

Appointment procedure for the European Chief Prosecutor

Written questions for the shortlisted candidates

1) The reasons for my application:

I strongly believe in **truth** and **justice**, in the values of the **European Union**, and I am deeply convinced that **crime must not pay**. The European Public Prosecutor's Office (EPPO) embodies these principles. Having served the European Union in various positions and being an experienced national anti-corruption prosecutor, I have seen from multiple angles the importance of a strong, independent and effective EPPO.

As a **founding member of the EPPO** and first European Prosecutor from Austria, I am proud and honoured to have been among the EPPO's pioneers who laid the strategic and operational foundations for the EPPO's success. That profound knowledge will allow me to increase the EPPO's effectiveness and to **make the EPPO fit for the future**. My experience as **Eurojust national member** in tackling cross-border serious and organised crime will be an asset to make the European Union's response to **criminal organisations** that are behind **cross-border VAT and customs fraud** more powerful. My **understanding of political processes and realities**, proven in multiple **negotiations of EU legal instruments** - in my role as **Justice Counsellor** in Austria's Permanent Representation and as expert in the General Secretariat of the Council of the EU - makes me a **reliable partner for the European Parliament**, the Council, the European Commission and the Member States during the forthcoming revision of the EPPO Regulation and the review of the EU's Anti-Fraud Architecture.

The next European Chief Prosecutor (ECP) must have **integrity** and **equal distance from all political parties** to guarantee the EPPO's ability to fight corruption, to ensure **EU citizens' trust** in the EPPO's **objectivity** and the **rule of law**. I possess all these qualities. I am also able to withstand pressure, which is a precondition for an anti-corruption prosecutor and the future ECP.

Throughout my career at Eurojust and the EPPO, I have **led multinational teams**. As a leader, I lead by example and with **appreciation** for my team members, I lift and develop them, yet I demand results. I manage to create an **environment where integrity counts** and where people feel safe to express their views. This motivates people and, as a result, they achieve better results. As a manager, I communicate clearly goals and responsibilities, assess progress based on facts and data, give feedback to my team members and delegate effectively.

I know that with my **European and national prosecutorial experience**, my strong **vision** for an effective EPPO and my **commitment to excellence**, I will lead the EPPO into an even more successful future.

2) My vision for the future of the EPPO:

I consider the EPPO a major success, a true game changer in the protection of the EU budget and a cornerstone in combating fraud and linked crimes. Thus, my perspective for the future evolution of the EPPO consists of

- **Continuation** of the EPPO's successful work, with the aim of bringing to justice more perpetrators of crimes against the EU budget (PIF crimes), and **freezing more**

defrauded funds and crime-related assets, in order to secure them for **confiscation and recovery**,

- Achieving **more effectiveness** and **efficiency** in the performance of the EPPO's casework by **consolidating its operational capacities** and, building on more than four years of operational experience, improving them as necessary within the EPPO's competence, and
- Reinforcement of **cooperation, communication and coherence** at the strategic and operational level with the **EPPO's partners** at the European level (in particular Europol, Eurojust, OLAF) and the national level (see also below and point 3),
- Strengthening of the EPPO's role as a source of **expertise, a knowledge and information hub** on the judicial aspects of PIF crimes that can give valuable **insights** to the **EU legislator**, including the European Parliament,
- Remaining a **reliable partner** for the European Parliament and the EPPO's other stakeholders,
- Upholding the EPPO's **independence** and increasing its **visibility** in all participating Member States, thereby enhancing **EU citizens' trust in the rule of law** including the fact that the **European Union** ensures a **correct use of their money**.

In my view, the EPPO's **biggest challenges** during the next ECP's term will be the expected steep rise of the caseload, the growing complexity of cross-border VAT fraud schemes, the need to analyse large volumes of data and issues related to digital evidence (including Artificial Intelligence (AI), crypto currencies, encrypted messages).

