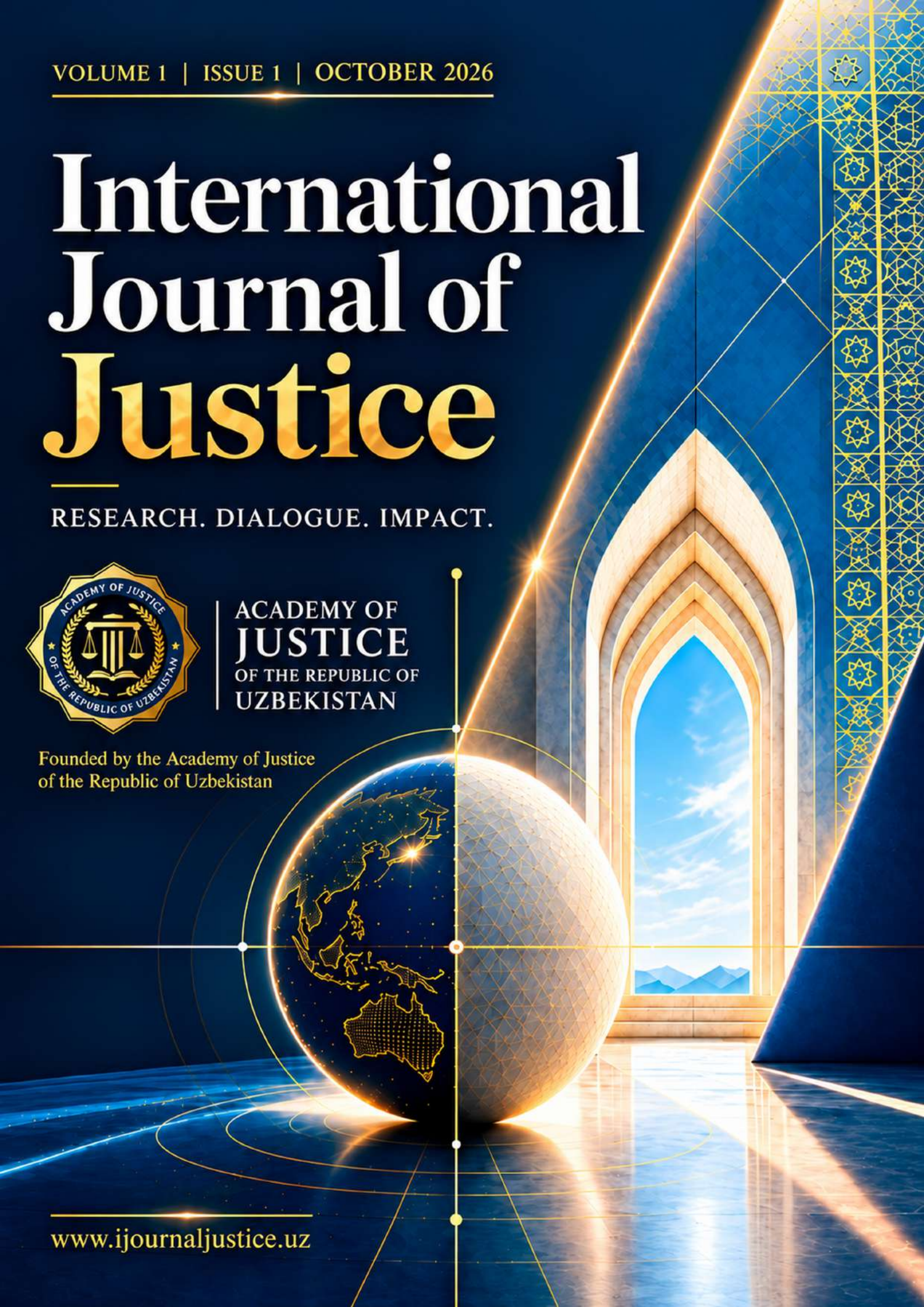
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ON EUROPEAN CRIMINAL-LAW INTEGRATION – FROM MUTUAL RECOGNITION TO LIMITED SUPRANATIONAL CRIMINAL POWER

