



THE CONTRIBUTION OF EUROPOL, FRONTEX, EPPO AND EUROJUST IN THE AREA OF FREEDOM, SECURITY AND JUSTICE

Tryfon Korontzisⁱ

Dr.,

Rear Admiral of the Hellenic Coast Guard (ret),

Collaborating Academic Staff,

Hellenic Open University,

Programme Leader of Shipping and Maritime Studies,

Metropolitan College,

(Hellas-Attica-Marousi),

Greece

<https://orcid.org/0009-0001-2494-0617>

Abstract:

The aim of this paper is the critical presentation of the European Union (EU) legal texts and especially of the main European Organizations that are activated in the Area of Freedom, Security and Justice (AFSJ) [Schengen Area] and specifically in dealing with organized crime and terrorism in the EU [Europol, Eurojust, Frontex as well as the recent institution of the European Public Prosecutor Office (EPPO)] and in particular the powers and duties assigned to them and the efficiency related to their action in the area in question. Research has been carried out in the areas of freedom, security and justice: general aspects, asylum policy, immigration policy, management of external borders, judicial cooperation in criminal cases, and police cooperation at the EU level by evaluating EU legal texts, scientific articles and literature and drawing on data from the EU specific Agencies.

Keywords: European Border and Coast Guard Agency (EBCGA-Frontex), Europol, European Public Prosecutor Office (EPPO), Eurojust, area of freedom, Security and Justice (AFSJ)

1. Introduction

The advancement of international police cooperation (Korontzis, 2013, 2014, 2015) is a key strategy used by the global community in order to systematically address organized crime and terrorism. This cooperation (Korontzis, 2014) is developing in three main areas:

ⁱ Correspondence: email tmkoront@otenet.gr

- A. With the establishment of international organizations by states which are used as an instrument of effective and direct collaboration in the judicial and police sectors (Cheah, 2010), (Deflem, 2007), (Fooner, 1989).
- B. With the development of unified legislative frameworks and security policies.
- C. With the strengthening of bilateral cooperation between states in order to combat effectively international cross-border crime.

The EU has been the main area for the development and implementation of policies related to international police and judicial cooperation. European organizations have been established to focus on the effective prosecution of international organized crime and terrorism through judicial and police collaboration (Monar, 2006). This development followed the establishment of Interpol, which served as a foundation for international police cooperation.

2. The concept of the area of freedom, security and justice in the EU

With the Treaty of Amsterdam in 1999 (Ioakeimidis, 1998), the concept of the AFSJ was established, providing a greater degree of integration to the European Community (EC), expanding until that time the main economic orientation and emphasizing to the European citizen (Papagiannis, 2012).

The full meaning, institutionally as well as value-wise, that the AFSJ (Korontzis, 2021) plays for the citizens of the EU is formulated in Article 3 par. 2 of the Treaty of the European Union (TEU)ⁱⁱ which captures that the main basis of the EU are:

- A. an area of freedom, security and justice where there are no internal borders,
- B. free movement of persons and
- C. appropriate measures in terms of controls:
 - a. the asylum,
 - b. the external borders,
 - c. the prevention and suppression of crime and
 - d. immigration.

The concept of AFSJ refers to the protection of freedom, security, and justice, in the respect for fundamental rights and in the different systems, laws and traditions of Member States (MS) (Perrakis, 2015) without aiming to create a stateⁱⁱⁱ, as in any case the institutional framework of the AFSJ does not include the responsibilities of the MS in terms of public order and security or otherwise the network of responsibilities that

ⁱⁱ "The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime".

ⁱⁱⁱ Article 67 of Treaty of Lisbon.

"1. The Union shall constitute an area of freedom, security and justice with respect for fundamental rights and the different legal systems and traditions of the Member States."

constitute the concept of internal security^{iv} (Papagiannis, 2012, p. 518), (Papagiannis, 2001, p. 166).

As "area of freedom" is defined as a geographical area in which, bearing in mind the wording of Article 67 par. 2 of the Lisbon Treaty (LT)^v, there are no checks on persons at internal borders, and a common policy is being developed by the EU in the areas of asylum, immigration and external border control. The aforementioned policy is based on solidarity between MS and is fair to third-country nationals. In the same article, it is also defined that the stateless are equated with the nationals of third countries.

The most important role in the concept of freedom at the EU level has been and is being played by the Schengen Agreement, which was signed in 1985. The Schengen area is a territory where the free movement of persons, goods, services and capital is ensured. Countries that have signed the agreement abolished internal borders, replacing them with unified external borders. Within this area, common rules and procedures apply for short-stay visas, asylum applications and border controls. At the same time, in order to ensure security within the Schengen area, cooperation and coordination between police services and judicial authorities have been strengthened (Occhipinti, 2015). Determining articles for the concept of security are articles 67 par. 2, 82 and 87 of the LT in conjunction with article 6 of the EU Charter of Fundamental Rights^{vi}.

