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*Promoting Public Awareness on the Fight Against Transnational Crimes, the Role of Police and Judicial Cooperation and Respect for Fundamental Rights in the Prospect of the EU Enlargement (EUVALWEB 2<sup>nd</sup> Edition Final Conference)*

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# TOWARD AN EXPANSION OF EPPO'S COMPETENCES?

*by Benedetta Minucci\**

SUMMARY: 1. Introduction: The Current Competences of the European Public Prosecutor's Office (EPPO). – 2. Expansion of EPPO's Competences: Article 86, Paragraph 4, of TFUE. – 3. Environmental Crimes. – 4. Corruption and the New Directive Proposal of May 3, 2023. – 5. The Violation of Restrictive Measures. – 6. Conclusive Remarks.

## **1. Introduction: The Current Competences of the European Public Prosecutor's Office (EPPO)**

Three and a half years into the operation of the European Public Prosecutor's Office (hereinafter referred to as EPPO), the timing seems ripe to evaluate, in light of the results achieved, whether a possible extension of the currently attributed competences could facilitate the achievement of the stated objectives and, therefore, enhance the fight against crimes harming the Union's budget.

It's important to remember that the tasks entrusted to the EPPO by the Treaty fall within a fundamental phase of the procedural process, namely the investigative and instructional phase that manifests through the identification, prosecution, and indictment of perpetrators of crimes damaging the financial interests of the Union, the protection of which is expressly provided for by art. 325 of the Treaty on the Functioning of the European Union (TFEU). Protection of European finances is essential for the very existence of the Union, being decisive for the achievement of its objectives.

In order to identify activities susceptible to being characterized as offenses harming the financial interests of the Union, the regulation on the implementation of enhanced cooperation on the establishment of the European Public Prosecutor's Office refers by relationem to Directive (EU) 2017/1371<sup>1</sup> on the protection of financial interests (hereinafter referred to as the PIF directive), which has generated considerable perplexity. Moreover, if the Commission had chosen to directly regulate in the regulation the offenses within the competence of the European Public Prosecutor's Office, this would have significantly lengthened the negotiation process, as it would have been necessary to regulate many other ancillary aspects besides criminal conduct, such as aggravating and mitigating circumstances. Therefore, the result is a material competence of the European Public Prosecutor's Office with partially variable geometry, as no national transposition law of the directive is identical to another.

Specifically, the delegated European prosecutors pursue fraud offenses – namely the use of false documents – concerning EU grants and procurement and customs and VAT duties, in the latter case only if the overall damage amounts to at least €10 million and if the fraud involves more than one Member State. Furthermore, within EPPO's competences are money laundering and self-laundering of proceeds from fraud offenses, active and passive corruption of public officials, misappropriation of EU funds,

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<sup>1</sup> Directive 2017/1371/EU of the European Parliament and of the Council on the fight against fraud to the Union's financial interests by means of criminal law, of 5 July 2017.

instigation and actual assistance. Finally, participation in a criminal organization engaged in the commission of the aforementioned offenses and so-called ancillary offenses, i.e., any other offense inseparably connected to a PIF offense and under the conditions identified therein, regardless of the legal qualification conferred on it internally by the national legislator.

It is worth noting that in the transition from the Commission's legislative proposal to the final text adopted by the Council of the European Union, the exclusive competence of the European Public Prosecutor's Office to prosecute such offenses has been changed to concurrent competence with that of national prosecutors, confirming the well-known reluctance of Member States to limit their sovereignty in this area. Thus, the intervention of the European Public Prosecutor's Office remains based on the principle of subsidiarity, but it can easily demonstrate the suitability of its action to solve a specific problem, since, unlike traditional forms of horizontal cooperation between bodies, EPPO has been entrusted with vertical powers that allow it to conduct centralized investigations autonomously, as well as the power to exercise criminal action before the courts of Member States. It is therefore evident that the sole ability to manage coordinated operations to counteract offenses against EU finances is more advantageous than the singular intervention of a Member State.

