

European Public Prosecutor's Office : Council takes first step towards a possible enhanced cooperation

On 7 February 2017, the Council registered the absence of unanimity in support of the proposal for a regulation creating a European Public Prosecutor's office (EPPO). This opens the way for a group of at least nine member states to refer the text for discussion to the European Council for a final attempt at securing consensus on the proposal. If this does not prove possible, enhanced cooperation can be considered.

"EPPO has been part of the Treaties since 2009. However, as the last six and a half years have shown its establishment has been elusive. I am positive that the Maltese presidency will achieve concrete results by continuing to act as an honest broker so that those member states who wish to launch enhanced cooperation do so under this presidency", said Owen Bonnici, Minister for Justice of Malta.

Next steps & procedure

Article 86 of the Treaty on the functioning of the EU foresees that, in case of absence of unanimity on the regulation creating the EPPO, a group composed of a minimum of nine member states may request that the text be referred to the European Council for discussion. The European Council then has a period of up to four months to try to reach a consensus.

If it still proves impossible to secure a consensus, a group of at least nine member states can express the wish to establish enhanced cooperation.

Background

The aim of the EPPO regulation is to create a European Public Prosecutor's Office. The EPPO would be an independent Union body with the authority, under certain conditions, to investigate and prosecute EU-fraud and other crimes affecting the Union's financial interests. It would bring together European and national law-enforcement efforts to counter EU-fraud.