The combination of the provisions of the above articles reveals that regarding the judicial cooperation referred to in criminal cases in the EU, this is based on the principle of mutual recognition of judicial decisions and orders. Also, judicial cooperation includes the approximation of the legislative and regulatory provisions of the MS in specific areas specified in particular in Article 82 (par. 2)^{vii} and in Article 83 of LT.

^{iv} Article 72 of Lisbon Treaty.

"This Title shall not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security".

^v Ex article 29 of the EU Treaty. "The Council shall adopt decisions which shall define the approach of the Union to a particular matter of a geographical or thematic nature. Member States shall ensure that their national policies conform to the Union positions".

^{vi} Charter of Fundamental Rights of the European Union [C 364, L].

^{vii} "To the extent necessary to facilitate mutual recognition of judgments and judicial decisions and police and judicial cooperation in criminal matters having a cross-border dimension, the European Parliament and the Council may, by means of directives adopted in accordance with the ordinary legislative procedure, establish minimum rules. Such rules shall consider the differences between the legal traditions and systems of the Member States.

They shall concern:

(a) mutual admissibility of evidence between Member States;

(b) the rights of individuals in criminal procedure;

(c) the rights of victims of crime;

(d) any other specific aspects of criminal procedure which the Council has identified in advance by a decision; for the adoption of such a decision, the Council shall act unanimously after obtaining the consent of the European parliament.

Adoption of the minimum rules referred to in this paragraph shall not prevent Member States from maintaining or introducing a higher level of protection for individuals".

By referring to the area of justice, it is understood in accordance with articles 67 par. 4 and 81 of the LT that the EU facilitates access to justice, considering mainly the principle of mutual recognition with regard to judicial and extrajudicial decisions in civil cases

In addition, the EU develops police cooperation involving all competent authorities of the MS, including police and customs authorities and other law enforcement authorities specialized in the prevention or detection of criminal acts or their investigation.

3. European Border and Coast Guard Agency [EBCGA]

The primary goal of European policy has always been, and continues to be, the integrated management of the EU's external borders. This policy aims to establish a comprehensive approach to managing external borders, focusing on high-level controls and consistent, effective surveillance of sea and land borders.

These objectives are the main elements of AFSJ, which is based on the EU policy allowing free movement within the EU while eliminating internal border controls among member states. To uphold this, common rules have been established for border specifications and control procedures at the external borders (Korontzis, 2012 a,b,c). In response to these needs, the European organization Frontex was established in 2004. Equipped with the necessary expertise, Frontex coordinates operational cooperation among EU member states relevant authorities for managing external borders, intervening and improving where needed^{viii} (Gäckle, 2020).

A key aspect of Frontex's role, within the broader context of the EU external relations policy, is to facilitate operational cooperation between EU MS and third countries. Frontex is headquartered in Warsaw^{ix} and its main duties were and are mainly operational^x.

It must be mentioned that the members of the teams [Rapid Border Intervention Teams- RABITs]^{xi} which have been formed within the framework of the aforementioned organization and are available to deal with emergency situations, may carry weapons,

^{viii} Regulation (eu) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624.

^{ix} Decision of Council 2005/358 (26/4/2005).

^x Articles 10, 36-42, 48-50, 54-59, 82 and 85 of the Reg. (EU) 2019/1896.

^{xi} European Commission, FRONTEX and RABITS: the European Union is stepping up its operational efforts combating illegal immigration, διαθέσιμο στην ιστοσελίδα https://ec.europa.eu/commission/presscorner/detail/en/MEMO_07_142, Frontex and the Rabbit Operation at the Greek -Turkish border, διαθέσιμο στην ιστοσελίδα https://ec.europa.eu/commission/presscorner/detail/en/MEMO_11_130, Frontex, Frontex launches rapid border intervention on Greek land border available at <https://frontex.europa.eu/media-centre/news/news-release/frontex-launches-rapid-border-intervention-on-greek-land-border-17k21h>.

make arrests, etc. presence of executives-staff of the responsible local competent authorities of each MS^{xii}.

In 2019, the European Agency for the Management of Operational Cooperation at the External Borders of the EU MS was renamed to the European Border and Coast Guard Agency (EBCGA). The name changes coincided with the 2015 migration crisis and the increase in migration flows, prompting the development of a new institutional framework. This framework expanded the EBCGA mission and responsibilities to enhance the effectiveness of external border management. The EBCGA is composed of MS and includes authorities responsible for managing external borders, border control, national return operations, and the EBCGA itself.

