



Brussels, 22 October 2014
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14133/14

ENFOPOL 309

"I/A" ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	14946/11
Subject:	Draft Council Act extending the term of office of a Deputy Director of Europol

1. Article 38 paragraphs 1 to 3 of Council Decision establishing the European Police Office (Europol)¹ read as follows:

1. *Europol shall be headed by a Director appointed by the Council, acting by qualified majority, from a list of at least three candidates presented by the Management Board, for a four-year period. The Council, acting on a proposal from the Management Board, which shall have evaluated the Director's performance, may extend the term of office of the Director once for not more than four years.*
2. *The Director shall be assisted by three Deputy Directors appointed for a four-year period extendable once in accordance with the procedure laid down in paragraph 1. Their tasks shall be defined in greater detail by the Director.*
3. *The Management Board shall establish rules concerning the selection of candidates for the position of Director or Deputy Director, including the extension of their terms of office. Such rules shall be approved by the Council, acting by qualified majority, before their entry into force.*

¹ OJ L 121, 15.5.2009, p. 37.

2. The rules on the selection, extension of the term of office and dismissal of the Director and Deputy Directors of Europol are set out in a decision of the Management Board of 4 June 2009, which was approved by the Council on 30 November 2009². Article 12 of this Decision describes the procedure for the extension of the term of office and paragraph 1 reads as follows:

"Where the terms of office of the Director or a Deputy Director appointed under Article 38 of the Europol Decision can be extended in accordance with Articles 38(1) or 38(2) of the Europol Decision, the Management Board may decide to derogate from the procedure established in Chapter 2. In such cases the Management Board shall draw up, at the latest twelve months before the term of office ends, an opinion advising the Council to extend the term of office. The opinion of the Management Board shall notably take into account the results achieved by the Director or Deputy Director concerned during the first term, the annual performance appraisal reports drawn up in accordance with Article 15(2) of the Conditions of employment and the mission and needs of Europol in the coming years.

The opinion of the Management Board advising to extend the term of office of a Deputy Director shall be delivered after having consulted the Director."

3. Mr Oldřich MARTINŮ was appointed Deputy Director of Europol on the basis of Article 38 of Council Decision establishing the European Police Office (Europol) for a four-year period from 1 November 2011 to 31 October 2015.
4. By letter dated 7 October 2014, the Chairperson of the Management Board of Europol sent the opinion of the Management Board, as contained in Annex 2, to the Council.
6. Considering the opinion of the Management Board of Europol to extend the term of office of Mr MARTINŮ and its invitation to consider his reclassification to AD 14, COREPER is requested to invite the Council to adopt the Council Act extending the term of office of Mr MARTINŮ set out in Annex 1 and to order its publication in the Official Journal of the European Union.

² OJ L 348, 29.12.2009, p. 3.

DRAFT COUNCIL ACT

of 2014

extending the term of office of a Deputy Director of Europol

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Decision 2009/371/JHA establishing the European Police Office (Europol)³, and in particular Article 38 paragraphs 1 to 3 thereof,

Having regard to the Decision of the Management Board of Europol of 4 June 2009 establishing the rules on the selection, extension of the term of office and dismissal of the Director and Deputy Directors of Europol⁴, and in particular Article 12 paragraph 1 thereof,

Acting as the authority vested with the power to appoint the Director and Deputy Directors of Europol,

Having regard to the opinion of the Management Board,

WHEREAS:

- (1) The term of office of a Deputy Director of Europol appointed by Council Act of 20 October 2011⁵, is due to expire on 31 October 2015.
- (2) The Deputy Directors of Europol are appointed for a four-year period extendable once in accordance with Article 38(2) of the Council Decision establishing the European Police Office (Europol).

³ OJ L 121, 15.5.2009, p. 37.

⁴ OJ L 348, 29.12.2009, p. 3.

⁵ OJ C 310, 22.10.2011, p. 5.

- (3) The Management Board presented the Council with an opinion proposing that the term of office of the present Deputy Director of Europol, Mr Oldřich MARTINŮ, be extended.
- (4) On the basis of the opinion provided by the Management Board, the Council wishes to extend the term of office of Mr Oldřich MARTINŮ as Deputy Director.

