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From: Commission Services
To: Delegations
Subject: European Public Prosecutor's Office
- Note on the application of Article 20 of Council Regulation (EU)
2017/1939 of 12/10/2017

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (12.03.2018)

Delegations will find in the Annex a note from the Commission Services on the application of Article 20 of Council Regulation on implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office.



EUROPEAN COMMISSION

DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

Director General

Dear Ambassador,

I would like to share with you a note on the application of Article 20 of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office (EPPO Regulation). This note has been requested by Members of the European Parliament following a joint meeting of the Budgetary Control and the Civil Liberties, Justice and Home Affairs Committees on 11 January 2018. Although Commissioner Jourová has updated the Council, during its informal meeting in Sofia on 26 January, on the planned preparatory steps for setting up the EPPO, for the sake of transparency and consistency I would like to transmit the note also to the Council for information.

The Commission services remain at the disposal of the delegations for any further information.

Yours sincerely,

DELETED

Enclosure: I

European Commission, B-1049 Brussel - Belgium - Office: **DELETED**. Telephone: direct line: **DELETED**

Note on the application of Article 20 of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office (EPPO Regulation).

In accordance with Article 20(1) of the EPPO Regulation, the Commission is responsible for the establishment and initial administrative operation of the EPPO, until the latter has the capacity to implement its own budget.

1) Administrative actions currently undertaken by the Commission

After the entry into force of the EPPO Regulation on 20 November 2017, the Commission has undertaken the following steps in order to ensure that the EPPO will be operational by the end of 2020.

Interim Administrative Director

Pursuant to Article 20(1) sub paragraph (a) of the EPPO Regulation, the Commission is currently in the process of designating a Commission official to act as the interim Administrative Director of the EPPO. The Commission expects to consult the Council on this matter in February.

EPPO expert group

In accordance with Article 20(4) of the EPPO Regulation, the Commission will exercise its functions in this initial phase in consultation with a group of experts composed of representatives of the Member States. This Commission expert group will be a consultative body composed of the representatives of the participating Member States, as well as of those non-participating Member States which have applied to join EPPO, as observers, and will provide advice and expertise in relation to the implementation of the EPPO Regulation. The Commission plans to have a first meeting, in principle, in March 2018. The EPPO expert group will meet on a regular basis depending on the needs in the build-up phase of the EPPO.

2) Other preparatory actions currently undertaken by the Commission

Delegated Act listing the categories of operational personal data and the categories of data subjects

In line with Article 49(3) of the EPPO Regulation, the Commission will soon adopt a delegated act listing the categories of operational personal data and the categories of data subjects.

Selection and appointment of the European Chief Prosecutor

As regards the selection and appointment of the European Chief Prosecutor and European Prosecutors, Article 14(3) of the EPPO Regulation foresees that the Council shall establish the selection panel's operating rules and adopt a decision appointing its members on a proposal from the Commission. The selection panel will be composed of twelve members of whom the Parliament will propose one. The Commission will shortly send a letter inviting the Parliament to propose one member for the selection panel. Upon receipt, the Commission will transmit a list of all members of the selection panel to the Council for appointment. The European Commission, B-1049 Brussel - Belgium - Office: **DELETED**. Telephone: direct line: **DELETED** Commission aims at transmitting the list March 2018. The operating rules of the selection panel will also be sent to the Council for adoption in the first quarter of 2018.

Vacancy Notice for the European Chief Prosecutor

In order to start the selection procedure of the European Chief Prosecutor, the Commission is currently drafting the vacancy notice which should be published in the Official Journal of the EU in February / March. Following the closure of the open call for candidates for this position, the selection panel will, in line with Article 14(3) of the EPPO Regulation, draw up a shortlist of qualified candidates and submit this list to the European Parliament and Council, which will then appoint the European Chief Prosecutor by common accord. The Commission envisages the European Chief Prosecutor to take up his/her position at the latest in early 2019.

European Prosecutors

In view of the need for the EPPO College (European Chief Prosecutor and European Prosecutors) to take a set of important decisions before the EPPO becomes operational, e.g. adopting the internal rules of procedure, deciding on the operational aspects of the EPPO's Case Management System, appointing the European Delegated Prosecutors and the Administrative Director, the selection procedure for the European Prosecutors should start towards the end of 2018. The European Prosecutors will be appointed by the Council, following the nomination of three national candidates and following the receipt of the reasoned opinion of the selection panel on these candidates pursuant to Article 16(2) of the EPPO Regulation. The Commission envisages the EPPO College to be in place in July 2019.

Case Management System

The Commission is in the process of procuring a business case study, which will underpin the development of the EPPO's Case Management System. Once the EPPO College is in place, it will be able to take ownership of this project in order to finalise the development process and set up a Case Management System that fully meets the EPPO's operational needs.

Budget

Concerning the EPPO's budget, the Commission is in the process of establishing the Office's draft budget for 2019, on the basis of the Legislative Financial Statement adopted by the Commission at the end of the negotiations in Council.