**Pázmány Péter Catholic University**
Doctoral School of Law and Political Sciences

# THE DEVELOPMENT OF EUROPEAN CRIMINAL COOPERATION

dr Róbert Forstner

**Theses of the Doctoral Dissertation**

Supervisor:
dr Miklós Gábor Molnár

Date of completion of the manuscript:

Székesfehérvár, 2026

## Introduction

In 1999, the Tampere Programme made the area of freedom, security and justice a priority, with one of its sections placing particular emphasis on the fight against crime. This constituted the first major step towards judicial cooperation in criminal matters and marked the beginning of efforts to address the challenges posed by cross-border crime. The establishment of the area of freedom, security and justice, while producing many positive effects, also created circumstances that facilitated the mobility of criminal activity and enabled offenders to flee across borders. The Member States of the European Union must ensure effective action against all forms of crime affecting more than one Member State; however, this is far from sufficient. By the twenty-first century, the world had become sufficiently open that criminal offences no longer remained confined to a single country or to the borders of the European Union and frequently also affected third countries outside the Union. The Union must therefore seek to cooperate with states worldwide so that, even if cross-border crime cannot be prevented entirely, it can at least be investigated and prosecuted more effectively.

## Research theses and methodology

European criminal cooperation is one of the European Union's key and defining areas, contributing to security within the Union and operating, at the same time, as an effective structure for the protection of citizens. The purpose of the doctoral dissertation is to provide a comprehensive examination of the development, current system and future directions of European criminal cooperation, with particular regard to the manner in which its legal and institutional framework has evolved alongside the development of European Union integration and to how these changes manifest themselves in the day-to-day practice of law enforcement and judicial authorities.

The research approaches criminal cooperation from the premise that its development is gradually moving from the traditional system of mutual legal assistance between states towards a model of cooperation that is increasingly regulated and institutionalised by EU law, in which mutual recognition, direct cooperation between competent authorities, mutual trust and the exchange of information play an increasingly decisive role. The research therefore seeks not only to systematise the applicable body of law, but also to identify emerging directions of development and the new requirements these developments impose on legislation and its application.

One of the central questions of the research is the extent to which the objectives formulated by EU and national legislation concerning criminal cooperation are realised in practice. In this context, the dissertation examines how key cooperation mechanisms, such as the European Arrest Warrant and the European Investigation Order, operate in everyday administrative, law-enforcement and judicial practice, what practical difficulties arise in their application, and the extent to which established case-law reinforces, supplements or, in certain cases, causes the functioning of cooperation to depart from the legislature's original objectives.

A further objective of the research is to explore how criminal cooperation is connected with other areas of fundamental importance to the functioning of the European Union. In this context, particular attention is devoted to combating terrorism, sustainable development, competition law, and the relationship between the execution of custodial sentences and criminal cooperation. The analysis of these points of intersection demonstrates that criminal cooperation can no longer be understood solely as part of judicial cooperation in criminal matters in the classical sense, but is increasingly becoming an instrument for addressing a wider range of EU policy and societal challenges.

The ultimate objective is to determine how the effectiveness of European criminal cooperation can be further enhanced while maintaining the protection of fundamental rights, the rule-of-law safeguards and mutual trust between the Member States.

The research was primarily inspired by three groups of questions. First, with regard to the development of European criminal cooperation, what is the direction of that development: is the European Union capable of transforming itself in such a way that European criminal law would replace criminal cooperation? Furthermore, if criminal cooperation were not to be fully replaced by European criminal law, could there be specific areas in which national criminal law should be replaced by Union regulation? Finally, is there any area of European criminal cooperation in which the Union operates in a manner resembling a supranational state?

Each chapter of the research presents a legal instrument relating to criminal cooperation in the area under examination. The current form and operation of these legal instruments should, however, primarily be regarded as a snapshot. Judicial cooperation in criminal matters is a highly dynamic field, as new challenges continually emerge to which the Union must provide an effective and, above all, rapid response in order to ensure comprehensive protection for citizens.

The research examined legislation and the operation of legal norms in day-to-day practice. In relation to the subject matter, it was necessary to examine the directions of legislative development and the further objectives pursued by legislation. With regard to individual legal instruments, the research identified the principal trends demonstrating how the practice of applying the law affects legislation. Finally, it examined how, in terms of implementation, the objectives set out in legal acts operate, on the one hand, and how Union bodies and national authorities acting within the framework of Union bodies operate, on the other.