Krisztina Karsai
PhD, habil, Doctor of Academy (Hungary)
University of Szeged, head of unit
E-mail: Karsai.krisztina@szte.hu
ORCID ID: 0000-0003-4625-9774



Abstract: *This article examines the development of European criminal-law integration from classical inter-State cooperation to the emergence of limited supranational criminal power. Drawing on doctrinal and institutional analysis, it distinguishes four interconnected dimensions of this process: mutual legal assistance, mutual recognition, substantive and procedural approximation, and institutional integration through the European Public Prosecutor's Office (EPPO). The article argues that European criminal law constitutes an autonomous but incomplete field. Although the European Union does not possess a general ius puniendi, it exercises fragmented criminal-law powers through treaty-based competences, harmonisation measures, judicial interpretation, and supranational institutions. These powers remain constrained by the principles of conferral, subsidiarity, proportionality, legality, culpability, and fundamental-rights protection. The analysis identifies a dual normative structure in which classical principles limiting punitive power coexist with integration-specific principles, including mutual recognition, mutual trust, European territoriality, assimilation, and locus/forum regit actum. The EPPO is examined as the most advanced manifestation of this development. Its single-office structure and cross-border investigative powers transcend conventional inter-State cooperation, while its reliance on national procedural law and national courts preserves a hybrid, multi-level system. Recent case law and the EPPO's 2025 operational data illustrate both the practical significance and the constitutional limits of this model. The article concludes that European criminal-law integration has created genuine but functionally confined supranational criminal power rather than a unified European criminal justice system.*

Keywords: *European criminal law; criminal-law integration; mutual recognition; mutual trust; ius puniendi; European Public Prosecutor's Office (EPPO); supranational criminal power; fundamental rights*

Introduction

1.1. Significance of the topic

European criminal-law integration refers to the gradual development of criminal-law cooperation, legal approximation and institution-building among the Member States of the European Union (EU). The starting point of this development was classical inter-State mutual legal assistance in criminal matters: two sovereign States assisted each other in a specific criminal proceeding through diplomatic and political channels. The fundamental objective of this model was to prevent cross-border crime and the mobility of offenders from creating gaps in criminal accountability. An equally important feature, however, was that States derived cooperation from the principle of sovereignty. Ultimately, extradition and mutual legal assistance in criminal matters were decided at ministerial level rather than in the courtroom.

The original treaty framework of the European Community (1957) did not provide a general competence to legislate in criminal matters. Consequently, cooperation in criminal matters remained primarily intergovernmental

for a considerable period. As integration progressed, the Member States gradually "juridified" and depoliticised part of their cooperation. The former model of inter-State assistance, which allowed broad discretion, was increasingly replaced by direct contacts between competent authorities, predetermined conditions, standard forms, deadlines and judicial control. The normative basis of this development became the principle of mutual recognition, according to which the participating States, as a general rule, recognise and enforce certain criminal-law decisions adopted by one another. This development gave rise to new institutional and doctrinal solutions. Thus, the European arrest warrant and the surrender system replaced the former extradition model, while the European Investigation Order replaced classical mutual legal assistance. Today, these matters form part of a unified EU policy: the policy of establishing an "area of freedom, security and justice".

The most advanced institutional example of this process is the European Public Prosecutor's Office (EPPO). The EPPO is a prosecutorial body established through enhanced cooperation by certain EU Member States. Its task is to investigate and prosecute certain offences affecting the financial interests of the EU, including money laundering, fraud and corruption, before national courts. It is not a general European prosecution service and does not replace the criminal-justice systems of the Member States. Nevertheless, its establishment demonstrates that European integration is capable of developing functionally integrated forms of law enforcement beyond mere inter-State cooperation (Karsai 2026, EPPO study).

1.2. Methodology and structure

The study is based on doctrinal and institutional analysis. It draws on the author's earlier conceptual work concerning European criminal law, the EU's ius puniendi and the principles of European criminal law (Karsai 2015; Karsai 2022), as well as on the findings of a more recent analysis of the EPPO (Karsai 2026, EPPO study).