Indeed, in exercising the attributed competences, the European Public Prosecutor's Office has conducted numerous investigations, especially concerning cross-border fraud, demonstrating that to effectively counter carousel fraud, often characterized by intricate international networks, it is essential to involve all jurisdictions of the European Union, regardless of where the damages occur and are actually detected (Operation Admiral<sup>2</sup>).

The pursued objectives invite reflection on a possible extension of the competences of the European Public Prosecutor's Office to improve the fight against crimes harming the Union's budget. And to question whether a more substantial expansion could concern other offenses attributable to "*spheres of particularly serious crime that present a transnational dimension resulting from the nature or implications of such offenses or from a particular need to combat them on common bases*" (art. 83, para. 1, TFEU). On one hand, there is no doubt that there are numerous criminal offenses that, directly or indirectly, affect the finances of the Union and that do not (yet) fall within the scope of action of the EPPO. On the other hand, it seems necessary to initiate careful consideration of the possibility that a revision of the competences of the European Public Prosecutor's Office could be useful in taking a significant step towards greater integration in the field of European criminal justice, promoting greater cooperation between Member States in combating transnational crime.

## **2. Expansion of EPPO's Competences: Article 86, Paragraph 4, of TFEU**

The modification of the framework of EPPO's competences should be considered as a dynamic and continuously evolving process.

Such an ambitious objective is primarily justified and explained by two main reasons. Firstly, the European Public Prosecutor's Office, based on the concrete experiences gained in three years in the field of investigations, in the exercise of the competences currently attributed to it, has demonstrated possessing particularly rapid and penetrating investigative powers and all the necessary tools to react (albeit not without some

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<sup>2</sup> This is the most significant operation conducted by EPPO since its establishment, involving 33 EPPO territorial offices and 30 national authorities, which collectively carried out investigations in 30 countries.

difficulties) to the enormous volume of frauds and irregularities harming European finances.

Secondly, the creation of a single European prosecution office brings the integration of criminal justice to a much higher level than any other mechanism in operation thus far, as it is endowed with greater flexibility and promptness than individual national prosecution offices. In particular, being composed of European prosecutors from 22 Member States, if, within the scope of investigations, it emerges that part of the conduct takes place abroad, it is very easy for the EPPO to proceed directly, without having to resort to the instruments of judicial cooperation in criminal matters currently existing in individual states (such as ad hoc joint investigative teams or requests for mutual legal assistance). An action at the European Union level is, therefore, more effective and efficient and brings tangible added value compared to action taken individually by Member States, contributing to reducing the fragmentation of the European space of criminal justice, especially regarding transnational offenses.

The legal basis for an expansion of the action powers of the European Public Prosecutor's Office, which could provide a response to organized criminal activities that are coordinated and ongoing beyond national borders, is represented by art. 86, para. 4, of the TFEU<sup>3</sup>. Indeed, this provision envisages that the material scope of competence of the EPPO may be expanded beyond the perimeter determined by the need to protect only the legal interest "Union budget", based on a decision of the European Council adopted unanimously, subject to approval by the European Parliament and prior consultation of the Commission.

However, art. 86 of the TFEU allows the expansion of the powers of the European Public Prosecutor's Office exclusively in the face of conduct attributable to serious crimes with a transnational dimension.

Therefore, the rather stringent limits just described, together with an ambiguous, or at least very vague, definition provided by the Treaty of the types of conduct that could fall within the competence of the European Public Prosecutor's Office, especially with reference to the meaning to be attributed to the adjective "serious", seem to represent the reason why the European Council has not yet resorted to this power, although the EPPO has shown willingness to acquire new competences.

### 3. Environmental Crimes

Having defined the foundations of the "material" competence of the European Public Prosecutor's Office (EPPO), it seems appropriate to dwell on the impact that its increased involvement, through the extension of its scope of action, would have in identifying, prosecuting, and bringing to trial perpetrators of crimes that primarily harm the financial interests of the Union, but which could also include other offenses *as per* art. 83(1), paragraph 2.

