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**NOTE**

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Subject: European Public Prosecutor's Office  
- update on the implementation

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Please find in Annex a non-paper from the Commission with an update on the implementation of the EPPO Regulation.

**Non-paper from the Commission services on the state of play of the setting up of the  
European Public Prosecutor's Office (EPPO)**

This document presents an update on the current state of play on the different preparatory steps undertaken by the Commission in relation to the establishment process of the EPPO, as provided for by the EPPO Regulation, highlighting the progress which has been made following the entry into force of the EPPO Regulation on 20 November 2017.

- 1) The procedure for the appointment of the EPPO's interim Administrative Director is on-going. The Commission will consult the Council before the designation of the selected person, in accordance with the EPPO Regulation.
  
- 2) The Commission has adopted on 25 May 2018 a proposal<sup>1</sup> for a Council Implementing Decision on the operating rules of the Selection Panel for the European Chief Prosecutor and European Prosecutors, provided by Article 14 of the EPPO Regulation.
  
- 3) The Commission will propose to the Council a list of twelve members of the Selection Panel, one of which shall be a member proposed by the European Parliament, by a vote of its Plenary foreseen for 31 May 2018.
  
- 4) The Commission is finalising the vacancy notice for the position of the European Chief Prosecutor. The Commission will share the draft vacancy notice with the Council and Parliament before publication. The aim is to allow the European Chief Prosecutor to be appointed within the first half of 2019.

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<sup>1</sup> COM(2018) 318 final, 25.4.2018

5) The Commission is preparing the Delegated Act listing the categories of operational personal data and the categories of data as required by Article 49 of the EPPO Regulation. Before the adoption of the Delegated Act, the Commission will consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law Making of 13 April 2016<sup>2</sup>.

6) Work is ongoing regarding the premises for the seat of the future EPPO. The Commission met with the Luxembourg Government to discuss the potential premises, as identified by the Luxembourg authorities. The premises are located in close proximity to the Court of Justice building and other EU bodies in Luxembourg. Further discussions are foreseen for June/July 2018, in order to assess the functional needs of the EPPO.

7) The EU draft budget for 2019 has been adopted<sup>3</sup> by the Commission on 23 May 2018 and includes, for the first time, appropriations for the EPPO, which amount to EUR 4.9 million. This includes appropriations for the first 35 posts of the EPPO staff for the year 2019. The budgetary procedure will now follow its course and the final budget for 2019 should be approved accordingly.

8) To allow an exchange with the Member States, who accompany the Commission in the many activities for setting up the new body, the Commission has set up, in accordance with Article 20(4) of the EPPO Regulation, an Expert Group composed of representatives of the Member States participating in the EPPO. The EPPO Expert Group held its first meetings on 14 March and 29 May 2018. The EPPO Expert Group is the forum where the Commission and the Member States discuss in detail the activities for setting up the EPPO. It will also provide a useful forum for Member States to discuss and share experiences and good practices concerning the necessary activities that, at national level, will have to be put in place to prepare the application of the EPPO Regulation. The Commission has also created, for use by the Member States taking part in the Expert Group, an IT platform, allowing for the exchange of practical and legal questions and information among peers.

On 14 May 2018, the Netherlands formally notified its intention to participate in the EPPO.

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<sup>2</sup> In accordance with Article 115(4) of Regulation (EU) 2017/1939

<sup>3</sup> Statement of estimates of the Commission for 2019 (Preparation of the 2019 Draft Budget), SEC (2018)250, May 2018, p. 53.