



Ministry of Justice and Security



This programme was funded by the European Union's Justice Programme (2014-2020)

# Competences of the EPPO

Investigations conducted by the EPPO

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16 May 2019



## EPPO Regulation - Preamble

- > (70) It is essential for the effective investigation and prosecution of offences affecting the Union's financial interests that the EPPO be able to gather evidence by using at least **a minimum set of investigation measures**, while respecting the principle of proportionality. Those measures should be available with regard to the offences that are within the mandate of the EPPO, **at least where they are punishable by a maximum penalty of at least 4 years of imprisonment**, for the purpose of its investigations and prosecutions, but may be subject to limitations in accordance with national law.
- > (71) In addition to the minimum set of investigation measures listed in this Regulation, [EDPs] should be entitled **to request or to order any measures which are available to prosecutors under national law in similar national cases**. Availability should be ensured in all situations where the indicated investigative measure exists but may be subject to limitations in accordance with national law.



## Article 30, EPPO

- > 1. At least in cases where the **offence** subject to the investigation is **punishable by a maximum penalty of at least 4 years of imprisonment**, Member States shall ensure that the [EDPs] are entitled to order or request the following investigation measures:
  - > (a) **search** any premises, land, means of transport, private home, clothes and any other personal property or computer system, and take any conservatory measures necessary to preserve their integrity or to avoid the loss or contamination of evidence;
  - > (b) **obtain the production** of any relevant object or document either in its original form or in some other specified form;
  - > (c) **obtain the production** of stored computer data, encrypted or decrypted, either in their original form or in some other specified form, including banking account data and traffic data with the exception of data specifically retained in accordance with national law pursuant to the second sentence of Article 15(1) of Directive 2002/58/EC of the European Parliament and of the Council ( 1 );
  - > .



## Article 30, EPPO - 2

- > (d) **freeze** instrumentalities or proceeds of crime, including assets, that are expected to be subject to confiscation by the trial court, where there is reason to believe that the owner, possessor or controller of those instrumentalities or proceeds will seek to frustrate the judgement ordering confiscation
- > (e) **intercept** electronic communications to and from the suspect or accused person, over any electronic communication means that the suspect or accused person is using;
- > (f) **track and trace** an object by technical means, including controlled deliveries of goods.



## Article 30, EPPO - 3

- > 2. Without prejudice to Article 29, the investigation measures set out in **paragraph 1** of this Article may be **subject to conditions in accordance with the applicable national law if the national law contains specific restrictions that apply with regard to certain categories of persons or professionals** who are legally bound by an obligation of confidentiality.
- > 3. **The investigation measures set out in points(c), (e) and (f) of paragraph 1 of this Article may be subject to further conditions**, including limitations, **provided for in the applicable national law**. In particular, Member States may limit the application of points (e) and (f) of paragraph 1 of this Article to specific serious offences. A Member State intending to make use of such limitation shall notify the EPPO of the relevant list of specific serious offences in accordance with Article 117.



## Article 30, EPPO - 4

- > 4. The [EDP] shall be entitled to request or to order any **other measures in their Member State that are available to prosecutors under national law in similar national cases**, in addition to the measures referred to in paragraph 1.



## Article 30, EPPO - 5

- > 5. The [EDP] may only order the measures referred to in paragraphs 1 and 4 **where there are reasonable grounds to believe that the specific measure in question might provide information or evidence useful** to the investigation, and **where there is no less intrusive measure available** which could achieve the same objective. The procedures and the modalities for taking the measures shall be **governed by the applicable national law**.

