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Subject : EUROJUST / ERA CONFERENCE
10 years of Eurojust
Operational Achievements and Future Challenges
The Hague, 12-13 November 2012
Outcome Report

Delegations will find enclosed a report on the above mentioned conference.



EUROJUST / ERA CONFERENCE
10 YEARS OF EUROJUST
OPERATIONAL ACHIEVEMENTS AND FUTURE CHALLENGES
THE HAGUE, 12-13 NOVEMBER 2012
OUTCOME REPORT

Background

The Conference “10 Years of Eurojust. Operational Achievements and Future Challenges”, organised by Eurojust with the support of the Academy of European Law (ERA), was held at the Nieuwe Kerk, in The Hague, on 12 and 13 November 2012.

For the first time, a Eurojust event was also open to the general public. Judicial authorities, ministry officials, representatives of EU institutions, academics, and present and former Eurojust National Members attended the Conference that was opened with the welcome address of the President of Eurojust, Ms Michèle Coninx.

The general goal of the Conference was on the one hand, to celebrate Eurojust’s achievements ten years after its establishment and on the other hand, to discuss Eurojust’s future challenges, particularly in view of the European Commission’s proposals for regulations on Eurojust and on the establishment of a European Public Prosecutor’s Office (EPPO), both expected in 2013.

Introductory remarks were followed by five sessions devoted to specific topics. General conclusions on future perspectives closed the Conference.

This report is intended to reflect the main points of the presentations delivered by the numerous speakers taking part in the event and does not necessarily reflect an official position of Eurojust and/or the participants in the Conference.

The presentations given are summarised as follows:

Introductory remarks

For more than 10 years, Eurojust has been working at the frontline of EU criminal justice cooperation. Thanks to the role played by Eurojust, major results have been achieved, for instance in coordinating investigations and prosecutions, in monitoring the application of judicial cooperation instruments, and in developing cooperation with third States. In this role, Eurojust has been fulfilling its primary EU mission to contribute to the establishment of an area of justice in the European Union.

Undoubtedly the Lisbon Treaty has a determining impact on the future of Eurojust: it provides for the strengthening of Eurojust's role in the fight against transnational organised crime in the European Union on the basis of Article 85 of the Treaty on the Functioning of the European Union (TFEU). Granting Eurojust binding powers with regard to the initiation of investigations and prosecutions as well as the prevention and resolution of conflicts of jurisdiction raises complex and sensitive questions that need to be considered in order to ensure that the "European interest" in cross-border cases will be given its due weight. At the same time, governance reforms should be considered an essential part of any further development on the basis of Article 85 TFEU. To this end, any governance model will need to take into account the specific nature of Eurojust's core business.

A privileged role of Eurojust is foreseen in Article 86 TFEU in the context of the establishment of an European Public Prosecutor's Office “*from*” Eurojust. In spite of the obvious link that should exist between Eurojust and the EPPO, a too much direct influence on the future development of Eurojust on the basis of Article 85 TFEU by the setting up of the EPPO should be avoided for several reasons. First, the setting up of the EPPO is likely to be more controversial than the granting of new powers to Eurojust on the basis of Article 85 TFEU. Furthermore, it is anticipated that initially, only a limited number of Member States will participate in the EPPO. Finally, the EPPO's competence will be, in the first instance, confined to PIF (standing for “*protection des intérêts financiers de l'Union européenne*”) crimes. For all the aforementioned reasons, linking Eurojust's future to the sole EPPO perspective could jeopardise a possible reinforcement of the powers of Eurojust.

Session I: Eurojust's operational work today and under the Lisbon Treaty

Session I dealt with the following topics: status and powers of the National Members and the College; coordination and initiation through Eurojust; Eurojust's role in conflicts of jurisdiction and judicial cooperation instruments; and the role of Eurojust in supporting Joint Investigation Teams (JITs) from establishment to closure. The panel discussion on Eurojust's operational work and a discussion with the participants concluded the session.

Progress could be made towards a strengthened exploitation of Eurojust's potential in improving judicial cooperation and coordination: Article 85 TFEU clearly recognises the crucial role of Eurojust and allows for some changes in respect of its functioning and the powers of the National Members.

As to the status of National Members, it is important to ensure objectivity and impartiality, especially if additional powers are to be granted to Eurojust. In this regard, the Council of Europe recommendation Rec(2000)19 on the role of public prosecution in the criminal justice system should also be taken into account. Moreover, European thematic priorities in criminal policy are currently missing at EU level and Eurojust could play an important role in establishing them.

