



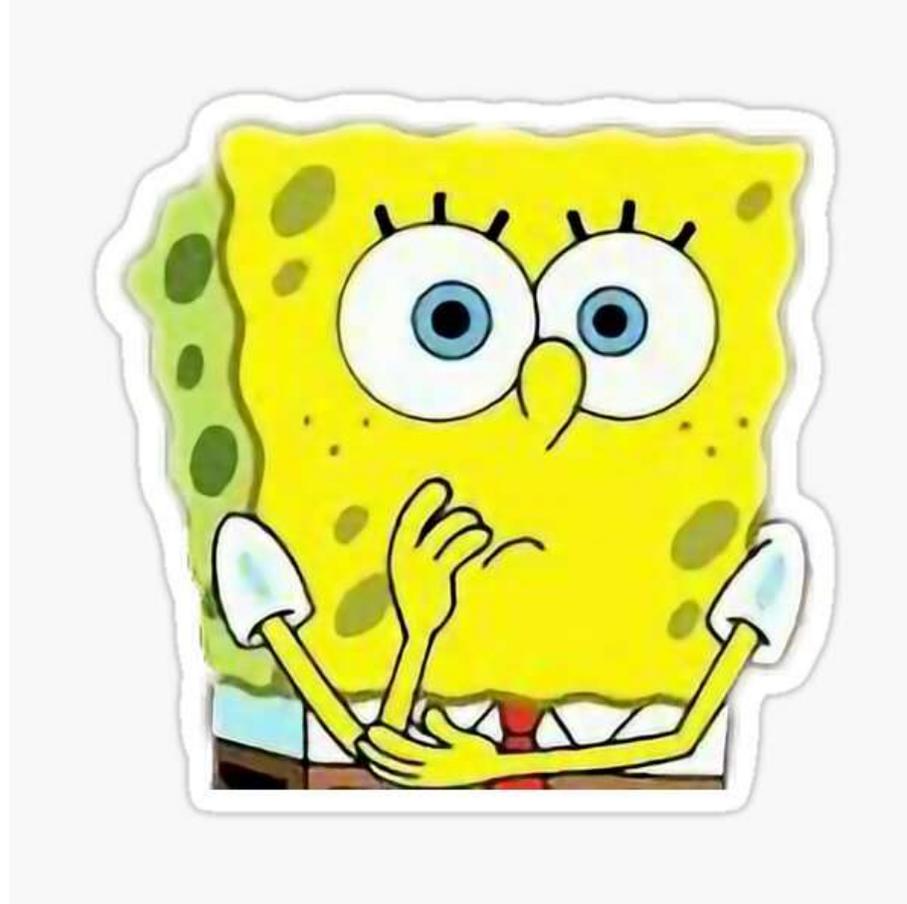
EUROPEAN
PUBLIC
PROSECUTOR'S
OFFICE

THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE

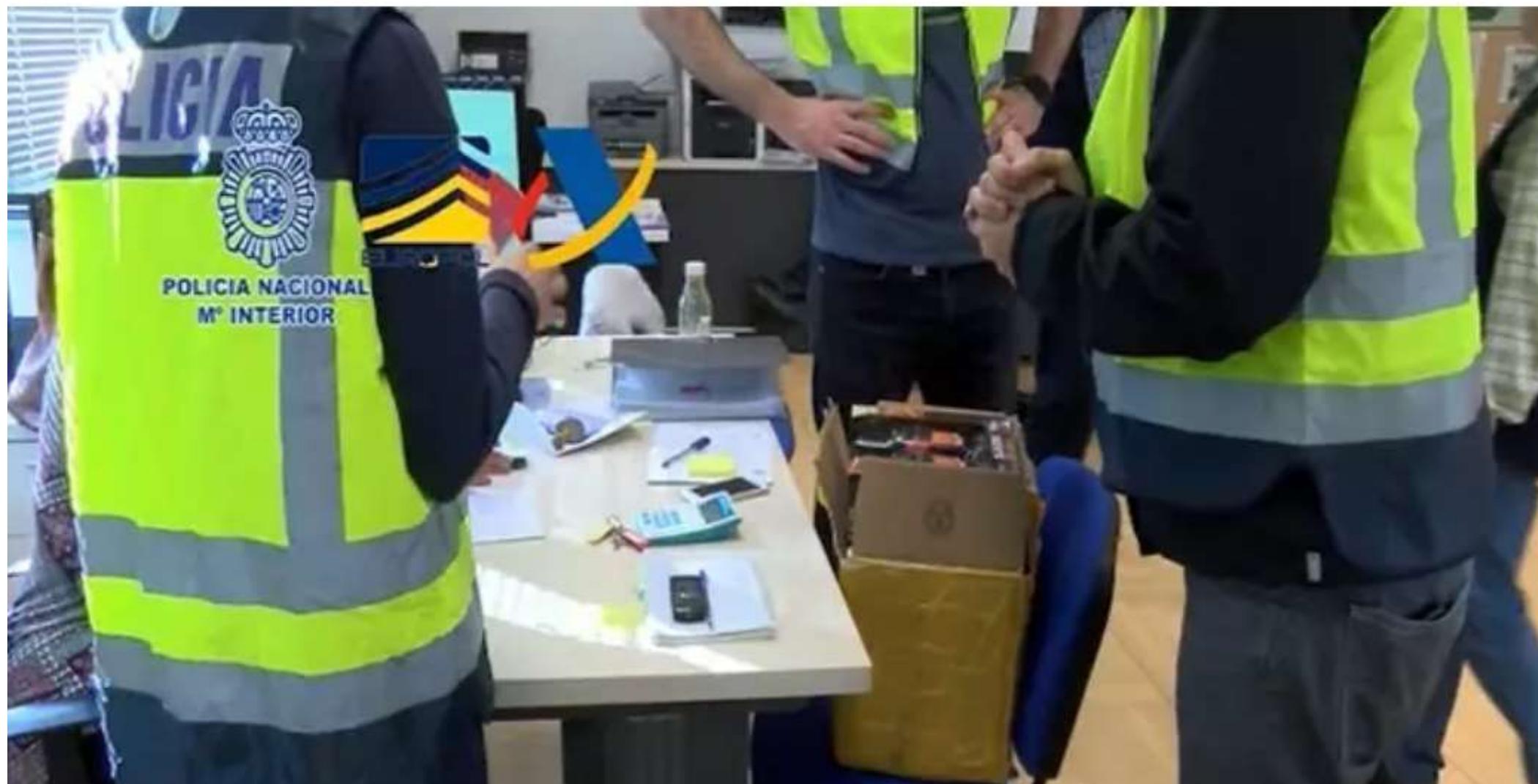
What is the European Public Prosecutor's Office?

- The European Public Prosecutor's Office is the first body in the European Union to **investigate crimes against the EU's financial interests and to prosecute the perpetrators**, within the scope of its competences.
- A body with organic and functional independence, with the power to draw up its own regulations, the capacity to adopt its own initiatives within its criminal proceedings, without being subject to orders from either the European Union or the Member States.

The reason for its existence?