Theoretical Framework

2.1. The dual meaning of "European criminal law"

The term "European criminal law" has a dual meaning. In the broad sense, it is an umbrella concept covering the criminal-law phenomena associated with European integration. It includes cooperation between the Member States in criminal matters, criminal-law approximation, the role of EU institutions, fundamental-rights protection, and the interaction between national criminal law and EU law. Initially, the concept functioned primarily as a scholarly label for describing a rapidly developing and heterogeneous field (Ambos 2018; Klip 2021; Karsai-Wörner 2023). In the narrow sense, European criminal law refers to EU law containing criminal-law provisions adopted on the basis of the authorisation provided by the Treaty on the Functioning of the European Union (TFEU), as well as the application of that law. The TFEU is one of the founding treaties of the EU. It determines the areas in which the EU may adopt binding legal acts and the limits within which it may do so. The narrow concept includes, in particular, EU rules concerning criminal-law approximation, judicial cooperation in criminal matters and the protection of the EU's financial interests [TFEU Arts. 82(1)-(2), 83(1)-(2), 325(1)-(4)]. In my view, European criminal law is an autonomous, but incomplete, area of law that is not independent of the national systems (Karsai 2015; Karsai 2022). It is autonomous because it has its own legal bases, institutions, principles and interpretative framework. It is incomplete

because, as a general rule, the EU does not comprehensively define criminal offences, operate a general European criminal court system or enforce criminal penalties. National criminal justice therefore remains an indispensable intermediary and instrument for implementing EU objectives.

2.2. The concept and dimensions of the EU's ius puniendi

The ius puniendi is the power to punish: the right of a public authority or political community to determine which forms of conduct are punishable, which sanctions may be imposed and which institutions may act in relation to criminal responsibility. The EU does not possess a general and comprehensive power to punish. Nevertheless, a partial or "fragmented" EU ius puniendi exists because the Member States have transferred limited criminal-law powers to the EU in specific areas (Karsai 2015).

Three dimensions of this partial criminal power may be distinguished. In its normative dimension, the EU may establish minimum rules concerning the definition of criminal offences and sanctions in certain areas and regulate judicial cooperation in criminal matters [TFEU Arts. 82(1)-(2), 83(1)-(2)]. Article 325 TFEU provides a basis for effective action against fraud and other unlawful activities affecting the EU's financial interests [TFEU Arts. 325(1)-(4)]. In its interpretative dimension, the primacy and uniform interpretation of EU law, together with the case law of the Court of Justice of the European Union (CJEU), influence the application of national criminal law. In its institutional dimension, Article 86 TFEU enables the establishment of the EPPO for the prosecution of offences affecting the EU's financial interests. This partial nature is subject to important limitations. Under the principle of conferral, the EU may exercise only those powers that the Member States have conferred on it in the founding treaties. The principle of subsidiarity requires EU action only where the objectives cannot be sufficiently achieved by the Member States acting independently. The principle of proportionality prohibits intervention that goes beyond what is necessary. These limitations are complemented by legality in criminal matters, culpability-based responsibility and the protection of fundamental rights (Kettunen 2020; Mitsilegas 2022).

2.3. The multi-level structure of European criminal law

The EU legal level consists of the founding treaties, EU regulations and directives, and the interpretation of EU law by the CJEU. A directive is an EU legal act that requires a Member State to achieve a specified result but generally requires national legislation for its implementation. A regulation, by contrast, is in principle directly applicable in all Member States to which it is addressed. The EPPO Regulation therefore directly establishes the basic organisational and procedural framework of the EPPO. At the national level, criminal codes, procedural rules, prosecution services, investigative authorities and courts of the Member States continue to conduct the majority of criminal justice activities. EU law frequently operates through these national systems. Harmonised national law - that is, national criminal law amended in accordance with the objectives of EU directives - is closely connected with European criminal law, but is not doctrinally identical to it: it remains part of the legal order of the relevant Member State.

