

Setting up the EPPO – State of Play

Thomas Wahl

News

The Commission informed the Justice Ministers about the [state of play of setting up the European Public Prosecutor's Office \(EPPO\)](#) at their meeting in Luxembourg on 6 June 2019:

- Under the Romanian Presidency, the Council adopted [Implementing Decision \(EU\) 2019/598 on the transitional rules](#) for the appointment of European Prosecutors for and during the first mandate period, as provided for in Art. 16(4) of Regulation (EU) 2017/1939. Some European Prosecutors will have a reduced term of office during the first mandate period (three instead of six years). This ensures proper application of the principle of periodical replacement of the European Prosecutors appointed to the EPPO for the first time. According to the Implementing Decision, lots are drawn to select a group comprising one third of the 22 participating Member States – the European Prosecutors in this group will have a reduced mandate. The lots were drawn on 20 May 2019, and the Member States affected are: Austria, Cyprus, Greece, Italy, Lithuania, the Netherlands, Portugal, and Spain.
- The European Chief Prosecutor has still not been selected and appointed, because negotiations between the European Parliament and the Council came to a deadlock. The Commission calls on the two institutions to quickly resume negotiations after constitution of the new Parliament in order to ensure the timely appointment of the European Chief Prosecutor who plays a key role in setting up the EPPO.
- Some Member States have not yet submitted their nominations for the position of European Prosecutor.
- The Commission services prepared a draft for the EPPO's internal rules of procedure. The draft was discussed by the EPPO Expert Group at its meeting on 27-28 May 2019. The internal rules must actually be proposed by the European Chief Prosecutor and, once set up, adopted by the EPPO College by a two-thirds majority (Art. 21(2) Regulation 2017/1939). The Commission stressed, however, that its draft is only a contribution towards facilitating the task of the European Chief Prosecutor and does not prejudice the independence and autonomy of the EPPO.
- The EPPO's budget for 2019 was adopted and work is ongoing to ensure timely adoption of the draft budget for 2020.
- As regards the conditions of employment of European Delegated Prosecutors, a preparatory document is currently under discussion.

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ISSN: 1862-6947

<https://eucrim.eu>



The Commission is sticking to the timetable that the EPPO can be operational by 2020. However, the swift appointment of the European Chief Prosecutor is essential in order to achieve this aim.

For the Regulation establishing the EPPO under enhanced cooperation, see *eucri* 3/2017, pp. 102-104 and the article by *Csonka/Juszczak/Sason* in the same issue on pp. 125-135.

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The project is co-financed by the Union Anti-Fraud Programme (UAF), managed by the European Anti-Fraud Office (OLAF).



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