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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL IMPLEMENTING DECISION amending Implementing Decision (EU) 2018/1696 as regards the use of videoconferencing for the hearing of candidates

COUNCIL IMPLEMENTING DECISION (EU) …/…

of …

amending Implementing Decision (EU) 2018/1696 as regards the use of videoconferencing for the hearing of candidates

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

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 ('the EPPO')[1], and in particular Article 14(3) thereof,

Having regard to the proposal from the European Commission,

[1] OJ L 283, 31.10.2017, p. 1.

Whereas:

(1) Council Implementing Decision (EU) 2018/1696[1] established the operating rules of the selection panel for appointing the European Chief Prosecutor and European Prosecutors.

(2) Rule VI, points 1 and 2, of those operating rules provides that the hearing of candidates for the posts of European Chief Prosecutor and European Prosecutor ('candidates') is to take place in person.

(3) In the wake of the recent epidemiological situation, which made it very difficult to conduct hearings in person, it is necessary to provide that the hearing of candidates by the selection panel could also take place via videoconference upon a reasoned decision of the selection panel, either on its own initiative or at the request of a candidate.

(4) The way in which the hearings are conducted, in person or via videoconference, could affect the performance of candidates. The selection panel should ensure equal treatment of candidates.

[1] Council Implementing Decision (EU) 2018/1696 of 13 July 2018 on the operating rules of the selection panel provided for in Article 14(3) of Regulation (EU) 2017/1939 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 282, 12.11.2018, p. 8).

(5) Rule IV of the operating rules does not clarify whether the selection panel can deliberate via videoconference. It is therefore necessary to clarify that, when the hearing of candidates takes place via videoconference, the selection panel can deliberate via the same means.

(6) Implementing Decision (EU) 2018/1696 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision (EU) 2018/1696 is amended as follows:

(1) in Rule IV, the first paragraph is replaced by the following:

‘The deliberations of the selection panel shall be confidential and shall take place *in camera*. When the hearing of the candidates takes place via videoconference, the selection panel may deliberate using the same means of communication. The selection panel shall ensure equal treatment of candidates. The meetings of the selection panel shall be valid only if at least nine members are present.’.

(2) Rule VI is amended as follows:

(a) in point 1, the first paragraph is replaced by the following:

‘Upon receipt of the candidates’ applications, the selection panel shall review the applications with regard to the requirements set out in Article 14(2) of Regulation (EU) 2017/1939, as further specified in the vacancy notice. Candidates who do not meet the eligibility requirements shall be excluded from the next steps of the procedure. The selection panel shall rank candidates who fulfil the requirements according to their qualifications and experience, on the basis of the documentation and information provided in the application or produced following a request pursuant to Rule V. A sufficient number of the highest ranked candidates shall be heard by the selection panel to enable it to establish the shortlist referred to in Rule VII(1). The hearing shall take place in person or, upon a reasoned decision of the selection panel, either on its own initiative or at the request of the candidate, via videoconference. Before the selection panel decides on its own initiative to conduct a hearing via videoconference, it shall allow the candidate to state his or her views.’;

(b) in point 2, the first paragraph is replaced by the following:

‘Upon receipt of the nominations, the selection panel shall review them with regard to the requirements set out in Article 16(1) of Regulation (EU) 2017/1939. The selection panel shall hear the candidates nominated. The hearing shall take place in person or, upon a reasoned decision of the selection panel, either on its own initiative or at the request of the candidate, via videoconference. Before the selection panel decides on its own initiative to conduct a hearing via videoconference, it shall allow the candidate to state his or her views.’.

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at …,

For the Council
The President