The EBCGA key functions include:

- Conducting risk analyses and assessments to manage external borders effectively (Regime, 2017).
- Providing increased operational and technical support to MS and third countries as needed, including joint operations and interventions at external borders.
- Offering technical and operational assistance to MS in emergency situations at external borders (Korontzis, 2022, b).
- Assisting with maritime search and rescue (SAR) operations.
- Organizing, coordinating, and conducting return operations (Baörn S., Beeres R. & Bollen M., 2020).

The Management Board consists of representatives from the MS, along with those from Norway, Iceland, Liechtenstein, and Switzerland, which are associated with the Schengen Agreement but are not members of the EU. Additionally, two members from the European Commission are part of the Board. The Board is tasked with appointing the Executive Director and Deputy Directors, as well as approving the annual budget, work program, and organizational structure.

To enhance border control operations, manage the return of illegal immigrants, and combat cross-border crime, the new institutional framework for the EBCGA established a permanent body known as the Standing Corps^{xiii}.

It is noted that the European Integrated Border Management Policy is constituted as follows^{xiv}:

^{xii} See article 82 of the Reg. (EU) 1896/2019.

^{xiii} The permanent corps in question will reach the operational number of 10,000 officers as defined in Reg. (EU) 1896/2019 [Annex I] with executive powers and participation in operations for the effective guarding of the external borders and with an on-site presence in the officers' MSs of these. In this way, they will also contribute to dealing with cross-border crime, but also to the return of illegal immigrants. Frontex careers, European Border and Coast Guard Standing Corps, available at <https://frontex.europa.eu/careers/standing-corps/about/> and additionally articles of the Reg. (EU) 2019/1896, 54,55,56,57,58,61,82. Specifically, see more in Article 82, "Tasks and powers of the members of the teams", of the specific Regulation.

^{xiv} Article 3 of Reg. (EU) 2019/1896.

- Cooperation with third countries and the implementation of measures within those countries, along with a unified visa policy.
- Measures for controlling external borders.
- Risk analysis procedures.
- Measures implemented within the Schengen area.
- Procedures for managing returns.

The evaluation whether the Schengen area is functioning adequately is conducted through vulnerability assessments and the Schengen evaluation mechanism^{xv} established by the Reg. (EU) 1053/2013 of the Council^{xvi}. The duties of the Organization are outlined in article 10^{xvii}. It is noted that article 82 of the Regulation defines the duties and competencies of the team members^{xviii} and in particular, article 82 outlines the duties and competencies of the team members deployed by EBCGA to perform tasks and fulfil responsibilities aimed at achieving the objectives defined in Regulation (EU) 656/2014, Regulation (EU) 2016/399, and Directive 2008/115/EC^{xix}, while the exercise of executive powers is subject to the approval of the host Member State, in accordance with the provisions of Regulation (EU) 656/2014^{xx}.

Regarding sea joint operations^{xxi} these are conducted based on risk assessments performed by EBCGA or in response to actual risks present at EU borders (Cooper, 2012). Each operation determines the target, the operational area, and the resources—both human and technical—that will be participated. Many of these operations are funded by

^{xv} Regulation (EU) No 656/2014 of the European Parliament and of the Council of 15 May 2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union.

^{xvi} Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen.

^{xvii} Tasks of the European Border and Coast Guard Agency.

^{xviii} According to article 84 of the specific Regulation 1. Without prejudice to Article 95, where members of the teams are operating in a host Member State, that Member State shall be liable in accordance with its national law for any damage caused by them during their operations.

2. Where such damage is caused by the gross negligence or wilful misconduct of the members of the teams seconded or deployed by the Member States, the host Member State may request the home Member State to reimburse it for any sums that the host Member State has paid to the injured parties or persons entitled to receive such sums on behalf of the injured parties.

Where such damage is caused by gross negligence or wilful misconduct by the statutory staff, the host Member State may request the Agency to reimburse it for any sums that the host Member State has paid to the injured parties or persons entitled to receive such sums on behalf of the injured parties. This shall be without prejudice to any action before the Court of Justice of the European Union (the 'Court of Justice') against the Agency in accordance with Article 98".

^{xix} Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

^{xx} Article 38 of the specific Regulation.

^{xxi} For more information available on the <https://www.frontex.europa.eu/what-we-do/operations/operations/>

the EBCGA. The deployment of resources and forces takes place either through RABITs^{xxii} or Standing Corps consisting of the available personnel by the MS and EBCGA and of the available equipment provided also by the MS and the EBCGA.

The EBCGA also collaborates with third countries to support European integrated border management and immigration policy, offering technical and operational assistance as part of the Union's external action policy [see Articles 71, 72, 73, 74, and 75 of Reg. (EU) 1896/2019]. In this framework, the Organization is authorized to deploy experts from its permanent and other staff to third countries as liaison officers.