The Charter of Fundamental Rights of the European Union is also part of this multi-level

structure. It binds the EU institutions and the Member States when they implement EU law. The European Convention on Human Rights (ECHR) and the case law of the European Court of Human Rights are also significant. Although the Convention belongs to a legal system outside the EU, all EU Member States are parties to it, and its protective framework therefore applies within the EU as well. The interaction between EU and broader European human-rights standards is particularly important for interpreting safeguards in criminal proceedings, including the right to a fair trial and the requirements of judicial control.

The Dual System of Classical and Sui Generis Principles

The operation of European criminal law is characterised by a dual normative framework. On the one hand, the classical principles of criminal law apply: legality, culpability-based responsibility, proportionality, subsidiarity and fundamental-rights safeguards. Their primary function is to limit the exercise of criminal power and protect individual freedom. These principles do not lose their significance merely because criminal-law enforcement partly serves EU objectives.

On the other hand, integration generates specific sui generis principles. These include European territoriality; mutual recognition and its legitimising foundation, mutual trust; as well as coherence, the locus/forum regit actum principle and assimilation. The locus/forum regit actum principle regulates the relationship between the law of the place where an act is carried out and the law of the forum conducting the proceedings in cross-border cases (Karsai 2019). The principle of assimilation, in simplified terms, requires EU interests and official acts originating from other Member States to be treated within the national system with an appropriate degree of seriousness, comparable to that applied in similar domestic cases. The function of these sui generis principles is not directly to limit criminal power, but to organise and operate the integration process.

The proposition that European criminal law is subject to a dual normative framework therefore means that European criminal-law mechanisms must simultaneously ensure the effectiveness of integration and respect the classical rule-of-law limitations on criminal power. Neither requirement may automatically override the other.

3.1. European territoriality and functional integration

European territoriality expresses the integrationist idea that, in certain areas, the justice systems of the participating States should not operate merely as separate national spaces but as a common legal area. This does not eliminate State borders, national procedural laws or national institutions. It does mean, however, that in order to achieve certain EU objectives, the legal significance of borders is reduced and cooperation between authorities may assume a form resembling internal administrative cooperation. The EPPO elevates this idea to the institutional level. It may therefore be argued that the EPPO is not a classical inter-State mutual legal assistance arrangement, but a common investigative area operating across the territories of several participating States. At the same time, this area does not operate under a single State criminal-procedure code. A substantial part of the execution of investigative measures continues to take place under national law and through national prosecutors, authorities and courts.

The EPPO is therefore a strong, but hybrid and limited, model of functional integration.

3.2. Mutual recognition as the operating principle of integration

During the second stage of development, the centre of gravity of criminal-law cooperation shifted from inter-State mutual legal assistance to mutual recognition. Its essence is that a decision adopted by the judicial authorities of one Member State is, as a general rule, recognised and enforced by the other Member States without the case having to be reassessed in its entirety. Under the current treaty framework, Article 82 TFEU expressly identifies the mutual recognition of judgments and judicial decisions as the basis of judicial cooperation in criminal matters. At the same time, the provision links mutual recognition to the approximation of national laws and to minimum procedural rules [TFEU Arts. 82(1)-(2)].The first and most significant example of mutual recognition is the European arrest warrant. Council Framework Decision 2002/584/JHA replaced the traditional extradition system with a system of surrender between judicial authorities. Its purpose is to ensure that an arrest warrant issued by the judicial authority of the issuing Member State is enforced by the authorities of the executing Member State through a simplified and accelerated procedure. The European arrest warrant represented a qualitative change because it replaced the former diplomatic and intergovernmental extradition model with direct cooperation between the judicial authorities of the Member States. In relation to specified categories of serious offences, the executing State may not verify the existence of dual criminality where the offence satisfies the relevant seriousness threshold in the issuing State. A second example of mutual recognition is the transfer of the enforcement of custodial sentences. Council Framework Decision 2008/909/JHA permits a custodial sentence imposed in one Member State, subject to certain conditions, to be enforced in another Member State, for example in the State of the convicted person's nationality or residence. Mutual recognition thus extends not only to procedural coercive measures but also to the enforcement of final criminal judgments.

