

The EPPO's structure and characteristics.

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**From the first
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WHAT IS THE AIM OF THIS REGULATION?

It establishes an independent and decentralised prosecution office of the European Union with the competence to investigate, prosecute and bring to judgment crimes against the Union's financial interests.

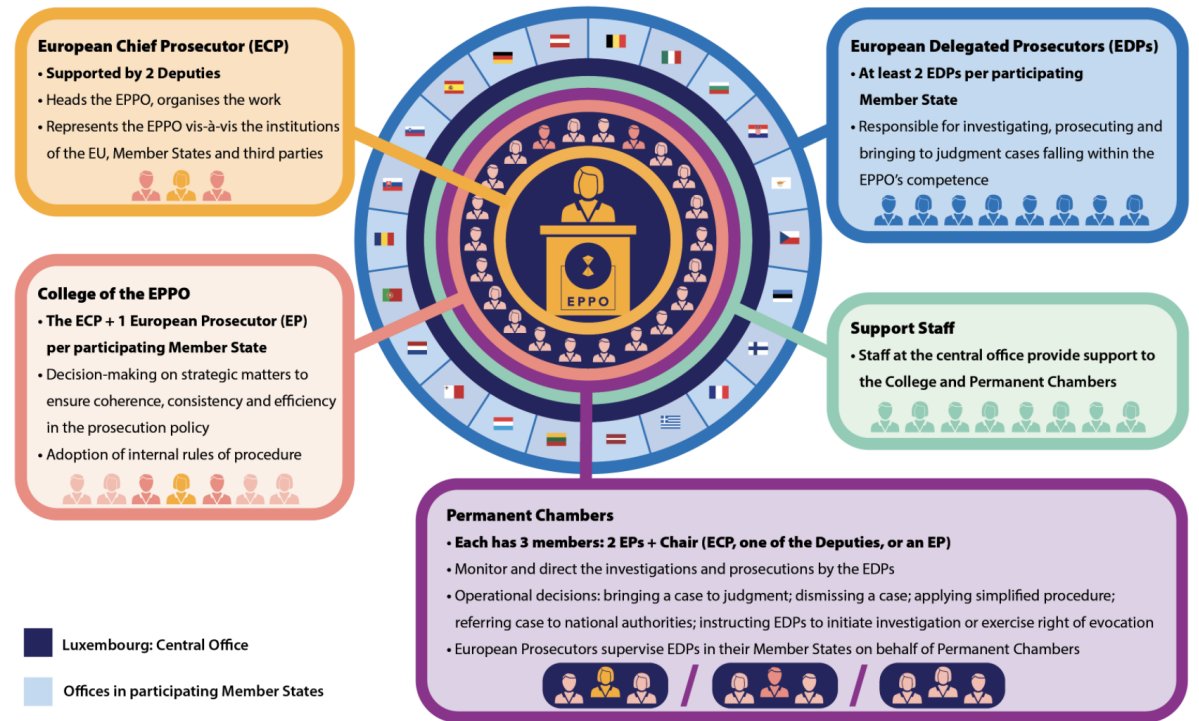
It establishes a system of shared competences between the EPPO and national authorities in tackling such cases.

EPPO Structure

composed of two levels:

1. the central level
2. decentralised (national) level.

Article 8(2) – Regulation 2017/1939



Offices in participating Member States
 Luxembourg: Central Office

• European Prosecutors supervise EDPs in their Member States on behalf of Permanent Chambers referring case to national authorities; instructing EDPs to initiate investigation or exercise right of evocation

• European Prosecutors supervise EDPs in their Member States on behalf of Permanent Chambers



Legal basis
establishing the
central level

Article 8(3) Regulation 2017/1939:

'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.'

(1) The College

College of the EPPO

- The ECP + 1 European Prosecutor (EP) per participating Member State
- Decision-making on strategic matters to ensure coherence, consistency and efficiency in the prosecution policy
- Adoption of internal rules of procedure



Article 9 Regulation 2017/1939:

the College should consist of:

1. European Chief Prosecutor;
2. One European Prosecutor per Member State.

Article 9(2) of the 2017 Regulation:

The College shall meet regularly and shall be responsible for the general oversight of the activities of the EPPO. It shall take decisions on strategic matters, and on general issues arising from individual cases, in particular with a view to ensuring coherence, efficiency and consistency in the prosecution policy of the EPPO throughout the Member States, as well on other matters as specified in this Regulation.

