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From:	General Secretariat of the Council
To:	Delegations
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Subject:	Draft [Joint] Declaration of [the European Parliament and] the Council concerning the appointment of the European Chief Prosecutor of the European Public Prosecutor's Office

Delegations will find attached the above mentioned draft Joint Declaration, as adopted by the Council on 27 September 2018.

The Council will inform of the adoption the European Parliament and will invite it to endorse the draft Joint Declaration.

DRAFT

**[JOINT] DECLARATION OF [THE EUROPEAN PARLIAMENT AND] THE COUNCIL
CONCERNING THE APPOINTMENT OF THE EUROPEAN CHIEF PROSECUTOR
OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE**

The [European Parliament and] the Council [jointly] declare that, in line with Article 14 of Regulation (EU) 2017/1939 (the EPPO Regulation), they shall appoint a European Chief Prosecutor who must be able to complete the non-renewable term of 7 years before reaching the age of retirement.

In accordance with the second paragraph of Article 96(1) of the EPPO Regulation, the European Chief Prosecutor shall be engaged as a temporary agent of the EPPO under Article 2(a) of the Conditions of Employment of Other Servants (CEOS). In accordance with Article 47(a) CEOS, the age of retirement is "*the end of the month in which the servant reaches the age of 66 or, where applicable, at the date fixed in accordance with the second and third paragraphs of Article 52 of the Staff Regulations*". The latter provisions allow to extend the age of retirement until the age of 70.

In order to guarantee the independence of the European Chief Prosecutor in accordance with Article 6 of the EPPO Regulation and to allow as many candidates possessing the qualifications required for appointment to the highest prosecutorial or judicial offices in their respective Member States to complete the term of 7 years before the age of retirement, the [European Parliament and] the Council hereby declare their intention, in the appointment decision to be taken pursuant to Article 14(1) of the EPPO Regulation, to appoint a European Chief Prosecutor for a full mandate of 7 years. The extensions of the age of retirement that may eventually be required until the age of 70 will be deemed to be granted. It will therefore not be necessary to adopt subsequent decisions to grant such an extension beyond the age of 66 every year, since such renewed yearly decisions would undermine the independence of the European Chief Prosecutor and call into question the full length of the mandate.

The [European Parliament and] the Council welcome that the Vacancy Notice for the European Chief Prosecutor to be published in the Official Journal specifies that candidates shall be able to complete the non-renewable term of 7 years before reaching the age of retirement, which at the latest is the last day of the month in which the Chief Prosecutor reaches the age of 70.
