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Eppo's criminal investigation and the cooperation with Eurojust

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EPPO: potentials and contradictions of the new European prosecutorial office

The aim of this paper is to analyze the discipline of the European Public Prosecutor's Office, a body of the Union that has been operational, officially, only since June 2021 but the result of a history characterized by the union of legal science and positive law: from the Corpus Juris studies, through the prophetic insight of the Palermo pool, to the revolution of the Lisbon Treaty and, more recently, the regulatory framework offered by the 2017 regulation. Specifically, the paper delves into EPPO's position in the European structure, its powers and the complex issue of its relations with national authorities. This last aspect is certainly the most controversial in the entire system built around the European Public Prosecutor's Office and, to this day, it awaits a definition that can eliminate any uncertainty. It is in such a legal context that the ruling of the Court of Criminal Cassation 46140/2021, the first application of this peculiar and innovative discipline, fits in. The combination of the unitary, top-down structure with decentralization, as well as the set of regulations directly applicable to domestic transposition instruments, are both the virtue and the defect of EPPO: it will be up to the jurisprudence and, in particular, the Court of Justice, to give color-and give it in the sense of harmonization-to the difficult interpretative disputes on the subject.