



**EUROPEAN COMMISSION**

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Commissioner for Justice, Fundamental Rights and Citizenship

## **Protecting taxpayers' money: A truly independent and efficient European Public Prosecutor**

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President Santacroce, (First President of the Italian Supreme Court)

General Prosecutor Ciani, (General Prosecutor at the Italian Supreme Court)

Dear colleagues,

Ladies and gentlemen,

The European Public Prosecutor's Office (EPPO) is certainly one of the more important, complex, and challenging items on the European Union's agenda today.

The EPPO is important, because it will shape the future of European criminal justice. The EPPO is complex, because it involves many new legal questions. And it is challenging because we need to find solutions that the European Parliament, Member States, as well as national parliaments can accept.

The protection of the Union's financial interests from criminal activity is our common goal. And it's a fact that the level of protection and enforcement across the EU is very uneven when it comes to tackling fraud against the EU budget!

Our response is to set up **an independent and efficient EPPO**. We are aiming for a truly European office, equipped with its own competences and an organisational structure that allows it to investigate swiftly across the Union. This is what we want. This is what EU citizens expect and deserve!

Obviously, the more Member States that participate, the more effective the EPPO will be. And while we are pragmatic and constructive, we will not compromise on the EPPO's independence and efficiency. **These are our red lines: the EPPO must be both independent and efficient, otherwise it would bring little added value.**

Let me say a few words on these three elements.

For the EPPO's credibility its **independence** is paramount. We need to develop an Office that is independent, that is immune from European and national influences, while at the same time accountable for its work.

The Council has chosen to depart from the Commission's proposal in favour of a collegial structure with one European Prosecutor per participating Member State. In that model the European Chief Prosecutor, its deputies, the College and the Permanent Chambers will embody the EPPO's European dimension, its independence, the European spirit.

If we go down the road chosen by the Council, the Chief Prosecutor, its deputies and especially the College and the Chambers must be at the heart of the EPPO. This is where decisions must be taken, not just mere coordination, real decisions. We need a strong central level that can supervise, manage and direct investigations and prosecutions.

The independence of the central level must be guaranteed. That can be achieved through a selection and appointment procedure that must be open, competitive and European in nature. There can be no doubt that the members of the College are up to their tasks and able to act in full independence.

Let me repeat that what is at stake here is the credibility of the EPPO, the credibility of a judicial body, the credibility of the Union's willingness to protect the taxpayers' money.

We need to ensure independence; we also need to ensure **efficiency**. We have to keep the EPPO's efficiency in mind when discussing its structure, its procedures and its working methods. One key element to the EPPO's efficiency is its competence. The Commission has proposed a clear cut solution. The Member States however, have embarked on a different road by opting for a concurrent competence between EPPO and national authorities.

If we go down that road we have to ensure that it is not done at the cost of EPPO's efficiency. The rules governing the division of competence between EPPO and national authorities must be crystal clear. We cannot afford uncertainty, we cannot risk legal challenges. What is for the EPPO is for the EPPO. What is for national authorities is for national authorities. One can accommodate for some flexibility but within a precisely defined framework.

In the context of concurrent competence, efficiency also means that where necessary for the EPPO to exercise its competence, it is informed immediately of investigations. Here again rules need to be precise and clear. Unnecessary bureaucracy and reporting obligations should be avoided. But when a crime falls under the competence of the EPPO, the EPPO has to know.

One of the key features to deliver on **added value** is to set up the EPPO as an integrated body acting across the territory of all participating Member States. The Commission's proposal is based on a Union body with a decentralised structure.

Within that structure, European delegated prosecutors (EDPs) have a very important role to play. We have opted for delegated prosecutors with a double hat. We have done so to ensure that the EPPO is rooted in each legal system it has to operate in.

But let there be no doubt, the moment a delegated prosecutor puts on his European hat, the moment he acts on behalf of the EPPO, from that moment on he is a prosecutor of the EPPO, he is part of the EPPO. The treaty is clear, it is the EPPO that shall exercise the functions of prosecutor in the competent courts of the Member States.

Ladies and gentlemen,

Let me underline another important aspect. The powers entrusted in the EPPO must be in balance with the procedural rights of suspects. The competent courts have to ensure the necessary judicial control.

I am pleased that the European Parliament, like us, calls for strong procedural guarantees and a comprehensive judicial control. The EPPO should be built on the rule of law and respect for fundamental rights.

I would like to thank the Italian Presidency for their efforts. It has done a lot to move the negotiations forward. I hope that we can agree on the key aspects by the end of this year, in particular on the EPPO's powers in investigations and prosecutions. This should not mean that the work on its structure and competence is finished, as I have outlined some aspects will need to be reconsidered.

We are making steady progress but we aren't there yet. For the EPPO to bring new solutions and added value, we need both creativity and political will.

Ladies and gentlemen,

*"Putting an independent European Public Prosecutor's Office in place by 2016 will be a significant step forward to protect the EU budget from fraud".*

Those words are not mine. They are Jean-Claude Juncker's in his mission letter to my successor.

Thank you for your attention.