Mutual recognition represents a specific compromise within European criminal-law integration. It does not abolish the national criminal-law systems; instead, it places their decisions within a common enforcement area. Its operation therefore depends on mutual trust in the justice systems of the Member States. That trust is rebuttable rather than blind: the CJEU has required executing authorities to postpone or, where appropriate, refuse cooperation when concrete and individualised fundamental-rights risks are established (Joined Cases C-404/15 and C-659/15 PPU, Aranyosi and Căldăraru; Case C-216/18 PPU, LM; Mitsilegas 2022).

Criminal-Law Minimum Harmonisation and the EU's Ius Puniendi

The third stage of development is connected with the gradual formation of the EU's legislative competence in criminal matters. The Treaty of Lisbon (2007) established a clearer legal basis for criminal-law approximation. It strengthened the role of the European Parliament, expanded the jurisdiction of the CJEU and made judicial cooperation in criminal matters a regular component of EU policies.

Under Article 83(1) TFEU, the European Parliament and the Council may establish, by means of directives, minimum rules concerning the definition of criminal offences

and sanctions. This competence extends only to specified areas of particularly serious crime with a cross-border dimension, including terrorism, trafficking in human beings, illicit drug trafficking, money laundering, corruption, computer crime and organised crime. Article 83(2) TFEU provides a broader but still functional legal basis. Under this provision, criminal-law approximation may be undertaken where it is essential to ensure the effective implementation of a harmonised EU policy. Examples of minimum harmonisation include EU action against trafficking in human beings and the counterfeiting of the euro. Through several framework decisions, the Member States approximated the definitions of corruption, participation in a criminal organisation, money laundering and other serious offences. These legal instruments did not create a uniform EU Criminal Code, but they established common conceptual and sanctioning minimum standards. The PIF Directive, namely Directive (EU) 2017/1371, was a particularly important development. It establishes minimum rules concerning certain forms of fraud, corruption, misappropriation and money laundering affecting the financial interests of the European Union. The Directive requires the Member States to criminalise certain conduct affecting the EU's financial interests and to provide appropriate sanctions in specified cases. It also forms the substantive legal basis of the EPPO's activities, since the EPPO's investigations extend to the offences defined by the Directive.

The resulting model is one of constrained minimum harmonisation. EU legislation defines a common floor, while Member States retain discretion above that floor and remain responsible for prosecution, adjudication and punishment. The legitimacy of this model depends on a demonstrable need for criminalisation at EU level and on coherent drafting across instruments; the Council's 2025 model provisions on EU substantive criminal law are intended to support that coherence.

Procedural and Fundamental-Rights Integration

Mutual recognition can operate legitimately only if the criminal-procedure systems of the Member States share a common and comparable minimum level of fundamental-rights protection. Article 82(2) TFEU therefore permits the adoption of minimum rules concerning the rights of individuals in criminal proceedings, the rights of victims and the mutual admissibility of evidence between the Member States. In 2009, the EU launched an extensive legislative programme that produced six directives establishing minimum standards for persons involved in criminal proceedings. In addition to interpretation and translation, information and access to a lawyer, the measures cover the presumption of innocence and the right to be present at trial, procedural safeguards for children, and legal aid. Each Member State must ensure that these minimum standards are achieved in its national criminal proceedings.

One example is the right to interpretation and translation. Directive 2010/64/EU ensures that, in criminal proceedings and in proceedings for the execution of a European arrest warrant, the person concerned can understand the essential elements of the proceedings and effectively exercise the rights of the defence. The right to information is similarly important. Directive 2012/13/EU establishes minimum requirements concerning the time and manner in which accused persons must be informed of their rights and of the nature and grounds of the accusation against

them. The right of access to a lawyer is regulated by Directive 2013/48/EU, which establishes minimum rules concerning communication with a lawyer, the lawyer's participation in questioning and communication rights during detention.

Fundamental-rights integration has thus become a component of EU criminal law that serves not only the effectiveness of cooperation between States but also the protection of persons participating in criminal proceedings. The approximation of procedural rights has become a legitimising condition of mutual recognition. Within the European criminal-law area, the confidence of judicial authorities cannot be based solely on the formal compliance of national institutions; it is also necessary that the fundamental procedural rights of accused persons are effectively protected.