The wording of Article 85 TFEU implies the possibility to grant Eurojust (limited) binding decision-making powers. The prospect of granting binding powers to Eurojust is symbolically important. It opens the way to a real “qualitative leap”, since it will mark the transition from Eurojust’s role as a player at horizontal cooperation level, to that of a player at vertical integration level. The question is thus: what to choose and to what extent. This will depend on the level of ambition and it should reflect what is needed in practice.

Referring to the different scenarios developed at the Bruges seminar organised by Eurojust¹, the preferred option seems to be a *medium scenario* in the initiation of investigations (Eurojust would be able to order national authorities to undertake a national investigation, but the case would then be transferred to them immediately), combined with a *more ambitious scenario* in the coordination of investigations (granting Eurojust binding powers of coordination that would mainly result in the empowerment of Eurojust to order national authorities to implement decisions agreed upon at coordination meetings). This solution would also efficiently complement the implementation of Article 86 TFEU with the establishment of an EPPO. However, a number of issues closely linked to the possibility of granting Eurojust binding powers would need to be tackled (e.g. the structure of Eurojust, the (judicial) control of Eurojust’s activities, the need to receive appropriate and timely information, etc.), and the climate of trust and partnership, that has been slowly and patiently built between Eurojust and national authorities, should be preserved, for instance by keeping the binding powers as *ultima ratio*.

¹ “Eurojust and the Lisbon Treaty: towards more effective action” – Conclusions of the strategic seminar organised by Eurojust and the Belgian Presidency (Bruges, 20-22 September 2010), doc. 17625/1/10 REV 1 CATS 105 EUROJUST 147.

As far as conflicts of jurisdiction are concerned, a new clear and regulated legal framework for the prevention and settlement of conflicts of jurisdiction is needed at EU level: the determination of the jurisdiction best placed for the trial should be on the basis of rules and criteria established by EU law. There should also be judicial control (preferably by a specialised pre-established European court) of the decisions taken by the courts regarding their jurisdiction according to European law. In this future context, Eurojust's role will be even more important than now, particularly in the prevention of conflicts. Therefore, Eurojust should be reformed with a view to granting its National Members greater independence vis-à-vis their government. The adoption of the *Proposal for a Directive on the fight against fraud to the Union's financial interests by means of criminal law*, as well as future regulations for the establishment of the EPPO and the reform of Eurojust, are crucial opportunities to settle these issues by achieving consistency and overcoming the current asymmetry of Eurojust's National Members' powers.

Joint Investigation Teams (JITs) constitute primarily a tool of judicial cooperation and as such, they are at the core of Eurojust's business. Over time, Eurojust has developed a unique expertise in supporting and advising national authorities on the establishment and running of JITs. In practice, Eurojust's support, based on a judicial approach, can be provided at every stage, from setting up, through the operational phase, until the closing of the investigation. Moreover, thanks to the JIT funding project, Eurojust is also able to provide financial support, which is clearly essential. This central role needs to be confirmed and consolidated, in the new regulation for Eurojust, also from a financial point of view.

In addition to casework, Eurojust's operational work also includes strategic matters in which Eurojust plays an active role and which could be developed further. Although it is difficult to evaluate Eurojust's work, as statistics and Annual Reports do not cover all the significant work performed by the National Members via informal contacts, it seems that Eurojust is still not used to its full potential under the current legal framework.

Eurojust was created with a “dual nature”: it is composed of National Members who are national (authorities) and members of a European body at the same time. The European element of this particular duality needs to be strengthened further, for Eurojust to become a true European body: to retain within the institution the significant expertise developed by the National Members during their mandate, a better use of the permanent staff could be promoted. The refinement of the profile requirements and the creation of a homogeneous (EU) status for all National Members would be beneficial to the functioning of the whole organisation.

Session II: Gathering and exchange of information: means of improvement and facilitation

Session II was organised around the following four topics: gathering and exchange of information; the present and future role of Eurojust National Coordination System (ENCS), giving access to documents, dealing with confidentiality issues and finding the right balance between the use of information and data protection.

