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')

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')

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,

Whereas:

(1) Regulation (EU) 2017/1939 provides that the European Parliament and the Council are to appoint the European Chief Prosecutor, by common accord, from a shortlist of qualified candidates drawn up by a selection panel. The selection panel is to be comprised of 12 persons that are to be chosen from former members of the Court of Justice and the Court of Auditors, former national members of Eurojust, members of national supreme courts, high level prosecutors and lawyers of recognised competence. One of the persons chosen is to be proposed by the European Parliament. The Council is to establish the operating rules of the selection panel.

(2) Regulation (EU) 2017/1939 also provides that the Council is to appoint each European Prosecutor from amongst three candidates nominated by each Member State after having received a reasoned opinion from the selection panel.

(3) The procedure for the selection of the European Chief Prosecutor and of European Prosecutors should be a key element to ensure their independence.

(4) The operating rules of the selection panel should ensure that the selection panel has the necessary independence and impartiality to carry out its work.

(5) The operating rules of the selection panel should therefore be established,

HAS ADOPTED THIS DECISION:

Article 1

The operating rules of the selection panel provided for in Article 14(3) of Regulation (EU) 2017/1939 shall be set out in the Annex to this Decision.

Changes to legislation: *There are currently no known outstanding effects for the Council Implementing Decision (EU) 2018/1696. (See end of Document for details)*

Article 2

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

***Changes to legislation:** There are currently no known outstanding effects for the Council Implementing Decision (EU) 2018/1696. (See end of Document for details)*

ANNEX

OPERATING RULES OF THE SELECTION PANEL

I.Mission

The selection panel shall draw up a shortlist of qualified candidates for the position of European Chief Prosecutor, in accordance with Article 14(3) of Regulation (EU) 2017/1939[(2)], before the appointment of the European Chief Prosecutor by the European Parliament and the Council. It shall also provide a reasoned opinion on the qualifications of candidates nominated for the position of European Prosecutor in accordance with Article 16(2) of Regulation (EU) 2017/1939. The Council shall appoint the European Prosecutors after receipt of the reasoned opinion.

II. Composition and term of office

The selection panel shall be comprised of 12 persons who, at the time of their appointment, are former members of the Court of Justice and the Court of Auditors, former national members of Eurojust, members of national supreme courts, high-level prosecutors or lawyers of recognised competence. All members shall meet at least one of the abovementioned criteria at the time of their appointment.

The members of the selection panel shall be appointed by the Council, on a proposal by the Commission, for a period of four years. One of the persons chosen shall be proposed by the European Parliament. A person who is to replace a member before the expiry of that period shall be appointed for the remainder of their predecessor's term of office following the same procedure, as soon as possible after the termination of the membership of his/her predecessor. Members of the selection panel may be reappointed once.

III. Presidency and secretariat

The selection panel shall be chaired by one of its members, elected for that purpose by the members of the selection panel by a majority vote. The Commission shall be responsible for the selection panel's secretariat. The secretariat shall provide the administrative support necessary for the working of the selection panel, including the translation of documents. It shall also transmit the shortlist of qualified candidates for the post of European Chief Prosecutor to the European Parliament and the Council, and, respectively, the reasoned opinions on the candidates' qualifications to perform the duties of European Prosecutors to the Council.

IV. Deliberations and quorum

The deliberations of the selection panel shall be confidential and shall take place *in camera*. The meetings of the selection panel shall be only valid if at least nine members are present.

Decisions of the selection panel shall be taken by consensus. However, if a member asks for a vote, the decision shall be taken by a simple majority of the members present. In the event of a tie in the voting, the chair shall have the casting vote. The same rules shall also apply for the determination of the language regime as set out in Rule X.

V. Referral to the selection panel and requests for additional information

As soon as the applications for the position of European Chief Prosecutor have been received, the secretariat shall send them to all the members of the selection panel. The same applies to nominations for the position of European Prosecutor, including the accompanying documents submitted by the Member States.

The selection panel may ask applicants to provide additional information or other material which the selection panel considers necessary for its deliberations, and, in the case of nominations