

## Belgian presidency in push for EU prosecutor's office

By VALENTINA POP

EUOBSERVER / BRUGES – The Belgian presidency is stepping up plans to establish an EU-wide public prosecutor in charge of protecting the bloc's financial interests and unifying procedures for gathering criminal evidence, despite reluctance from some member states, notably the UK.

"Our wish is to improve judicial co-operation and co-ordination of criminal investigations within the EU. For that, we need better instruments," Belgian justice minister Stefaan De Clerck said Tuesday (21 September). He was speaking at a seminar co-organised with Eurojust, the EU agency tasked with helping prosecutors and judges deal with cross-border cases and EU arrest warrants.

Belgian minister Stefaan De Clerck is a big supporter of more harmonisation in judicial procedures (Photo: EUobserver)

Under the Lisbon Treaty, an EU public prosecutor's office "may be established from Eurojust," but only if all member states agree.

The idea is not universally popular among the 27 member states. Mr De Clerck admitted that there was "still a lot of reluctance" on this issue in some national quarters, with the UK being "the most vocal." A major objection is that the prosecutor may override national investigators or even order them to start an inquiry.

"It's clear that we have to go step by step. But reality proves that you need these kind of institutions and strong instruments. Belgium is not going to impose this on anyone, it is just preparing the field for it to be possible one day," he explained.

In the view of the caretaker minister, who described himself as an "ardent supporter" of Eurojust and greater EU integration, the fight against cross-border crime was not going to be effective as long as evidence gathering was very different from country to country.

He warned against the dangers of navel-gazing in a global world. "We all have the same problem and maybe the same kind of reactions, but you need a European level to deal with this effectively," the Flemish politician said.

[His pro-integration view was shared by Paul Demaret, the rector of the College of Europe, an EU-sponsored school for future community officials, who hosted the event.](#)

Boosting the powers of Eurojust or even transforming it into an EU prosecutor's office would be a "qualitative leap in further EU integration," Mr Demaret said.

"A border-free Europe would have to suffer if citizens don't see the advantages of enhanced judicial co-operation to tackle cross-border crime," he argued.

Moving towards a common justice area

Although still incremental, the move towards a "common justice area" is obvious, said Eurojust chief Aled Williams, himself a British prosecutor. An EU-wide arrest warrant scheme is already in place and a group of nine states led by Belgium has put forward a legislative proposal for an "EU investigation order."

Eurojust's own activity is gradually shifting from "legal assistance" to "mutual recognition" of warrants and judicial orders, he said, while warning that "this movement won't provide the cure for all ills."

The EU investigation order is aiming to "simplify and harmonise" evidence gathering procedures in member states, in particular when it comes to cross-border crimes.

The initiative is backed by the UK government, but not by Ireland and Denmark – the other two traditional opt-out-niks in justice and home affairs matters.

Fair Trials, a London-based NGO working on a series of cases related to people being wrongly sent to prison in foreign countries based on EU arrest warrants, has flagged up a number of flaws in the new proposal however.

The scope of the investigation order would be much broader than a specific arrest warrant and could involve wiretaps, monitoring of banking activity, access to DNA data bases and other evidence gathered for different original purposes.

"It is rather premature to shift to this kind of method of cross border evidence gathering, as long as there are not enough safeguards in place. Not only in terms of fundamental rights, but also when it comes to police resources and costs which would be affected by such a system," Catherine Heard from Fair Trials told this website.

Olaf reform comes first

Meanwhile, the EU commission has said that it will first look at ways to reform and increase the powers of its existing anti-fraud office (Olaf) tasked with the protection of the EU's financial interests. Creating an EU prosecutor's office will come, if ever, at a later stage.

"The reform of Olaf should be completed by the end of 2011," Françoise Le Bail, the director general for justice said during the Bruges conference.

"These are not subjects you can fix quickly," she added, in reference to the Eurojust revamp. Her boss, justice commissioner Viviane Reding, has pledged to look at the matter "during her mandate," which ends 2014.

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