Firstly, a clear advantage would arise from the fact that the EPPO operates at the center of a dense network of international collaboration, enabling it to tackle complex challenges and manage investigations that may be beyond the individual capabilities of Member States. European delegated prosecutors operate within a context of "dual legal track", perfectly integrated into the legal systems of the Member States while also cooperating effectively with Eurojust and Europol. Unlike the approach of national

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<sup>3</sup> For further details on this Article, N. PARISI, *Commento all'art. 86 TFUE*, in A. TIZZANO (ed.), *I Trattati dell'Unione europea*, II ed., Milano, 2014.



prosecutors' competences, EPPO's involvement could facilitate direct relationships between the authorities of the Member States involved and other bodies. This could occur because the European Public Prosecutor's Office acts as a single office in all participating Member States, facilitating contacts and ensuring a more coherent policy on investigations and criminal actions across Europe.

Secondly, the EPPO's ability to ensure timely and comprehensive information exchange should not be overlooked, as it is capable of obtaining information from both Member States and individual national authorities, as well as from Eurojust and Europol. Therefore, the flow of information across the Union would be facilitated, allowing for rapid and targeted responses to evolving transnational crimes.

Thirdly, as the EPPO is responsible for both conducting investigations and subsequently exercising criminal action (currently) in relation to offenses against the Union's budget, expanding its sphere of action to other types of offenses would overcome the current gaps caused by investigations and criminal actions that often run on parallel tracks and thus result in fragmentation. Indeed, linking the investigation phase with the criminal action phase would enable a much more cohesive, coordinated approach capable of assessing all elements, regardless of where the offense occurred, and analyzing the criminal phenomenon in its entirety. Additionally, the EPPO is endowed with extensive investigative powers, including the ability to conduct searches, seizures, and interceptions, which would allow for more effective action in identifying and prosecuting perpetrators of crimes at the European level<sup>4</sup>.

Aware of the advantages that extending the EPPO's scope of action would bring to judicial cooperation in criminal matters, the Union has already focused its attention on several categories of offenses characterized by their transnational nature and their ability to impact, albeit indirectly, the Union's budget.

One of the main sectors where there has been a perceived need to extend the European Public Prosecutor's Office's mandate is in environmental crimes. The need for a strong and rigorous response to cases of environmental degradation caused by criminal organizations has led the Commission to consider assigning such competence to the EPPO. In a prospective view, the EU's strategy against environmental crimes could combine environmental protection with financial interests, potentially resulting in a more effective approach than exists today.

As known, the goal of "a high level of protection", which represents the guiding principle of environmental law, informs the entire legal framework in this area, which is at the forefront internationally. The integration of the EPPO into this system would represent a complementary element. Moreover, it seems almost natural that, due to their transnational nature, environmental crimes should fall within the scope of its action, as they are illicit activities that represent just one expression of the expansive network of transnational crime, offering huge opportunities to fully or partially realize the offense in countries other than the country of origin.

In this context, assigning a "key role" to the European Public Prosecutor's Office, along with the threat of stricter criminal sanctions, could be necessary to ensure adequate protection for significant legal interests deserving of enhanced protection, such as the environment, public health, and natural resources, as well as to deter offenders from committing such crimes.

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<sup>4</sup> Council Regulation (EU) 2017/1939, *implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO')*, of 12 October 2017. For a first reading, see A. CORRERA, *Prime osservazioni sul regolamento che istituisce la Procura europea*, in *rivista.eurojus.it*, 2017.

The first step in this direction was taken with Directive 2008/99/EC<sup>5</sup> on environmental criminal protection, which represented an important milestone in recognizing the role of criminal law in this sector. However, despite good intentions, the evaluation of the implementation of the directive conducted by the Commission in 2020<sup>6</sup> revealed limitations, deficiencies, and above all, the lack of alignment of the directive with current and urgent challenges. This is a discouraging picture, especially considering the original goal of achieving at least a sufficient level of harmonization of criminal laws in environmental matters among Member States. For the purpose of this analysis, the evaluation shows how sanction levels vary significantly from one Member State to another, their application is not deterrent, and since the directive came into force, there has been no evident improvement in cross-border cooperation.

