

DECISION OF THE COLLEGE OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE OF 16 NOVEMBER 2020

LAYING DOWN RULES ON THE PROCEDURE FOR THE APPOINTMENT OF THE EUROPEAN DELEGATED PROSECUTORS

The College of the European Public Prosecutor's Office (EPPO),

Having regard to Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('EPPO') (hereinafter referred to as 'the EPPO Regulation')¹, and in particular Article 17 thereof,

Having regard to the proposal of the European Chief Prosecutor,

Whereas:

- (1) The European Chief Prosecutor shall propose to the College the appointment of the European Delegated Prosecutors nominated by the Member States.
- (2) The College may reject a nominated person if he/she does not fulfil the eligibility criteria of being active members of the national public prosecution service or judiciary, their independence being beyond doubt and possessing the necessary qualifications and relevant practical experience.

Has adopted the following rules:

Article 1

1. The European Chief Prosecutor shall assess whether a nominated European Delegated Prosecutor meets the eligibility criteria foreseen by Article 17(2) of the EPPO Regulation based on the documents provided by the respective Member State and following consultation with the Deputy European Chief Prosecutors and the European Prosecutor from that Member State.
2. If the documents provided are not sufficient for making the assessment, the European Chief Prosecutor shall ask the Member State for additional information.

¹ OJ L 283, 31.10.2017, p.1.

Article 2

If the European Chief Prosecutor concludes that the eligibility criteria are met, he/she shall propose to the College the appointment of the nominated European Delegated Prosecutor.

Article 3

1. If the information provided in accordance with Article 1 is not sufficient to conclude whether the eligibility criteria are met, the European Chief Prosecutor shall ask a working group of European Prosecutors designated by the College to gather additional information in order to assess the compliance with these criteria.
2. The working group may ask the nominated European Delegated Prosecutor concerned to provide any additional information and/or it may interview him/her, prior to presenting its reasoned opinion to the European Chief Prosecutor. The working group shall consult with the European Prosecutor from the Member State that nominated the European Delegated Prosecutor.
3. The European Chief Prosecutor shall assess the compliance with the eligibility criteria based on all the information obtained in accordance with this article and shall propose to the College the appointment or the rejection of the nominated European Delegated Prosecutor.

Article 4

1. The College shall decide on the proposal of the European Chief Prosecutor based on all the documents provided by the Member State and / or the nominated European Delegated Prosecutor concerned, as well as on the opinion of the working group, where applicable.
2. The decision of the College shall be communicated to the Member State and to the nominated European Delegated Prosecutor.
3. The decision to reject the appointment of a nominated European Delegated Prosecutor shall be reasoned, by indicating the eligibility criteria that are not met.

Article 5

These rules shall enter into force on the date of their adoption by the College of the European Public Prosecutor's Office (EPPO).

Done at Luxembourg on 16 November 2020.

For the College,

Laura Codruța KÖVESI
European Chief Prosecutor