4. Eurojust

Eurojust was established in 2002 to strengthen the fight against serious organized crime^{xxiii}. The establishment Decision was repealed – replaced by Reg. (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 which amended and expanded the relevant provisions regarding the institutional framework, i.e. tasks, scope of competence, operational competences of the said Organization. The recent Regulation was issued in accordance with the usual legislative procedure and after considering article 85 of the LT. In the same article, the definition of the relevant arrangements is foreseen so that the European Parliament as well as the national parliaments can participate in the evaluation of its activities (Monar, 2013).

About a year ago, the EPPO was established based on Council Regulation (EU) 2017/1939 and based on the enhanced cooperation between 22 MS of the EU in which it is binding. However, the competent organization is Eurojust for the MS that do not participate in the EPPO and for offenses that are not covered by the covered by the competences of the above-mentioned EPPO^{xxiv}.

Its tasks include supporting and enhancing coordination and cooperation between national authorities in the investigation and prosecution of serious crimes that affect two or more MS or require prosecution on a joint basis, based on operations conducted and information provided by the competent authorities of the MS and Europol^{xxv} (Zimianitis, 2007).

Another reason that led to the issuance of the Regulation is that following the establishment of the EPPO and having been entrusted with the prosecution of offenses affecting the financial interests of the EU, there should be complete clarity in the responsibilities and the way these two EU judicial organizations operate.

^{xxii} Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen.

^{xxiii} 2002/187/JHA: Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime (L63, 6-3-2002, p.1).

^{xxiv} Eurojust is responsible for the crimes that are describing in the appendix 1 of the Reg. (EU) 2018/1727.

^{xxv} Article 85 of EU Treaty and article 2 of the specific regulation.

Eurojust, as clearly defined in the preamble of Reg. (EU) 2018/1727, remains competent and for offenses in which MS are involved and participating in the enhanced cooperation of the EPPO, as well as for MS that do not participate in it. In this case, the latter acts when it receives a request from the MS that do not participate or after a request has been preceded by the EPPO^{xxvi}. Regarding financial crimes affecting the interests of the EU, Eurojust will be involved if the EPPO does not exercise its competence or is not competent.

Eurojust should retain responsibility for offenses impacting the financial interests of the EU whenever the EPPO lacks jurisdiction or when its responsible does not to exercise its authority. MS that are not part of the enhanced cooperation for establishing the EPPO can still ask Eurojust's assistance for any matters related to offenses affecting the EU financial interests. It is essential for the EPPO and Eurojust to foster a strong operational partnership based on their respective areas of competence.

Eurojust's operational powers are set out in Article 4 of Reg. (EU) 2018/1727. When IT exercises its operational responsibilities for specific criminal offenses either ex officio or at the request of the MS, acts either as a collective body or through the national members. In the event that it acts ex officio, its role is more preventive and mainly in the coordination of cases, with the involvement of MS that was not initially included in the case, the discovery of relationships between cases that concern Europol, European Anti-Fraud Office (OLAF), the EPPO and the national authorities based on information provided.

It can request the establishment of a Joint Investigation Team (JITs) (Korontzis, 2012, d) in accordance with Article 4 par. 2 sub. d of the new Regulation, which was also predicted with the previous legislation. Its members can participate in JITs. It is noted that Eurojust plays an important role in the formation and operation of JITs, while based on its institutional framework, can through its National Members and also as a collective body, invite the competent National Authorities to set up a JIT where they deem necessary.

5. European Public Prosecutors Office (EPPO)

On the basis of articles 85 and 86 of the LT, a discussion has started on the establishment of a central prosecuting authority that will be competent at the European level and whose competence will not be limited only to dealing with fraud against the financial interests of the EU but will be extended and in other crimes. This discussion took place in the direction summarized in the phrase "*new institutional architecture for the European criminal area*" (Zimianitis, 2007). The possibility of setting up the EPPO is provided for in the LT in the title regarding the AFSJ.

Many of the MS were not positive on the establishment of EPPO. Specifically, they objected to the following:

^{xxvi} Article 3 of the relative Regulation.

- A. coordinating with other bodies,
- B. in the legal powers that the new entity would exercise,
- C. harmonization of national laws,
- D. coordination with national authorities,
- E. powers to conduct investigations,
- F. admissibility of evidence,
- G. judicial review,
- H. protection of victims' rights^{xxvii}.