With the aim of achieving the goals set out above, and responding to the challenges, I will **prioritise** the following measures:

- Resolve obstacles to effective **asset freezing** in the entire "EPPO zone", based on an evaluation of the legal and practical conditions for asset freezing in all participating Member States,
- Increase the confiscation-based **recoveries** for the European Union by national courts (see point 4),
- Build **expertise of national investigators**, in cooperation with CEPOL, Europol and OLAF, which is a precondition for **effective investigations and asset tracing and freezing** in complex cross-border cases,
- **Cooperate** more closely with **Europol, OLAF, Eurojust**, achieve greater **complementarity**, make use of **synergies**, avoid duplications and achieve **efficiency gains** (e.g. make use of Europol's analytical expertise, explore possibilities to "pool" analytical capacity at Europol, make use of Eurojust's network of contact points in third States, make use of the CARIN network hosted by Europol to trace assets, seek joint digital solutions to digital challenges – see point 3), to allow the **EPPO** to **focus** on its **core tasks and services**,
- Make the EPPO **fit for the future** (see also point 3),
- Continue trainings of the **European Delegated Prosecutors (EDPs)**, who are the EPPO's backbone, and explore possibilities for their enhanced **career** developments in order to maintain their specialised knowledge for the EPPO,
- Establish a fruitful **dialogue** with the European Parliament, European Commission and Council regarding the forthcoming **revision of the EPPO Regulation** and the revision of the **EU's Anti-Fraud Architecture** (see point 3),

- Encourage **the use of machine translation** (linguistic service costs of nearly 4 million EUR in 2024 could fund almost 30 EDP positions),
- Strengthen the **EPPO's external dimension** by concluding working arrangements with authorities from third States and continue the dialogue aiming at Ireland's accession to the EPPO,
- Continue, subject to the available resources, the development of **digital statistical tools** to reinforce the EPPO's strategic analysis capacity to identify fraud patterns,
- **Improve internal communication** (e.g. by informing the EDPs and staff of the outcome of College meetings, which will improve the sense of belonging),
- **Reinforce external communication** in all participating Member States, including via the European Prosecutors (EPs), maintaining a proactive and transparent approach.

The EPPO needs to be vested with the resources required to fulfil its tasks, with a specific attention to the number of EDPs. To that end, I will establish a constructive and forward-looking dialogue with the European Commission, the European Parliament and the Council, based on figures showing actual necessities, and explore with them avenues to take account of the sums confiscated in EPPO cases.

As to **money laundering and organised crime**, the EPPO's competence is limited to the laundering of property derived from PIF offences and to criminal organisations focusing on PIF crimes. It follows from several EPPO investigations that cross-border VAT fraud and customs fraud schemes are set up by poly-criminal organisations, which commit also other forms of crime outside the EPPO's competence (e.g. drug trafficking or human trafficking). Criminal organisations are increasingly rooted in third States, as Eurojust's and Europol's experience show. As ECP I will ensure that the EPPO **transmits** respective evidence coming to light in EPPO's investigations, to the **national authorities**, who are competent to investigate and prosecute such crimes, and promote the **involvement of Europol** (to analyse the data with a cross-border view) and **Eurojust** (to ensure that investigations are initiated and coordinated), where appropriate, to help national authorities understand the full cross-border dimension of the crime. As both have outreach in countries outside the European Union, their involvement supports the tracing and freezing of assets outside the Union and the prosecution of perpetrators in third States. Such a **holistic, complementary approach** helps deprive them of illicit profits, disrupt their activities, and prevent them from infiltrating legitimate economies in the European Union, and thereby **make the European Union safer**. The forthcoming revisions of the Europol and Eurojust Regulation provide an opportunity to adjust Europol's and Eurojust's legal framework, as necessary.

3) Enhancing the effectiveness of the EPPO:

As the protection of the EU budget is a shared responsibility of the European Union and the Member States, I consider a **holistic approach** involving **cooperation, complementarity and communication** with EPPO's European partners (OLAF, Europol, Eurojust) and the national authorities vital to increase the effectiveness of thorough investigations and prosecutions of complex transnational PIF crimes. Regarding complex cross-border cases, I will consequently promote the use of **coordination meetings**, including via videoconferences - with the participation of all involved EPPO prosecutors, relevant central support staff, the national investigators, and, as appropriate, Europol, Eurojust and OLAF. I know particularly from my Eurojust experience that they are an excellent tool to agree on investigating strategies, prepare simultaneous actions, and clarify issues of jurisdiction related to the trial stage.

In addition to the measures set out under point 2, I am convinced that the current indirect data exchange (hit/no-hit) with the EPPO's European partners - which requires manual intervention and is slow - has to be replaced by a system of direct access, interoperability of data and **data sharing** between **OLAF, Europol, Eurojust and the EPPO** for the purpose of fighting PIF crimes and other serious crimes, while fully upholding the EPPO's high **data protection** standards regarding access by (other) externals. Further, the success of the fight against cross-border VAT fraud will benefit from EPPO's access to **Eurofisc data** that allow for early detection of such fraud. The **revision of the Anti-Fraud Architecture** provides an excellent opportunity to achieve these solutions and to align and clarify the mandates of the actors (e.g. OLAF investigates complementary to EPPO).

