

# The European Public Prosecutor's Office at a Crossroads: Cutting the Gordian Knot

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## Abstract

The European Public Prosecutor's Office (EPPO) is one of the oldest goals of European integration, whose genesis is commonly held to be the *Corpus Juris* project of 1997. Yet, the necessity for its creation existed since 1989 or, arguably, since the creation of the system of own resources in 1970.

The first concrete step towards its realization was the introduction of Article 86 TFEU by the Treaty of Lisbon that provides for the European Public Prosecutor's Office to be established 'from Eurojust.' The second step was the European Commission's draft regulation for its creation in 2013.

What fortuitous set of circumstances led the European Commission to believe that this was the opportune moment to launch its proposal and, more importantly, why did the Member States not oppose it? In addition, the thesis identifies the relative strengths and constraints under which the stakeholders involved in the decision-making phase operate as well as the most contentious issues currently being discussed. On the basis of these findings, the thesis concludes that the European Commission was able to move forward with its proposal due to the exceptional set of circumstances represented by the concurrent crises currently afflicting the EU and its deft political manoeuvring: taking advantage of the divisions between the Member States and securing their acquiescence by compromising on key issues. This is the way it has managed to cut the Gordian knot of the Member States' fierce opposition to any interference with their sovereignty represented by the creation of the European Public Prosecutor's Office.

For all these reasons, it is the author's view that the European Public Prosecutor's Office shall soon be established, not in the ideal form originally envisioned but in a form constrained by considerations of political expediency. Nevertheless, in all likelihood it shall possess a structure, role and field of competence sufficient to address the challenge at hand and thus constitute an improvement over the *status quo* insofar as the protection of the EU's financial interests is concerned.