



Council of the  
European Union

Brussels, 3 July 2020  
(OR. en)

9286/20

EPPO 19  
COPEN 182  
FIN 426  
GAF 22  
CSC 180

#### 'I' ITEM NOTE

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From: General Secretariat of the Council  
To: Permanent Representatives Committee (Part 2)

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Subject: Proposal for a COUNCIL IMPLEMENTING DECISION amending Council  
Implementing Decision (EU) 2018/1696 on the operating rules of the  
selection panel provided for in Article 14(3) of Council Regulation (EU)  
2017/1939

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1. On 25 June the Commission presented a proposal for a Council Implementing Decision amending Council Implementing Decision (EU) 2018/1696 on the operating rules of the selection panel provided for in Article 14 (3) of Council Regulation (EU) 2017/1939 (9110/20). The aim of this proposal is to allow the selection panel to present its reasoned opinion to the Council on only two eligible candidates in exceptional and duly justified cases, i.e. where it is sufficiently established that it is objectively impossible for a Member State to find a third eligible candidate within a reasonable time, in spite of having deployed all necessary efforts to do so, given the exceptional circumstances encountered by that Member State.
2. The proposal was considered by JHA Counsellors at their meeting (COPEN - EPPO) held on 1 July 2020. Agreement at technical level was reached in the framework of a silence procedure.

3. **In view of the above, the Permanent Representatives Committee is invited:**
- **to confirm its agreement on the text of the of the draft Council Decision as set out in 9229/20 (text finalised by the Legal-Linguistic experts);**
  - **to decide, in accordance with the first subparagraph of Article 12(1) of the Council’s Rules of Procedure and Article 1 of Council Decision 2020/430, that the Council will use the written procedure for its adoption.**

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