HAS DECIDED AS FOLLOWS:

Article 1

The term of office of Mr Oldřich MARTINŮ is hereby extended from 1 November 2015 to 31 October 2019 at grade AD 14, step 1.

Article 2

This Act shall take effect on the day of its adoption.

It shall be published in the Official Journal of the European Union.

Done at,

For the Council

The President



The Hague, 1 October 2014

MBS 122.2014

MANAGEMENT BOARD OF EUROPOL

Opinion on the extension of the term of office of a Deputy Director

THE MANAGEMENT BOARD,

Having regard to:

- (1) The Council Decision of 6 April 2009 establishing the European Police Office⁶ (Europol) (hereinafter, “the Europol Decision”), and in particular Article 38 thereof;
- (2) The Management Board (MB) Decision of 4 June 2009 establishing the rules on the selection, extension of the term of office and dismissal of the Director and Deputy Directors of Europol⁷ (hereinafter, “the MB Decision”), and in particular Article 12 thereof;
- (3) The Council Act of 20 October 2011 appointing a Deputy Director of Europol;⁸

⁶ OJ L 121, 15.05.2009, p. 37.

⁷ OJ L 348, 29.12.2009, p. 3.

⁸ OJ C 310, 22.10.2011, p. 3.

Whereas:

- (4) Mr Oldřich Martinů was appointed by the Council as Deputy Director of Europol from 1 November 2011 to 31 October 2015 (grade AD13);
- (5) Article 38(2) of the Europol Decision provides that “The Director shall be assisted by three Deputy Directors appointed for a four-year period extendable once in accordance with the procedure laid down in paragraph 1”. [(1) “The Council, acting on a proposal from the MB, which shall have evaluated the (Deputy) Director’s performance, may extend the term of office of the (Deputy) Director once for not more than four years”];
- (6) Article 12 (1) of the MB Decision prescribes that “Where the terms of office of the Director or a Deputy Director appointed under Article 38 of the Europol Decision can be extended in accordance with Articles 38(1) or 38(2) of the Europol Decision, the MB may decide to derogate from the procedure established in Chapter 2. In such cases the MB shall draw up, at the latest twelve months before the term of office ends, an opinion advising the Council to extend the term of office”;
- (7) Mr Martinů expressed his interest to serve a second term of four years as Deputy Director of Europol.

Having considered:

- (1) The results achieved during the first three years of Mr Martinů’s initial term of office, among which the successful:
 - a. Delivery of projects in relation to business planning;
 - b. Leading role in overseeing Europol’s contribution in the negotiations of a new legal framework;
 - c. Contribution to the implementation of a new organisational identity and internal reform, particularly within the Governance Department.

- (2) The positive assessment of Mr Martinů's performance, as confirmed by:
- a. The constructive dialogue maintained with the MB as well as with other stakeholders including Member States, EU bodies, non-EU countries and international organisations;
 - b. His sensitive handling of relations with the Joint Supervisory Body (JSB) over the Terrorist Finance Tracking Programme;
 - c. The effective discharge of his responsibilities as Security Coordinator, including in relation to the increased cyber threat to Europol's information systems associated with the establishment of EC3 or to the security dimensions of draft cooperation agreements.
- (3) The mission and needs of Europol in the coming years, particularly:
- a. The preparation and implementation of a future Europol Regulation, which calls for a leadership with a robust knowledge of Europol's structure, operation, field of action and tasks, who can contribute effectively to providing Europol with a legal framework that reflects the evolving crime threats and allows it to develop innovative responses;
 - b. The continued implementation of the 2010-2014 strategy and the preparation of a new one reaching out to challenging objectives that are more responsive to Member States' needs.

HAS ADOPTED THIS OPINION:

The Management Board advises the Council to extend the appointment of Mr Martinů as Deputy Director of Europol for a four-year term.

The Management Board also invites the Council to consider the reclassification of Mr Martinu's grade to AD14.

Rome, 1 October 2014.

For the Management Board

[signed]

Gennaro Capoluongo

Chairperson