The 2009 Council Decision on the strengthening of Eurojust provides for the improvement of the information flow between the authorities of the Member States and Eurojust, by the creation of the Eurojust National Coordination System (ENCS). Eurojust can only fulfil the mandate which was given to it by unanimous decision of the Member States, if it receives information from the national authorities and the other competent stakeholders. In order to gather and exchange information, trust needs to be built, for which agreements on how to use the information received and gathered by Eurojust must be clearly stated. Furthermore, it may be borne in mind that the current Eurojust legal framework provides safeguards on the disclosure of (especially) case-related information.

Even though the principle of transparency is fundamental to the European Union, it is not absolute. The right balance between the implementation of this principle and the implementation of the mandate of Eurojust must be sought, as the practice of Eurojust has shown in the last few years. In recent years, examples have highlighted the dysfunctions that the universality principle, with regard to the public access to documents, entails in practice. To overcome them, a presumption of non-disclosure of Eurojust case-related documents is desirable. Furthermore, as a means to fostering harmonisation and a common understanding on the use of information among the competent national authorities, and among these authorities and Eurojust, the possibility for recourse to handling codes in the processing of Eurojust information could be explored.

When analysing how the EU institutions have been handling the balance between the application of the principle of transparency and the safeguard of the mandate of the institutions and the interests of the Member States, special attention was given to the way in which the scope of Regulation 1049/2001 on public access to documents has, after the entry into force of the Lisbon Treaty, spread from the EU legislative institutions (the Council of the European Union, the Commission and the European Parliament) to all EU institutions and agencies. However, the specificity of Eurojust, a former Third Pillar body and a judicial organisation with no legislative role, would call for a specific regime under the Regulation which will replace Regulation 1049/2001.

Under this general framework, two specific topics deserve special consideration: confidentiality and data protection.

Confidentiality issues are not unusual for the EU institutions: the Security Rules of the Council have been developed over the last 20 years and, although sometimes unduly perceived as in contradiction to the transparency Rules, are actually complementary to them. Whilst the Security Rules do not add any further exception than the ones provided for by Regulation 1049/2001, this one aims at finding the balance between the private and public interest. For so doing, sensitive documents are limited to specific fields (“*protect essential interests of the European Union or of one or more of its Member States in the areas [...] notably public security, defence and military matters*”) and it is precisely on these fields where Regulation 1049/2001 provides a higher level of protection (Article 4(1)(a) of the Regulation). The fact that a document is “classified” does not entail an *a priori* exception for disclosure, but there are a greater number of safeguards that may be applicable. This fact has been confirmed by settled case-law of the European Court of Justice².

As to the right balance between the use of information and data protection, Eurojust is currently working on the reinforcement of the level of protection in two connected fields: (1) the public access to Eurojust case-related documents and (2) the protection of personal data in the exchange of information.

Both fields are even more closely connected when it comes to case-related documents. As settled by the European Court of Justice and the European Court of Human Rights case-law, the rules of public access to documents may not be used as a means to circumvent the rights of the data subjects, which are enshrined in the Rules on the protection of personal data. Furthermore, both in the area of public access to documents and of personal data protection, a “one size fits all” regime cannot be applied. On the contrary, the recast of Regulation 1049/2001 should be taken as an opportunity to reflect on the specificities of Eurojust case-related documents. Another tool for the reinforcement of trust and protection of information flow would be the harmonisation of rules on data protection among the Member States.

² See Case C-266/05 P, José María Sison v Council, of 1 February 2007, among others.

Session III: A partner within the EU and beyond: Eurojust's network of cooperation

Session III was organised around the following topics: relations of Eurojust with EU institutions (in particular, the European Parliament), the European Judicial Network, EU agencies and bodies (such as Europol and OLAF), and third States and international organisations. The presentations were followed by a panel discussion on future developments in Eurojust's cooperation with partners, and a dialogue with the participants.

The importance of the legal and institutional regime, introduced by the Lisbon Treaty in the area of criminal justice, is paramount in the light of the new role of the European Parliament as co-legislator. The upcoming proposal for a Eurojust regulation will be subject to co-decision and will determine, *inter alia*, arrangements for involving the European Parliament in the evaluation of Eurojust's activities. In that respect, it is crucial to continue to enhance relations between the LIBE Committee of the European Parliament and Eurojust.

