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NOTE

From: Commission services
To: Council

Subject: Non-paper from the Commission services on the state of play of the setting up of the European Public Prosecutor's Office (EPPO)

Delegations will find attached the above mentioned non-paper.

Non-paper from the Commission services on the state of play of the setting up of the European Public Prosecutor's Office (EPPO)

This document presents an update on the preparatory steps taken in relation to the establishment process of the EPPO, as provided for by the EPPO Regulation, highlighting the progress made since October 2019.

- **European Chief Prosecutor:** On 14 October the Council decided in favour of the appointment of Ms Laura Kövesi as European Chief Prosecutor. The European Parliament confirmed this decision on 17 October. Ms Kövesi took office on 1 November 2019.
- **European Prosecutors:** The Selection Panel set up pursuant to Article 14(3) of Council Regulation (EU) 2017/1939 will hear the last candidates at its session on 4-5 December 2019, which will allow the Council to appoint all European Prosecutors and EPPO College to take up its functions.
- **Staff recruitment:** Recruitment is advancing well: Eight EPPO staff will start before the end of year (4 already in place) and three selection procedures are still running.
- **Internal rules of procedure and conditions of employment of European Delegated Prosecutors:** The EPPO Expert Group met again on 14 October 2019 to discuss the draft preparatory document for the EPPO's internal rules of procedure and the preparatory document for the conditions of employment of European Delegated Prosecutors, prepared by the Commission services. The positions expressed by the members of the expert group will be reflected in the minutes of the meeting, which will be provided to the European Chief Prosecutor together with the preparatory documents.

- **Case Management System (CMS):** The requirements study by the external contractor has been completed, the recommendation is to build the EPPO's CMS on CASE@EC, a new system being developed by DG COMP as a case management platform for all of the Commission. The detailed design of the EPPO CMS is progressing well, and is due to be completed at the end of 2019; the development will start early 2020 for a roll out of version 1 in time for November 2020. The EPPO Team is currently being reinforced with the profiles needed to manage the development phase, which should start in January 2020.
- **Budget:** At the conciliation meeting on 18 November 2019, the budget authority confirmed the EPPO budget of EUR 8.3 million for 2020 and agreed to allocate additional five posts to the EPPO.
- **Premises:** Tower B building (floors 1-5) together with its Annex on the Kirchberg Plateau in Luxembourg will be refurbished, its security level increased, and put at the disposal of the EPPO. The provisional planning is to open Tower B on 14 September 2020 and the Annex on 18 January 2021. Transitional accommodation will be offered in the Hemicycle building (floors 0 and 1), also on the Kirchberg Plateau. This building has been renovated. The first EPPO staff is scheduled to move in the Hemicycle building as from 25 November 2019.
- **Council of Europe Conventions:** Following informal discussions with the Council of Europe to explore the possibilities for the EPPO to cooperate with third countries by making use of the Council of Europe Conventions, in particular the European Convention on Mutual Assistance in Criminal Matters of 1959 and its protocols, discussions have started in the Council. Participating Member States are bound to recognise and, where applicable, notify the EPPO as a competent authority to implement multilateral international agreements on legal assistance in criminal matters and there is need to make further progress on this matter without delay.

- **Adaptations:** The Commission also closely monitors the legal and administrative adaptations in the Member States that are needed to comply with the EPPO Regulation. This concerns adaptations related to reporting and cooperation procedures, the status and powers of European Prosecutors and European Delegated Prosecutors during the investigation, prosecution, appeals and enforcement phase requiring changes in the criminal code, criminal procedural code and/or codes on the organisation of their judiciary and prosecution services, as well as other administrative and organisational measures. The Commission met with the EPPO Expert Group on this topic on 18 November 2019, where the members of the expert group were requested to provide information on the adaptation process. The Commission will continue to carefully monitor this process.
- **PIF Directive:** The transposition deadline of Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (PIF Directive) lapsed on 6 July 2019. To date, 15 Member States notified the Commission stating that they transposed the PIF Directive completely, 7 Member States stated that they transposed the Directive in parts, while 4 Member States still did not notify the Commission at all. Denmark and the United Kingdom do not take part in the PIF Directive. A complete and correct transposition of the PIF Directive is a prerequisite for the EPPO's operational start. In accordance with the Treaty, the Commission on 19 September 2019 sent out "Letters of Formal Notice" to those Member States that failed to notify the Commission of a complete transposition of the PIF Directive. The Commission will continue to carefully monitor this process and take appropriate steps as required.