According to article 86 of LT, EPPO was to be established from Eurojust (Tiedemann, 2012), (White, 2012). This means that Reg. (EU) 2017/1939, on the basis of which EPPO was established should create not only a close relationship between the two Organizations but also mutual cooperation between them. In the LT, it was clearly established that the substantive competence of the EPPO will be limited to criminal acts that affect the financial interests of the EU and will be specified in its establishing Regulation. Its duties include the investigation, prosecution and referral in front of the competent judicial authorities of offenders who have committed offenses against the financial interests of the EU and in particular offenses defined in Directive (EU) 2017/1371 of the European Parliament and of the Council^{xxviii}. Additionally, criminal activities linked to these actions are also relevant.

A notable aspect regarding the jurisdiction of the EPPO, which underscores its intergovernmental character, is that any expansion of its authority to cover serious cross-border crimes requires a unanimous decision by the European Council.

The primary aim of the EPPO operations is to address gaps in judicial cooperation that existing agencies, such as Eurojust, cannot cover or gaps resulting from administrative investigations into irregularities conducted by OLAF. The EPPO seeks to offer an equivalent and effective investigation and prosecution process across EU MS. Investigations will be conducted within the territories of the MS, and cases will be submitted to the appropriate national authorities.

It should be noted that the introductory report does not specify which gaps were identified, when they were recognized, how they were addressed, or why no action was taken to resolve them. More importantly, it does not explain the establishment of a new organization was necessary leading to additional costs in human and material resources. Moreover, the most important element was that this establishment was not accepted by all EU MS. The EPPO started its operations towards the end of 2020.

The regulation established a system of concurrent jurisdiction between the EPPO and national authorities for handling offenses defined by the relevant EU Directive. The

^{xxvii} Follow-up report on the Green Paper on criminal protection of the Financial Interests of the Community and the establishment of a European prosecutor, COM (2003) 128 final, European Parliament, Directorate General for Internal Policies, Improving Coordination between the EU Bodies Competent in the Area of Police and Judicial Cooperation: Moving Towards the European Prosecutor, Study 2011, p.p. 26-27.

^{xxviii} Directive (EU) 2017/1371 Of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law, p. 29.

EPPO's authority to conduct investigations does not interfere with how MS organize their criminal investigations.

National authorities are required to promptly report to the EPPO any criminal acts that fall under its jurisdiction. In turn, the EPPO must notify national authorities of any incidents it becomes aware of that may constitute criminal acts but fall outside its purview. EU institutions and bodies are also obligated to report any criminal acts within their scope. Additionally, the EPPO can receive information from other sources, such as private individuals. To this end, the EPPO has a verification mechanism to ensure that the conditions for exercising its powers are met based on the information provided.

As for the concept of criminal acts, particularly those involving organized crime, the provisions of national law apply, also taking under consideration Council Framework Decision 2008/841/JHA^{xxix}.

EPPO has the competence to bring prosecutions in front of the national courts based on the criminal law in force in the MS and always only with regard to actions that have affected the financial interests of the EU in accordance with the content of EU Directive 2017/1371 which has been incorporated into the legal orders of the MS.

Regarding the implementation and execution of coercive measures, EPPO cooperates with the competent authorities of the MS and mainly the police. At the European level, all competent organizations, such as Europol, Eurojust, and OLAF, must support the relevant investigations and prosecutions carried out and also provide their cooperation from the moment they become aware of a criminal act to the moment they decide to pursue prosecution or will handle the case differently (Korontzis, 2022, a).

6. Conclusions

The management of the external borders is one of the most important dimensions for the secure and smooth functioning of the EU internal area, where the free movement of citizens takes place and controls between EU MS have been abolished.

The security architecture built by the EU consists of five key elements:

- increased operations by EBCGA at sea and land borders,
- technological shielding of borders,
- conclusion of readmission agreements with third countries,
- setting up reception centers at the EU external borders;
- the transformation of Frontex two years ago into EBCGA,
- multi-level surveillance of the external borders consisting of EBCGA, RAPIDs and recently the establishment of the Standing Corps under the auspices of EBCGA, the European External Border Surveillance System (Eurosur) (Rijpma & Vermeulen, 2015), the ETIAS system, the VIS system, the Schengen Information System (SIS I and SIS II) and Eurodac. The measures applied are considered

^{xxix} Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (L 300, 11.11.2008).

effective as a reduction of illegal arrivals in the EU by 90% has been achieved^{xxx}. However, the violation of fundamental rights and freedoms of immigrants should not be overlooked, as shown in reports by international organizations and EU services^{xxxi}.

For effective border management, the EU has set up a main operational Agency, Frontex, now EBCGA. The organization provides MS involved in its administration with resources, expertise, training, and support for conducting joint sea and land operations, as well as for preparing studies and risk analyses. Its contribution has been crucial in addressing illegal immigration. Given the ongoing pressures from migratory flows, a decision was made to establish a specialized corps, the Standing Corps, which falls under the organization's responsibility.

