Decision (EU) 2019/1798 of the European Parliament and of the Council of 23 October 2019 appointing the European Chief Prosecutor of the European Public Prosecutor's Office

[[X1]DECISION (EU) 2019/1798 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 23 October 2019

appointing the European Chief Prosecutor of the European Public Prosecutor's Office**]**

THE EUROPEAN PARLIAMENT AND 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 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 the proposal of a shortlist of candidates drawn up by the selection panel on 4 February 2019, in accordance with Implementing Decision (EU) 2018/1696, with a view to the appointment of the European Chief Prosecutor of the European Public Prosecutor's Office,

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 Chief Prosecutor is the Head of the EPPO and organises the work of the EPPO, directs its activities, and takes decisions in accordance with Regulation (EU) 2017/1939 and the internal rules of procedure of the EPPO. The College of the EPPO consists of the European Chief Prosecutor and one European Prosecutor per Member State.

(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.

Changes to legislation: *There are currently no known outstanding effects for the Decision (EU) 2019/1798 of the European Parliament and of the Council. (See end of Document for details)*

(4) It is therefore necessary to appoint, by the common accord of the European Parliament and the Council, the first European Chief Prosecutor of the EPPO.

(5) A vacancy notice for the post of European Chief Prosecutor as a temporary agent at grade AD 15 was published in the *Official Journal of the European Union* on 19 November 2018[(4)].

(6) 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').

(7) In accordance with the first paragraph of Rule VII.1 of the operating rules of the selection panel, a shortlist of three candidates has been drawn up by the selection panel, which provided reasons for selecting the candidates on the shortlist in letters sent to the European Parliament and to the Council on 4 February 2019 and 14 February 2019 respectively. The European Parliament and the Council should appoint, by common accord, one of the shortlisted candidates as European Chief Prosecutor. In accordance with the second paragraph of Rule VII.1 of the operating rules of the selection panel, the selection panel ranked the candidates according to their qualifications and experience. Such a ranking indicates the selection panel's order of preference but is not binding on the European Parliament and the Council.

(8) On 26 February 2019, the three shortlisted candidates appeared before the Civil Liberties, Justice and Home Affairs Committee of the European Parliament and before the Budgetary Control Committee of the European Parliament. On 7 March 2019, European Parliament's Conference of Presidents decided that the European Parliament's candidate was to be Ms Laura Codruța KÖVESI and on 18 July 2019 it reaffirmed that position.

(9) On 20 February 2019, the Committee of Permanent Representatives of the Governments of the Member States (Coreper), in accordance with the internal process it had endorsed on 15 February 2019, proceeded to an indicative ballot to establish the Council's position in view of the discussions with the European Parliament's representatives. Following those discussions, on 19 September 2019, Coreper supported the appointment of Ms Laura Codruța KÖVESI as European Chief Prosecutor.

(10) The European Chief Prosecutor of the EPPO is to be appointed by common accord between the European Parliament and the Council for a non-renewable term of seven years from the date of entry into force of this Decision.

(11) A common accord regarding the appointment of the European Chief Prosecutor was reached by the European Parliament and by the Council following joint meetings of the negotiating teams appointed by each of the two institutions.

(12) In appointing Ms Laura Codruța KÖVESI, both institutions assessed the respective merits of the candidates, taking into account the statement of reasons provided by the selection panel,

HAVE ADOPTED THIS DECISION: