



Collana del Dipartimento di Giurisprudenza
dell'Università di Milano-Bicocca

The EPPO and the Rule of Law

Edited by

Benedetta Ubertazzi



G. Giappichelli Editore – Torino



Collana del Dipartimento di Giurisprudenza
dell'Università di Milano-Bicocca

Direttore:

Loredana Garlati

Comitato editoriale:

Maurizio Arcari

Chiara Buzzacchi

Adolfo Ceretti

Diana Cerini

Giovanni Chiodi

Filippo Danovi

Monica Delsignore

Giovanni Guglielmetti

Costanza Honorati

Giovanni Iorio

Elisabetta Lamarque

Gioacchino La Rocca

Natascia Marchei

Alfredo Marra

Claudio Martinelli

Oliviero Mazza

Stefania Ninatti

Claudia Pecorella

Andrea Rossetti

Carlo Ruga Riva

Nicola Sartori

Franco Scarpelli

Antonello Tancredi

Giulio Vigevani

The EPPO and the Rule of Law

Edited by

Benedetta Ubertazzi



G. Giappichelli Editore – Torino

© Copyright 2024 - G. GIAPPICHELLI EDITORE - TORINO

VIA PO, 21 - TEL. 011-81.53.111

<http://www.giappichelli.it>

ISBN/EAN 979-12-211-0899-6

ISBN/EAN 979-12-211-5896-0 (ebook)

Questo volume è pubblicato con il contributo del Dipartimento di Giurisprudenza dell'Università degli Studi di Milano-Bicocca.

L'opera ha ottenuto la valutazione positiva di due revisori anonimi, secondo il procedimento previsto dal Regolamento della Collana, consultabile sul sito del Dipartimento di Giurisprudenza.



CC BY-NC-ND

Attribuzione - Non Commerciale - Non Opere Derivate

Stampa: Stampatre s.r.l. - Torino

Le fotocopie per uso personale del lettore possono essere effettuate nei limiti del 15% di ciascun volume/fascicolo di periodico dietro pagamento alla SIAE del compenso previsto dall'art. 68, commi 4 e 5, della legge 22 aprile 1941, n. 633.

Le fotocopie effettuate per finalità di carattere professionale, economico o commerciale o comunque per uso diverso da quello personale possono essere effettuate a seguito di specifica autorizzazione rilasciata da CLEARedi, Centro Licenze e Autorizzazioni per le Riproduzioni Editoriali, Corso di Porta Romana 108, 20122 Milano, e-mail autorizzazioni@clearedi.org e sito web www.clearedi.org.

INDEX

	<i>page</i>
<i>List of Contributors</i>	XI
1.	
INTRODUCTION	
<i>Benedetta Ubertazzi</i>	1
1. EPPO and the Rule of Law	1
2. EPPO as the New Protagonist in Defending the Rule of Law	2
3. EPPO's Investigations: Between Problems and Respect for the Rule of Law	4
4. EPPO and other EU Institutions: Further Protecting the Rule of Law	6
5. Conclusion	8
SECTION 1	
EPPO AS THE NEW PROTAGONIST IN DEFENDING THE RULE OF LAW	
2.	
THE MEDIA ECHO OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE: WHERE ARE WE AT?	
<i>Roberto Saviano</i>	11
3.	
THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE: A STEP TOWARDS EUROPEAN JUDICIAL INTEGRATION	
<i>Francesco Testa</i>	33

4.

COOPERATION BETWEEN EPPO AND THE COMMISSION
IN THE FRAMEWORK OF THE CONDITIONALITY
REGULATION: CAN EPPO CONTRIBUTE TO
ENFORCING THE RULE OF LAW?

<i>Federica Iorio</i>	39
1. Introduction	39
2. The Conditionality Regulation and the link between the Rule of Law and the EU's financial interests	41
3. EPPO's privileged position for the assessment of the efficiency and fairness of national prosecution, judicial and law enforcement systems	43
4. EPPO's potential contribution to the enforcement of the Rule of Law: the limit of enhanced cooperation	45
4.1. EPPO's cooperation with the Commission in the enforcement of the Conditionality Regulation in participating Member States	46
4.2. EPPO's cooperation with the Commission in the enforcement of the Conditionality Regulation in non-participating Member States	49
5. Conclusions	52
Bibliography	52

5.

EPPO AND THE RULE OF LAW

<i>Lorenzo Salazar</i>	55
------------------------	----

SECTION 2

EPPO'S INVESTIGATIONS: BETWEEN PROBLEMS
AND RESPECT FOR THE RULE OF LAW

6.

FOR A NORMATIVE REBALANCE OF THE EPPO
REGULATION TO SAFEGUARD THE ADVERSARIAL
PROCESS

<i>Ludovica Tavassi</i>	61
1. Introduction	61

	<i>page</i>
2. An unstable regulatory building	62
3. Indiscriminate access to evidence	63
4. Prevent forum shopping	65
5. Rules of jurisdiction allocation	67
6. The significance of the chronological factor	69
7. Obstacles to the right of defence	70
8. Future prospective	71
Bibliography	72
7.	
EPPO AND THE CRISIS OF DUE PROCESS	
<i>Oliviero Mazza</i>	75
8.	
THE RULE OF LAW WITHIN THE ACTIVITY OF EPPO A TRIPLE PERSPECTIVE	
<i>Dorel Herinean</i>	79
1. Introduction	79
2. The general EU law perspective	80
2.1. The EU Rule of Law and the primacy of the EU law	81
2.2. The framework of the EPPO and the Rule of Law	81
2.3. The decisions emitted by the EPPO and the Rule of Law	82
2.4. An interesting aspect – the liability of legal persons in the EU law	84
3. The substantive law perspective	86
3.1. The incrimination texts in different States	87
3.2. Other substantive law issues	88
3.3. The sanctions	89
4. The procedural law perspective	90
4.1. The general principles of investigations	91
4.2. The legality of the investigations	92
4.3. The procedural safeguards	92
4.4. The criminal trial before a court	94
5. A case study – the Romanian statute of limitations issue	95
6. Conclusions	97

9.

SETTLEMENT OF CONFLICTS OF COMPETENCE
BETWEEN THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE
AND NATIONAL AUTHORITIES: THE SPANISH CASE

<i>Alejandro Hernández López</i>	99
1. Introduction	99
2. Competence limits and exercise of the competence of the EPPO	101
2.1. Material scope of competence	101
2.2. Exercise of competence	102
3. Settlement of conflicts of competence according to the EPPO Regulation	103
3.1. Decision at the national level	103
3.2. Role of the Court of Justice of the European Union	105
4. Settlement of conflicts of competence according to the Spanish law	107
4.1. The heterodox system introduced by the LO 9/2021	107
4.2. Preliminary ruling request	109
5. The way forward: reflections and proposals	112
5.1. At the Spanish level	112
5.2. At the European Union level	113
6. Final remarks	116
Bibliography	117

SECTION 3

EPPO AND OTHER EU INSTITUTIONS:
FURTHER PROTECTING THE RULE OF LAW

10.

OLAF AND EPPO: INTERACTIONS AND COLLABORATION

<i>Petr Klement</i>	121
1. Introduction	121
2. OLAF and EPPO – The Codified Affection	123
3. Support to the New Model at the Starting Position	125
4. EPPO and OLAF – Similarities and Differences	127
5. The Complementarity Model under the Test	130
5.1. OLAF Support to EPPO	130
5.2. OLAF Complementary Investigations	132

	<i>page</i>
6. Admissibility of Evidence	133
7. The Further Development and Topography of Bodies Protecting the Financial Interests of the EU	136
Bibliography	138
11.	
EPPO RELATIONS: EUROJUST, OLAF AND EUROPOL PROSPECTIVE OBSERVATIONS	
<i>Pietro Suchan</i>	139
1. The relationship between EPPO and Eurojust	139
1.1. Key points of specific interest regarding the relationship with Eurojust	140
1.2. Possible involvements of Eurojust	141
1.3. EPPO's independence	145
1.4. Legal basis of the relationship with Eurojust	145
1.5. Working agreements	145
2. The relationship between EPPO, OLAF and Europol	147
2.1. Europol	147
2.2. OLAF	148
2.3. The working agreement between EPPO and Europol	151
3. Conclusions	152
12.	
A PRACTICAL ANALYSIS OF EPPO'S OPERATION	
<i>Serena Cacciatore</i>	153
1. Introduction	153
2. The creation of the European Public Prosecutor's Office and its conse- quences	157
2.1. European perspective	161
2.2. Spanish and Italian perspective	165
3. Final consideration	169
Bibliography	170

13.

THE EU'S RULE OF LAW TOOLBOX BETWEEN EVOLUTION
AND REVOLUTION

Serena Crespi

175

1. The foundational and constitutional nature of common values under Article 2 of the TEU 175
2. The notion of "Rule of Law" in light of EU case law 179
3. Tools for preventing violations of common values by Member States: the annual Reports of the European Commission on the Rule of Law 185
4. Following: The peer review system of the General Affairs Council 191
5. Reactive tools to the risk of violation or breach of common values: the mechanism provided for in Article 7 of the TEU 195
6. Following: the infringement procedure referred to in Articles 258-260 of the TFEU between theory... 202
7. ... And Practice 206
8. Preliminary ruling under Article 267 of the TFEU 211
9. The principle of mutual trust among Member States in EU infringement and preliminary case law: a new weapon to protect the Rule of Law? 215
10. The conditionality mechanism: Regulation 2020/2092 219
11. Conclusions... also in light of the recent directive on the protection of persons reporting violations of EU law 226

LIST OF CONTRIBUTORS

BENEDETTA UBERTAZZI, Associate Professor at the University of Milan-Bicocca and Director of the STEPPO Jean Monnet Centre of Excellence of the European Union – The EPPO and EU Law: A Step Forward in Integration.

ROBERTO SAVIANO, Writer and Essayist.

SOFIA MAZZA, Law Graduating at the University of Milan-Bicocca.

FRANCESCO TESTA, European Delegated Prosecutor.

FEDERICA IORIO, Italian Lawyer and Contracted Professor at Collège d'Europe.

LORENZO SALAZAR, Italian Lawyer and Deputy Prosecutor General to the Court of Appeal of Naples.

LUDOVICA TAVASSI, Postdoctoral Researcher at the University of Milan-Bicocca.

OLIVIERO MAZZA, Professor at the University of Milan-Bicocca.

DOREL HERINEAN, Lawyer and Assistant Professor at the Faculty of Law, University of Bucharest.

ALEJANDRO HERNÁNDEZ LÓPEZ, Associate Professor at the University of Valladolid.

PETR KLEMENT, Deputy European Chief Prosecutor.

PIETRO SUCHAN, Professor at the Guardia di Finanza Academy, Former Italian Public Prosecutor and Eurojust Magistrate.

SERENA CACCIATORE, Postdoctoral Researcher at the University of Palermo (UNIPA).

SERENA CRESPI, Associate Professor of European Union Law at the University of Milan-Bicocca.

1.

INTRODUCTION

Benedetta Ubertazzi

SUMMARY: 1. EPPO and the Rule of Law. – 2. EPPO as the New Protagonist in Defending the Rule of Law. – 3. EPPO's Investigations: Between Problems and Respect for the Rule of Law. – 4. EPPO and other EU Institutions: Further Protecting the Rule of Law. – 5. Conclusion.

1. EPPO and the Rule of Law

This text brings together the contributions of speakers at the Conference 'The EPPO and the Rule of Law' organised on 18 April 2023 by the STEPPO Centre of Excellence. The Conference marks the end of the STEPPO Centre of Excellence's second edition of the module 'The EPPO and EU Law: A Step Forward in EU Integration'.