- Adoption of internal rules of procedure
- Decision making on strategic matters to ensure coherence, consistency and efficiency.



Characteristics and Functions of the College



(2) The Permanent Chambers

Article 10 of the 2017 Regulation:

- Chaired by the European Chief Prosecutor or one of the Deputy European Chief Prosecutors, or a European Prosecutor appointed as Chair in accordance with the internal rules of procedure of the EPPO.
- In addition to the Chair, the Permanent Chambers shall have two permanent Members.

Characteristics and Functions of the Permanent Chambers

- Takes decisions by simple majority.
- The Chamber shall vote at the request of any of its members.
- Each member has one vote.
- The Chair shall have a casting vote in the event of a tie vote.
- The Permanent Chambers may decide to delegate their decision-making power with respect to 1) bringing a case to judgment or dismissing a case, (there are conditions for this though).



What decisions do
the Permanent
Chambers decide
on?

Art. 10(3) of the 2017 Regulation:

.... Where applicable after reviewing a draft decision proposed by the handling European Delegated Prosecutor, the Permanent Chambers shall decide on the following issues:

- a) To bring a case to judgment in accordance with Article 36(1), (3) and (4).*
- b) To dismiss a case in accordance with point (a) to (g) of Article 39(1);*
- c) To apply a simplified prosecution procedure and to instruct the European Delegated Prosecutor to act with a view to finally dispose of the case in accordance with Article 40;*
- d) To refer a case to the national authorities in accordance with Article 34(1), (2), (3), or (6).*
- e) To reopen an investigation in accordance with Article 39(2).*

The European Chief Prosecutor and the Deputy European Chief Prosecutors



Article 11 of the 2017 Regulation:

1. The European Chief Prosecutor shall be the Head of the EPPO. The European Chief Prosecutor shall organise the work of the EPPO, direct its activities, and take decisions in accordance with this Regulation and the internal rules of procedure of the EPPO.
2. Two Deputy European Chief Prosecutors shall be appointed to assist the European Chief Prosecutor in the discharge of his/her duties and to act as replacement when he/she is absent or is prevented from attending to those duties.



Functions and Characteristics of the European Chief Prosecutor and 2 Deputies

- Heads the EPPO, organizes the work
- Represents the EPPO vis-à-vis the institutions of the EU, Member States and third parties.

The European Prosecutors

Article 12 of the 2017 Regulation:

- The European Prosecutors shall supervise the investigations and prosecutions for which the European Delegated Prosecutors handling the case in their Member State or origin are responsible.
- They shall present summaries of the cases under their supervision and, where applicable, proposals for decisions to be taken by the said Chamber, on the basis of draft decisions prepared by the European Delegated Prosecutors.
- The European Prosecutors shall function as liaisons and information channels between the Permanent Chambers and the European Delegated Prosecutors in their respective Member States of origin.



Characteristics and Functions of the European Prosecutors

- Responsible for investigating, prosecuting and bringing to judgment cases falling within the EPPO's competence.
- Different to the European Delegated Prosecutors, established under Article 13 of the 2017 Regulation.
- The European Prosecutors take on a more supervisory function over the European Delegated Prosecutors, who belong to the decentralized level of EPPO.



Administrative Director

Article 18 of the 2017 Regulation, regarding the Status of the Administrative Director

'The Administrative Director shall be engaged as a temporary agent of the EPPO under Article 2(a) of the Conditions of Employment.'

- Appointed by the College from a list of candidates proposed by the European Chief Prosecutor.
- Terms of office is 4 years.

What are the Administrative Director's Responsibilities?

For administrative and budgetary purposes, the EPPO shall be managed by its Administrative Director.

Shall be independent in the performance of their duties.

Is the legal representative of the EPPO for administrative and budgetary purposes.

Implements the budget of the EPPO.



