

Question 1: Could you please describe the reasons for your application and why you consider yourself suitable for it? Could you present your former professional activity and your results in the field of fighting fraud and corruption?

Answer: Setting up an independent and efficient European Public Prosecutor's Office (EPPO) is a once in a lifetime professional opportunity. I would be honoured to take forward the work of so many people – politicians, public servants, practitioners and academics – who turned an idea into a legal text. It will now take great efforts of a whole team to set up a thriving institution, trusted by the European citizens, able to protect the financial interests of the Union and to contribute to the enforcement of the rule of law in the EU.

What motivated me to apply for this position is the thrill to become part of this human adventure, as well as my conviction that I have a combination of skills that can be a real asset in setting up a fully operational EPPO. I have the required managerial experience, extensive experience in dealing with representatives of European and international institutions, as well as of the national prosecution systems and a proven ability to deal with public pressure and working under stressful situations determined by the complexity of certain high profile investigations.

In the course of my career, I have acquired significant expertise in the management of large prosecution offices¹ with nationwide jurisdiction, which involved taking strategic decisions and coordinating complex investigations. My team working skills and communication abilities, as well as the experience in developing investigative tools and drafting internal regulations, can contribute to the development of a results-oriented EPPO.

I have been a prosecutor for over 23 years. I was the General Prosecutor of Romania for 6 years, and the Chief Prosecutor of the National Anticorruption Directorate (DNA) for 5 years. The DNA is a specialized structure with exclusive competence to investigate cases of high-level corruption and crimes against the EU budget.

As a result of my managerial decisions and of the DNA teamwork, the efficiency of the Romanian prosecutor offices increased, and their capacity for investigating crimes and recovering criminal assets was strengthened. During my mandate, DNA achieved the best results since its establishment. The number of successful investigations increased each year, as well as their complexity and the value of recovered assets. As an example, in 5 years DNA seized assets amounting to over 2 billion Euros. The value of seized assets per year increased approximately tenfold, compared to the period before my appointment.

All this experience allowed me to identify typologies of complex financial frauds, which will enable me to take strategic measures that will efficiently address the crimes that fall within the jurisdiction of the EPPO. Numerous international experts and international organizations have noticed these results². Apart from the personal distinctions³ that I have received, I am particularly proud of the fact that the EU Anti-Corruption Report 2014 highlighted DNA as one of the examples of best practices.

¹ For example, as General Prosecutor I supervised the activity of more than 4000 employees, and as chief of DNA I was in charge of approximately 700 employees (prosecutors, investigators, clerks, administrative staff)

² The Reports of the Commission to the European Parliament and the Council on the progress made by Romania under the Cooperation and Verification Mechanism, Brussels - 27.01.2016 and Brussels, 25.01.2017, The Anticorruption Report of the European Union - 2014, GRECO Report - „The Fourth Round of Assessment. The Prevention of Corruption with regards to the members of Parliament, judges and prosecutors”, 2015

³ National Order "*Romanian Star*" in rank of *Knight* awarded by the President of Romania 2012; "*Officer of the National Order of Merit*" awarded by the President of France 2011; "*Certificate of Appreciation for outstanding assistance and support on behalf of the law enforcement responsibilities of the United States Secret Service*" - 2011 and 2007; "*Order of the Polar Star*" awarded by the King of Sweden 2016; "*Chevalier of the Legion of Honor*" awarded by the President of France 2016; "*Women of Courage*" Award - US Embassy in Bucharest 2014; "*The Golden Needle*" award The Hans Seidel Foundation Romania 2017.

Question 2: Could you present your ideas on the organisation of the work of the EPPO, and the direction of its activities? How do you envisage the liaison between the Permanent Chambers and the European Delegated Prosecutors? In particular, how do you assess the possibility for the European Delegated Prosecutors to exercise functions as national prosecutors?

Answer: Once the EPPO becomes operational, it should focus on conducting efficient fraud investigations, particularly in the most complex, cross border cases that are currently structurally difficult to address, and recovering the damages caused through financial crimes. However, the role of the EPPO should not be limited to that. The EPPO should also aim to identify structural vulnerabilities that allow such frauds to be committed in the first place and cooperate with the European co-legislators as well as relevant national authorities to limit the possibilities for such damages to occur.

In order to be effective, the EPPO will need an adequate number of highly qualified European Delegated Prosecutors (EDP) in each participating Member State. Though their selection and appointment will take place only next year, I consider this a strategic priority. EDPs will be embedded in the national system and will do the field work, the central level is to support them, guide them and to create synergies.

According to the EPPO regulation, the EDPs remain active members of the public prosecution of their respective Member State and may exercise functions as national prosecutors. I do not see an inherent conflict arising from this dual status, but I expect that the number and complexity of the investigations conducted by the EPPO will leave little time for the EDP to perform such activities at national level as well. The internal rules of procedure, to be proposed by the European Chief Prosecutor and validated by the college of European prosecutors, will have to contain specific provisions for these situations, in order to avoid problems such as conflicting instructions. Conducting investigations in several states in a coordinated manner will require effective communication channels to ensure quick exchange of information, as well as mutual trust – both among European Delegated Prosecutors (in order to overcome the difficulties arising from the different legal systems), and between the EPPO and all the relevant national authorities. This is necessary to ensure that the EPPO is aware of all the cases under its competence. The internal rules of procedure will also define the EPPO's doctrine on evocation as well as conditions for transmission of cases to Member States. The basic prerequisite is that the EPPO will have put in place a Case Management System (CMS) allowing for real time decision making between the EDPs and the central Office, a CMS for which there is no precedent. This represents a major legal, technical and financial challenge and the EPPO will need to have all the participating Member States on board to get it right. This is probably the most pressing issue to be addressed and solved, if we want the EPPO to be able to work by November 2020.