These pages discuss the protection of the Rule of Law in the work of the European Public Prosecutor's Office, the European Public Prosecutor's Office itself and its commitment to defending the fundamental values of the EU. The aim of this text is to examine, from different angles but with a common focus, how the European Public Prosecutor's Office can embody and promote the Rule of Law in its mission to protect the Union's financial interests. The first section starts with an analysis of EPPO's constitution in order to examine its role in the further protection of the Rule of Law. The second section then examines EPPO's investigative and procedural practice, and the respect for fundamental rights in the exercise of its investigative functions. The third and final section is devoted to the cooperation mechanisms between EPPO and other European actors, analysing EPPO's role in developing best practice in defence of the Rule of Law.

2. EPPO as the New Protagonist in Defending the Rule of Law

This section examines the constitution and the legal basis of EPPO. It emphasises the fundamental importance of respect for the Rule of Law for its effective functioning.

After the general and introductory analysis of Roberto Saviano, who introduces the contents of the Conference, Francesco Testa provides an in-depth examination of EPPO's legal framework and its integration into EU legal traditions. Federica Iorio extends this examination by considering how the Rule of Law acts as a guide for EPPO's operations, highlighting the institution's potential to reinforce this cardinal principle through its role in regulating and overseeing tax matters. Lorenzo Salazar explains EPPO's function as a supranational body operating across different criminal justice systems, ensuring that the Rule of Law is upheld in the different and sometimes divergent legal landscapes of the 22 participating Member States.

This book opens with Roberto Saviano's article, which provides an in-depth examination of the role of EPPO as a transformative mechanism in the fight against transnational financial crime. Saviano's article highlights the potential of EPPO to be an objective and impartial body that acts with the impartiality required of criminal judges as part of the Rule of Law, both by the Italian Constitution and by the European Convention on Human Rights. The article examines the innovative synergy of national prosecutors working within EPPO, going beyond national borders to fight crime in the EU. Saviano also reveals his surprising involvement in an innovative project of the STEPPO Centre of Excellence, which examines the interaction between EPPO and the Italian mainstream media.

Saviano then turns to the practical side, illustrating the money laundering process and how EPPO's intervention can disrupt established criminal strategies. The author notes the significant achievements of EPPO, as outlined by its chief prosecutor, Laura Kövesi, and suggests that EPPO's ability to facilitate joint investigations between Member States is a step forward in European integration. Finally, the author reflects on the principles of the Rule of Law and the independence of the judiciary within the European Union and highlights the importance of EPPO as a beacon of respect for these principles.

An analytical study by Francesco Testa, Italian Deputy Public Prosecutor for EPPO, critically assesses EPPO's founding legal framework and emphasises the Rule of Law as the guiding principle of its proceedings. Testa's narrative begins with the emergence of EPPO as the embodiment of a new model of prosecution within the EU judicial architecture. Testa examines EPPO's unique role and how it operates within a complex set of legal principles and historical traditions in 22 Member States. Addressing profound questions about the role and operation of EPPO, Testa focuses on the central role of the Permanent Chambers in

overseeing cross-border investigations and decision-making, arguing that EPPO's operational model challenges traditional notions of judicial cooperation and can facilitate the protection of the Rule of Law.

In addition, Testa examines the legal status of European Public Prosecutors and their autonomy, reflects on the transformative potential of EPPO's integration into the EU legal framework and its implications for the Italian legal system, and foresees a future of considerable legal debate and development driven by EPPO's innovative approach.

Federica Iorio's article examines the intertwining of the Rule of Law in EU jurisprudence and the role of the European Public Prosecutor's Office in tax governance. The exploration begins with an account of the historical and functional significance of the Rule of Law as a cornerstone of EU governance. From this basic understanding, Iorio argues that EPPO's work in protecting the Union's fiscal interests is inextricably linked to the preservation and promotion of the Rule of Law. In the course of the article, Iorio critically examines the "conditionality regulation" (Regulation 2020/2092), explaining its salient features and how they dovetail with the statutes that guide EPPO, while also constructively criticising the European Public Prosecutor's Office itself. The examination includes reflections on the future role of EPPO and how it fits into the broader fabric of the evolving EU legal and political landscape. Iorio presents an informed perspective on how EPPO can have a significant impact on strengthening the Rule of Law, particularly through its potential synergies with the European Commission in the application of the conditionality regulation in both Member States and non-Member States.