Reviewing the legal frameworks for Eurojust and the EPPO reveals that while the EPPO establishment is covered by specific regulations, there is also a provision for a regulation concerning Eurojust operations. EPPO's exclusive powers could potentially be accommodated through a modification of Eurojust's framework. It's important to note that the EPPO Regulation, as outlined in Eurojust's regulation preamble, applies only to MS participating in enhanced cooperation. For those not participating, Eurojust remains fully responsible for serious crimes listed in Annex I of Reg. (EU) 2018/2017. The fact that not all MS agreed to the EPPO establishment suggests some uncertainty or reluctance.

A comparative analysis indicates that Eurojust could potentially handle the EPPO responsibilities with additional legal support and cooperation with OLAF, which handles administrative investigations within the EPPO scope. This could help avoid creating a new European organization when another, already effective and universally accepted organization, Eurojust, could fulfil these tasks. Furthermore, Eurojust has demonstrated

^{xxx} ".....After the migration crisis peaked in 2015, the EU implemented measures to better control external borders and migration flows. As a result, illegal arrivals in the EU have fallen by more than 90%. The EU and its Member States are stepping up their efforts to establish an effective, humanitarian and safe European migration policy. The European Council plays an important role in this effort, setting strategic priorities.....", available at <https://www.consilium.europa.eu/el/policies/eu-migration-policy/> [European Council, Council of the European Union, Immigration Policy], ".....125 100 irregular border crossings They decreased by 12 % compared to 2019, the lowest rate in the last 7 years....", available at https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/statistics-migration-europe_el#illegalbordercrossings [European Commission, Statistics on Migration in Europe, Illegal Border Crossing].

^{xxxi} "Report reveals how six countries are violating the rights of refugees", available on https://www.efsyn.gr/ellada/dikaiomata/293637_ekthesi-apokalyptei-pos-6-hores-katapatoy-n-ta-dikaiomata-ton-prosfygon, Regional Thematic Study: Management of the External Border of the EU and its impact on Human Rights of Migrants available on <https://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/RegionalThematicStudy.aspx> and Sunderland J., Hidden Emergency, Migrant Deaths in the Mediterranean, Human Rights Watch, August 2012, UNHCR, available on https://www.hrw.org/sites/default/files/related_material/2012_EU_Hidden%20Emergency.pdf.

excellent and constructive collaboration with other European organizations like Europol and OLAF, particularly within the AFSJ. Notably, while the EPPO represents only 22 of the 27 EU MS, all EU member states are represented in Eurojust.

Joint Investigation Teams (JITs) address the need for enhanced cooperation in tackling criminal activities involving multiple MS. Eurojust's annual reports indicate a growing formation of JITs, many of which receive funding from the organization. This increase underscores the reliance on Eurojust as a key reference for establishing JITs, a role that has been supported since 2011 by the JIT Network Secretariat at Eurojust.

Europol, a vital European police organization, recently upgraded its institutional framework with Reg. (EU) 794/2016 to better address modern crime and enhance European police cooperation. Its mission is to support and bolster the efforts of MS authorities, improving mutual cooperation in preventing and combating organized crime, terrorism, and other serious crimes affecting multiple member states.

Despite the important steps that have been taken since the Maastricht Treaty and from there in the field of internal security at the European level, the MS maintain the right to apply their national and constitutional framework in this area. For this reason, Europol's tasks and activities are basically staff-coordinating-supportive. The conversion of this organization into the EU FBI is widely discussed, a discussion which raises several concerns.

It is noted that the establishment for the first time of a special European uniformed corps for the implementation of the relevant legislation (EBCGA-Standing Corps), is a very important step towards the process of European integration, as we refer to the exercise of executive powers by the officers of the body in question. Possibly, the formation and operation of this body will be an example of the formation of other bodies that are related to the defense policy.

Also noteworthy is the interconnection that has been achieved between the MS and each of the organizations through the exchange of information, the creation and interconnection of operational centers with the simultaneous transfer of data to many recipients involved, the formation of special research groups, the realization of analyzes for specific risks specifically and in general and holistically addressing critical issues that arise, collaborations with third countries, technical and operational support to them and many activities focused on complex police and judicial cooperation. Sectors that are clearly interrelated and are of intense concern to the MS and their citizens.

Conflict of Interest Statement

The author declares no conflicts of interest.

