



EUROJUST

Cross-border Investigations within the EPPO and with Non-participating Member States

Cooperation with Eurojust



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Cooperation EPPO & Eurojust

1. Operational (competence!)
2. Institutional
3. Administrative

Operational Cooperation



Eurojust and PIF crimes today: Citrus case

- ▶ Large scale illegal trade of tobacco (about 670.000 kilos of tobacco)
- ▶ Loss of customs and excise duties for the NL fiscal authorities of +/- 70 million Euro
- ▶ Involved countries: NL (lead), BE, BG, CY, CZ, ES, IT, PL, RO, UK
- ▶ Europol
- ▶ OLAF

Citrus case: offences

- ▶ Participation in a criminal organisation
- ▶ Fraud, including that affecting the financial interests of the European Union within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests (now PIF Directive)
- ▶ Laundering of the proceeds of crime

Citrus case: Eurojust's support

- ▶ Identification of linked proceedings and exchange of information
- ▶ Operational cooperation with Europol AP smoke/OLAF
- ▶ Facilitate opening of parallel investigations (e.g. in Italy)
- ▶ EIOs, EAWs and freezing orders - Facilitate drafting and execution in view of...
- ▶ Common action day (EJ Coordination Centre)

Citrus case: outcome

- ▶ 18 arrests in NL
- ▶ 29 searches in BE, IT, PL, NL, UK
- ▶ Freezing of 7.8 million EUR on bank accounts in RO
- ▶ Dismantling of an illegal cigarette production site

Eurojust and PIF crimes in the future: competent... when the EPPO is not

- ▶ EPPO has no material competence
- ▶ EPPO has no territorial competence
- ▶ In cases involving only non participating Member States
- ▶ In cases also involving non participating Member States – at the request of those Member States or at the request of the EPPO
- ▶ EPPO decides not to exercise its competence (EPPO does not exercise its right of evocation (Art. 27) or refers a case to the national authorities (Art. 34))

EPPO has no material competence e.g.

- ▶ The PIF crime value < 10.000 EUR (unless repercussions at EU level or EU staff involved (Art. 25(2) EPPOR)
- ▶ Cross border VAT fraud where damage is < 10 m EUR (Art. 22)
 - What about inextricably linked offences (Arts. 22(3) and 25(3))?

Cross-border cases

Eurojust Regulation

Eurojust shall inform and where appropriate **associate** the EPPO with its activities concerning **cross-border cases**, including by:

- a) **Sharing information**, including personal data, on its cases;
- b) **Requesting support** provided by EPPO.

EPPO Regulation

The EPPO may **associate Eurojust** with its activities concerning **cross-border cases**, including by:

- (a) **sharing information**, including personal data, on its investigations;
- (b) **inviting Eurojust or its competent national member(s) to provide support** in the transmission of its decisions or requests for mutual legal assistance to, and execution in, **non participating Member States as well as third countries**.

Aspects of operational cooperation

- ▶ Practical implementation on exercise of competence: **workflows**
- ▶ Efficient mechanisms for **reporting and consultation**
- ▶ Reciprocal implementation of **hit/no hit access** to Case Management Systems
- ▶ **Information sharing**
- ▶ Eurojust **support with third States** and **non participating Member States**

Institutional cooperation

- ▶ **President and Chief Prosecutor to meet regularly** to discuss issues of common interest (Art. 50(1) EJR and Art. 100(1) EPPOR);
- ▶ Eurojust shall send the EPPO the agendas of **Executive Board and relevant College meetings** (Arts. 13(3) and 16(8) EJR)
- ▶ Eurojust shall **invite the EPPO to relevant College and Executive Board meetings** (without right to vote) and provide it with the supporting documents (Arts. 13(3) and 16(8) EJR)

Administrative cooperation

- ▶ The EPPO may rely on the support and resources of the administration of Eurojust. To this end, Eurojust may provide services of common interest to the EPPO.
- ▶ Eurojust and EPPO will detail this provision in a working arrangement.

Food for thought

- ▶ EPPO as competent authority for 1) application MLA intl agreements and 2) implementation of judicial cooperation instruments re MS not participating in EPPO.
- ▶ Eurojust is a facilitator for competent national authorities.
- ▶ **How will this work in practice?**

Food for thought... continued

- ▶ How and when will the EPPO contact National Members at Eurojust?
- ▶ Will the EPPO post a representative at Eurojust?
- ▶ Will a joint Eurojust/EPPO case be possible? If so, what about JITs, coordination meetings and centres facilitated by Eurojust? Can the EPPO participate even if not completely covering the countries and offences?
- ▶ What if a Eurojust case concerns an organised criminal group involved in drug trafficking and VAT fraud only emerges at a later stage of the investigation?
- ▶ What if the threshold in a VAT fraud case only becomes clear at a later stage?
- ▶ How do we deal with different offences in separate, yet linked national proceedings (organised crime, money laundering, PIF, VAT fraud)?
- ▶ What are the issues regarding admissibility of evidence EPPO/non EPPO countries?
- ▶ How will the EPPO cooperate with third States?

Conclusions

- ▶ Eurojust and the EPPO will cooperate to the fullest extent possible
- ▶ Working arrangement is crucial to ensure smooth and efficient cooperation
- ▶ Alignment and consistent approach re cooperation mechanisms between all relevant actors (EPPO, Eurojust, Europol, OLAF)

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