Concluding this section, Lorenzo Salazar addresses the crucial relationship between EPPO and the Rule of Law within the Union's legal framework. His article affirms EPPO's vital role in upholding the Rule of Law, prosecuting crimes against the European Community and protecting the financial interests of its citizens, thus safeguarding the Rule of Law itself. Salazar underlines the unique position of EPPO as the first supranational judicial body to harmonise the different criminal justice systems of the 22 participating Member States. Using Article 5 of the EPPO Regulation as a guide, he shows how the work of EPPO is inextricably linked to the Charter of Fundamental Rights of the European Union, as well as to the principles of the Rule of Law and proportionality. Salazar also examines the so-called "fourth layer" of protection of the Court of Justice in Luxembourg, which can provide decisive solutions to conflicts of jurisdiction through preliminary rulings or direct intervention, thus strengthening the Rule of Law.

The article also proposes innovative mechanisms at European level to protect the rights of individuals, including the creation of a "Euro Defender" office and a 24/7 legal aid service to facilitate a swift and effective defence against EPPO actions. According to Salazar, EPPO demonstrates the balance between integra-

tion and cooperation in the EU, strengthening the Rule of Law through its independence and interaction with national legal systems.

3. *EPPO's Investigations: Between Problems and Respect for the Rule of Law*

The articles in this section focus on upholding the Rule of Law in EPPO-led investigations. Ludovica Tavassi analyses EPPO's legal framework, its compliance with the Rule of Law and potential risks to the fairness of prosecutions. Oliviero Mazza discusses the impact of EPPO rules on the rights of defendants and offers suggestions for better protection of these rights, while Herinean focuses on the delicate balance between European and national law and its impact on the administration of justice. Alejandro Hernández López provides an in-depth examination of EPPO in Spanish jurisprudence, focusing on procedural fairness and the Rule of Law. Their collective reflections emphasise the importance of maintaining judicial integrity and the Rule of Law in the face of EPPO's extensive procedural powers. A common feature of both authors is their critical analysis of EPPO's work, offering criticisms and possible solutions to ensure that EPPO is indeed a guardian of the Rule of Law and does not violate guarantees in the course of its activities.

In her academic critique, Ludovica Tavassi, Postdoctoral Researcher at the University of Milan-Bicocca, rigorously assesses the EPPO legal framework and sheds light on its potentially precarious foundations. The author identifies fundamental gaps in the clarity of the law and the fairness of the judicial process, which could undermine the equality of arms that is integral to due process and thus to the Rule of Law. Tavassi examines the indiscriminate acceptance of evidence within EPPO's procedural dictates, highlighting concerns about safeguarding the presumption of innocence and the integrity of the adversarial process. The author warns of the dangers of "forum shopping", where procedural leeway could lead to cases being dealt with in jurisdictions that are favourable to the interests of the prosecution, thus calling into question the principle of the pre-established natural judge as enshrined in Article 47 of the Nice Charter. Her analysis also touches on the rules of attribution of jurisdiction, the importance of chronological factors in judicial proceedings and possible obstacles to the right of defence. Tavassi warns that the current legal environment may reinforce inequalities and hamper the ability of the defence to operate effectively in transnational settings, with access to evidence and financial resources playing a disproportionate role.

