



DECISION OF THE COLLEGE OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE OF 24 FEBRUARY 2021

LAYING DOWN RULES ON THE TASKS AND RIGHTS OF THE EUROPEAN DELEGATED PROSECUTORS DESIGNATED TO SUBSTITUTE THE EUROPEAN PROSECUTOR OF THEIR MEMBER STATES

The College of the European Public Prosecutor's Office (EPPO),

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 ("EPPO") (hereinafter referred to as "the EPPO Regulation"), and in particular Articles 13(2), 16(7), 17 and 96 thereof,

Having regard to Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Community of Atomic Energy, hereinafter referred to as "the Staff Regulations" and, respectively "the CEOS", and in particular to Articles 123 of the CEOS,

Having regard to Decision of the College of the European Public Prosecutor's Office of 29 September 2020 laying down rules on condition of employment of the European Delegated Prosecutors (hereinafter referred to as "the CEEDP"), and in particular Article 14-16 thereof,

Having regard to Decision of the College of the European Public Prosecutor's Office of 12 October 2020 on the Internal Rules of Procedure of the EPPO (hereinafter referred to as "the Internal Rules of Procedure"), and in particular Articles 31 and 34 thereof,

Having regard to Decision of the College of the European Public Prosecutor's Office of 13 January 2021 on the Financial Rules applicable to the EPPO (hereinafter "the Financial Rules"), and in particular Article 78 thereof,

Whereas:

1. According to Article 16(7) of the EPPO Regulation, the College shall, upon nomination of each European Prosecutor, designate one of the European Delegated Prosecutors of the same Member State of origin to substitute the European Prosecutor in case he/she is unable to carry out his/her functions or left his/her position.
2. The mechanisms and modalities for temporary substitution are determined in Article 31 of the Internal Rules of Procedure.



3. There is a need to further clarify the functional division of the European Delegated Prosecutors in their Member States, in accordance with Article 13(2) of the EPPO Regulation.
4. The European Delegated Prosecutors designated to substitute the European Prosecutors of their Member States of origin will have, complementary to their regular functions, additional tasks, including, *inter alia*, the coordination of the staff put at the EPPO's disposal by the respective Member State, the representation of the European Prosecutor in that Member State, institutional relations with the competent national authorities other than in connection with the investigations and prosecutions, relations with media and communication. For these additional tasks, the respective European Delegated Prosecutors should be entitled to a special allowance.
5. According to Article 123 of the CEOS, the remuneration of the special advisers shall be determined by agreement between the appointing authority and the special adviser concerned. The European Delegated Prosecutors are engaged as special advisers and their appointing authority is the College.
6. According to Article 78 of the Financial Rules, on a proposal made by the European Chief Prosecutor and drawn up by the Administrative Director, the College shall adopt rules on the remuneration of the European Delegated Prosecutors.

Has adopted the following rules:

Article 1

Scope

This decision lays down rules on the tasks and special entitlements of the European Delegated Prosecutors designated to substitute the European Prosecutors of their Member States.

Article 2

Additional tasks [of a European Delegated Prosecutor designated to substitute the European Prosecutor of his/her Member State]

1. The European Delegated Prosecutor designated to substitute the European Prosecutor shall, in agreement with the European Prosecutor, represent the EPPO in their Member State of origin for institutional and administrative matters to be discussed with the competent national authorities. The representation role ceases in the presence of the European Chief Prosecutor or of the supervising European Prosecutor.
2. A European Prosecutor concerned may assign supplementary administrative tasks to the European Delegated Prosecutor designated to substitute him/her. Such tasks may include the coordination of the staff put at the disposal of the EPPO in their Member States, as well as relations with the media and communication.
3. Where the European Chief Prosecutor has delegated to a European Prosecutor the coordination of the activities of the European Delegated Prosecutors in application of



Article 34 of the Internal Rules of Procedure, the European Prosecutor concerned may delegate these tasks to the European Delegated Prosecutor referred to in paragraph 1. The European Chief Prosecutor shall be informed thereof in writing.

4. The European Prosecutor may withdraw the supplementary tasks mentioned in paragraphs 2 and 3 at any time.

Article 3

Special allowance

1. Upon nomination of one European Delegated Prosecutor as his/her substitute pursuant to Articles 16(7) of the Regulation and 31(1) of the IRP, each European Prosecutor may also advance to the College a reasoned proposal that additional tasks referred to in Article 2 are assigned to the same European Delegated Prosecutor.
2. If the College approves the proposal to assign additional tasks to the European Delegated Prosecutor designated to substitute the European Prosecutor, the latter is entitled, in addition to the entitlements provided for in Article 14 of the CEEDP, to a special monthly allowance of 500 EUR.
3. The allowance provided for in this Article shall not be taken into account when establishing the total remuneration of the European Delegated Prosecutor for the purpose of Article 16 of the CEEDP.
4. The provisions of Articles 14(2) and 15 of the CEEDP shall apply to the allowance provided for in this Article.

Article 4

Entry into force

This decision shall enter into force on the date of its adoption by the College of the European Public Prosecutor's Office (EPPO).

Done at Luxembourg on 24 February 2021.

For the College,

Laura Codruța KÖVESI
European Chief Prosecutor

A handwritten signature in blue ink, appearing to be 'L. Kövesi', is written over the printed name and title of the European Chief Prosecutor.



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