

The Hague, ^{December}~~November~~ 2, 2020

Joint Parliamentary Scrutiny Group Secretariat

To the attention of the JPSG Co-Chairs

By email only:

jpsg.libesecretariat@europarl.europa.eu

Europol reply to written question from the Member of Parliament (MP) of Estonia, Mr Kalle Laanet, to the Joint Parliamentary Scrutiny Group (JPSG)

Dear Co-Chairs,

In accordance with Article 4.2 of the JPSG Rules of Procedure and Article 51 of the Europol Regulation, Europol would like to respond to the question raised by JPSG members, Mr Kalle Laanet, received by Europol on 7th October 2020 as follows:

Written question by MP of Estonia, Mr Kalle Laanet

In 2017, the European Public Prosecutor's Office (EPPO) was established with Regulation (EU) 2017/1939. The EPPO conducts the pre-trial proceedings on criminal offences affecting the financial interests of the EU and brings prosecutions before national courts. This ensures the independence of criminal proceedings from the departmental and political interests of member states. By its nature, the EPPO is a cross-European prosecutor's office whose role and tasks in criminal procedure are similar to those of a national prosecutor's office. The European Public Prosecutor's Office investigates fraud relating to the EU payments, complicated cross-border VAT fraud cases, corruption crimes causing damage to the EU budget, etc. In September 2018, the European Commission presented a Communication for extending the competence of the EPPO to cross-border terrorist crimes.

Not all EU Member States participate in the EPPO, but only the 22 EU member states that have joined it: Estonia, Latvia, Lithuania, Finland, Germany, Netherlands, France, Austria, Spain, Malta, Cyprus, Greece, Italy, Portugal, Romania, Bulgaria, Slovakia, Czech Republic, Croatia, Belgium, Luxembourg and Slovenia. Hungary, Poland and Sweden do not participate in the EPPO (the United Kingdom, Ireland and Denmark generally do not participate in the EU criminal law cooperation measures). The EPPO is mainly financed from the EU budget. The European Commission has promised at the highest level that the EPPO will start operating at the end of 2020.

And now my question—what should the cooperation between Europol and the EPPO (European Public Prosecutors Office) be like, or how will this cooperation take place?

How do you see the role the member states that have joined the EPPO in this cooperation?

In short, how do you see the cooperation between those three parties?

Europol's answer:

Europol welcomes the creation of the European Public Prosecutor's Office (EPPO) and is already preparing for future cooperation with EPPO. As highlighted in the EU Security Union Strategy presented by the European Commission in July 2020, Europol will, along with Eurojust, the European Public Prosecutor's Office and the European Anti-Fraud Office (OLAF), support Member States and the EU in protecting the economic and financial markets and safeguarding EU taxpayers' money. In June 2020, Europol established the European Financial and Economic Crime Centre (EFECC) which will in particular be a privileged partner for the EPPO, to promote and support financial investigations against crimes that affect the financial interests of the EU.

In accordance with Article 102 of the EPPO Regulation:

- EPPO shall be able to obtain, at its request, any relevant information held by Europol, concerning any offence within its competence
- Europol may be asked by EPPO to provide analytical support to its specific investigations conducted by the EPPO.

As the EPPO is still in the process of establishment, the extent of the support that will be required is therefore difficult to assess at this point. However, it is reasonable to assume that it will trigger an increase in the requests for Europol expertise and support in the areas under EPPO's mandate (protecting the EU financial interests, in terms of the so called PIF crimes under Directive (EU) 2017/1371. For these reasons, in order to properly support the EPPO, Europol will need to have sufficient resources available and the areas in Europol working on EPPO cases will need additional specialists and analysts which is not foreseen in the legislation or current budget discussions.

Europol's Management Board (MB) added EPPO to the priority list of partners with whom Europol can conclude working arrangements in December 2018.

Europol is currently in the process of negotiating a Working Arrangement with the EPPO, which will further detail the terms of the cooperation between the two bodies. The Working arrangement will enter into force after the adoption by the respective governing bodies.

Europol cooperation with Member states' competent authorities is codified in Europol legal basis. This framework includes national dedicated contact points and clear description of data sharing purposes. Member States and European Commission are part of Europol governance structure, ie Europol Management Board.

Europol is not in the position to comment on the role of Member States that joined EPPO.

I hope that this answer will prove satisfactory. Europol remains available for further clarifications.

Yours sincerely,



Jürgen Ebner

Deputy Executive Director of Governance