The methodology of the research was based primarily on an examination of EU, national and relevant international legal documents, a review of the relevant legal literature, and the interpretation and analysis of positions and yearbooks issued by EU institutions, including the data contained therein. Examination of the relevant documents provided broad opportunities to identify how the institutions concerned and the areas under examination exert their effects, on the basis of which tendencies concerning their future operation could be identified.

**Chapters of the dissertation**

The first chapter of the doctoral dissertation reviews the history of European criminal cooperation, examining the relevant Union legal sources and, thereby, the process through which the foundations of cooperation were established. Chapters Two to Six examine, in turn, the principal bodies involved in this field of cooperation. First, Eurojust, as one of the most prominent bodies, is analysed from its initial stage to its present form. The dissertation examines the direction of Eurojust's development, in particular through the example of the new body established within its framework in response to the aggression related to the war in Ukraine. The research also analyses the structures of Europol and the European Public Prosecutor's Office (EPPO); in the latter context, particular emphasis is placed on the question of non-participation or accession and on the options arising under Hungarian legislation. The research further addresses the role of Frontex and the European Judicial Network in the field of cooperation, analysing, in accordance with the research concept, the history of the bodies, the applicable regulatory framework and their present operation.

This is followed by an examination of the origins, current regulatory framework and present operation of the two key legal instruments in the practice of criminal cooperation: the European Arrest Warrant and the European Investigation Order. An analysis of the relevant judicial practice makes it possible to identify the interpretation of the applicable legal norms with a view to their effective application in practice. Criminal cooperation is subsequently illustrated by three practical examples: its role in relation to sustainable development, competition law and the fight against terrorism. These areas were selected because they concern matters of considerable importance in which offences committed may affect the territory of other Member States, at least through their consequences. Environmental crime and terrorism, in particular, do not remain confined within the borders of individual Member States; consequently, there is a strong justification for focusing on cooperation in these fields.

Chapter Twelve examines the European Union's cooperation with third countries. Crimes, particularly those committed by organised criminal groups, may frequently have a cross-border dimension extending not only beyond the territory of one Member State but also beyond the European Union to third countries. In this respect, the research examined relevant statistics to substantiate the significance of cooperation with third countries. The following chapter addresses the achievements of cooperation in the field of victim protection and the regulatory framework applicable in this area. Finally, the research examines the field of the execution of custodial sentences, which is of considerable importance in criminal law. Its role is primarily connected with the pursuit of objectives of the execution of sentences that enable convicted persons to serve their sentences close to their families and in their country of origin. In this respect, the dissertation illustrates, by means of a practical example, the operation of the rules governing the transfer of prisoners.

The conclusions chapter summarises the findings relating to the research theses that can be drawn from the analysis of the legal instruments and legislative acts.

**Current relevance of the dissertation**

The dissertation provides a detailed presentation of the most significant bodies involved in the Union's criminal cooperation, from their establishment to their present form. There is no doubt that the bodies concerned fulfil their respective functions; this is demonstrated by data measuring the effectiveness of the individual institutions and showing the results of their work. At the time the dissertation was completed, the relevant reports of the bodies under examination for 2024, and, in the case of the European Public Prosecutor's Office and Frontex, for 2025, were available. According to the relevant report, in 2024 Eurojust successfully fulfilled its full mandate in the fight against serious cross-border crime, handling almost 13,000 cases. The Agency contributed to the arrest of more than 1,200 suspects and to the seizure and/or freezing of criminal assets worth more than EUR 1 billion. Eurojust also contributed to the seizure of drugs worth almost EUR 20 billion. Reflecting the increasing scale of the challenge, the criminal investigations handled by Eurojust in 2024 involved more than three times as many victims as in the previous year, while the amount of damage almost doubled. In 2024, the Agency supported 25% more Joint Investigation Teams (JITs) than in 2023, illustrating the trust placed by national authorities in, and their reliance on, Eurojust services to facilitate judicial cooperation. These operational results were achieved through cross-border judicial cooperation between competent authorities, facilitated by Eurojust and conducted in close cooperation with all actors in the justice chain.[1]

With regard to Europol, it should be emphasised that the institution provided targeted operational and strategic support to Member States, in particular by extending support for operational task forces. The intelligence picture concerning criminal networks operating in the EU was further enhanced in order to assist Member States in addressing the security threats posed by serious crime and terrorism. Developments are under way to establish a platform on which Member States can conduct joint operational analytical work. The report indicates that the number of operational support activities increased to some extent, as did the volume of material received through SIENA, Europol's information-exchange and communication application.[2][3]