In his article, Professor Oliviero Mazza of the University of Milan-Bicocca presents a critical analysis of the EPPO Regulation, focusing on its implications for the rights of defendants and the proper administration of justice. Mazza as-

esses the ambiguities of EPPO's jurisdiction and the exercise of its investigative powers, highlighting potential risks to fundamental rights. The author examines the complexities of EPPO's investigative process and the inherent challenges it poses to the rights of the defence. Through his pragmatic lens, Mazza offers constructive suggestions for improving EPPO's legal framework to better protect these rights and the Rule of Law. Mazza also raises concerns about the criteria used to determine EPPO's jurisdiction, such as the assessment of damages, which often cannot be definitively quantified until the end of the trial. The article also addresses potential conflicts between EPPO and national prosecutors, fuelled by the unclear demarcation of investigative powers and the lack of sanctions for non-compliance with reporting obligations. Mazza's article is a trenchant critique of EPPO's impact on national jurisdictions, highlighting its political influence, which risks undermining key Rule of Law principles.

In his comprehensive analysis, Assistant Professor Dorel Herinean delves into the complexities of EPPO in light of the obligation to respect the Rule of Law in the EU. His examination begins with a detailed consideration of the fundamental role that the Rule of Law plays in the EU framework, a principle that is integral to the harmony between European and national law. Herinean carefully critiques the transposition of the EU's Protection of Financial Interests (PIF) Directive between Member States and outlines the resulting complications in transnational criminal proceedings. He examines the investigative procedures of EPPO, focusing on judicial review and the procedural safeguards necessary to uphold the Rule of Law. The discourse extends to a critical case study of the Romanian statute of limitations, which vividly illustrates the intersection between national laws and European mandates. Through this practical case, Herinean presents EPPO as an example of the EU's commitment to the supremacy of law, reaffirming its role as an instrument to strengthen judicial cooperation between Member States and respect for the Rule of Law.

In his analysis, Alejandro Hernández López, Professor at the University of Valladolid, presents a meticulous examination of the operational and legal challenges faced by EPPO in the Spanish jurisdictional context. López analyses EPPO's material competences, their execution and the intricate process of resolving conflicts of jurisdiction, emphasising the interplay between EU directives and national sovereignty. López critically assesses the procedural dependencies that introduce potential asymmetries in legal protections between Member States, in particular Spain's unique procedural framework and its potential clash with EPPO's supranational jurisdictional. The author offers a detailed critique of the procedural reliance on national systems, which affects the uniformity of rights and obligations between Member States, and presents the provision of Article 42(2)(c) on preliminary rulings as an embodiment of the intricate complexity and potential solutions for jurisdictional disputes, and how this impacts respect for the Rule of Law. This critique is in line with the observations of the

European Commission in the 2023 Rule of Law Report. In that Report, the Commission noted that cooperation between EPPO and national prosecution offices can be complex due to the fragmented nature of national structures.

4. EPPO and other EU Institutions: Further Protecting the Rule of Law

This final section examines the role of EPPO in promoting cooperation between European institutions and guiding this cooperation on the basis of the Rule of Law. The authors aim to analyse EPPO's positive leadership role *vis-à-vis* other actors on the European scene in raising Rule of Law standards and protections. Petr Klement outlines the relationship and cooperation between EPPO and OLAF, highlighting the balance needed to fulfil each agency's mandate. Suchan stresses the importance of formal agreements allowing EPPO to draw on the extensive resources and information systems of these organisations, while respecting the Rule of Law and ensuring effective cooperation for the operational success of cross-border investigations. Serena Cacciatore discusses the practical implications of EPPO's activities in Italy and Spain, with a particular view towards improving the effectiveness of investigations within the legal frameworks of Member States. Finally, Serena Crespi provides a comprehensive picture of the framework in which EPPO operates, within which it is called upon to uphold the Rule of Law. The juxtaposition of the perspectives of Klement, Suchan, Cacciatore and Crespi provides an insight into the impact of EPPO on institutional cooperation, which has not only adapted to the standards that preceded its establishment, but also increased respect for fundamental rights, including the Rule of Law.

