

The European Public Prosecutor's Office at three: the weaponization of justice?

*Expert workshop at the Laboratoire de Droit Européen et International
(LADIE), Université Côte d'Azur,
Room 210, 14 June 2024, 11h to 18.30h*

This workshop is part of the two-month research visit to Nice by Theresa Reinold as IdEX guest researcher.

Theresa Reinold, Junior Professor, Chair of Global and Transnational Cooperation Research, Universität Duisburg-Essen, who has been a visiting researcher at Leiden University, New York University, Harvard University and Yale University, is currently conducting research for LADIE as part of a cross-disciplinary approach between the Lawfare project led by Julien Ancelin and the Order and Disorder project led by Daniel Ventura.

The aim is to apply to a common subject – the European Public Prosecutor's Office – a methodology that involves questioning the foreign policy discourses that mobilise international law and the conditions in which law is instrumentalised in support of political objectives, to analyse the crisis of multilateralism systematically, starting from a study of its essential causes rather than its symptoms.

Workshop topic:

The evolution of European criminal law has been a deeply contested and non-linear political process, marked by setbacks, ideological confrontation, and concerns over the sovereignty costs of setting up a novel institution with supranational powers. Yet even though the consolidation of European criminal law was stalled and obstructed at many junctures, the launch of the European Public Prosecutor's Office (EPPO) in 2021 represented a major step forward in the fight against crime and corruption in the EU.

Yet even though this novel institution has been wildly successful in the first years of its existence, the EPPO is currently struggling to assert itself in the face of continuing attempts at political interference, institutional corruption, and obstructionism on the part of some of its member-states. As it was observed in a recent media commentary, EPPO investigations “are hitting brick walls” with states adopting a broad range of lawfare tactics designed to prevent the EPPO from carrying out its work effectively – ranging from manipulating the selection process of EPPO personnel in order to ensure that only loyalists are appointed, to tampering with national legislation with the goal of sabotaging effective fraud and corruption investigations, to not reporting cases and thus preventing the EPPO from becoming active in the first place, etc. etc.

The EPPO’s third birthday on 1 June 2024 therefore provides us with an excellent stock-taking opportunity to reflect upon the challenges this novel European institution has faced during the first three years of its existence, including the lawfare waged against the Office by various member-states including Malta, Slovenia, Slovakia, Bulgaria, and others. We shall also discuss the implications of these strategies for the future of multilateral institutions.

In light of the sensitive nature of the subject-matter, the workshop will be held as a closed event where participation is limited to a handful of selected experts. Each presentation (30 minutes) will be followed by a Q&A of about 45 minutes

Program:

11h-12h Julien Ancelin, Theresa Reinold, Daniel Ventura, LADIE:

Welcome and presentation of research project: *Weaponizing international judicial institutions: lawfare against the EPPO and the future of multilateralism*

12h – 13.15h Oliver Huth, LKA NRW: *Multilateral cooperation in EPPO investigations: challenges and prospects*

13.15h-14.15h Lunch (Room 2014bis)

14.15h-15.30h Radosveta Vassileva, Middlesex University, via Zoom: *The EPPO - a victim of Bulgaria's rule of law decay?*

15.30h-16.45h Andrew Caruana Galizia, World Economic Forum: *Rolling back state capture: notes from Malta*

16.45h-17h Coffee break

17h-18.15h Hélène Christodolou, via Zoom : *Le parquet européen : une autorité judiciaire de l'Union européenne pas si indépendante*

18.15h-18.30h Wrap-up 19h

Dinner