As regards the operation of the European Public Prosecutor's Office, it is important to note that in 2025 it processed nearly 7,000 reports of criminal offences, 6% more than in 2024. This increase was primarily attributable to reports submitted by private individuals and by national authorities. This development indicates that the detection rate of fraud affecting the EU's financial interests in the participating Member States continues to improve. At the same time, it indicates that public awareness of the EPPO has broadened and that expectations among European citizens remain high. The number of reports submitted by EU institutions, bodies, offices and agencies, however, increased from 113 in 2024 to 143 in 2025.[4] On the basis of all available information, the EPPO opened 2,030 investigations in 2025, almost 35% more than in 2024, involving estimated damage of EUR 48.7 billion. This was primarily attributable to improved cooperation between the EPPO and the national authorities concerned, as well as to the EPPO's determination to target criminal organisations particularly active in expenditure fraud outside public procurement and in revenue fraud. In 2025, by filing 275 indictments, the

EPPO brought more perpetrators of fraud affecting the Union before national courts. Finally, in line with its focus on recovering losses, judges issued freezing orders worth slightly more than EUR 1 billion to European Delegated Prosecutors, while the value of assets actually frozen during the year amounted to nearly EUR 300 million.[5]

According to Frontex's report for 2025, irregular migration into Europe through the crossing of external land and sea borders decreased by 26% in 2025 compared with 2024, consistent with the downward trend observed after the post-COVID peak in 2023. Nearly 178,000 irregular border crossings (IBC2) were recorded, a figure that nevertheless remained above the annual totals recorded between 2018 and 2020. The expansion and deepening of migration partnerships between the Union and the principal transit and countries of origin, which continued throughout 2025, resulted in further geographically broader efforts to reduce the number of migrants smuggled to the EU's shores. At the same time, certain EU and bilateral arrangements aimed at preventing migrant smuggling, rather than reducing the overall number, merely diverted migration flows to other routes.[6]

The relevant reports all demonstrate that the Member States cooperate extensively with the EU institutions, thereby facilitating effective action against cross-border crime. The statistical data presented here support the effectiveness of the institutions examined. Although the figures change from year to year, it can nevertheless be established that cooperation among the Member States through these institutions is continuously deepening. The results indicate that the existing level of cooperation is sufficient to ensure an appropriate response to cross-border crime. At present, therefore, no reason can be identified that would necessitate a further deepening of judicial cooperation in criminal matters: if it is accepted that Union bodies and the Member States are jointly capable of taking effective action, there will be no need for a unified European criminal law. It is apparent that the Union operates through an extensive organisational structure, a common feature of which is that the key actors in the individual bodies are delegated by the Member States. In this way, the Member States not only provide the institutional backbone of these bodies, but also designate the persons who direct and operate them.

With regard to institutional operation, it is important to note that the primary task of the institutions concerned is to detect offences and identify and collect evidence, that is, to conduct investigations. In this context, the European Public Prosecutor's Office can be regarded as a new institutional structure, since it already acts as a prosecuting authority in respect of offences affecting the financial interests of the Union, thereby extending into a further stage of criminal proceedings. In relation to cross-border crime, there is no Union-level court responsible for determining the central issue of criminal proceedings, namely the criminal liability of the accused. The Court of Justice of the European Union primarily acts in this field through the preliminary ruling procedure, providing guidance on the interpretation of national and Union law. In order for criminal cooperation to reach a further level, the establishment of a European Criminal Court would be indispensable, with jurisdiction over cross-border offences and authority to determine the criminal liability of defendants. It is important, however, to emphasise

that no institutional reform aimed at establishing such a Union body is currently on the agenda, since this would transfer decisions concerning certain offences to the Union level, at the cost of a further transfer of elements of Member State sovereignty. At the same time, an institutional reform of this magnitude would primarily require the establishment of an appropriate legal framework, which could only be created following lengthy negotiations among the Member States.

Overall, it should be emphasised that extensive dialogue between the Member States and the currently established form of cooperation are sufficient to achieve the objectives underlying criminal cooperation. Consequently, if the existing institutional structure is utilised to its full potential, there will be no need for further institutional reform, since the current structure fulfils its purpose.