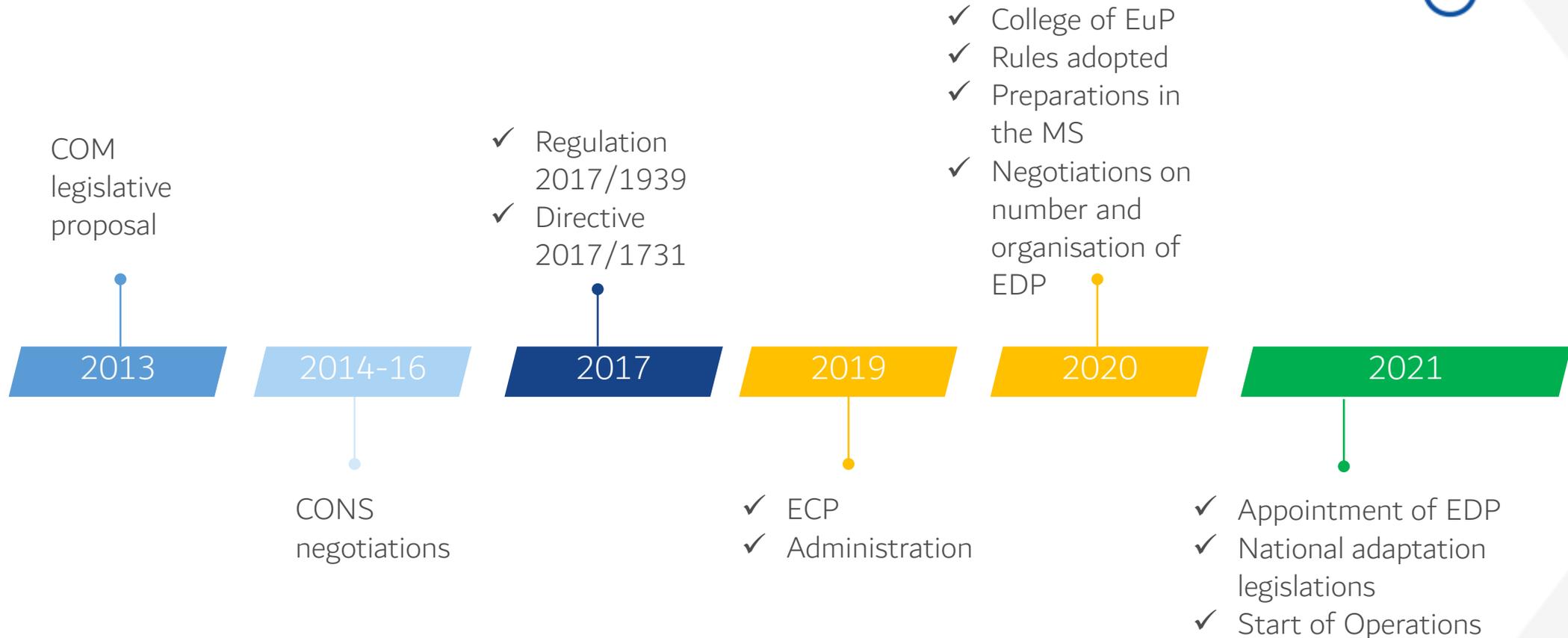
España perdió 4.900 millones por fra 2018, según la Comisión Europea