Institutional Integration and the European Public Prosecutor's Office

The current highest level of development over the past thirty years is limited supranational institutional integration. At this level, the European Union not only harmonises national criminal laws and coordinates the activities of national authorities, but has also established its own prosecutorial structure in a defined area.

Under Article 86 TFEU, the EPPO is responsible for investigating and prosecuting offences affecting the financial interests of the Union and for bringing perpetrators to judgment before the competent courts of the Member States. The EPPO was established by Council Regulation (EU) 2017/1939 within the framework of enhanced cooperation. The Regulation provides a directly applicable legal framework for the institution, meaning that it must also be applied directly by the Member States.

The EPPO is organised as a single office with central and decentralised levels, but it operates through national criminal-procedure systems. The European Delegated Prosecutors responsible for handling a case and those assisting with the execution of investigative measures act within the framework of the same EU organisation (so-called double-hat position). Its cross-border investigations therefore test the boundary between supranational direction and territorial judicial control. In Case C-281/22, G.K. and Others (Parquet européen), the CJEU allocated review of the justification and adoption of an assigned measure to the Member State of the handling European Delegated Prosecutor, while review in the assisting prosecutor's Member State is generally confined to enforcement; intrusive measures must nevertheless be subject to prior judicial review capable of protecting Charter rights (Ligeti 2024).

Outlook on the operation of the EPPO in 2025

Key indicator as at 31 December 2025	Value
Ongoing investigations	3,602
Estimated damage in ongoing investigations	More than EUR 67.27 billion
New investigations opened in 2025	2,030

Key indicator as at 31 December 2025	Value
Indictments	275
Share of active investigations with a cross-border dimension	27%
Value of judicial freezing orders	EUR 1.13 billion
Assets actually frozen	EUR 288.93 million

Source: EPPO Annual Report 2025, pp. 7-9.

Among the ongoing investigations, non-procurement expenditure fraud accounted for 1,820 cases, VAT and customs fraud for 981 cases, procurement expenditure fraud for 648 cases, while money laundering and cases linked to organised crime were also particularly significant. The estimated damage associated with revenue fraud amounted to EUR 45.01 billion, representing more than 67% of the total estimated damage (EPPO Annual Report 2025, pp. 7-9).

The 2025 figures make the institutional development visible, but they do not by themselves establish the EPPO's effectiveness or legitimacy. Those assessments also require information about case duration, judicial outcomes, asset recovery, procedural-rights protection and the consistency of national judicial review. The EPPO's performance therefore remains inseparable from its coordination with national authorities and courts and from effective accountability for its operational acts (Karsai 2026; Öberg 2025).

7. Comparative and Practical Outlook

The EPPO is particularly relevant as a case study for analysing prosecutorial independence, the division of responsibilities between central and decentralised authorities, procedural safeguards, judicial review, cross-border evidence gathering and the investigation of financial crime. Its significance does not lie in providing a ready-made institutional model for other legal systems. Rather, it demonstrates the need to balance effective enforcement, respect for national competences and the protection of fundamental rights when criminal proceedings extend across jurisdictions.

The EPPO's external dimension also gives the subject practical importance beyond the participating EU Member States. Under Article 104 of Regulation (EU) 2017/1939, applicable international agreements and other lawful cooperation instruments, the EPPO may cooperate, within its competence, with the authorities of third countries. Cooperation with Uzbek authorities would therefore require an applicable legal basis and compliance with the relevant domestic procedures; the Regulation does not itself create an automatic cooperation channel with every third country (Karsai 2019; Giuffrida 2023).

From a training and professional-development perspective, the subject can support comparative discussion among judges, prosecutors, investigators and other legal professionals concerning financial investigations, corruption and fraud, cross-border evidence, institutional coordination and the practical protection of procedural rights. The comparative value of the EPPO model lies

precisely in allowing these questions to be examined without presupposing that one institutional solution should be transferred unchanged to another legal system.

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