The awareness of the danger of environmental crime and the inadequacy of the tools to combat it is confirmed in a communication from the Commission, preparatory to the proposal for a new directive, in which the importance of criminal law in combating environmental crimes in the EU is affirmed, but no reference is made to a possible role for the EPPO. This is undoubtedly the weak link in the document and the entire envisaged system. A system that, however, includes the European Anti-Fraud Office (OLAF) for administrative enforcement, Europol and Eurojust, presented as coordination and support bodies for the counter-action chain, aimed at facilitating the sharing of knowledge and experiences. Regarding OLAF, the Commission declares its consideration of the possible extension of its mandate in sectoral regulations for conducting administrative investigations related to environmental crimes.

Nevertheless, the (probable) oversight has been corrected by the Commission in the new proposal for a directive on environmental criminal protection<sup>7</sup>, intended to replace the current one due to the aforementioned problems. The proposal aims to expedite the existing guarantee system and, through new provisions, ensure effective, deterrent, and proportionate types and levels of sanctions for environmental crime.

In particular, among the various defined objectives, the one aimed at promoting and facilitating cross-border investigations and criminal actions, due to the increasingly broad impact of environmental crimes across different countries (such as in the case of cross-border pollution of air, water, and soil), has led to a more vertical approach to the issue and to foresee competence for the European Public Prosecutor's Office for the most serious criminal offenses. Thus, Recital 30 of the proposal expressly establishes the obligation for Member States to ensure and strengthen assistance, coordination, and cooperation with EU bodies, with explicit reference to the European Public Prosecutor's Office and the European Anti-Fraud Office.

Furthermore, considering the high financial impact of environmental crimes, their potential link with other offenses that may harm European finances (e.g., corruption), and their transnational nature, the EPPO is in the best position to take effective action in this field as well.

However, although it is undeniable that environmental crimes appear to be among those most likely to fall within the scope of the EPPO's competences, it is equally true that, at present, concrete action in this area remains rather limited. Current measures

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<sup>5</sup> Directive 2008/99/EC of the European Parliament and of the Council, *on the protection of the environment through criminal law*, of 19 November 2008.

<sup>6</sup> Working Document of the Commission Services, *Evaluation of Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law*, of 28 October 2020.

<sup>7</sup> Directive (EU) 2024/1203 of the European Parliament and of the Council, *on the protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC*, of 11 April 2024.

primarily rely on the more or less stringent commitments from the Commission, which, while having a significant impact in raising awareness among institutions, remains non-binding.

#### 4. Corruption and the New Directive Proposal of May 3, 2023

Regarding corruption, the current regulatory framework already grants the European Public Prosecutor's Office (EPPO) the competence to deal with the implications that this offense has for the Union's budget. Nonetheless, it is necessary to understand whether, in order to make transnational investigations even more efficient, while still respecting the rights and guarantees of the investigated subjects, it is possible to go further and extend the intervention of the European Public Prosecutor's Office to all acts of corruption, regardless of the need to demonstrate a direct link to the integrity of the Union's financial interests.

In this regard, reference must be made to the "anti-corruption package", presented by the Commission on May 3, 2024, aimed at intensifying its actions and increasing efforts to integrate corruption prevention into the EU's policy and program development. In short, it consists of a legislative package of new and reinforced rules aimed at combating this offense within and outside the borders of the European Union.

More specifically, the "anti-corruption package" consists of a joint communication<sup>8</sup>, which provides an overview of the current Union legislation, proposes initiatives to strengthen integrity, transparency, and the fight against corruption, strictly from a preventive perspective, and announces within it a proposal for a regulation in the field of CFSP and a directive proposal<sup>9</sup>.

