



Brussels, 24 March 2025
(OR. en)

7126/25

Interinstitutional File:
2025/0041(NLE)

JAI 328
COPEN 51
EPPO 3
GAF 7

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL IMPLEMENTING DECISION amending Implementing Decision (EU) 2018/1696 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')

COUNCIL IMPLEMENTING DECISION (EU) 2025/...

of ...

**amending Implementing Decision (EU) 2018/1696
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')**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO')¹, and in particular Article 14(3) thereof,

Having regard to the proposal from the European Commission,

¹ OJ L 283, 31.10.2017, p. 1, ELI: <http://data.europa.eu/eli/reg/2017/1939/oj>.

Whereas:

- (1) Council Implementing Decision (EU) 2018/1696² established the operating rules of the selection panel for appointing the European Chief Prosecutor and the European Prosecutors.
- (2) While neither Regulation (EU) 2017/1939 nor Rule VI of the operating rules of the selection panel specifies which authority is responsible for the drafting, the adoption and the publication in the *Official Journal of the European Union* of the open call for candidates for the position of European Chief Prosecutor, the Commission was responsible for the drafting, the adoption and the publication of the first open call for candidates and provides the secretariat of the selection panel, which examines the applications.
- (3) It is therefore necessary to clarify that the Commission is responsible for the drafting, the adoption and the publication of the open call for candidates for the position of European Chief Prosecutor, after consulting the European Parliament and the Council at the appropriate level.
- (4) Implementing Decision (EU) 2018/1696 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

² 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, ELI: http://data.europa.eu/eli/dec_impl/2018/1696/oj).

Article 1

In Rule VI.1 in the Annex to Implementing Decision (EU) 2018/1696, the first paragraph is replaced by the following:

‘The Commission shall be responsible for the drafting, the adoption and the publication in the *Official Journal of the European Union* of the open call for candidates in accordance with Article 14(3) of Regulation (EU) 2017/1939. The Commission shall consult the European Parliament and the Council on the draft open call for candidates, before its adoption, at the appropriate level. Upon receipt of the candidates’ applications, the selection panel shall review the applications with regard to the requirements set out in Article 14(2) of Regulation (EU) 2017/1939, as further specified by the Commission in the open call for candidates. Candidates who do not meet the eligibility requirements shall be excluded from the next steps of the procedure. The selection panel shall rank candidates who fulfil the requirements according to their qualifications and experience, on the basis of the documentation and information provided in the application or produced following a request pursuant to Rule V. A sufficient number of the highest-ranked candidates shall be heard by the selection panel to enable it to establish the shortlist referred to in Rule VII.1. The hearing shall take place in person or, upon a reasoned decision of the selection panel, either on its own initiative or at the request of the candidate, via videoconference. Before the selection panel decides on its own initiative to conduct a hearing via videoconference, it shall allow the candidate to state his or her views.’.

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at ..., ...

For the Council
The President