With regard to national legislation, it is important to note that all states, whether following a civil-law or common-law system, regulate their legal orders. One of the most significant differences can be observed in the relationship between legislation and case-law. Primarily for the historical reasons already mentioned, the relationship between legislation and case-law differs in civil-law systems from that in common-law systems. Although in both legal cultures legislation prevails over judge-made law, common-law systems generally lack legislation structured in the form of codes and operating with abstract concepts and general legal principles; legislation is drafted so as far as possible to avoid conflict with case-law developed over centuries, instead complementing it. Civil-law systems are characterised by the opposite approach. As noted above, one of the primary purposes of codification was precisely to constrain judicial power. It follows logically that civil-law systems do not recognise a formal doctrine of precedent under which previous judicial decisions would have binding force in the determination of new, similar cases. The formal absence of such a doctrine is, however, substantially compensated for by the principles of legal certainty and equality before the law, according to which judges should decide similar cases in a similar manner and their decisions should be predictable. Thus, whereas civil-law systems are characterised by codification, with legislation taking precedence over case-law, in common-law countries case-law plays a dominant role and legislation is enacted so as not to conflict with it.[7]

Against this background, it is important to emphasise that speaking of European criminal law would require the adoption of a European Criminal Code covering individual offences and the sanctions attached to them, as well as defining the most important concepts of substantive criminal law. This area would require an exceptional degree of cooperation and, beyond that, agreement among the Member States, since their criminal laws currently differ substantially. By way of a single practical example, Hungarian criminal law regards driving while disqualified from driving as a criminal offence, whereas Austrian criminal law does not. Numerous further differences could be identified in the criminal-law regimes of the Member States, and it is beyond doubt that the adoption of a European criminal code would be accompanied by extensive debate. If such a code were adopted, it could only take the form of a regulation, since the legal

instrument concerned would be directly applicable in all Member States, thereby avoiding divergent interpretations of the rules enacted. At present, the Member States agree on the most serious offences, but significant differences also exist with regard to the legal consequences attached to them.

European criminal cooperation is governed by numerous regulations, directives and other legislative acts, which prescribe to a considerable extent the scope and manner in which Member States are to apply the legal instruments they regulate. It should be emphasised that these instruments are being applied effectively, as reflected in the reports prepared by the relevant EU institutions. On this basis, if criminal cooperation maintains this trend, there will be no need for comprehensive reform leading to a unified European criminal law.

With regard to particular areas of judicial cooperation in criminal matters, ranging from sustainable development and terrorism to competition law, it is beyond doubt that the relevant regulatory framework and case-law are highly detailed. The rules currently in force are capable of ensuring effective action by the Member States in the areas concerned.

If the Union's financial interests are examined, for which a specific regulatory framework and a dedicated Union institution, the European Public Prosecutor's Office, have been established, it can be concluded that this is an area regulated and protected at Union level. The areas examined in the dissertation, however, which, like the Union's financial interests, share the characteristic that they may affect more than one Member State, are not pursued through separate institutional systems, but through the general institutions of criminal cooperation. There is currently no initiative on the European Union's agenda aimed at adopting general rules replacing Member State regulation in respect of infringements connected with these areas. The explanation is clearly the effectiveness of the existing response, which is considered satisfactory both for the Member States and for the Union.

Although the European Union cannot be regarded as a state organised on federal foundations, it is undeniable that it must assume a role resembling that of such a state when addressing threats to its external borders. The international dimension of criminal cooperation unquestionably resembles the functioning of a genuine federal state, since, through the Common Foreign and Security Policy, the Union concludes agreements with third countries in its own name in order to address crises threatening the interests of the Union. Cooperation with third countries is therefore an excellent example of how the European Union can act effectively in this field when it acts autonomously and extends the operation of its extensive institutional framework to cooperation with third countries.

The continuing relevance of the field derives from the fact that the legal and institutional framework of European criminal cooperation is still undergoing significant development. In the recent period, new EU rules have been adopted, inter alia, concerning the transfer of criminal proceedings and cross-border access to electronic evidence, while the modernisation of the regulatory framework for the European Investigation Order is also under consideration. This demonstrates that European criminal cooperation cannot be regarded as a closed or static area

of law, but continuously adapts to new forms of crime, technological developments and the practical needs of criminal justice. Digitalisation and the growing importance of electronic evidence are particularly significant in this respect. In the investigation of modern forms of crime, it is increasingly necessary to obtain electronic data held by a service provider located in another Member State or even outside the European Union. The application in 2026 of the new EU rules on the cross-border acquisition of electronic evidence has opened a new phase in judicial cooperation, while also raising new questions of legal interpretation and application. The topicality of the research is therefore justified not only by the presentation of individual institutions and legal instruments of cooperation, but also by the fact that they operate in an environment of continuous legal development, institutional transformation and technological change. A systemic examination of the bodies, instruments and legal mechanisms of European criminal cooperation may thus contribute to identifying how the European Union shapes the legal and institutional framework for combating cross-border crime.