In his insightful article, Petr Klement looks at the synergy between EPPO and OLAF. The author begins by tracing the development of OLAF since its creation in 1999, highlighting its dual investigative and political role within the European Commission and its achievements, including high-profile cases. Klement criticises the constraints on OLAF, such as the lack of direct judicial control and access to banking information, and highlights the impact these have on the length and effectiveness of OLAF investigations. Klement assesses the preparatory steps taken by OLAF in anticipation of the creation of EPPO and analyses how OLAF has maintained its relevance by supporting EPPO despite the workload and resource constraints experienced after EPPO was established. Klement looks at the structural and functional differences between the two bodies, noting OLAF's broad investigative mandate as opposed to EPPO's focus on prosecution under the PIF Directive. In particular, the author explores the complex terrain of the admissibility of evidence in criminal proceedings arising from OLAF investigations.

Pietro Suchan's article examines the complex relationships and cooperation

strategies between EPPO and key EU bodies such as Eurojust, OLAF and Europol. Drawing on his extensive experience as a magistrate and anti-mafia prosecutor, Suchan explains the importance of these alliances, focusing in particular on the formal agreements that give EPPO access to the vast capacities and data systems of these organisations. This access is crucial for EPPO, particularly when dealing with investigations involving non-participating Member States and third countries. The article goes on to analyse how Eurojust, which is legally considered to be the “mother” of EPPO, will play a crucial role in the support and operational functioning of EPPO. Suchan examines EPPO’s collegial management structure, which was preferred to the original proposal of hierarchical management. Suchan examines the various aspects of cooperation between Eurojust and EPPO, such as the joint mission to ensure the proper conduct of investigations and prosecutions, the exchange of information and the support to national police authorities. In addition, the article addresses the critical importance of Eurojust’s role in creating a single European evidence base, balancing the validity of evidence gathering and rules of recognition between States, which are key elements in the respect of the Rule of Law.

Serena Cacciatore’s research investigates the establishment and operational dynamics of EPPO, highlighting its central role in the advancement of judicial integration within the European Union, with a focus on its incorporation into the judicial frameworks of Italy and Spain. Cacciatore draws on the testimonies of practitioners collected during the Centre of Excellence module ‘The EPPO and EU Law: A Step Forward in EU Integration’, to shed light on the strategic development of EPPO. It delves into the complexities of investigating transnational crimes and the pursuit of legal harmonisation between Member States, highlighting EPPO’s mission to strengthen the criminal protection of the EU’s financial interests against fraud, corruption, money laundering and cross-border VAT fraud. The research focuses on the procedural and operational adjustments made by the Member States, emphasising the importance of mutual recognition and judicial cooperation in the field of cross-border investigations as part of substantive compliance with the Rule of Law.

Serena Crespi, Associate Professor of European Union Law at the University of Milan-Bicocca, addresses the issue of the erosion of respect for fundamental EU values over the last fifteen years, in particular the Rule of Law as articulated in Article 2 of the TEU. Highlighting the dynamic interaction between European institutions and national courts in upholding the EU’s common values, Crespi proposes improvements to current instruments and the introduction of new mechanisms under the “conditionality regulation” to strengthen the enforcement of the values enshrined in Article 2 of the TEU and to preserve the Rule of Law within the EU legal framework. Professor Crespi’s article provides a comprehensive picture of the framework within which EPPO operates on a daily basis and within which it is called upon to uphold the Rule of Law.

5. Conclusion

The contributors, ranging from legal scholars to practicing prosecutors, have dissected the legal foundations and operational mechanisms of the European Public Prosecutor's Office, presenting their findings with a critical yet constructive lens. The first section showed us, through an analysis of the EPPO's constitution, its role in further protecting the Rule of Law. The second section investigated the respect for fundamental rights in the exercise of EPPO's investigative functions. By analysing the cooperation mechanisms between EPPO and other European actors, the third and final section demonstrated how EPPO is able to develop best practices in defence of the Rule of Law.

As the EU continues to navigate through evolving legal and political landscapes, EPPO stands as a testament to the Union's commitment to uphold the Rule of Law. Ultimately, this anthology aims to contribute to the ongoing dialogue surrounding EPPO and its fundamental role within the EU's judicial framework. Through their analyses, proposals and forward-looking perspectives, this collection stands as a significant academic and practical contribution to the field of European criminal justice.