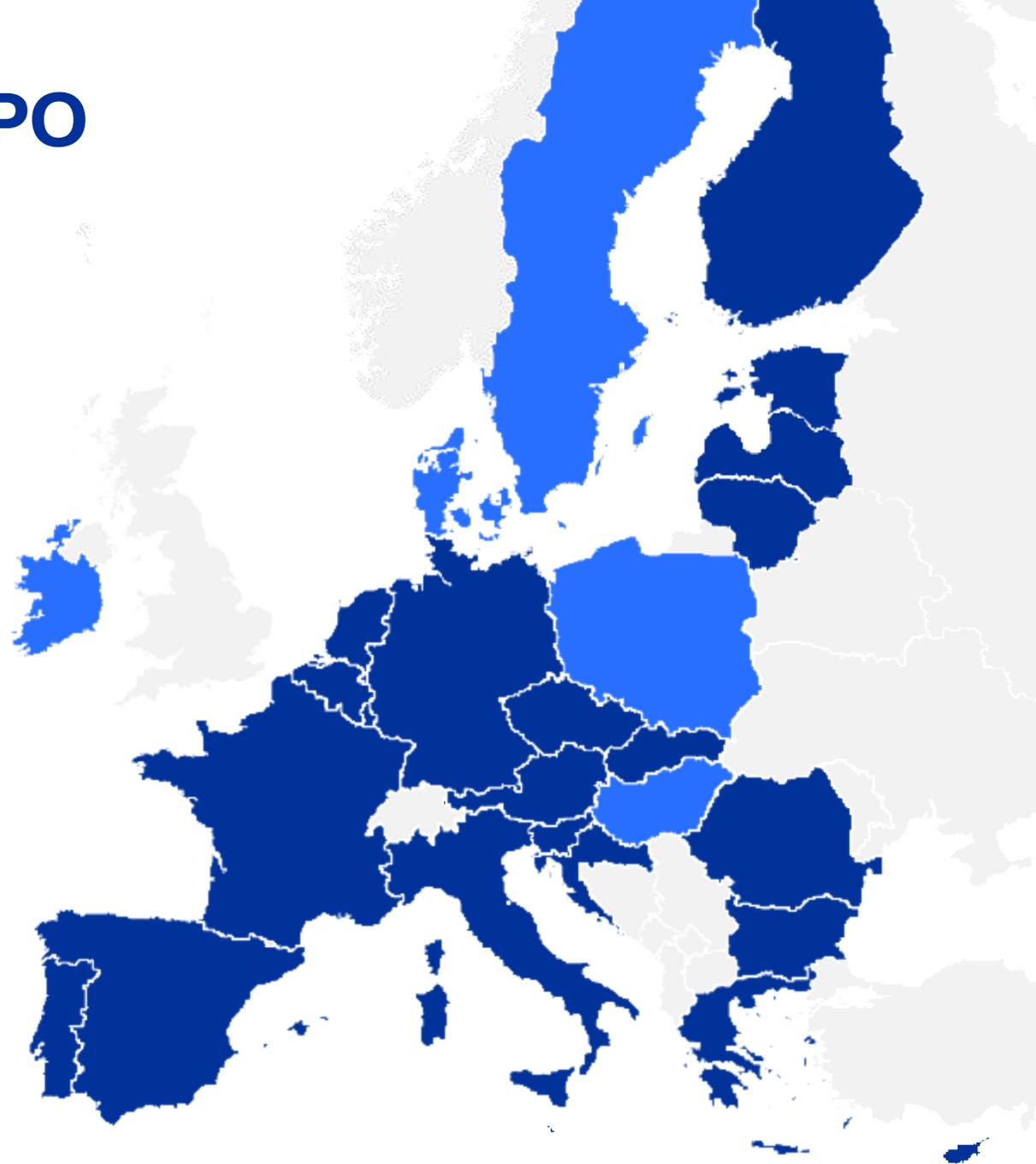
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European Public Prosecutor's Office: Timeline



EU Member States in EPP

-  Participating EU Member States
-  Non-participating EU Member States
-  Non-EU Member States



Legal- institutional regulation EUROPEAN PUBLIC PROSECUTOR' S OFFICE SPAIN

- **Council Regulation (EU) 2017/1939** of 12 October 2017 establishing enhanced cooperation in the establishment of the European Public Prosecutor's Office
- **Rules** of Procedure of the European Public Prosecutor's Office (Art. 21 Rto, College Decision 3/2020, of 12 October) - OJEU of 21 January 2021
- **General Guidelines** agreed by the College of the European Public Prosecutor's Office on investigation, referral and referral of cases (Art. 27.8 R, College Decision 29/2021, of 21 April)
- **Organic Law 9/2021** of 1 July, implementing Regulation (EU) 2017/1939
- **Criminal Procedure Law** (art. 2.2 and DF 8ª LO 9/2021)
- **DC Directive 2017/1371** - Criminal Code.



FISCALÍA
EUROPEA

Temporary jurisdiction

Offences committed from the entry into force of the Regulation, i.e. from 20.11.2017 (Article 120 of the Regulation),

Provided that the national investigation has not been completed and no charges have been brought before a court (Art. 27.7 of the Regulations).

Date of start of operations:
June 1, 2021.

Territorial jurisdiction

Article 23 Regulations. Crimes:

- (a) have been committed in whole or in part in the territory of one or more of the Member States;
Exception: VAT fraud
- (b) have been committed by a national of a Member State, provided that a Member State has jurisdiction over that type of offence when committed outside its territory, or
- (c) have been committed outside the territories referred to in point (a) by a person subject to the Staff Regulations of Officials or the Conditions of Employment of Other Servants at the time of the commission of the offence, provided that a Member State has jurisdiction over that type of offence when committed outside its territory.