About the Author(s)

Dr. Tryfon Korontzis is a former officer of the Hellenic Coast Guard (1992-2018) [Rear Admiral (ret)]. He holds a post doctorate in European Public law from University of Macedonia, a post doctorate on public law from Panteion University, a PhD in Public Administration and a PhD in International and European Institutions from Panteion

University. He has graduated from the Hellenic Navy Academy. Further during his career graduated from the Hellenic National Security College and from the Hellenic National Defense College. He has been lecturer and associate professor in higher education for many years since 2000 teaching maritime law, port police, public policy and finance, finance and law, civil protection and management crises, administration systems, international and public relations, public finance, port authorities etc at bachelor and master level in Hellenic Universities, in the Hellenic National Administration School and Colleges offering UK programmes. His research interests are focused in maritime law, port police, public policy and finance, civil protection and management crises, administration systems, international and public relations, port authorities, international police cooperation, international public law, organized crime, European public law. He is author of 15 books, he has participated with chapters in collective books, his work has been published in international and national peer reviewed academic journals and has made a lot of announcements in international and national conferences. He is member of many Academic journals as reviewer and member of Editorial Boards and certified trainer from NATO and the Hellenic Police. During his service at the Hellenic Coast Guard (1992-2018) was posted in Staff and Regional Services (as Deputy Harbor Master, Deputy Commanding Officer, Commander, Head of Units, Head of Port Police Authorities, Head of the Hellenic Delegation at Europol, National Representative at NATO Headquarter etc). He can speak fluently English language and can speak Italian language in an intermediate level.

References

- Baërn S., Beeres R. & Bollen M. (2020). [Border Sharing – a Quantitative Analysis of Contributions to FRONTEX 2012–2018](#). *Defense and Peace Economics*.
- Cheah W. L. (2010). Mapping Interpol's Evolution: Functional Expansion and the Move towards Legalization. *Policing: A Journal of Policy and Practice*, 4 (1).
- Cooper J. (2012). [Migrants in the Mediterranean: Do's and Don'ts in Maritime Interdiction](#). *Ocean Development & International Law*, 43 (4).
- Deflem, M. (2007). International Police Cooperation Against Terrorism: Interpol and Europol in Comparison. In Durmaz, H. & Sevinc, B. (Eds.), *Understanding and Responding to Terrorism*. Amsterdam: IOS Press. Retrieved from <https://www.ojp.gov/ncjrs/virtual-library/abstracts/international-police-cooperation-against-terrorism-interpol-and>
- Fooner, M. (1989). *Interpol, Issues in World Crime and International Criminal Justice*. New York: Plenum Publishing. Retrieved from https://books.google.ro/books/about/Interpol_Issues_in_World_Crime_and_Inter.html?id=Sb-130nNtv0C&redir_esc=y
- Gäckle N. (2020). [Taming future mobilities: biopolitics and data behaviorism in the European Travel Information and Authorization System \(ETIAS\)](#). *Mobilities*, 15 (2).

- Ioakeimidis P. (1998). *The Treaty of Amsterdam: new model of integration or symptom of de-integration*. Athens: Themelio.
- Jörg M. (2013). [Eurojust and the European Public Prosecutor Perspective: From Cooperation to Integration in EU Criminal Justice? Perspectives on European Politics and Society](#)
- Korontzis, T. (2022, a). The judicial cooperation in the European Union. Eurojust or/and EPPO?. *International Multilingual Journal of Science and Technology*, 7 (12), 5791-5798.
- Korontzis, T. (2022, b). European Policies on Sea Borders Guarding: European Border and Coast Guard Agency (Frontex) and Hellenic Coast Guard. *International Multilingual Journal of Science and Technology*, 7 (12), 5730-5745. Retrieved from [https://www.researchgate.net/publication/366864616 EUROPEAN POLICIES ON SEA BORDERS GUARDING EUROPEAN BORDER AND COAST GUARD AGENCY FRONTEX AND HELLENIC COAST GUARD](https://www.researchgate.net/publication/366864616_EUROPEAN_POLICIES_ON_SEA_BORDERS_GUARDING_EUROPEAN_BORDER_AND_COAST_GUARD_AGENCY_FRONTEX_AND_HELLENIC_COAST_GUARD)
- Korontzis, T. (2021). Freedom, Security and Justice in the EU. *International Multilingual Journal of Science and Technology*, 6 (10), 4220-4234 (in Hellenic).
- Korontzis, T. (2014). International Law Enforcement Cooperation. *European Scientific Journal*, 05/2014, 355-367. Retrieved from <https://dx.doi.org/10.2139/ssrn.4881519>
- Korontzis, T. (2012, a). Surveillance of the Hellenic Sea borders and illegal immigration. EU policy, Frontex and the role of the Hellenic Coast Guard. *Dioikitiki Enimerosi*, 63, 4-30.
- Korontzis, T. (2012, b). The European policies for illegal immigration via EUROPOL and FRONTEX in Hellas. *International Conference "Comparing and contrasting "Europeanization": concepts and experiences", 14-16 May. Athens. Institute of International Economic Relations (IIER/IDOS)*. <http://dx.doi.org/10.2139/ssrn.4898372>
- Korontzis, T. (2012, c). The contribution of EUROPOL and FRONTEX in combating the phenomenon of illegal immigration in Hellas. *Review of European Studies*, 4 (1) 188-202. <https://doi.org/10.5539/res.v4n1p188>
- Korontzis, T. (2012, d). European Union criminal policy and Joint Investigation Teams. The case of Hellas. *International Journal of Asian Social Science*, 2 (12), 2237-2250. Retrieved from <https://archive.aessweb.com/index.php/5007/article/view/2387>
- Korontzis, T.(2013). Competencies and duties of International and European Organizations in combating the international organized crime. Evaluative approach. *Dioikitiki Enimerosi*, 64, 4-20.
- Korontzis, T. (2014). International law enforcement cooperation. *International conference "Global Multidisciplinary Academic Meeting", Cape Verde, March 27-30. The European Scientific Institute, Santiago University, University of the Azores and Institute for Law and Economic Studies, [ISBN 978-608-4642-19-0] (Proceedings, 355-367)*.
- Korontzis, T. (2015). Competencies and duties of International and European Organizations in combating the international organized crime. Evaluative approach. *Limeniki Rota*, 20, 48-55.