Legal basis
establishing the
**decentralized
level**

Article 8(4) Regulation 2017/1939:

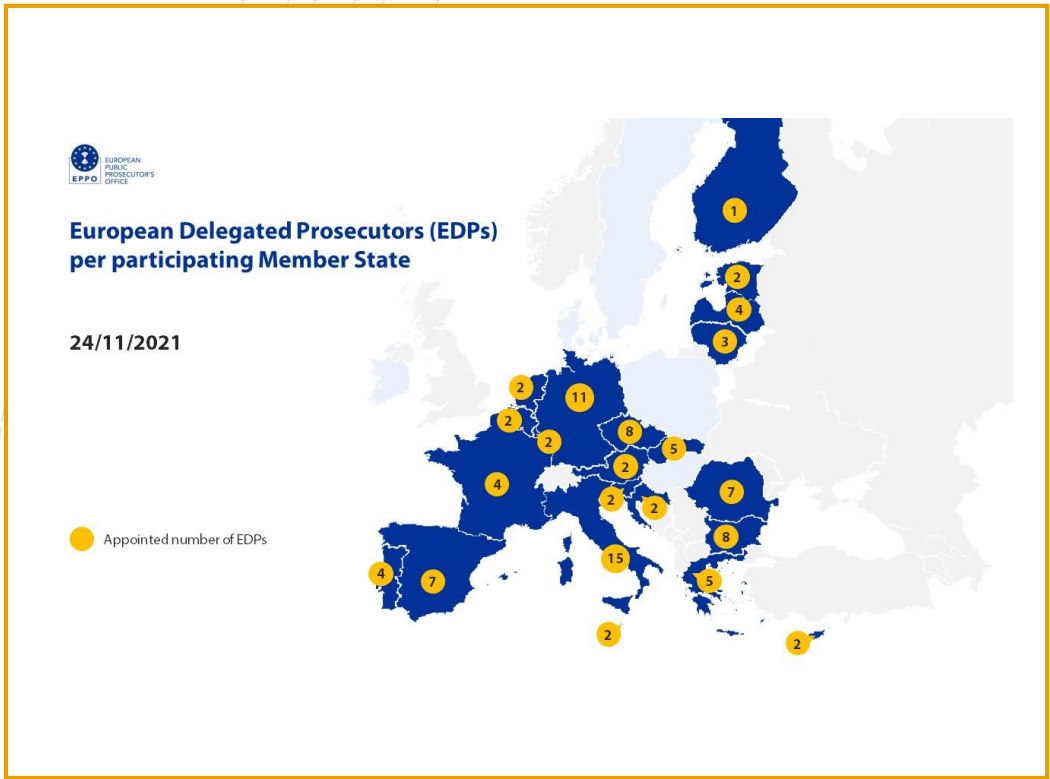
The decentralised level shall consist of European Delegated Prosecutors who shall be located in the Member States.

European Delegated Prosecutors

Article 13 of the 2017 Regulation:

The European Delegated Prosecutors shall act on behalf of the EPPO in their respective Member States and shall have the same powers as national prosecutors in respect of investigations, prosecutions and bringing cases to judgment, in addition and subject to the specific powers and status conferred on them, and under the conditions set out in this Regulation.