Article 23.3 and 4 of the LOPJ.

Material competence

PIF Directive (Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud affecting the Union's financial interests through criminal law)

- > 6 July 2019, transposed into national legislation (in Spain, LO 1/2019 CP reform)
- It covers the fight against fraud against the EU's financial interests through criminal law.
- It harmonizes the definitions, penalties and limitation periods for criminal offences.

Cross-border VAT fraud involving total damages in excess of €10 million.

Other types of fraud affecting the EU's financial interests.

Corruption that harms the EU's financial interests.

Embezzlement of EU funds or assets by a public official.

Money laundering and organized crime, and other inextricably linked crimes.

Transposition into national law

1. Crimes against the Treasury of the Union .

In VAT: the territory of **two or more Member States** of the European Public Prosecutor's Office and entail, at least, a **total loss of EUR 10 million**.

2. Crimes of **fraud of subsidies and European aid** .

3. Money laundering offences involving property derived from offences adversely affecting the financial interests of the Union

4. Bribery offences where they do or are likely to harm the financial interests of the Union

5. Offences of **embezzlement of public funds** when it harms the financial interests of the Union in any way.

6. **Smuggling offences** when they affect the financial interests of the Union, i.e. when customs debt is generated.

7. Offences relating to **participation in a criminal organisation** whose main activity is the commission of any of the offences provided for in the preceding paragraphs.

8. Offences **inextricably linked** to the above when they are instrumental in committing the offence within the competence of the European Public Prosecutor's Office. In the case of related non-instrumental offences, the European Public Prosecutor's Office has jurisdiction where the offence under FE jurisdiction carries a greater penalty than the related offence for which we are not competent (Article 25(3)(a) of the Regulation).

9. **Any other criminal acts that affect the financial interests of the European Union** within the meaning of the PIF Directive, regardless of the specific legal classification given to them (Article 22.1 of the Regulation and 4.1 LOFE). For example, a subsidy fraud that must be classified as a scam.



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Structure of the European Public Prosecutor's Office (Art. 8)