- Monar, J. (2006). *Cooperation in the Justice and Home Affairs Domain: Characteristics, Constraints and Progress*. *European Integration*, 28:5.
- Occhipinti, J.D (2015). Still Moving Toward a European FBI? Re –Examining the Politics of EU Police Cooperation. *Intelligence and National Security*, 30,2-3.
- Papagiannis, D. (2012). *European Law*. Athens-Komotini: Sakkoulas
- Papagiannis, D. (2008). *The European Area of Freedom, Security and Justice*. Athens-Komotini: Sakkoulas.
- Papagiannis, D. (2001). *The European Area of Freedom, Security and Justice*. Athens-Komotini: Sakkoulas.
- Perrakis, S. (2015). Politics of "Space" and Human Rights after the Treaty of Lisbon: Frictions and Prospects in the Light of New Challenges. In J. Monnet Centre Publications of the Macedonia University (Eds), *Developments and Challenges in the Area of Freedom, Security and Justice of the European Union*. Proceedings of the international conference in memory of Dimitrios Eurygenis (p.176 and next). Thessaloniki: University of Macedonia.
- [Regine P. \(2017\). Harmonization by risk analysis? Frontex and the risk-based governance of European border control. *Journal of European Integration*, 39 \(6\).](#)
- [Rijpma J. & Vermeulen M M. \(2015\). EUROSUR: saving lives or building borders? *European Security*, 24 \(3\).](#)
- [Satoko, H. \(2016\). The effect of Frontex's risk analysis on the European border controls, *European Politics and Society*, 7\(2\).](#)
- Tiedeman K. (2012). Guest Editorial, in Focus: European Public Prosecutor, *EuCrim*, 2, 49.
- White, S. (2012). A Decentralized Public Prosecutor's Office, in Focus: European Public Prosecutor. *EuCrim* 2, 67-75.
- Zimianitis, D. (2007). *Judicial cooperation on criminal cases*. Athens: Sakkoulas.
- Fooner, M. (1989). *Interpol, Issues in World Crime and International Criminal Justice*. New York: Plenum Publishing. Retrieved from https://books.google.ro/books/about/Interpol_Issues_in_World_Crime_and_Inter.html?id=Sb-130nNtv0C&redir_esc=y

Creative Commons licensing terms

Author(s) will retain the copyright of their published articles agreeing that a Creative Commons Attribution 4.0 International License (CC BY 4.0) terms will be applied to their work. Under the terms of this license, no permission is required from the author(s) or publisher for members of the community to copy, distribute, transmit or adapt the article content, providing a proper, prominent and unambiguous attribution to the authors in a manner that makes clear that the materials are being reused under permission of a Creative Commons License. Views, opinions and conclusions expressed in this research article are views, opinions and conclusions of the author(s). Open Access Publishing Group and European Journal of Social Sciences Studies shall not be responsible or answerable for any loss, damage or liability caused in relation to/arising out of conflicts of interest, copyright violations and inappropriate or inaccurate use of any kind content related or integrated into the research work. All the published works are meeting the Open Access Publishing requirements and can be freely accessed, shared, modified, distributed and used in educational, commercial and non-commercial purposes under a [Creative Commons Attribution 4.0 International License \(CC BY 4.0\)](https://creativecommons.org/licenses/by/4.0/).