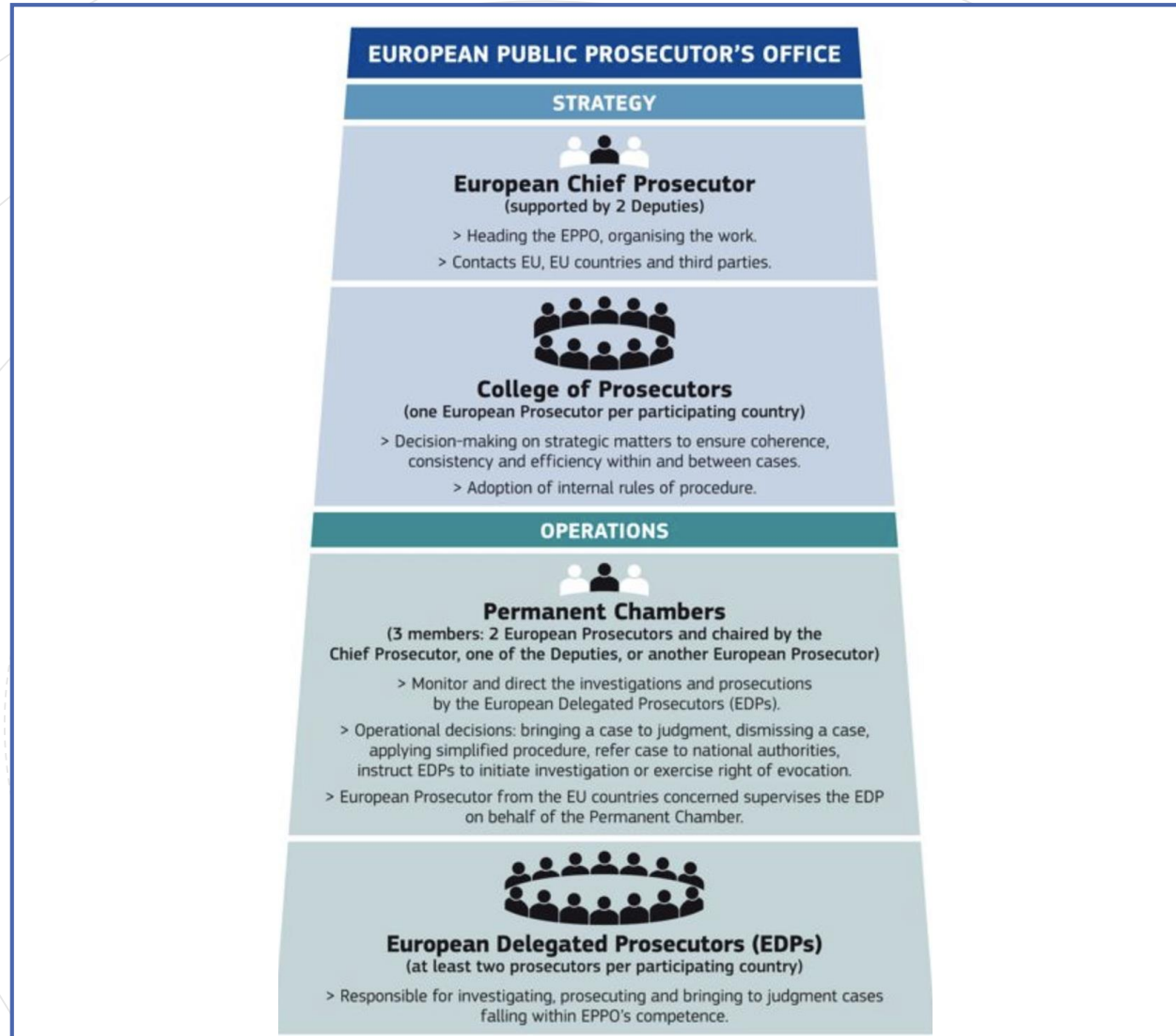
Key Characteristics of the European Delegated Prosecutors



- Responsible for investigations and prosecutions they have initiated and that have been allocated to them.
- Follow the direction and instructions of the Permanent Chamber in charge of the case.
- Responsible for bringing a case to judgment.
- Two or more European Delegated Prosecutors in each Member State.
- They may also exercise functions as national prosecutors, to the extent that this does not prevent them from fulfilling their obligations under the 2017 Regulation.

Key Characteristics of EPPO

- Hybrid structure
- Unifies for the first time in EU law the pretrial phase of criminal proceedings.
- Safeguarding procedural autonomy.



Independence

- Staff of the EPPO will act in the interest of the EU as a whole and must neither seek nor take instructions from any outside party.
- EPPO is structurally independent from any other EU institution or service.
- The European Chief Prosecutor is selected following an open call for candidates and will be appointed by the [European Parliament](#) and the [Council](#). The term of office is limited to **7 years** and is not renewable.
- The European Chief Prosecutor can be dismissed only by a decision of the [Court of Justice of the EU](#), following an application by the European Parliament, the Council or the [Commission](#).
- The European Delegated Prosecutors must be completely independent from national prosecution authorities.