

Conference: "Impact of the EPPO Regulation at the level of the national authorities of the participating EU Member States"

Bucharest, 13 December 2018

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- CHECK AGAINST DELIVERY-

Dear All,

It is a pleasure to be in Bucharest today, for the first time since I became Director-General of OLAF. It is also a pleasure to discuss here about the creation of the European Public Prosecutor's Office – the EPPO as we say. This is because Romania has been a strong supporter of the EPPO from the very beginning. So we can say Romania is one of the "founding members" of this project which now brings together 22 Member States and I thank you for that, in the name of European citizens.

The creation of the EPPO marks a fundamental development in the fight against fraud affecting the European Union's budget. It constitutes a crucial first step towards the creation of a common criminal justice area in the European Union. It's a win for all of us.

As you know, the establishment of the EPPO is foreseen for the end of 2020 and we are all working at full speed on making that happen.

The creation of a strong, efficient, and independent EPPO, which will be able to rapidly carry out its investigative functions, represents a priority for the European Commission and especially for OLAF as leading service together with DG Justice.

Completing this setting-up phase represents a major effort for all the Commission services involved, given complexity of the task and the limited timeframe. We are proud of what we achieved in the past months, which includes:

- the establishment of a working partnership with the Member States through expert
- group meetings,

- the launching of the recruitment for the European Chief Prosecutor,
- the recruitment of the interim-administrative director,
- and substantial progress regarding the seat of the EPPO in Luxembourg.

Because of the very nature of the EPPO as a semi-decentralised body, Member States play a key role in making it a success, both during the current inception phase and later when the EPPO is fully operational.

Member States participating in the EPPO are called upon to ensure that the EPPO operates smoothly and effectively in their legal and judicial systems. This means having a strong criminal legislation in place and the right instruments to perform its mandate. In this context, the Commission has held several EPPO Expert Group meetings where the Member States have provided invaluable input. This dialogue between the Member States and the Commission is essential.

When the EPPO will be operational, the bulk of the EPPO's investigative work will be carried out by European Delegated Prosecutors – national prosecutors working for the EPPO, under the supervision and direction of the Central Office. These need to be independent in performing their mandate. Member States will provide both the legal and material means for these Delegated Prosecutors to be able to act effectively within their national systems, in cooperation with other law enforcement authorities.

Member States will also play a crucial role in setting up and maintaining an efficient flow of communication between national authorities and the EPPO: Member States will have to report criminal conduct that the EPPO could investigate; the EPPO, in turn, will transmit information in order to support national authorities in protecting the EU budget from fraud.

The task ahead is not easy: on the one hand, the legislator has chosen to embed the EPPO firmly in the legal system of each Member State, with prosecutions and criminal proceedings largely following existing criminal procedural rules. On the other, the truly innovative value of the EPPO is the possibility to have, for the first time, a European prosecution policy and increase coherence in the fight against EU fraud through criminal law investigative instruments.

Finding the right balance between the interests at stake will be one of the key challenges. The European dimension and the profoundly innovative spirit of the EPPO must be

preserved and promoted by the Member States to ensure that the EPPO will be able to play its role in the future landscape of European justice.

As Director-General of OLAF, and I have said it many times, I personally want the EPPO to be a success story. I will make every effort to establish a fruitful cooperation with the Chief European Prosecutor from day one.

In this context, another important initiative – to which I am very much committed – is the recent legislative proposal for the revision of the OLAF Regulation 883/2013. This revision comes at a turning point, when we need to ensure that OLAF in its independent investigative mandate is prepared to be a strong partner for the EPPO.

OLAF needs to be granted the tools to continue to successfully counter complex cases of fraud. This is why the Commission is proposing in this review to:

- strengthen the admissibility of OLAF evidence in national courts;
- to grant OLAF with access to back accounts;
- to facilitate OLAF on the spot checks
- and to provide OLAF with the necessary tools to fulfil its mandate in the area of VAT.

It is through such concrete updates to the existing legal framework that the fight against fraud will become even more effective. On the basis of this proposal, OLAF and the EPPO will become key partners that work together to step up the EU's response to criminal activity targeting the Union's finances.

Before I conclude, I would like to express my gratitude to Romanian authorities, to the DNA in particular, for hosting this important and relevant conference today.

OLAF has always had a very good relation with Romania and especially with the DNA. We have always found in the DNA a cooperative and active partner in a large number of activities. OLAF needs such strong partners to fight fraud across Europe.

As Romania will soon take over the Council Presidency, I hope that we will carry on working together in a trustworthy and efficient way.

Thank you.