CJEU Confirms National Courts' Role in Reviewing EPPO Measures

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News

On 16 April 2026, the Court of Justice (ECJ) delivered its appeal judgment in Case C-328/24 P, *Mincu Pătrașcu Brâncuși v EPPO*, concerning a challenge brought by a Romanian national against procedural actions taken by the European Public Prosecutor's Office (EPPO).

In an investigation opened by the EPPO in 2021 against *Mincu Pătrașcu Brâncuși*, the permanent chamber of the EPPO ordered that he be brought to trial before the competent Romanian criminal court in proceedings relating to alleged participation in a criminal organisation and fraud affecting the financial interests of the EU. The applicant sought to have this decision annulled before the General Court of the European Union (GC), arguing that it infringed his fundamental rights and should be subject to direct review at EU level. However, the GC dismissed the action as inadmissible for lack of jurisdiction (Case T-385/23). The matter was subsequently appealed before the ECJ.

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In its judgment, the ECJ upheld the GC's conclusion and dismissed the appeal in its entirety. The Court held that, under EU law, jurisdiction to review procedural acts of the EPPO with legal effects vis-à-vis third parties lies, as a rule, with the national courts rather than the courts of the EU. The ECJ emphasised that EPPO investigations are closely integrated into national criminal proceedings and that the final determination of criminal liability rests with the competent national courts. Accordingly, challenges to EPPO procedural measures must ordinarily be brought before national courts, which retain the ability to refer questions of EU law to the Court in Luxembourg under the preliminary ruling procedure where necessary.

At the same time, the ECJ confirmed that the EU legislature was entitled to establish such a system of judicial review in light of the institutional design and mandate of the EPPO, and that this framework does not infringe the right to an effective judicial remedy or to a fair trial.

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