Particularly significant, for the purposes of this examination, is the proposal for a directive on combating corruption, aimed at innovating the now dated EU anti-corruption legislative framework, aligning it with the evolution of the international criminal law framework to which the Union is bound. However, it must be noted that, although explicit involvement of the European Public Prosecutor's Office seemed obvious, given the transnational dimension of corruption and the absence of coordination and common rules among the Member States, it is only contemplated in art. 24 of the Proposal, regarding the obligation of cooperation between the authorities of the Member States and Union agencies in the sectors administered by the directive; as well as with regard to the obligation of the EPPO, as well as Europol, Eurojust, and OLAF, to provide technical and operational assistance for better coordination of investigations and criminal actions.

The limited role assigned to the EPPO leads to two observations. The first, of a more general nature, concerns the legal basis of the EU's strategy for combating corruption, identified exclusively in arts. 82(1)(d) and 83(1) and (2) of the TFEU. More usefully, the Commission should have referred to art. 84 of the TFEU, which provides for the possibility of adopting preventive measures, as the proposal emphasizes the need to undertake the fight against corruption precisely from a prevention perspective, and to art. 87 of the TFEU, due to the need for police cooperation.

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<sup>8</sup> Joint Communication to the European Parliament, the Council and the European Economic and Social Committee, *on the fight against corruption*, of 3 May 2023.

<sup>9</sup> Proposal for a Directive of the European Parliament and of the Council, *on combating corruption, replacing Council Framework Decision 2003/568/JHA and the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union and amending Directive (EU) 2017/1371 of the European Parliament and of the Council*, of 3 May 2023. In the literature, cfr. L. SALAZAR, F. CLEMENTUCCI, *Per una nuova anticorruzione europea: eurbi et orbi*, in *Sistema penale*, nn. 7-8, 2023.

The other observation, more specific in nature, concerns the institution of the European Public Prosecutor's Office, as it is surprising that the opportunity was not seized to urge the European Council to use the legal basis offered by art. 86(4), in order to extend the powers of the EPPO to all corruption offenses involving Union officials and members of institutions, even if they do not have implications for the integrity of the Union's budget. This is especially because the line distinguishing between corruption hypotheses that damage, even potentially, the financial interests of the Union, resulting in the attribution of competence to the European Public Prosecutor's Office, and those that do not involve (at least directly) such harm and, therefore, fall within the jurisdiction of the national judiciary, which will resort to traditional mutual recognition instruments, is evidently tenuous<sup>10</sup>. Numerous cases of overlap and duplication of proceedings are envisaged.

Moreover, in the opinion of the writer, greater involvement of the EPPO would benefit not only in terms of efficiency but also from a strictly preventive perspective, discouraging Member States from committing certain offenses; and this seems perfectly in line with various provisions of the draft directive, among all art. 3, entitled "prevention of corruption", aimed at creating precise obligations in terms of prevention and awareness.

## 5. The Violation of Restrictive Measures

The most recent area in which the need to extend the European Public Prosecutor's Office (EPPO) mandate is becoming increasingly evident is the violation of restrictive measures adopted by the Union<sup>11</sup>. Indeed, the EPPO, with its coordination role and its transnational investigative capacity, could more effectively counter the complex networks attempting to evade economic and commercial sanctions.

It is essential to recall that the Union can adopt restrictive measures, under art. 29 of the Treaty on European Union (TEU) or art. 215 TFEU, concerning the import or export of goods, as well as the freezing of funds, with prohibitions that may include the entry into the territory of an EU Member State, or the export of arms and related equipment.

As is well known, following Russia's actions in Ukraine, the European Union has taken a leading role in imposing sanctions, almost on a daily basis, aimed at impacting the Russian economy and limiting its military capabilities. However, this sanction regime is not accompanied by a uniform level of enforcement across the Member States. In some countries, the violation of sanctions is punished under administrative provisions; in others, it is treated under criminal law.

