THE LEGAL-STRUCTURAL AND INSTITUTIONAL REGIME OF CRIMINAL COOPERATION IN THE EUROPEAN UNION

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Abstract: In the context of globalization and the intensification of cross-border criminal activity, judicial cooperation in criminal matters among the Member States of the European Union has become a fundamental component in ensuring security and justice within the European area. The expansion of organized crime, terrorism, and other forms of transnational criminality has required the development of effective mechanisms of collaboration among national judicial authorities. The European Union has undergone substantial evolution in the field of judicial cooperation in criminal matters, transitioning from a system rooted in international conventions to a coherent legislative framework grounded in the principle of mutual recognition of judicial decisions and rulings. Through the adoption of legal instruments such as the European Arrest Warrant (EAW) and the European Investigation Order (EIO), Member States have succeeded in simplifying and enhancing procedures concerning extradition, evidence exchange, and cooperation in criminal investigations. A central concept underpinning judicial cooperation within the EU is the principle of mutual recognition of judicial decisions and rulings. This principle entails that a decision issued by the authorities of one Member State must be acknowledged and promptly enforced by the others, without the need for an additional validation procedure. The European Arrest Warrant exemplifies the application of this principle, enabling the swift surrender of suspects between Member States.

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Introduction. Judicial cooperation in criminal matters within the European Union relies on a set of institutions and mechanisms designed to facilitate collaboration among Member States in addressing cross-border crime. These instruments support the effective enforcement of criminal law, enable the swift exchange of information, and enhance investigation and prosecution processes at the European level.

Key legal tools, such as the European Arrest Warrant (EAW) and the European Investigation Order (EIO), have significantly simplified procedures related to extradition, evidence sharing, and cross-border investigative cooperation. Central to this framework is the principle of mutual recognition of judicial decisions, which requires Member States to acknowledge and execute each other's rulings without additional validation. The EAW is a prime example of this principle in practice.

European cooperation mechanisms have markedly accelerated extradition and evidence-transfer procedures, reducing timelines from years to weeks. They also facilitate joint investigations and access to shared databases, including the Schengen Information System.

However, the implementation of these mechanisms faces notable challenges, including divergences among national legal systems, the need to safeguard fundamental rights, and the implications of developments such as Brexit. Institutions such as Eurojust and the European Public Prosecutor's Office (EPPO) play a crucial role in addressing these challenges and reinforcing the efficiency and fairness of the EU's judicial area.

1. Institution

Several institutions facilitate cooperation among EU Member States in combating cross-border crime, most notably Eurojust, the European Public Prosecutor's Office (EPPO), and the European Judicial Network.

Eurojust, established in 2002, is the EU agency responsible for supporting and coordinating cross-border criminal investigations and prosecutions. Its primary function is to assist national authorities in addressing terrorism and serious organised crime involving at least two Member States. Eurojust may request national authorities to initiate investigations or prosecutions, determine which jurisdiction is best placed to handle a case, coordinate competent authorities, establish joint investigation teams, and provide relevant information necessary for its operational tasks. The agency consists of 27 National Members—one from each EU Member State—who serve as prosecutors, judges, or senior law-enforcement officers and are permanently stationed in The Hague. Some are supported by deputies, assistants, or seconded national experts. Eurojust has also concluded cooperation agreements with 14 non-EU countries, several of which have seconded liaison prosecutors. This international network grants EU prosecutors access to more than 50 jurisdictions worldwide.

The European Public Prosecutor's Office (EPPO), operational since 1 June 2021, is responsible for investigating and prosecuting criminal offences affecting the European Union's financial interests, including fraud involving EU funds, corruption, and money laundering. Acting independently, EPPO cooperates closely with national authorities and EU bodies such as OLAF and Eurojust.

All EU institutions and the competent authorities of participating Member States are required to report to EPPO any conduct that may harm the EU budget, while private individuals may also submit relevant information. To date, 24 Member States (Austria, Belgium, Bulgaria, Cyprus, Croatia, the Czech Republic, Estonia, Finland, France, Germany, Greece, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and the Netherlands) have joined EPPO through the enhanced cooperation procedure.

The scale of financial harm underscores the institution's necessity: in 2018, cross-border VAT fraud alone was estimated to cost EU countries around EUR 140 billion, while misuse of structural funds amounted to approximately EUR 638 million in 2015. Prior to EPPO's establishment, only national authorities—limited by territorial jurisdiction—could investigate such offences, and EU bodies such as OLAF, Europol, and Eurojust lacked prosecutorial powers.

EPPO addresses these structural limitations by exercising autonomous investigative and prosecutorial competences in cases involving more than EUR 10,000 in EU-funds fraud or cross-border VAT fraud exceeding EUR 10 million. Its work relies on coordinated cross-border investigations carried out in close cooperation with national law-enforcement authorities and EU agencies.

The European Judicial Network (EJN) (Sandru, Morar, Herinean, Predescu,2021:361) is a cooperation structure that facilitates direct communication between judicial authorities in Member States. Its main functions are to support the rapid exchange of information between judges and prosecutors, provide guidance and assistance in applying European legal instruments, and facilitate the execution of mutual legal assistance requests and the mutual recognition of judicial decisions.