In view of the divergent operational practices in Member States, there is a need to clarify the competences of Eurojust and the EJM, to avoid overlap and confusion among practitioners. A single legislative instrument could deal with Eurojust, the EJM and also the Liaison Magistrates seconded by Member States at the same time. The complementarity between Eurojust and the EJM could be cemented by further integration of both organisations, for example by placing a number of EJM contact points under the umbrella of Eurojust, a scenario that would be in line with the on-going development of the ENCS. A strict division of competences between both organisations could also be considered by means of legislative action. Extending the term of the EJM Presidency to 12 months, and the use of the so-called "troika approach" should also be discussed, with a view to increasing consistency in the overall direction of the Network.

Further improvement in the exchange of information and coordination between JHA agencies, in particular Europol and Eurojust, is essential to ensuring organisations can fully carry out their tasks. In that respect, work towards the full association of Eurojust to Europol focal points should continue. Eurojust and OLAF need to consolidate their cooperative relations in view of the possible setting up of the European Public Prosecutor's Office from Eurojust, in accordance with Article 86 TFEU.

The future role of Eurojust, when it comes to the negotiation of cooperation agreements with third States and international organisations, is uncertain, in view of the changes introduced by the Lisbon Treaty. It would be desirable for Eurojust to be part of future negotiation teams, or to be given the mandate to negotiate "implementing agreements", on the basis of general agreements on judicial cooperation in criminal matters concluded by the European Union, in particular for the negotiation of provisions on exchange of operational information, including personal data, or for the posting of Eurojust Liaison Magistrates to third States.

With respect to possible future developments in the legal regime applicable to Eurojust cases involving third States, the prospect of merging Articles 3(2) and 27b of the Eurojust Decision should be considered, with a view to clarifying the scope under which Eurojust can provide assistance in investigations and prosecutions involving third States, where requests for judicial cooperation are referred to Eurojust by competent authorities of EU Member States or third States. In Eurojust's daily practice, National Members are faced with requests by competent authorities of Member States to assist in cases involving third States with whom Eurojust has not concluded a cooperation agreement. A solution should be found, as Eurojust cannot facilitate information exchange, including personal data, in those cases.

Consideration could also be given to whether the powers of Eurojust Liaison Magistrates could go beyond those of a mere facilitator of judicial cooperation. In addition, since some of the potential countries where they could be posted do not fulfil European data protection standards (with the consequence that no cooperation agreement can be concluded), consideration should be given to the possibility for Eurojust, under certain conditions, to post Liaison Magistrates to third States or certain regions, without a cooperation agreement in place.

Session IV: Restructuring Eurojust for the future

Session IV was organised around the following two specific topics: improving Eurojust's structure and judicial control: the future role of the Court of Justice of the European Union (CJEU) for Eurojust. The chair then moderated a panel discussion on "What to expect from the proposal for a regulation on Eurojust?", followed by a dialogue with the participants.

The improvement of Eurojust's governance structure is an essential prerequisite for improving Eurojust's efficiency and readiness for future challenges, including the setting up of an EPPO from Eurojust. To this end, introducing a clear distinction between "supervisory", "executive" and "operational" roles would be necessary. In particular, the College and the National Members should be relieved of the burden of performing administrative tasks so as to be able to focus on the core business of Eurojust. The responsibility for the running of the organisation's daily business should be entrusted to the executive role. Avoiding and preventing conflicts of interest between relevant actors at Eurojust appear to be of fundamental importance.

To help the Member States to develop an increased sense of “ownership” of Eurojust, the supervisory role could be entrusted to a management board composed, *inter alia*, of Member States’ representatives. However, the independence and responsibility of the National Members in relation to casework should always be safeguarded. Finally, whatever model is ultimately chosen, ensuring that the new governance structures allow Eurojust to achieve its objectives with greater speed, quality, and, if possible, economy, will be of outmost importance.

In light of its current role and competences, Eurojust would not likely be held accountable in individual cases, by virtue of Article 263 TFEU, to judicial control by the Court of Justice of the European Union (“CJEU”). Eurojust’s acts – either through its National Members or the College – do not yet have binding legal effect and still depend upon Member States’ authority. As a result, only national authorities’ decisions are seemingly able to affect the legal position of individuals and possibly trigger the CJEU’s scrutiny. Furthermore, both Eurojust’s practice and a recent research study³ show that Eurojust is still mainly acting in a flexible and informal way, leaving formal decisions to the competent national authorities

Of course, future Eurojust developments in accordance with Articles 85 and 86 TFEU, especially the possibility for Eurojust to exert binding powers as well as to act as the EPPO, could bring substantial changes in the above-described situation, rendering Eurojust directly accountable and its acts formally subject to the CJEU’s judicial review. In addition to overseeing Eurojust, the CJEU could also contribute to enforcing Eurojust’s position, by exerting its jurisdiction in infringement proceedings, for example relating to the Member States’ obligations in connection to the Eurojust Council Decision. In this way, the CJEU would not only appear as the “guardian against” Eurojust’s powers, but also as the “guardian of” Eurojust’s powers.