The heterogeneity and the significantly differing levels of enforcement among Member States quickly led to a response. An amendment was made to art. 83 TFEU, using the special procedure provided by the Treaty, to include the violation of restrictive measures in the list of crimes within the EU's competence to legislate through directives. The violation of the Union's restrictive measures represents, in fact, a particularly serious form of crime, as it can perpetuate threats to international peace and security. This intervention, formalized with Council Decision (EU) 2022/2332<sup>12</sup>, aims to ensure a

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<sup>10</sup> *Ibidem*, pp. 84-85.

<sup>11</sup> C. PORTELA, *European Union Sanctions and Foreign Policy*, London, 2010; K. URBANSKI, *The European Union and International Sanctions. A Model of Emerging Actorness*, Cheltenham, 2020.

<sup>12</sup> Council Decision (EU) 2022/2332, *on identifying the violation of Union restrictive measures as an area of crime that meets the criteria specified in Article 83(1) of the Treaty on the Functioning of the European Union*, of 28 November 2022.

uniform level of sanctions enforcement across the Union and to deter attempts to evade or violate EU measures.

Following the adoption of this decision, which provided the necessary legal basis, the European Commission was able to swiftly proceed with the proposal for a directive concerning the definition of crimes and sanctions for the violation of the Union's restrictive measures, with the aim of harmonizing, or at least bringing closer, the criminal laws of the Member States<sup>13</sup>.

After a year of negotiations, on December 12, 2023, the European Parliament and the Council reached a political agreement on the text of the proposal for the directive, which was finally adopted on April 24 and entered into force on May 19<sup>14</sup>.

The new directive requires Member States to consider certain acts as mandatory crimes, including providing assistance to individuals subject to EU restrictive measures to evade a transit ban, providing financial services or engaging in prohibited financial activities, and hiding the ownership of funds or economic resources by an individual, entity, or body sanctioned by the EU.

Moreover, the directive introduces the obligation for Member States to apply effective, proportionate, and dissuasive criminal sanctions (as opposed to non-criminal penalties) for violations of such measures<sup>15</sup>. It is also essential that the sanctions in place are capable of effectively and preventively addressing any attempts to circumvent the measures in question.

In light of the strategic objective of strengthening the enforcement of EU sanctions, the new directive introduces two key provisions to improve cooperation at both the internal and external levels. Notably, art. 16 deserves emphasis. It stipulates that whenever there is suspicion that the crimes committed are of a cross-border nature, the competent authorities of the Member States concerned must assess whether to transmit information about such crimes to the relevant authorities. Additionally, Member States, Europol, Eurojust, and the European Public Prosecutor's Office are required to cooperate within their respective competences, providing technical and operational assistance to facilitate the coordination of investigations.

Beyond the appreciation for this directive, it should be noted that the path towards greater regulatory uniformity is still long, and this awareness should prompt consideration of the introduction of broader and more consistent competences. Although the EPPO has been mentioned in relation to coordination, the competence remains, however, within the exclusive jurisdiction of the individual Member States. Therefore, the element that would tip the balance toward more effective cooperation, reducing the heterogeneity generated by allocating such competence to national authorities, would be granting the EPPO the responsibility to prosecute these offenses.

It should be noted that the inclusion of this area within the EPPO's remit and the consequent assignment of investigations to a holistic perspective would respond not only to a demand for greater security but also to a need for justice, ensuring that the restrictive measures adopted by the EU are respected and enforced uniformly and rigorously.

Furthermore, the violation of EU sanctions constitutes an area of crime that aligns well with the current mandate of the European Public Prosecutor's Office, as it often

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<sup>13</sup> W. VAN BALLEGOIJ, *Ending Impunity for the Violation of Sanctions through Criminal Law*, in *EUcrim.eu*, 2022.

<sup>14</sup> Directive (EU) 2024/1226 of the European Parliament and of the Council, *on the definition of criminal offences and penalties for the violation of Union restrictive measures and amending Directive (EU) 2018/1673*, of 24 April 2024.