In the meantime, the European Chief Prosecutor will have to make sure that the internal rules of procedure, foreseen in the EPPO regulation, strike the right balance between the different layers of responsibility (Chief prosecutor, college of European prosecutors, Permanent Chambers, the EDPs) and the imperative of operational efficiency.

The liaison between the Permanent Chambers and the European Delegated Prosecutors is framed by the EPPO regulation, and will be designed in detail in the internal rules of procedure. The Permanent Chamber will monitor, direct and supervise all investigations and prosecutions undertaken by EDPs and will have the final say in all the important decisions, but only after consultation with the EDP, who has first-hand knowledge of the relevant facts. Coming from a judicial system that has in place a similar mechanism of joint decision making, involving both the investigating and the supervising prosecutor, I think that this approach can guarantee the objectivity of the investigation and I have extensive experience in implementing it. Nevertheless, I would definitely put emphasis on investigations to be concluded in a reasonable amount of time. Supervising prosecutors should play a key role in ensuring this by monitoring case files, prioritizing them and identifying possible causes of delays.

The EPPO will have to follow closely the evolution of the criminal phenomena and its prosecutors to specialize in different types of crimes. I have implemented this at DNA and have seen the benefits. The establishment of a specialized department tasked with assisting prosecutors in conducting financial

investigations, analysing financial data and identifying assets will also be an important step in the development of the institution.

We cannot expect to reducing fraud in European funds only through criminal investigations. They must be complemented by preventive measures. An important role of the EPPO will be to provide analyses of criminal typologies, identifying predominant risks and vulnerabilities in the procedures for accessing and using EU funds, and to propose solutions of how they can be improved. This is a challenge that will have to be addressed by the European Chief Prosecutor in particular, by establishing a strategic analyses department and by developing an institutional dialogue with all relevant authorities.

Finally, the EPPO must enjoy high public confidence. People expect tangible and quick results, while all the indictments will need to be validated by judges in a process that may take several years. Beyond the institutional reporting obligations laid down in the EPPO regulation, managing the communication with the public and explaining our activity will have to be done with utmost care and with due consideration of the truly pan-European reach of the EPPO. In order to gain credibility and maintain trust, it is essential that the EPPO always acts in full respect of procedural safeguards and the fundamental rights of the persons investigated. This will also be the key to obtain convictions in national courts.

Question 3: Since the EPPO is established through the mechanism of enhanced cooperation, how do you see the future relations of the EPPO with the non-participating States? What do you expect from the cooperation with OLAF, Eurojust and Europol?

Answer: Ensuring an efficient cooperation with the investigating authorities of non-participating Member States will be one of the main challenges of the EPPO. Fraud crosses borders much easier than law enforcement can and therefore the EPPO will have to be able to exchange information efficiently or to conduct joint investigations with prosecutors in all EU countries, relying on the principles and rules of judicial cooperation. Relations with non-participating Member States will be established through agreements aimed at the exchange of strategic information, as well as through the secondment of EPPO liaison officers. A legal instrument relating to cooperation in criminal matters between the EPPO and the competent authorities of the non-participating Member States needs to be adopted. Meanwhile EPPO will act as a competent authority for the purpose of implementation of the applicable Union acts. Similar challenges will appear in the cooperation with third countries and in relation to the application of international agreements to which the Union has acceded, such as UNCAC or UNTOC.

The European Chief Prosecutor, as the representative of EPPO vis-à-vis the institutions of the Member States of the European Union, will have an essential role in developing these relationships. Having access to pertinent information and the ability to analyse investigative data is essential to the success of modern prosecutorial work, so EPPO will have to cooperate with partners such as OLAF, Eurojust and Europol. These resources will be essential in the fulfilment of its task. Regulation (EU) 2018/1725 on protection of personal data by EU institutions and bodies will facilitate these exchanges and improve interoperability.

I see OLAF as a strategic partner for the EPPO. According to the regulation, the EPPO establishes and maintains a close relationship with OLAF, based on cooperation and exchange of information. EPPO may request OLAF to support or supplement EPPO activity, in particular by providing information, analysis, facilitating the coordination of specific actions of national administrative authorities and Union bodies, or conducting administrative inquiries. EPPO has indirect access to information from OLAF's case management system. These rules indicate the extent and the importance of the future cooperation between these two institutions in order to achieve their common goal. It will be essential for the EPPO to be able to use the extraordinary experience that OLAF has accumulated since 1999, when it comes to the protection of the Union's financial interests. I have first-hand knowledge of the role that OLAF can play, as many of the cases DNA prosecuted started based on their notifications. I have significant experience in working with OLAF investigators. I expect the administrative enquiries and the analytic support of OLAF to be the foundation of many successful investigations.

An equally close relationship of cooperation should be developed between EPPO and Eurojust, in accordance with Article 86 TFEU. Working arrangements and internal rules should ensure a constant exchange of information and coordination of investigative measures. Connections often exist between financial fraud and other serious crimes, which may fall outside the jurisdiction of the EPPO. Therefore, it will be essential to maintain a close cooperation with the national authorities of the Member States, which are investigating those crimes.

Eurojust support could be vital in investigations related to the Member States, which do not participate in the enhanced cooperation or with third countries that have a cooperation agreement with it. The EPPO could definitely explore more potential synergies with Eurojust, as both are EU agencies with similar needs to run their daily operations, though it is probably too early to assess the possible extent of this type of cooperation.

Finally, a close relationship should be developed with Europol, given that EPPO has the possibility to obtain on request any relevant information held by Europol on any offense of its competence and may also ask Europol to provide analytical support in the case of a specific EPPO investigation.

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