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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 20 May 2019
To: Delegations
Subject: Summary of discussions JHA Counsellors COPEN (EPPO)

1. This meeting was convened to proceed to the drawing of lots referred to in Article 2 of 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 (thereafter ‘the Council Decision’).
2. The Presidency made reference to the relevant provisions of the Council Decision, i.e. Articles 2 and 3, which state:

“Article 2

1. 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 shall be determined by drawing lots.

2. If the number of participating Member States at the time of application of those transitional rules is not divisible by three, the number of Member States to be included in the group shall be rounded up to the closest higher integer number.
3. The General Secretariat of the Council shall take the necessary measures to implement the procedure of drawing lots, in close cooperation with the Commission.

Article 3

The term of office of the European Prosecutors from the Member States included in the group established in accordance with Article 2 shall be three years. This term shall not be renewable.”

3. The Presidency informed delegations of the following suggested modalities for the implementation of the drawing of lots, aimed at ensuring that the procedure is fully transparent:
 - a) the 22 individual sheets with the names of the Member States participating in the EPPO enhanced cooperation will be shown to delegations and the Commission;
 - b) the 22 sheets will then be inserted in the ballot box in the presence of delegations and the Commission;
 - c) 8 sheets (corresponding to one third of 22 participating Member States and rounded up in accordance with Article 2(2)) will be extracted from the ballot box by a representative of the Council Legal Service (CLS), under the scrutiny of at least one representative of the General Secretariat of the Council (GSC) and one representative of the Commission;
 - d) the result of the procedure of drawing lots will be communicated to delegations by the Presidency during the meeting and recorded in the Summary of Proceedings of the meeting.

The Presidency finally drew attention to the fact that, in accordance with Article 2(3) of the Council Decision, the entire procedure of drawing lots will be under the supervision of GSC, including the CLS, in close cooperation with the Commission.

Delegations supported the above-mentioned modalities, as presented by the Presidency.

4. The drawing of lots was implemented in accordance with point 3. As a result of the drawing of lots, the Presidency stated that the sheets with the names of the following eight Member States had been extracted: Austria, Cyprus, Greece, Italy, Lithuania, the Netherlands, Portugal and Spain.
5. When the Council appoints the European Prosecutors in accordance with Article 16 of Regulation (EU) 2017/1939, it shall specify in its appointment decision that the term of office of the European Prosecutors from the eight Member States referred to in point 4 shall be three years and that this term shall not be renewed.