**List of publications related to the author's research**


**Forstner Róbert**

Organisational and jurisdictional changes of the European Union Agency for Criminal Justice Cooperation (Eurojust), EURÓPAI JOG: AZ EURÓPAI JOGAKADÉMIA FOLYÓIRATA 24(4), pp. 30–36, 7 pp. (2024).

**Forstner Róbert**

The transfer and acceptance of the execution of custodial sentences in the context of European criminal cooperation. In: Jámborné, Róth Erika (ed.), Doktoranduszok fóruma, 2022, Miskolc-Egyetemváros, Hungary: University of Miskolc, Faculty of Law (2023), 232 pp., pp. 45–48, 4 pp.

**Forstner Róbert**

Issues surrounding accession to the European Public Prosecutor's Office in the light of sovereignty. In: Bándi, Gyula; Pogácsás, Anett (eds.), 'Law in Times of Crisis' – 'Jog válság idején': Selected Doctoral Studies – Válogatott doktorandusz tanulmányok, Budapest, Hungary: Pázmány Press (2023), 534 pp., pp. 505–518, 14 pp. [PPKE Publication].

**Forstner Róbert**

Victim protection as an area of judicial cooperation in criminal matters. In: Bartkó, Róbert (ed.), Doktori Műhelytanulmányok 2023 – Doctoral Working Papers 2023, Győr, Hungary: Universitas-Győr Nonprofit Kft. (2023), 325 pp., pp. 68–75, 8 pp.

**Forstner Róbert**

The relationship between European criminal cooperation and competition law. In: Miskolczi-Bodnár, Péter; Jakab, Éva (eds.), XXV. Jogász Doktoranduszok Országos Konferenciája, Budapest, Hungary: Károli Gáspár University of the Reformed Church in Hungary, Faculty of Law (2023), 466 pp., pp. 97–104.

**Forstner Róbert**

European criminal cooperation and sustainable development. In: Bándi, Gyula; Pogácsás, Anett (eds.), 'Variációk jogi témákra': Válogatott doktorandusz tanulmányok, Budapest, Hungary: Pázmány Press (2023), 198 pp., pp. 125–138, 14 pp.

**Forstner Róbert**

The response to changes in the European security environment from Europol's perspective. In: Bándi, Gyula; Pogácsás, Anett (eds.), 'Stability and adaptability' – 'Állandóság és alkalmazkodás': Selected Doctoral Studies – Válogatott doktorandusz tanulmányok, Budapest, Hungary: Pázmány Press (2023), 634 pp., pp. 217–233, 17 pp.

**Forstner Róbert**

The development process of European criminal cooperation. In: Bándi, Gyula; Pogácsás, Anett (eds.), 'A tudomány kertjéből': Válogatott doktorandusz tanulmányok, Budapest, Hungary: Pázmány Press (2022), 397 pp., pp. 155–171, 17 pp. [PPKE Publication].

**Forstner Róbert**

European criminal cooperation in an international context, EURÓPAI TÜKÖR: AZ INTEGRÁCIÓS STRATÉGIAI MUNKACSOPORT KÉTHAVONTA MEGJELENŐ FOLYÓIRATA 25(1–2), pp. 151–166, 16 pp. (2022).

**References cited in the thesis booklet**


Eurojust Annual Report 2024, p. 6.

Europol Consolidated Annual Activity Report 2024, p. 10.

Ibid., p. 11.

European Public Prosecutor's Office Annual Report 2025, p. 7.

Ibid., p. 7.

FRONTEX Annual Brief 2025, p. 1.

KELEMEN Katalin – MEZEI Péter: “A kontinentális jogrendszerek”, in JAKAB András – KÖNCZÖL Miklós – MENYHÁRD Attila – SULYOK Gábor (eds.): Internetes Jogtudományi Enciklopédia, 2023, p. 17.