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11990/21

ENFOPOL 327

'I/A' ITEM NOTE

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

Subject: Draft Council Decision extending the term of office of the Executive Director of Europol
– Adoption

1. On 15 March 2021, a proposal of the Management Board of Europol on the extension of the term of office of the Executive Director was sent to the Council. The proposal, together with the Assessment for the proposed extension undertaken by the Commission in association with Europol's Management Board, is set out in 12072/21.
2. Article 54 paragraphs 3 and 4 of the Europol Regulation 2016/794¹ read as follows:
 - '3. *The term of office of the Executive Director shall be four years. By the end of that period, the Commission, in association with the Management Board, shall undertake an assessment taking into account:*
 - (a) *an evaluation of the Executive Director's performance, and*
 - (b) *Europol's future tasks and challenges.*

¹ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).

4. *The Council, acting on a proposal from the Management Board that takes into account the assessment referred to in paragraph 3, may extend the term of office of the Executive Director once and for no more than four years.'*

3. The rules for the selection, extension of the term of office and removal from office of the Executive Director and Deputy Executive Directors of Europol are set out in a decision of the Management Board of 1 May 2017. Article 11 of this Decision describes the procedure for the extension of the term of office and paragraphs 2 and 3 read as follows:

2. *At the latest twelve months before the end of the first term of office of the Executive Director or Deputy Executive Director, the Management Board may decide to derogate from the procedure established in Chapter 2.*

3. *In such cases, the Management Board shall draw up a proposal advising the Council to extend the term of office in accordance with Articles 54(4) or 55(2), respectively, of the Europol Regulation.*

This proposal shall be supported by an assessment undertaken by the Commission, in association with the Management Board, taking into account:

(a) an evaluation of the performance of the Executive Director or Deputy Executive Director, and

(b) Europol's future tasks and challenges.

The proposal of the Management Board concerning a Deputy Executive Director shall be drawn up after having consulted the Executive Director.'

4. Ms Catherine DE BOLLE was appointed as Executive Director of Europol by Council Decision of 8 March 2018² for a four-year period from 2 May 2018 to 1 May 2022.

² OJ C 122, 9.4.2018, p. 1.

5. Considering the abovementioned proposal of Europol's Management Board of 15 March 2021 on the extension of the term of office of the Executive Director, the draft Council Decision extending the term of office of the Executive Director of Europol was prepared. Following legal-linguistic revision, the finalized text of the draft Council Decision is set out in 11877/21.
6. *In the light of the proposal of the Management Board of Europol to extend the term of office of Ms DE BOLLE, the Permanent Representatives Committee is requested to invite the Council to*
- *adopt the Council Decision extending the term of office of the Executive Director of Europol, as set out in 11877/21, as an 'A' item at a forthcoming meeting;*
 - *order the publication of the Council Decision in the Official Journal of the European Union.*
