Council Implementing Decision (EU) 2020/1117 of 27 July 2020 appointing the European Prosecutors of the European Public Prosecutor's Office

COUNCIL IMPLEMENTING DECISION (EU) 2020/1117

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appointing the European Prosecutors of the European Public Prosecutor's Office

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 16 thereof,

Having regard to 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')[(2)],

Having regard to Council Decision (EU) 2018/1275 of 18 September 2018 appointing the members of the selection panel provided for in Article 14(3) of Regulation (EU) 2017/1939[(3)],

Having regard to Council Implementing Decision (EU) 2019/598 of 9 April 2019 on the transitional rules for the appointment of European Prosecutors for and during the first mandate period, provided for in Article 16(4) of Regulation (EU) 2017/1939[(4)],

Having regard to the reasoned opinions and the ranking of the candidates drawn up by the selection panel,

Whereas:

(1) The European Public Prosecutor's Office (EPPO) was established by Regulation (EU) 2017/1939. The Commission is responsible for the establishment and initial administrative operation of the EPPO until the latter has the capacity to implement its own budget.

(2) The European Prosecutors are to supervise investigations and prosecutions in accordance with Article 12 of Regulation (EU) 2017/1939.

(3) In accordance with the second subparagraph of Article 120(2) of Regulation (EU) 2017/1939, the EPPO is to assume the investigative and prosecutorial tasks conferred on it by that Regulation on a date to be determined by a decision of the Commission on a proposal of the European Chief Prosecutor once the EPPO is set up.

(4) The European Chief Prosecutor was appointed by Decision (EU) 2019/1798 of the European Parliament and of the Council[(5)]. To establish the EPPO College, which consists of the European Chief Prosecutor and one European Prosecutor per

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participating Member State, it is necessary for the Council to appoint the European Prosecutors.

(5) Implementing Decision (EU) 2018/1696 lays down the operating rules of the selection panel provided for in Article 14(3) of Regulation (EU) 2017/1939 (the 'operating rules of the selection panel').

(6) Pursuant to Article 16(1) of Regulation (EU) 2017/1939, each participating Member State is to 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.

(7) The selection panel drew up the reasoned opinions and the ranking for each of the nominated candidates who fulfilled the conditions set out in Article 16(1) of Regulation (EU) 2017/1939 and submitted them to the Council, which received them on 29 May, 20 June, 11 October, 18 November and 10 December 2019, and on 16 July 2020.

(8) 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.

(9) In accordance with Article 16(2) of Regulation (EU) 2017/1939, after having received the reasoned opinions of the selection panel, the Council is to select and appoint one of the candidates to be the European Prosecutor of the participating Member State in question.

(10) In accordance with Article 16(3) of Regulation (EU) 2017/1939, the Council, acting by simple majority, is to select and appoint the European Prosecutors for a non-renewable term of 6 years. The Council may decide to extend the mandate for a maximum of 3 years at the end of the 6-year period.

(11) Implementing Decision (EU) 2019/598 lays down transitional rules for the appointment of European Prosecutors for and during the first mandate period following the entry into force of Regulation (EU) 2017/1939. In accordance with Article 2(1) of Implementing Decision (EU) 2019/598, before the appointment of European Prosecutors, a group comprising one third of the number of participating Member States at the time of application of those transitional rules is to be determined by drawing lots. The drawing of lots was held on 20 May 2019 and the Member States in that group are Greece, Spain, Italy, Cyprus, Lithuania, the Netherlands, Austria and Portugal. Article 3 of that Implementing Decision provides that the term of office of the European Prosecutors from the Member States included in that group is to be three years and not renewable.

(12) The Council assessed the respective merits of the candidates taking into account the reasoned opinions submitted by the selection panel. With regard to the reasoned opinion concerning the candidates nominated by Malta, the grounds put forward by

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the selection panel sufficiently establish that given the exceptional circumstances in that Member State, it is objectively impossible for that Member State to find further eligible candidates within a reasonable time, in spite of the fact that that Member State has deployed all necessary efforts to do so. Therefore, the conditions set out in the third paragraph of Rule VII.2. of the operating rules of the selection panel are met. In the light of the above-mentioned exceptional circumstances, the Council considered that the reasoned opinion submitted with regard to candidates nominated by Malta offered it sufficient choice of suitable candidates and, since any further delay in the appointment of the European Prosecutors would have serious adverse consequences on the effectiveness of European Union law, decided to proceed on that basis.

(13) As a result of that assessment, the Council followed the non-binding order of preference indicated by the selection panel for the candidates nominated by Czechia, Germany, Estonia, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Austria, Romania, Slovenia, Slovakia and Finland. As regards the candidates nominated by Belgium, Bulgaria and Portugal, the Council did not follow the non-binding order of preference of the selection panel, on the basis of a different assessment of the merits of those candidates which was carried out in the relevant preparatory bodies of the Council,

HAS ADOPTED THIS DECISION:

Article 1

The following persons are hereby appointed European Prosecutors of the EPPO as temporary agents at grade AD 13 for a non-renewable period of six years from 29 July 2020:

Mr Yves VAN DEN BERGE[(6)]
Ms Teodora GEORGIEVA[(7)]
Mr Petr KLEMENT[(8)]
Mr Andrés RITTER[(9)]
Ms Kristel SIITAM-NYIRI[(10)]
Mr Frédéric BAAB[(11)]
Ms Tamara LAPTOŠ[(12)]
Mr Gatis DONIKS[(13)]
Mr Gabriel SEIXAS[(14)]
Ms Yvonne FARRUGIA[(15)]
Mr Cătălin-Laurențiu BORCOMAN[(16)]
Mr Jaka BREZIGAR[(17)]
Mr Juraj NOVOCKÝ[(18)]
Mr Harri TIESMAA[(19)]

Article 2

The following persons are hereby appointed European Prosecutors of the EPPO as temporary agents at grade AD 13 for a non-renewable period of three years from 29 July 2020:

Mr Dimitrios ZIMIANITIS[(20)]
Ms María Concepción SABADELL CARNICERO[(21)]