

Criminal Justice – further reasons to distance ourselves from the EU

On the day that voters in the UK go to the polls, the European Council has announced that 20 member states have agreed on the details for setting up the European Public Prosecutor's Office. (It is easier to list the non-signatories: Ireland, Malta, Poland, Hungary, Denmark, Sweden, the Netherlands plus, of course, the UK.)

Plans for a European Public Prosecutor's Office (EPP0) go back to the 1990s as part of a proposal to address budgetary fraud in the European Union. Indeed, today's announcement from the European Council emphasised its determination to tackle fraud:- "The EPP0 will have the authority, under certain conditions, to investigate and prosecute EU-fraud and other crimes affecting the Union's financial interests. It will bring together European and national law-enforcement efforts to counter EU fraud."

The EPP0 would operate under a European legal framework based on the inquisitorial Napoleonic law principle and applicable in all member states. The setting up of a mechanism initially to prosecute individuals for one specific class of offences was seen, in a consultation document dating from 1997 as "the embryo of a future European criminal code." In other words, it was to be the first step in the harmonisation of legal systems across the member states.

Although the UK is leaving the EU, these developments are of more than academic interest. The EPP0 will be empowered to issue European Arrest Warrants against people in the UK, as confirmed by the QC's Opinion commissioned by Christopher Gill and Stuart Wheeler. The EPP0 chief will surely be a political

nominee (beholden to the Commission, doubtless), and can thus be used, on ostensibly “financial-crime” pretexts, to arrest and incarcerate political opponents of the EU project.

If we are to keep our distances from the EPP0, it is therefore more important than ever for us to dissociate ourselves from the European Arrest Warrant.