³ EuroNEEDs Study, Max Planck Institute for Foreign and International Criminal Law, 2011.

With regard to the future proposal for a regulation on Eurojust, additional powers, if any, should be allocated for the main purpose of allowing Eurojust to better fulfil its tasks, i.e. not merely for the sake of increased powers. Furthermore, the scope and extent of additional powers shall be designed by means of an evidence-based approach, i.e. by looking at current trends and concrete needs. In addition, the outcome of the 6th round of mutual evaluations on the implementation and practical operation of the Eurojust Decision in the Member States should be taken into consideration.

The involvement of the European Parliament and national Parliaments is of utmost importance, as such involvement will increase Eurojust's democratic legitimacy and transparency. However, ensuring consistency among various evaluations of Eurojust will be advisable, and, in any case, the independence of the core business of Eurojust should be respected and duly preserved against political interference.

The setup of the EPPO from Eurojust will result in major organisational changes. In particular, a functional link will need to be established between the two entities. However, appropriate cost-efficient solutions will need to be found, such as building the future EPPO by making use of the already available resources.

Session V: Creating a European Public Prosecutor's Office (EPPO) from Eurojust

Session V focussed on the creation of the EPPO and dealt with, in particular, the following issues: possible prosecution models; finding a design for the EPPO and Eurojust; and a future coherent procedural-institutional framework: the way ahead to implement Articles 85 and 86 TFEU. The presentations were followed by a panel discussion on the EPPO from Eurojust and a dialogue with the participants.

To work effectively against the so-called PIF crimes, the following principles should be respected: complementarity, cohesion, coherence and efficiency. Proper use of all actors involved is necessary; synergies and interaction are essential. Administrative and functional support provided by Eurojust in the creation of the EPPO are decisive elements, especially in the present financial climate.

Two main types of models can inspire the setting up of the EPPO: existing national prosecution models, e.g. national units specialised in investigating international crimes, and international criminal tribunal models, such as the ICTY, the ICTR and the ICC. Despite the differences (e.g. the international criminal tribunals consist of a criminal court which is currently missing at EU level), several elements can serve as a source of inspiration for the EPPO, such as: the procedure and criteria for the prosecutor's nomination, the use of opportunity or legality principles, and the prosecutor's independence. The latter is of particular importance. The total independence of the EPPO from any political bodies, including the EU institutions, is necessary for its proper functioning. The complementarity principle, as applied by the ICC, is also important. The EPPO should stimulate national investigations by specialised units dealing with fraud at national level and take over only some representative cases. Therefore, the identification of priorities and the application of the opportunity principle seem to be inevitable for the EPPO.

Even if differences exist between Eurojust (with a coordination role and general competence, a collegiate model and the power to “ask”) and the EPPO (with a direction role and a specific competence restricted to PIF cases, a hierarchical structure model and the power to “decide”), the link between the two is essential. To succeed, the proposals should be part of the same “package” and go “hand-in-hand”. Different possible models for the EPPO exist: progressively turning Eurojust into the EPPO (Article 85), opting for a collegiate model (Articles 85 and 86), or opting for a single person (Article 86). Of course, each solution presents different advantages and several combinations of models are also possible.

A suggested design for the EPPO from Eurojust entails the following main elements: Eurojust National Members (or deputies) are part of the EPPO when dealing with PIF crimes; the EPPO can draw on Eurojust's resources (e.g. the Administrative Director, the administrative units with responsibility for budget, human resources, legal affairs, access to the Case Management System, etc.), while acting at the same time as a completely independent body; OLAF's investigation part is integrated into the structure of the EPPO and a special EPPO unit, responsible for conducting investigations under the EPPO's authority and in cooperation with national authorities, is set up at Eurojust; OLAF's legislative part is integrated in the Commission, while the internal investigation part could become part of either the EPPO (if PIF-related) or the Court of Auditors. As to the delegates in the Member States (that could also be members of the ENCS), the so-called "double-hat" solution (national prosecutors are at the same time members of their judiciary and of the EPPO) can be opposed to European prosecutors working exclusively for the EPPO.

