



Council of the  
European Union

Brussels, 14 September 2018  
(OR. en)

12171/18

LIMITE

EPPO 23  
EUROJUST 115  
CATS 62  
FIN 665  
COPEN 295  
GAF 41  
CSC 257

---

**Interinstitutional File:  
2013/0255 (APP)**

---

**NOTE**

---

From:	Presidency
To:	Delegations
Subject:	European Public Prosecutor's Office (EPPO) - State of play - Information on the Communication from the Commission on an initiative to extend the competences of the European Public Prosecutors Office to cross-border terrorist crimes

---

Delegations will find enclosed a letter addressed to the Presidency from Commissioners G. Oettinger and V. Jourová regarding the state of play of the process for setting up the European Public Prosecutor's Office (EPPO) and an information on an initiative to extend the competences of the European Public Prosecutor's Office to cross-border terrorist crimes.

**Günther H. Oettinger**  
Commissioner for Budget  
and Human Resources

**Věra Jourová**  
Commissioner for Justice,  
Consumers and Gender Equality

Brussels, 14/09/2018  
Ares(2018) 523 2158

Dear Minister,

With this letter we would like to update you on the implementation of Regulation 2017/1939 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office (EPPO) since the last discussion on this topic at the Justice and Home Affairs Council meeting of 4-5 June 2018.

First of all, it is our great pleasure to inform you that since then two more Member States joined the EPPO. On 1 and 7 August 2018 the Commission confirmed the participation of, respectively, the Netherlands and Malta in the EPPO. We welcome the Netherlands and Malta and encourage other Member States to join the EPPO.

Secondly, the recruitment process for the EPPO's key staff is being prepared. On 13 July 2018, the Council adopted a Council Implementing Decision on the operating rules of the selection panel provided for in Article 14(3) of Regulation (EU) 2017/1939. On 31 July, the Commission proposed a second Council Implementing Decision appointing the members of the selection panel and we look forward to its swift adoption, which will pave the way for launching the recruitment process for the European Chief Prosecutor. An open call for candidates will be published soon in the Official Journal of the European Union. Candidates will be invited to submit their application to the selection panel within a six-week term.

It is envisaged that the European Chief Prosecutor will be appointed and take up their functions in the first half of 2019. The European Prosecutors will follow in the second half of 2019. The Commission will shortly send a letter to Member States inviting you to nominate suitable candidates for the post of European Prosecutor by January 2019. The Commission has provided further information on the eligibility criteria, duties and responsibilities, required skills as well as on the appointment procedure and the remuneration package for the post of European Prosecutor in the EPPO Expert Group on 11-12 September 2018.

The EPPO Expert Group is also an excellent forum to discuss the necessary adaptations be made in the national legal systems so that the EPPO can settle smoothly into the existing judicial landscape.

Dr Josef Moser  
Minister of Constitutional Affairs,  
Reforms, Deregulation and Justice of Austria  
Presidency of the Council of the EU

1

This includes a timely transposition of Directive (EU) 2017/1371 on the fight against fraud to the Union's financial interests by means of criminal law ("PIF Directive"), which needs to be transposed by 6 July 2019. The Commission will organise a workshop on the transposition of the PIF Directive on 25 October 2018 to take stock of transposition steps taken by Member States, identify possible implementation and interpretation issues, and exchange views and best practices on national approaches to transposing the PIF Directive.

As regards the procedure for the designation a Commission official as the EPPO's interim Administrative Director, it is currently in the final phase and the Commission will shortly consult the Council, in accordance with the EPPO Regulation.

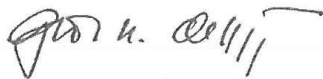
Work is also ongoing as regards the premises for the future EPPO at its seat in Luxembourg. The Commission is in close contact with the Luxembourg Government to discuss potential premises, as identified by the Luxembourg authorities. Given the expected arrival of the first EPPO staff already in 2019, we have to make sure that the future EPPO premises are in place and fully comply with the operational and security needs of the EPPO.

Please allow us also to say a few words on the Communication to the European Council on the EPPO, which was presented by the Commission on Wednesday the 12 of September on the occasion of President Juncker's State of the European Union address. This Communication follows up on the vision presented by President Juncker in his previous address of 2017 and puts forward an initiative to extend the competences of the EPPO to terrorist crimes affecting more than one Member State. With this Communication, the Commission is inviting the European Council and the European Parliament to take this initiative further and to decide on the extension of the competences of the EPPO to terrorist offences affecting more than one Member State using the possibility foreseen under Art 86 (4) TFEU. The Communication is a contribution from the European Commission to the Leaders' meeting in Salzburg on 19-20 September 2018.

The EPPO could indeed deliver an important contribution in the fight against cross border terrorism in the Union. This initiative will nevertheless not affect the measures envisaged to establish the EPPO in accordance with the existing legal framework nor their timing. The efficient protection of the financial interests of the Union does not allow delays in this respect. The Commission remains committed to setting up the EPPO swiftly in order for the Office to take up its functions by the end of 2020.

We would be most grateful if you could share this letter with the Ministers from the other Members States.

Yours sincerely,



Günther H. Oettinger



Věra Jourová