The EJN consists of national contact points designated by each EU Member State to support judicial cooperation in criminal matters. These contact points assist investigations by identifying competent authorities and providing legal and practical guidance in cross-border cases, promote the exchange of best practices, foster mutual trust, and organize training sessions in judicial cooperation. The EJN was established by Joint Action 98/428/JHA of 29 June 1998, which was later replaced by Council Decision 2008/976/JHA.

Despite these advancements, judicial cooperation in the EU continues to face challenges, including divergences in national legal systems, the need to safeguard fundamental rights, and evolving political contexts such as Brexit. Nevertheless, institutions such as Eurojust, EPPO, and the EJN play a central role in strengthening the coherence, efficiency, and integrity of the EU's judicial area.

2. Essential Mechanisms of Judicial Cooperation in Criminal Matters

Institutions and mechanisms of judicial cooperation are essential for ensuring effective criminal justice within the European Union. Through bodies such as **Eurojust,** the **European Public Prosecutor's Office**, and the **European Judicial Network**, member states coordinate efforts to combat cross-border crime. (Boroi, Rusu, 2008: 252) Key instruments, including the **European Arrest Warrant (EAW)**, the **European Investigation Order (EIO),** and **ECRIS**, facilitate the rapid and efficient application of EU criminal law.

The **European Arrest Warrant,** adopted in 2002 and amended in 2009, exemplifies the principle of **mutual recognition of judicial decisions**, allowing for the swift surrender of suspects or convicts between member states without traditional extradition procedures. (Anghel-Tudor, Constantinescu, 2009: 45)

Execution of an EAW requires respect for fundamental procedural rights, including the right to legal counsel, translation, and information regarding the warrant. EU directives on procedural rights (2010–2016) further ensure that individuals subject to an EAW are adequately informed and assisted throughout the process.

The EAW significantly streamlines judicial procedures and strengthens cooperation among EU member states, reflecting the Union's commitment to an integrated area of justice, freedom, and security. (Patraus, 2025: 123)

The European Commission published a manual on the issuance of the European Arrest Warrant (EAW) to facilitate and simplify the daily work of judicial authorities. The manual provides detailed guidance on procedural steps for issuing and executing an EAW and explains key cases decided by the Court of Justice of the European Union interpreting the Framework Decision on the EAW.

Despite all member states being bound by the European Convention on Human Rights (ECHR), significant differences exist in pre-trial detention practices and detention conditions. As recognized in the *Aranyosi/Caldararu* ruling, such disparities affect mutual trust and the functioning of the EAW. Since 2016, EAW execution has been postponed or refused in nearly 300 cases due to a real risk of fundamental rights violations.

To strengthen judicial cooperation and improve detention conditions across the EU, the Commission issued a recommendation on 8 December 2022 concerning procedural rights of suspects and detainees and minimum detention standards. This provides an overview of key European standards and priorities for protecting fundamental rights in pre-trial detention.

The European Investigation Order (EIO**)** is another EU legal instrument designed to facilitate and accelerate the collection and transfer of evidence between member states in cross-border criminal investigations.

Adopted under Directive 2014/41/EU on 3 April 2014, the European Investigation Order (EIO) was transposed into national legislation by 22 May 2017, except in Denmark and Ireland, which do not participate. The EIO allows judicial authorities in one member state (issuing state) to request specific investigative measures in another member state (executing state) to obtain or transfer evidence. Based on the principle of mutual recognition, member states are obliged to recognize and execute such requests as if they were their own judicial decisions.

EIOs may be issued for measures such as witness interviews, communication interceptions, or obtaining banking information, and must be necessary, proportionate, and lawful under national law. The executing state must process EIOs with the same urgency and priority as comparable domestic cases.

The European Criminal Records Information System (ECRIS) facilitates rapid and efficient exchange of criminal record information between member states. Implemented in 2012, ECRIS allows national judicial authorities to access and share up-to-date criminal records of EU citizens, supporting security and justice across the EU. It is a decentralized IT system based on national criminal record databases and enables information exchange between central authorities of member states.

Conclusions. Judicial cooperation in criminal matters within the European Union has made considerable progress due to the implementation of essential legal instruments, such as the European Arrest Warrant (EAW), the European Investigation Order (EIO**)**, and the European Criminal Records Information System (ECRIS). These mechanisms have facilitated the rapid cross-border exchange of information, the collection and transfer of evidence, and the surrender of suspects or convicted persons between member states, thereby strengthening the efficiency and coherence of criminal justice administration in the European area. The foundation of these instruments lies in the principle of mutual recognition of judicial decisions and acts, which promotes a unified framework for judicial cooperation.

However, significant challenges persist, arising from divergences among national legal systems, detention conditions, and the protection of fundamental rights of involved persons, including the right to a fair trial and adequate legal assistance.

The jurisprudence of the Court of Justice of the European Union, exemplified by the *Aranyosi/Căldăraru* case, highlights the practical impact of these differences on mutual trust and the applicability of judicial cooperation instruments. Furthermore, events such as Brexit have created additional challenges for EU–UK judicial cooperation.

Looking ahead, the European Union aims to strengthen existing mechanisms through **closer** coordination among national judicial authorities, the development of new legislative instruments, and the standardization of procedural rights and detention conditions.

The primary objective is to enhance the efficiency of the fight against cross-border crime while ensuring the effective protection of fundamental rights and consolidating a European area of justice, freedom, and security.

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