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ORGANISATIONAL AND OTHER CHALLENGES FOR THE POLICE IN PROCEEDINGS CONDUCTED BY THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE**

Dear Colleagues,

My presentation will consist of three short units. The first deals with technical issues related to the topic under discussion, the second relates to some of the relevant legal issues, and the third to the importance of establishing the European Public Prosecutor's Office in the wider context.

I will start my presentation with the third topic. In my opinion, this is one of the most significant changes occurring in the legal system in relation to the police. The reason for this is that the primary role of the police is to achieve and promote security at the national level, and, in order to do so, the police have a number of legally defined powers which are limited locally. Police procedures are based on legally defined powers that are exercised on the basis of the legitimate command of the superior in the police system, as well as on the basis of the order of the state attorney, the court, or other competent bodies when prescribed by law. Clearly, the order to conduct police work must be based on the law, and it must also be clear and specific. A police officer is obliged to refuse to execute orders when it is obvious that their execution constitutes a criminal offence.

The Regulation on the European Public Prosecutor's Office allows one supranational body to issue orders to the police in a new way, in which, according to the existing legal framework, there is no possibility for these orders to be controlled. Existing forms of "international" cooperation have enabled some type of control of foreign orders, whether by a previous domestic legislative arrangement on rules of acceptance and proceedings, or a certain freedom of acceptance of implementation. This conclusion stems from the organisa-

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tional structure, but also from the provisions on jurisdiction and the existing mode of work, i.e. the decision-making process of the Office.

As far as we know, the European Public Prosecutor's Office, at the organisational level, will have two levels of prosecutors: at the central level and the national level. The central level refers to the European Chief Prosecutor, one European prosecutor from the States participating in the work of the Office, the Administrative Director, and the technical and investigative staff. The central level will monitor investigation and prosecution at the national level. European Delegated Prosecutors will conduct investigations and prosecutions in participating States, together with the national police and law enforcement agencies (all relevant bodies and not just the police) when there is a suspicion of the commission of the criminal offence of fraud, corruption, money laundering or cross-border fraud in the area of VAT. The EPPO will conduct cross-border fraud investigations in connection with EU funds exceeding EUR 10,000, or an investigation of cross-border VAT fraud cases that have caused a loss of more than EUR 10 million. By pointing out these known facts, I would like to emphasise that I do not consider the amount of EUR 10,000 as being too high.

The second level of questions are the legal issues that arise from the establishment of the European Public Prosecutor's Office. In this regard, I would only like to say that I consider it necessary to supplement certain laws and/or bylaws, with the aim of clarifying the relationship between the police (and other bodies that will participate in the procedure) and the European Public Prosecutor's Office, which will certainly have a significant impact on the third issue of the presentation, which I have named "Technical Issues in the Organisational Challenges for the Police".

It is well known that the work of every organisation, including that of the police, is conditioned by three elements: human resources, the legal framework for action, and material equipment.

Each of these elements exists in the current mode and is reflected in the future tasks of the organisation. At this point, there are no answers to some important issues related to the work of the European Prosecutor's Office itself, so it is difficult to give more precise answers.

Generally speaking, significant issues relate to how many such criminal offences are currently in the dark, how many investigations can be expected, and how complicated these investigations are going to be. This affects issues of human resources and the question of whether the number of existing police officers will be sufficient to investigate new criminal offences.

A further question relates to whether police officers are adequately trained for these types of investigations, and whether they will become sufficiently trained, which they will certainly need to be, and who will provide the necessary training (perhaps OLAF). There are also questions about where the procedures will be conducted, in which language, who will perform the transla-

tions, and the language of communication between the central level and the police, if it comes to that. Within these technical issues, there is also the issue of the relationship between police officers and the European Public Prosecutor, and whether this communication and the issuing of a warrant will be direct, as in appointing an investigator under national law. Furthermore, there is the question of the implementation of certain actions, for which the order was usually made by a public prosecutor, so it is necessary to say that such orders will now have to be given by the European Public Prosecutor. The possibility of implementing special evidence procedures in such investigations should not be ruled out, and neither should the issues of personnel, orders and material conditions in general.

Such issues will certainly emerge during the first investigations. I would like to add the need for specific equipment and tools that might be needed but which are not available right now.

I would like to conclude this brief presentation by highlighting two things. First, the new way of ordering police investigations by a supranational body, and, second, a point which is difficult to assess at the moment, which is the possibility of new investigations affecting the police's capacity to conduct existing ones.

Thank you for your attention.