Central level



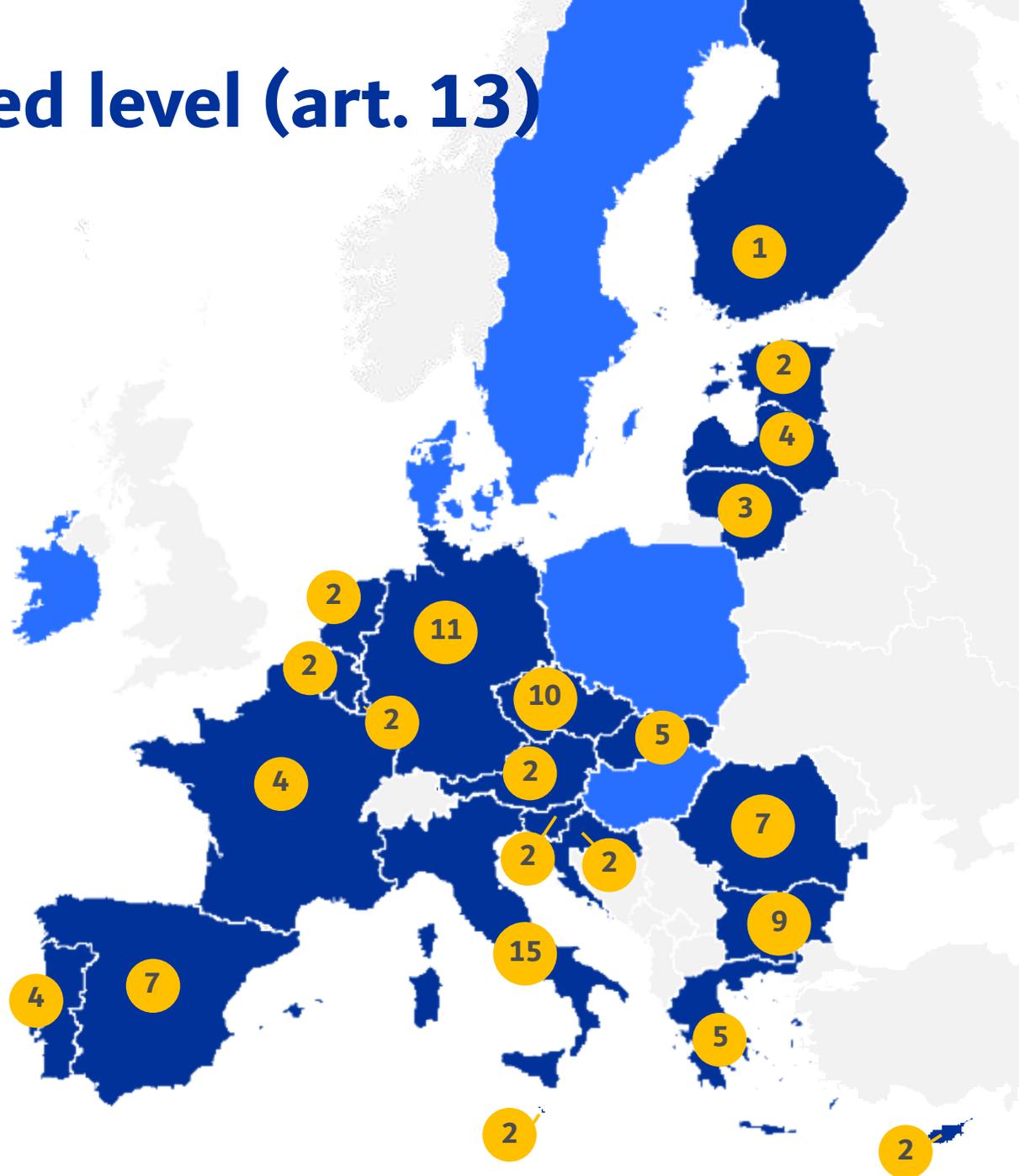
+ Administrative Director (art. 18)

Decentralized level



Structure: Decentralized level (art. 13)

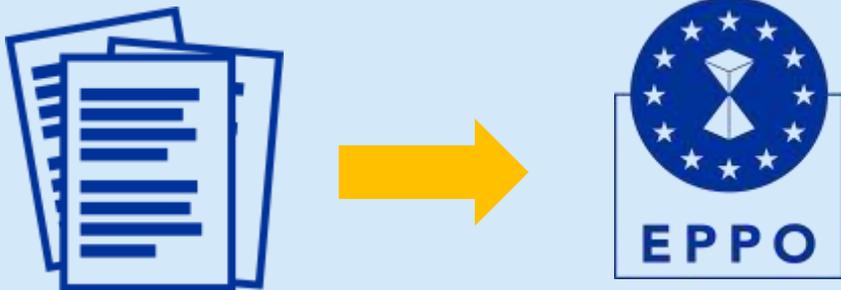
- Up to 140 European Delegated Prosecutors (EDPs or FEDs).
 - In charge of the investigations of the European Public Prosecutor's Office
 - Supervised by 15 Permanent Chambers in Luxembourg, composed of 3 European Prosecutors
- Full independence from its national authorities.
- Cases are tried before national courts.



● = Number of FEDs as of January 2022
(103)

Outline of the investigations

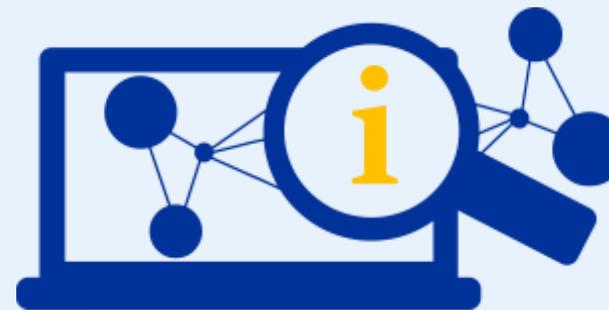
1



Information reaches the European Public Prosecutor's Office

- From individuals: WEB Form "Report A Crime"
- From National/Community authorities: ECR

2



Verification and registration in the digital Case Management System (CMS) and assigned to a European Delegated Prosecutor

3



If opened, EDP investigates from start to finish

- With the support of financial investigators and case analysts from the European Public Prosecutor's Office
- Supported by national police, customs, tax agencies,...
- Supervised by a Permanent Chamber in Luxembourg

4



The case is tried before National Courts

How do individuals report?

