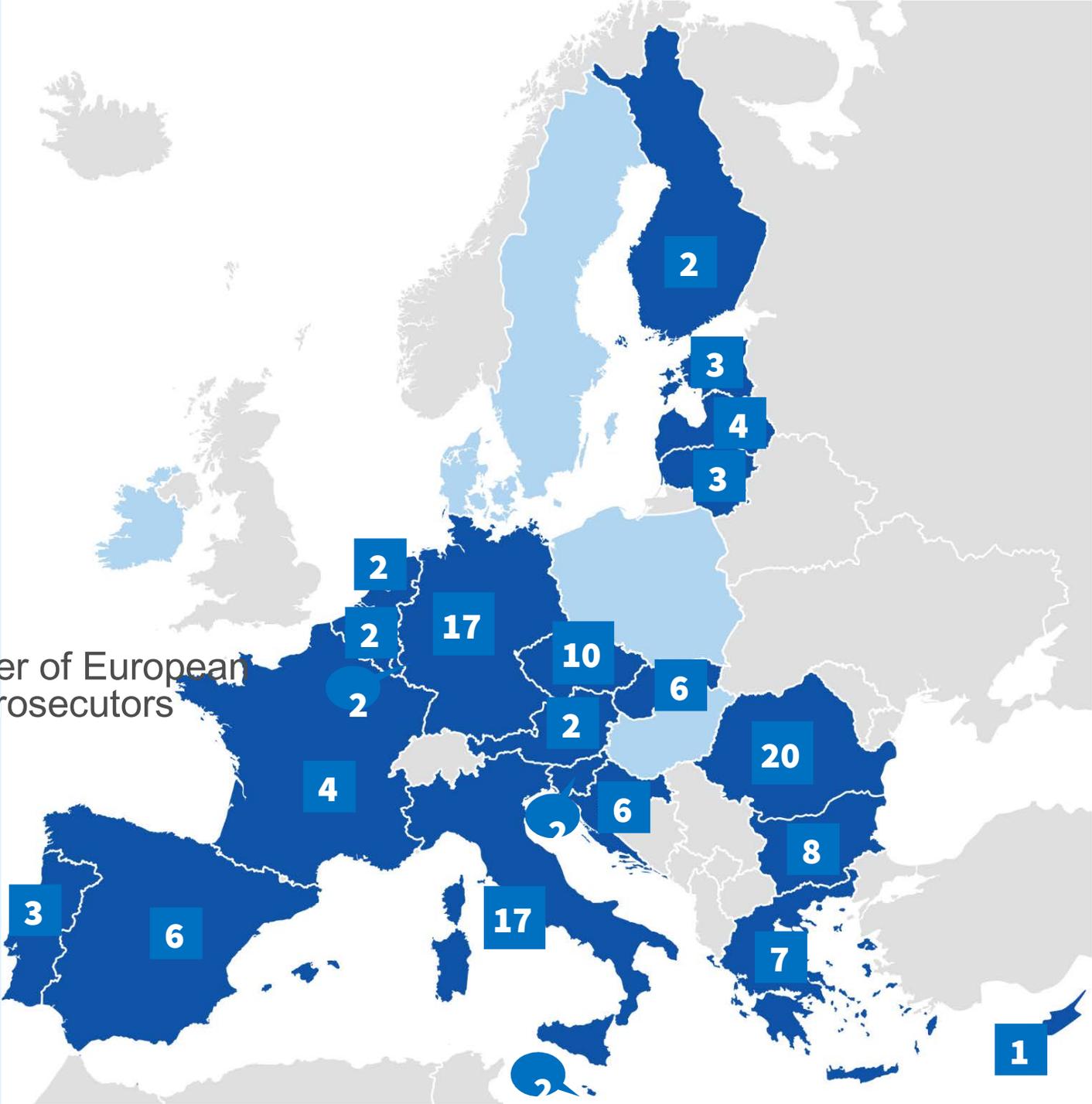


European Delegated Prosecutors



September 2023

Active number of European Delegated Prosecutors



OUR TOOLS TO COMBAT CROSS-BORDER CRIME



Single office – *acting faster, borderless and in a coordinated manner*

- Independent from the Member States
- 22 participating MS - EPPO zone (cross-border investigation)
- Single investigation and prosecution policy
- Coordination meetings - establish a common investigative approach - Action days
-

Specialized Central Office support

- Ensure the centralization and exchange of information between EPPO offices
- “Helicopter-view” over the most serious PIF crimes at EU level
- Provide customized support to investigations
- Support coordinated actions ((CCC) coordination and control center)
-

Access to national and European databases

Support by European and national partners (*Eurojust, OLAF, Europol, LEAs, AROs, FIUs, Tax Administrations*)



Art. 31 par. 1 of the Regulation :

*“The European Delegated Prosecutors shall act in **close cooperation** by **assisting and regularly consulting each other in cross-border cases. ...”***

The **second part of this paragraph** introduces a **“revolutionary provision”** in the field of international cooperation in criminal investigations:

