

European Public Prosecutor's Office (EPPO)

2013/0255(APP) - 12/10/2017 - Final act

PURPOSE: to implement enhanced cooperation on the establishment of the European Public Prosecutor's Office.

LEGISLATIVE ACT: Council Regulation (EU) 2017/1939 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office.

CONTENT: the Regulation **establishes the European Public Prosecutor's Office (the EPPO) and sets out rules concerning its functioning**. The possibility of setting up the European Public Prosecutor's Office is foreseen by the Treaty on the Functioning of the European Union (TFEU) in the Title concerning the area of freedom, security and justice.

It is hereby established as a body of the Union and shall have legal personality.

So far, 20 Member States have joined the enhanced cooperation on the establishment of the European Public Prosecutor's Office: Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, Germany, Greece, Spain, Finland, France, Italy, Latvia, Lithuania, Luxembourg, Portugal, Romania, Slovenia and Slovakia.

Mission: the European Public Prosecutor's Office will be responsible for **investigating, prosecuting and bringing to judgment** the perpetrators of, and accomplices to, criminal offences affecting the financial interests of the Union. In that respect the EPPO shall undertake investigations, and carry out acts of prosecution and exercise the functions of prosecutor **in the competent courts of the Member States**, until the case has been finally disposed of.

The European Public Prosecutor's Office shall have the power to investigate infringements affecting the EU budget and cases of VAT fraud, such as cases of fraud involving EU funds in excess of EUR 10 000 or cross-border VAT fraud for amounts exceeding EUR 10 million. It shall also be competent when the offences involve a criminal organisation. It shall not be competent for criminal offences in respect of national direct taxes.

Shared competencies: the Regulation provides for a system of shared competence between the EPPO and national authorities in combating crimes affecting the financial interests of the Union, based on the right of evocation of the EPPO.

Both the European Public Prosecutor's Office and the competent national authorities shall **help and inform each other** in order to enhance the fight against the offences falling within the competence of the Public Prosecutor's Office.

As soon as a suspicion of an offence is reported to the European Public Prosecutor's Office, all the national authorities and the competent bodies and bodies of the Union, including **Eurojust, Europol and the European Anti-Fraud Office (OLAF)**, must actively support the investigation and prosecution by the European Public Prosecutor's Office and cooperate with the latter.

The EPPO may designate, in agreement with the competent authorities concerned, **contact points** in third countries in order to facilitate cooperation in line with the operational needs of the EPPO.

Structure and organisation: the European Public Prosecutor's Office shall be organised on two levels: central and decentralised:

- **the central level shall consist of a Central Office** at the seat of the EPPO. The Central Office shall consist of the College, the Permanent Chambers, the European Chief Prosecutor, the Deputy European Chief Prosecutors, the European Prosecutors and the Administrative Director;
- **the decentralised level shall consist of European Delegated Prosecutors who shall be located in the Member States** who shall also continue to serve as national prosecutors and shall be responsible for the day-to-day conduct of investigations and criminal proceedings in accordance with the Regulation and the legislation of the Member State concerned.

The Central Office will supervise, direct and supervise all investigations and prosecutions conducted at national level by the European Delegated Prosecutors.

The European Parliament and the Council will appoint the Head of the European Public Prosecutor's Office for a **seven-year non-renewable term of office**. The Council will act by a simple majority. European Prosecutors shall be chosen by the Council from among three candidatures submitted by each Member State. They will be appointed for a non-renewable term of six years.

Reports: each year, the European Public Prosecutor's Office shall report on its general activities to the European Parliament and national parliaments, as well as to the Council and the Commission. The head of the European Public Prosecutor's Office shall report once a year to the European Parliament to report on the general activities of the European Public Prosecutor's Office.

Operating conditions: the provisions relating to the establishment of the European Public Prosecutor's Office in Luxembourg shall be laid down in a Headquarters Agreement concluded between the European Public Prosecutor's Office and Luxembourg no later than the date on which the European Public Prosecutor's Office assumes its investigative and prosecutorial tasks.

ENTRY INTO FORCE: 20.11.2017.

The EPPO shall exercise its competence with regard to any offence within its competence committed after the date on which this Regulation has entered into force.

The EPPO shall assume the investigative and prosecutorial tasks conferred on it by this Regulation on a date to be determined by a decision of the Commission on a proposal of the European Chief Prosecutor once the EPPO is set up. The decision of the Commission shall be published in the Official Journal of the European Union.

The date to be set by the Commission shall not be **earlier than 3 years after the date of entry into force of this Regulation**.