In order to **make the EPPO fit for the future**, the way forward will be - jointly with OLAF, Eurojust and Europol - to develop AI based applications for quick detection of fraud and analysis of big volumes of data, and further develop the prosecutors' and investigators' skills to deal with digital evidence (including the challenges posed by deep fakes, crypto currencies and encrypted messages).

Complementary to necessary **changes in the EPPO Regulation** (e.g. clarification and simplification of the provisions on competences, creating a possibility to refer conflicts of competences to the European Court of Justice (ECJ)), I will aim for a stronger basis for cooperation with third States to further enhance the EPPO's capability to tackle complex and cross-border PIF crimes.

Strong internal communication is a key factor to strengthen the **coordination and communication** between the **central and the decentralised level** of the EPPO, i.e. the **EDPs** as the EPPO's **backbone**, supported by their (national) assistants. As ECP I will make preferred use of the Intranet as information channel, foster a **continuous dialogue** between the EDPs, the EPs and the staff in the central office, encourage a coaching leadership style by the EPs, and have an "open door" policy for EDPs including regular meetings with the EDPs Association. To improve clear case-related communication and to increase the mutual understanding of the roles, I will promote the remote participation (via videoconference) of EDPs in Permanent Chamber (PC) meetings, as appropriate, in addition to continuing the technical development of the **Case Management System (CMS)**.

A rise of the detection and reporting of PIF crimes will follow from **pro-active contacts** of the EDPs and the EPs with their **local national police, tax, customs and subsidy managing and control authorities**. Therefore, I will foster such contacts while focusing as ECP on the strategic aspects of the **cooperation** with national authorities.

The EPPO is bound to carry out its activities in full compliance with the **rights of suspects and accused persons** enshrined in the Charter of Fundamental Rights. Suspects and accused persons have the procedural rights which are available to them under the applicable national law. Art 26(4) of the EPPO Regulation clearly **determines** in which Member State the investigation (and following prosecution) is to take place and, pursuant to that, which **legal regime** including the **rights of suspects and defendants**, is applicable in a given case. The EDPs are highly qualified prosecutors with extensive experience in their legal system and respect for suspects' and defendants' rights. Control of their acts including those affecting suspects' and defendants' rights is ensured by the supervising EPs, the monitoring PCs and by national courts, as the EPPO's acts are subject to judicial control by the national courts (Art 42(1) EPPO Regulation) who may refer requests for preliminary rulings to the ECJ (e.g. C-

281/22). In the future revision of the EPPO Regulation, the EU legislator may introduce a provision allowing the EPPO to refer to the ECJ questions related to the applicable law (e.g. requests for preliminary ruling or a competence for the ECJ to decide in cases of conflicting national courts' decisions).

4) Effective recovery of the mismanaged resources:

The **regulatory framework** provides for **two different paths of recovery**:

i) The victim of the PIF crime has the possibility to **intervene as a civil party** in the proceedings before national courts which follow EPPO indictments (Art 103 (2)(b) EPPO Regulation). Art 38 EPPO Regulation provides that after the national court has pronounced a final confiscation decision, the assets or proceeds shall be disposed of according to the relevant national law, while giving priority to compensation of victims for the incurred damage. Thus, in cases of expenditure fraud the EU can directly recover, by virtue of the national court's decision and from the assets seized by the EPPO, an equivalent of the financial loss into the EU budget. I will promote the intervention of the Commission as a civil party in trials, inter alia as it increases the visibility of the EPPO's merit for the recovery. Concerning revenue fraud cases where the Member States are responsible for the collection of the revenue, the EPPO can keep statistics on confiscation-related data. However, the recovery from the Member States into the EU budget of a certain percentage of the confiscated assets (and the record of it) is out of the EPPO's remit.

ii) **The administrative recovery** of undue expenditure relies on the European Commission, based on the EPPO's information, including on the estimated damage (Art 103 (2) EPPO Regulation). The EPPO's digital statistics should contain, subject to the available resources for possible technical adjustments, data on the estimated damage communicated to the Commission or other Union institution, body or agency concerned.

The revisions of the OLAF Regulation and the EPPO Regulation provide an opportunity to introduce an obligation for the Member States and/or for the Commission to report to the EPPO the results of recovery measures related to EPPO cases.

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