<sup>15</sup> For an initial commentary, P. CSONKA, *La Directive relative à la violation des mesures restrictives de l'Union et le Parquet européen*, in *Revue du droit de l'Union européenne*, pp. 87-103.

involves cross-border investigations into complex economic and financial crimes. As such, EPPO personnel already possess, to a certain extent, the knowledge and expertise required to investigate and prosecute such offenses.

In addition, the possibility of extending the EPPO's competence to violations of these measures has been widely debated in recent months, in conjunction with statements by the German and French Ministers of Justice in November 2022 and in light of the openly declared willingness of the European Chief Prosecutor. It remains to be seen whether this statement of intent will translate into actual implementation.

## **6. Conclusive Remarks**

From what has been said, it is clear that the expansion of the EPPO's competences is widely desired as it is believed capable of bringing added benefits compared to a limited sphere of intervention. And the high level of operability achieved makes it predictable that in the short or, more likely, in the long term, it will be subject to a reform that will mainly affect the scope of its competences. However, it should not be forgotten that the enlargement entails the need to simultaneously expand the organic component of the European Public Prosecutor's Office, invest in new resources, and refine new procedures. The increase in workload will, in fact, require a greater number of delegated European prosecutors and other particularly experienced staff for operational and administrative support.

It should also not be underestimated that the possible extension of the EPPO's competences will inevitably have an impact on the tasks and roles of Europol and Eurojust, as well as on national authorities, as it will be necessary to establish advantageous synergies for all parties involved in the fight against transnational crimes and ensure that there are no unnecessary duplications of work carried out. Finally, as with any other modification concerning the institutions of the European Union, this proposal will also have to face the reluctance of the Member States. Judicial cooperation in criminal matters has always been a very thorny issue that has only gradually seen the emergence of sophisticated collaboration mechanisms, including the EPPO. Therefore, any reform attempt will be possible only on the condition that EU Member States understand that, far from threatening their national sovereignty, the European Public Prosecutor's Office could defend the interests of European States and that the significant consequences that could arise from entrusting all transnational crimes to the care of the EPPO cannot and should not be interpreted as a further erosion of sovereignty suffered by the States.

### **ABSTRACT**

This paper is intended to focus attention on the future prospects of the European Public Prosecutor's Office (hereinafter also referred to as EPPO, European Public Prosecutor's Office), the leading actor in judicial cooperation in criminal matters, in order to assess whether a possible extension of the currently attributed competences could facilitate the achievement of the set goals and, therefore, improve the fight against crimes to the detriment of the Union budget.

Indeed, aware of the advantages that extending the scope of the European Public Prosecutor's Office would bring to judicial cooperation in criminal matters, the Union has already turned the spotlight on certain categories of offences, which share a

transnational dimension and have the potential to impact, the Union budget, even indirectly.

**KEYWORDS**

*Competences, EU Budget Protection, European Public Prosecutor's Office, Judicial Cooperation, Transnational Crimes.*

VERSO UN'ESPANSIONE DELLE COMPETENZE DELLA PROCURA  
EUROPEA?

**ABSTRACT**

*Il presente contributo intende focalizzare l'attenzione sulle prospettive future della Procura europea (di seguito denominata anche EPPO, European Public Prosecutor's Office), attore leader nella cooperazione giudiziaria in materia penale, al fine di valutare se un'eventuale estensione delle competenze attualmente attribuite possa facilitare il raggiungimento degli obiettivi prefissati e, pertanto, migliorare la lotta contro i reati a scapito del bilancio dell'Unione.*

*Infatti, consapevole dei vantaggi che l'estensione dell'ambito di applicazione della Procura europea apporterebbe alla cooperazione giudiziaria in materia penale, l'Unione ha già acceso i riflettori su alcune categorie di reati, che condividono una dimensione transnazionale e hanno il potenziale di incidere sul bilancio dell'Unione, anche indirettamente.*

**KEYWORDS**

*Competenze, Cooperazione Giudiziaria, Crimini Transnazionali, Procura Europea, Protezione del Budget UE.*