

DECISION OF THE COLLEGE OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE OF 22 SEPTEMBER 2021

LAYING DOWN RULES ON THE PROCEDURE FOR ASSESSING PERSISTING COMPLIANCE OF A EUROPEAN DELEGATED PROSECUTOR WITH CRITERIA SET IN ARTICLE 17(2) OF THE EPPO REGULATION

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')¹, and in particular Article 17(3) thereof,

Having regard to the proposal of the European Chief Prosecutor,

Whereas:

- (1) The possible dismissal of a European Delegated Prosecutor falls under the exclusive competence of the College.
- (2) The College may dismiss a European Delegated Prosecutor, *inter alia*, if he/she does not fulfil the eligibility criteria of being active members of the national public prosecution service or judiciary, their independence being beyond doubt and possessing the necessary qualifications and relevant practical experience, in accordance with Article 17(2).
- (3) The present decision concerns the assessment the persisting possession by the appointed European Delegated Prosecutors of the eligibility criteria based on information about circumstances related to the period prior to the appointment, but which were not known at the time of appointment.

Has adopted the following rules:

¹ OJ L 283, 31.10.2017, p.1.

Article 1

1. The European Chief Prosecutor, following consultation with the Deputy European Prosecutors and the relevant European Prosecutor, shall assess whether a European Delegated Prosecutor still meets the eligibility criteria foreseen by Article 17(2) of the EPPO Regulation based on information related to the period prior to their appointment which becomes known at any time during the term of office of that European Delegated Prosecutor.
2. If the information provided is not sufficient for making the assessment, the European Chief Prosecutor shall ask the Member State for additional information.

Article 2

If the European Chief Prosecutor concludes that the eligibility criteria are no longer met, he/she shall propose to the College the dismissal of the European Delegated Prosecutor.

Article 3

1. If the information provided in accordance with Article 1 is not sufficient to conclude whether the eligibility criteria are still met, the European Chief Prosecutor shall ask the working group of European Prosecutors designated by College Decision 014/2020 to gather additional information in order to assess the compliance with these criteria.
2. The working group may ask the European Delegated Prosecutor concerned to provide any additional information and/or it may interview her/him, prior to presenting its reasoned opinion to the European Chief Prosecutor. The European Prosecutor from the relevant Member State shall be consulted by the working group.
3. The European Chief Prosecutor shall assess whether compliance with the eligibility criteria is still met based on all the information obtained in accordance with this Article and shall propose to the College the possible dismissal of the European Delegated Prosecutor if the criteria are no longer met.

Article 4

1. The College shall decide on the proposal of the European Chief Prosecutor based on all the documents provided by the Member State and/or the European Delegated Prosecutor concerned, as well as on the opinion of the working group, where applicable.
2. The decision of the College shall be communicated to the Member State and to the European Delegated Prosecutor.
3. The decision to dismiss the European Delegated Prosecutor shall be reasoned, by indicating the eligibility criteria under Article 17(2), which are no longer met.



Article 5

These rules shall enter into force on the date of their adoption by the College of the European Public Prosecutor's Office (EPPO).

Done at Luxembourg on 22 September 2021.

On behalf of the College,

Laura Codruța KÖVESI
European Chief Prosecutor



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