As for the rules to be applied by the EPPO, the results of a comprehensive study conducted by the University of Luxembourg show that the EPPO could work on the basis of a harmonised set of procedural rules. The so-called "model rules" cover a general part including procedural safeguards, measures to be adopted (with or without prior judicial authorisation) during the investigation phase, as well as rules dealing with the prosecution and bringing to judgement phases.

In conclusion, the EPPO, being simultaneously both autonomous and embedded in the national systems, should investigate and prosecute the most serious cases having a transnational and organised character. No EPPO will exist without national criminal justice systems, and no criminal justice systems will exist without the EPPO.

However, from an alternative perspective, difficulties in practice could also arise from the use of two different sets of rules (EPPO rules and national rules) to be applied by the same prosecutor with regard to the same suspect.

When creating the EPPO, the legislator must take into account, on the one hand, the need to ensure its independence from the EU institutions and from the national authorities – including an appointment procedure to provide tenure, removal from office in case of breach, and judicial review before the CJEU – and, on the other hand, the necessary accountability (probably towards the Council and the European Parliament) as to the policy choices and the functioning of the office as such. To be part of the EPPO, the Eurojust National Members of the Member States participating in the EPPO should be appointed in a way that ensures their independence from their respective government. At a later stage, the possibility of establishing a European court ensuring a common jurisprudence will also need to be considered.

The question of the cost for the EPPO's design will also play an important role. It should be "cost neutral", i.e. built on and with existing resources, using the current best expertise and capacity of OLAF and Eurojust, and closely connected to Eurojust and the national authorities. In the new setting of the European criminal justice area, Eurojust will continue to exercise its competence by coordinating non-PIF-related crimes of all Member States and PIF-related crimes of non-EPPO Member States, and by ensuring the link between the latter and the EPPO. The possibility of using the Consultative Forum of Prosecutors General and Directors of Public Prosecutions as a liaison mechanism between the EPPO and national prosecutions should also be explored.

Finally, even if the exact meaning of the expression "from Eurojust" of Article 86 TFEU is not clear, the prominent role that Eurojust is called upon to play in the EPPO is certain. Thus, the focus should be on how to make the work of the EPPO efficient, e.g. using the "facilitator" role of Eurojust to solve the everyday practical problems that will emerge in relation to both EPPO and non-EPPO Member States' authorities and with regard to organised crime connected to PIF crimes.

General conclusions: Future perspectives

Since the decision of the European Council of Tampere (1999) which suggested the creation of Eurojust, and its formal establishment in February 2002, Eurojust has achieved impressive results. The quality and volume of Eurojust's casework over time, have steadily increased. However, the competent national authorities could and should make greater use of Eurojust. To this end, major efforts should be made at all levels, to increase practitioners' awareness of the work of Eurojust, and to provide them with appropriate knowledge and training.

Joint Investigation Teams have proved to be particularly successful in a growing number of cases. Further use of JITs, however, is also dependent upon the funds made available to Eurojust to ensure the continuity of its financial support to this instrumental tool of judicial cooperation.

Rules on access to documents relating to the core business of Eurojust should be refined to strike the correct balance between the application of the principle of transparency and the confidentiality of case-related data, taking into account the mandate and tasks of Eurojust as an EU judicial body.

Eurojust will continue to work in close cooperation with its partners, such as Europol, OLAF and the European Judicial Network, and the EU institutions. Judicial cooperation with third States will remain of crucial importance in the future. Consideration should be given to the possibility for Eurojust to continue its direct involvement in negotiating EU cooperation agreements.

Possible future governance models and working structures of Eurojust should take account of the specific nature of Eurojust's core business and allow the College and National Members to concentrate on all operational activities linked to the core business of Eurojust.

Finally, participants exchanged views on the establishment of the EPPO from Eurojust. Although the expression “from Eurojust”, as it stands in Article 86 TFEU, is open to interpretation, there is little doubt that Eurojust will have a pivotal role to play in the future EPPO and that both the legal framework and practical experience of Eurojust will have to be taken into account in its establishment. In addition, the integration of OLAF into the EPPO is an option to be considered. Overall, synergies and coordination will have to be developed between all involved actors (EPPO, Eurojust, EJM, OLAF, Europol), to optimise resources and to step up the fight against transnational crime and the protection of the financial interests of the European Union.