1



Individuals report through the **EPPO website**

2



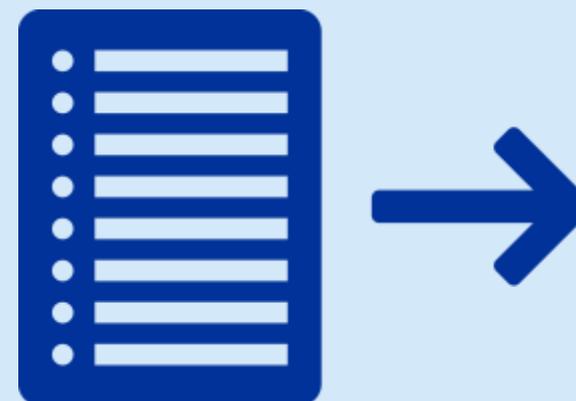
Standardized "**Report a crime**" form

3



The complaint can be filed in **19** different languages

4



And it is referred to the EPPO **CMS Case Management System**

Exercise of competence

- **ARTICLE 25** Regulations and 13 LO.
- Minor: 10,000 euros: consultation with national authorities
- Crimes inextricably linked: after consultation with national authorities.
- Harm caused to another victim: after consultation and consent of national authorities.
- Minor

The European Public Prosecutor's Office shall inform the competent national authorities without undue delay of any decision whether or not to exercise its jurisdiction.

Right of revocation. Article 27 of the Regulations.

- When: after receiving relevant information within 5 days, extendable for a further 5 days, during which time the national authorities will refrain from acting, except for urgent measures.
- Decision to revoke: the authorities will transfer the file and refrain from carrying out new acts of investigation in relation to the same crime.
- Decision not to revoke: EDF shall inform the Permanent Chamber thereof through the European Public Prosecutor of its Member State so that the Permanent Chamber may take a decision.
- Exception: damage of less than 100,000 euros.

Research: general lines

- **Opening** of an investigation (initiation or revocation) – principle of **legality (arts. 26, 27)**
- **Investigative measures (art. 30):**
 - Available under national criminal procedure law
 - Common set of investigative measures (offences = +4 years in prison)
- **Procedural guarantees (arts. 41 and 42):**
 - EU Charter of Fundamental Rights
 - National procedural law / EU directives procedural rights
 - Judicial review
- **Cross-border investigations (Art. 31)**
 - In participating Member States – SINGLE OFFICE
 - Elsewhere – instruments of judicial cooperation.



Cross-border investigations

- Article 51 LO 9/21: referenceto Articles 30 and 31 of the Regulations.
- FED Assistant EDF
- Requirements for the EDF country in charge, unless they are contrary to the EDF assistant law
- Judicial authorisation of the assisting EDF country, unless it is not required under its legislation but is required under the EDF in charge, in which case the authorisation will be accompanied by the allocation.
- EDF may request proceedings in non-participating third countries in accordance with Articles 103 and 104 of the Regulation.

Collaborators



Europol (Art. 102)

- Collaboration agreement
- Information exchange



OLAF (Art. 101)

- Collaboration Agreement
- Avoid duplications
- Maximising the protection of EU financial interests
- Support and complement to the activity of the European Public Prosecutor's Office



Eurojust (Art. 100)

- Collaboration agreement
- Requests for judicial cooperation
- Non-participating Member States and third States



National authorities (not exhaustive)

- Attorney General's Offices
- Specialized prosecutors' offices
- Law enforcement authorities
- Customs authorities



THANK YOU



eppo.europa.eu



Magistrate. European Delegated Prosecutor.

Juan José Navas Blánquez