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From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 2)/Council
Subject: COUNCIL DECISION appointing the European Prosecutors of the
European Public Prosecutor's Office

I. INTRODUCTION

1. The European Public Prosecutor's Office (EPPO) was established by Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO')¹.
2. On 28 July 2023, the mandates of eight European Prosecutors (from Austria, Cyprus, Greece, Spain, Italy, Lithuania, the Netherlands and Portugal) expired. The Council is to appoint the European Prosecutors for these vacating posts.

¹ OJ L 283, 31.10.2017, p. 1.

3. Pursuant to Article 16(1) of Regulation (EU) 2017/1939, each participating Member State shall nominate three candidates for the position of European Prosecutor from among candidates who are active members of the public prosecution service or judiciary of the relevant Member State, whose independence is beyond doubt and who possess the qualifications required for appointment to high prosecutorial or judicial office in their respective Member States, and who have relevant practical experience of national legal systems, of financial investigations and of international judicial cooperation in criminal matters.
4. Pursuant to the fourth paragraph of Rule VII.2 of the operating rules of the selection panel, the selection panel ranked the candidates according to their qualifications and experience. The ranking indicates the selection panel's order of preference and is not binding on the Council.
5. In accordance with Article 16(2) of Regulation (EU) 2017/1939, after having received the reasoned opinions of the selection panel, the Council selects and appoints one of the candidates to be the European Prosecutor of the participating Member State in question. In accordance with Article 16(3) of Regulation (EU) 2017/1939, the Council, acting by simple majority of the Member States participating in the enhanced cooperation on the establishment of the EPPO, selects and appoints the European Prosecutors for a non-renewable term of 6 years.
6. In September 2019, the Council defined the internal process for the appointment of the European Prosecutors².

II. PROCEDURE

7. By Decision 2023/133 of 17 January 2023, the Council appointed the members of selection panel.³

² Document 12175/19.

³ Council Decision (EU) 2023/133 of 17 January 2023 appointing the members of the selection panel provided for in Article 14(3) of Regulation (EU) 2017/1939.

8. By Decision 2023/1335, of 27 June 2023, the Council appointed the European Prosecutors of Greece, Italy, Cyprus, Lithuania and Austria.⁴ By Decision 2023/1539, of 20 July 2023, the Council appointed the European Prosecutors of Spain and Portugal.⁵
9. On 8 September 2023, the selection panel drew up the reasoned opinions and the ranking for each of the candidates nominated by the Netherlands who fulfilled the conditions set out in Article 16(1) of Regulation (EU) 2017/1939. That reasoned opinion was submitted to the Council on 8 September 2023⁶.
10. The technical preparatory work has been conducted by the JHA Counsellors at their meetings on 21 September 2023. The examination of comparative merits of the candidates nominated by this Member State was carried out on the basis of the reasoned opinions sent by the selection panel, taking into account the selection panel's non-binding order of preference, as well as, where relevant, additional material submitted by the Member State.
11. As a result of examination of candidates nominated by the Netherlands held at their meeting on 21 September 2023, JHA Counsellors suggested to the Permanent Representatives Committee to follow the non-binding order of preference indicated by the selection panel for the candidates nominated by this Member State.

⁴ Council Decision (EU) 2023/1335 of 27 June 2023 appointing the European Prosecutors of the European Public Prosecutor's Office.

⁵ Council Decision (EU) 2023/1539 of 20 July 2023 appointing the European Prosecutors of the European Public Prosecutor's Office.

⁶ They are set out in 12745/23 RESTREINT UE/EU RESTRICTED.

III. RELEVANT DOCUMENTS

12. The draft Council Implementing Decision appointing the European Prosecutors of the European Public Prosecutor's Office was examined by JHA Counsellors at their meeting on 21 September 2023. An agreement at technical level has been reached on the text as set out in document WK 11316/23.

IV. CONCLUSIONS

13. In view of the above, the Permanent Representatives Committee is invited:
- to confirm the agreement on the text of the Council appointing Decision and
 - to recommend to the Council to adopt the Council Decision appointing the European Prosecutors of the European Public Prosecutor's Office, as set out in document 13000/23 (text finalised by the Legal-Linguistic experts).
