

20 member states agree on details on creating the European Public Prosecutor's office (EPPO)

On 8 June, the member states which are part of the enhanced cooperation on the creation of the European Public Prosecutor's Office (EPPO) agreed on legislation setting out the details of its functioning and role.

The EPPO will have the authority, under certain conditions, to investigate and prosecute EU-fraud and other crimes affecting the Union's financial interests. It will bring together European and national law-enforcement efforts to counter EU fraud.

The EPPO central office will be based in Luxembourg. The date on which the EPPO will assume its investigative and prosecutorial tasks will be set by the Commission on the basis of a proposal from the European Chief Prosecutor once the EPPO has been set up. This date will not be earlier than three years after the entry into force of this Regulation.

Functioning of the EPPO

The EPPO will work as a collegial structure composed of two levels. The central level will consist of a European chief prosecutor, who will have overall responsibility for the office. The decentralised level will be made up of European delegated prosecutors located in the member states, who will be in charge of the day-to-day conduct of criminal investigations and prosecutions in line with the regulation and legislation of that member state.

The central level will monitor, direct and supervise all investigations and prosecutions undertaken by European Delegated Prosecutors, thereby ensuring a consistent investigation and prosecution policy across Europe.

Although its competence is limited to the participating member states, the EPPO will cooperate with the other EU non-participating member states. In this respect, the Council invited the Commission to reflect on submitting appropriate proposals to ensure the effectiveness of this judicial cooperation.

Enhanced cooperation

The enhanced cooperation procedure was launched on 3 April 2017 following the registration of the lack of unanimous agreement on the proposal.

Up until now, 18 member states have joined the enhanced cooperation: Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Germany, Greece, Spain, Finland, France, Latvia, Lithuania, Luxembourg, Portugal, Romania, Slovenia and Slovakia.

Moreover, another 2 member states, namely Italy and Austria have expressed their intention to join the enhanced cooperation.

Other member states may join the cooperation at any time.

Background

The Union and its member states sometimes face complex cases of, for example, fraud against EU structural funds or large-scale cross-border VAT fraud. In those cases, national criminal investigators and prosecutors often lack the tools required to act quickly and efficiently across borders.

The EPPO will address these shortcomings and enhance the fight against offences affecting the Union's financial interests, thereby contributing to a stronger and better protected Union budget.

The EPPO will complement the work of OLAF and Eurojust, which are not equipped to investigate or prosecute individual criminal cases.

Next steps

Prior to the final adoption of the EPPO regulation, the European Parliament's consent is required to be sought. It is expected that this could happen before the summer break, allowing for the final adoption of the text in October.

Under the "consent procedure", the European Parliament has the power to accept or reject a legislative proposal by an absolute majority vote, but cannot amend it.

[Summary of the Commission proposal for a European Public Prosecutor's Office](#)

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