*“Where a measure needs to be undertaken **in a Member State other than the Member State of the handling European Delegated Prosecutor**, the latter European Delegated Prosecutor shall decide on the adoption of the necessary measure and **assign it to a European Delegated Prosecutor located in the Member State where the measure needs to be carried out.**”*

**DECISION OF THE HANDLING EUROPEAN DELEGATED PROSECUTOR
TO ASSIGN MEASURES TO AN ASSISTING EUROPEAN DELEGATED PROSECUTOR IN
CROSS-BORDER INVESTIGATIONS**

Article 31 of the EPPO Regulation

The European Delegated Prosecutor, [*name*],

Having regard to the Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ("the EPPO Regulation"), and in particular Articles 30, 31 and 32 thereof, and the Internal Rules of Procedure ("IRP") adopted by the College of the EPPO on 12 October 2020, in particular Article 53 thereof,

[*in case of complementary assignment*] Having regard to the previous decision of the handling European Delegated Prosecutor to assign measures issued on [*date*],

[*where appropriate*] Having regard to the judicial authorisation/order for the requested measure, granted/issued by [*competent judicial authority of the handling EDP's MS*] on [*date*], attached to this Decision,

[Unless otherwise agreed with the assisting EDP, the assignment and the judicial authorisation/order shall be submitted in the language of the latter]

Having considered that there is a need to undertake investigation measure(s) in [*Member State*] based on the following grounds:

[Set out the object and reasons for the assignment, including:

- *a summary of the facts, that are the object of the investigation or proceedings, the legal qualification of the facts as well as the applicable provisions of the EPPO Regulation and the criminal law of the handling EDP;*
- *the necessary information available on the person(s) concerned;*
- *the reasons for the assignment and, for measures mentioned in article 30.1(a) and (c) to (f), the existence of reasonable grounds to believe that the specific measure in question might provide information or evidence useful to the investigation, while there is no less intrusive measure available which could achieve the same objective as per 31(5) EPPO Regulation,*





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OUR STRATEGIC OBJECTIVE

- ▶ GOING AFTER THE MONEY AND MAKE SURE
CRIME DOES NOT PAY



The College of the EPPA encourages all its Prosecutors to

- ▶ Implement a proactive asset recovery approach from the onset
- ▶ Pursue the identification, tracing, seizure and confiscation of criminal proceeds as a priority
- ▶ Use multi-disciplinary task forces and involve relevant stakeholders
- ▶ Use all possible sources and channels to follow the trail of money via (parallel) financial investigations and collect asset relevant information
- ▶ Make use of the full legal confiscation arsenal and look for alternative (administrative) efficient means
- ▶ Minimize/recover the damage before trial
- ▶ Respectively request confiscation measures with the aim to repatriate ill-gotten assets to the Budget of the MS and the EU

How to implement this strategy

- ▶ **as a policy objective**
- ▶ The ARMLAB
- ▶

The Asset recovery and money laundering Board (ARMLAB)

▶ Established by the College of the EPPO

- ▶ Financial investigations, asset recovery and money-laundering identified as issues of **strategic importance**
- ▶ Show the particular commitment of the EPPO in this area

▶ **Central body** within the EPPO, dedicated to asset recovery and money-laundering issues

▶ **Facilitate and streamline** the implementation of the **strategic objectives** across the participating MS

▶ Create a dedicated **centre of expertise** within the EPPO and serve as a contact point *vis-à-vis* relevant external stakeholders



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OPERATIONAL ACTIVITY OF THE

▶
EPPO
▶

▶ 2022



2022 IN NUMBERS

1117



Active
investigations

€14.1
billion



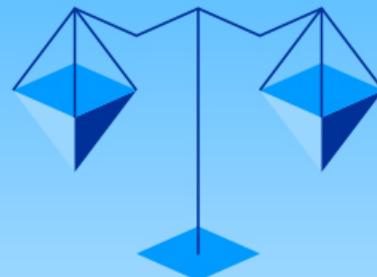
Estimated
total damages

€359.1
million



Freezing
orders

87



Indictments

20



Convictions



Recovery actions in 2022

210

Recovery actions
(€359 million)

18

Member States
involved

**€49
million**

Single highest
seizure

**Main assets
seized**

Accounts, real estate, vehicles, shares and luxury items

Criminal merchandise removed

Clothing products and e-bike components

**€14,9
million**

Amount recovered before trial

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.



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THE FUTURE...

- ▶ Extension of EPPO-competence?
- ▶





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Restrictive measures

- ▶ Council decision 2022/2332/EU (28/11/2022): violation of restrictive measures considered as cross border EU-crime
- ▶ Proposal for EU directive (02/12/2022) for harmonized criminal approach towards violation of restrictive measures
- ▶ Ongoing discussions in European parliament to enlarge EPPO-competence to investigate and prosecute violations of restrictive measures (link with PIF-offences such as customs fraud)





THANK YOU

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