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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: EPPO - Decision of the European Parliament and of the Council appointing the European Chief Prosecutor of the European Public Prosecutor's Office
- Adoption

1. The European Public Prosecutors' Office was established by Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (hereinafter, "Regulation (EU) 2017/1939")¹. Regulation (EU) 2017/1939 was adopted on the basis of Article 86 TFEU and within the framework of enhanced cooperation, in which currently 22 Member States participate (hereinafter, "the participating Member States").
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. According to Article 14(1) of Regulation (EU) 2017/1939, the European Parliament and the Council shall appoint by common accord the European Chief Prosecutor for a non-renewable term of 7 years.

¹ OJ L 283, 31.10.2017, p. 1

3. 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 2018².
4. Acting in accordance with Article 14(3) of Regulation (EU) 2017/1939 and with the Council Implementing Decision (EU) 2018/1696³, the selection panel⁴ drew up a shortlist of three candidates. The candidates included in the shortlist were the following: 1. Ms Laura Codruța KÖVESI, 2. Mr Jean-François BOHNERT and 3. Mr Andrés RITTER. Letters including the shortlist, the CVs and the statement of reasons for selecting the candidates on the shortlist were sent to the European Parliament and to the Council on 4 February 2019 and 14 February 2019 respectively⁵. The selection panel ranked the three candidates according to their qualifications and experience.
5. On 15 February 2019, the Permanent Representatives Committee, acting by simple majority of the participating Member States, endorsed the internal process to be followed within the Council⁶. On 20 February 2019, the Permanent Representatives Committee proceeded to an indicative secret ballot, as a result of which Mr Jean-François BOHNERT was ranked first, while Ms Laura Codruța KÖVESI and Mr Andrés RITTER were ranked second ex aequo. The expression of such a preference for Mr Jean-François BOHNERT by the Permanent Representatives Committee served as a basis for the position of the Council in the framework of the informal discussions which were conducted by the negotiating teams of the two institutions.

² OJ C 418 A, 19.11.2018, p. 1.

³ 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') (OJ L 282, 12.11.2018, p. 8.).

⁴ The selection panel was established in accordance with 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 (OJ L 238, 21.9.2018, p. 92).

⁵ The letter and the shortlist sent to the Council are set out in 6238/19. Complementary information on the motivation for the inclusion of the three candidates in the shortlist is set out in 6487/19 RESTREINT UE/EU RESTRICTED. The CVs of the candidates, which were annexed to the shortlist, are set out in 6256/19 RESTREINT UE/EU RESTRICTED.

⁶ The internal process to be followed within the Council is set out in 6419/19.

6. On 7 March 2019, the Conference of Presidents of the European Parliament decided that the European Parliament's candidate was to be Ms Laura Codruța KÖVESI, and on 18 July 2019 it reaffirmed that position.
7. On 19 September 2019, as a next step in the internal process, the Committee of Permanent Representatives held an indicative secret ballot to assess possible flexibility in the Council's position. The results of the ballot amongst the Permanent Representatives of the 22 participating Member States showed support for the appointment of Ms Laura Codruța KÖVESI as European Chief Prosecutor.
8. At the joint meeting of the negotiating teams of the European Parliament and of the Council held on 24 September 2019, the two sides were able to establish that a common accord can be reached regarding the appointment of the European Chief Prosecutor. In this respect, a letter confirming the above accord, following approval by the Permanent Representatives Committee at its meeting on 25 September 2019, was sent by the Presidency to the President of the European Parliament on the same day⁷.
9. In view of enabling its joint adoption by the European Parliament and the Council, COREPER is requested to invite the Council, acting by simple majority of the participating Member States, to adopt the draft Decision appointing the European Chief Prosecutor of the European Public Prosecutor's Office (text finalised by the Legal-Linguistic experts, as set out in 6966/19).

⁷ The letter is set out in 12600/19.