

DECISION ON THE PERMANENT CHAMBERS

AS ADOPTED BY DECISION 015/2020 OF 25 NOVEMBER 2020
OF THE COLLEGE OF THE EPPO AND AMENDED BY DECISION
085/2021 OF 11 AUGUST 2021¹

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') ('the EPPO Regulation'), and in particular Article 10(1) thereof,

Having regard to the Internal Rules of Procedure ("IRP") adopted by the College of the EPPO on 12 October 2020, in particular Articles 15 and 16 thereof,

Whereas:

(1) The EPPO should establish Permanent Chambers to monitor and direct the investigations and prosecutions conducted by the Office and to ensure the coordination of investigations and prosecutions in cross-border cases and the implementation of decisions taken by the College.

(2) The IRP of the EPPO require the College to adopt a decision establishing the number, composition and the distribution of competences among the Permanent Chambers, as well as detailed rules for the organisation of their meetings.

(3) Furthermore, it is necessary to adopt detailed rules implementing the principles on the allocation of cases to the Permanent Chambers set out in the EPPO Regulation and in the IRP. These rules should be based on the principles of random allocation of cases and balanced distribution of workload between the Permanent Chambers.

(4) In consideration of the need to take into account the developments in the practical application of this Decision following the start of operations of the EPPO, the College should closely monitor its functioning and evaluate its effects with a view to possible future amendments.

The following rules apply:

¹ This consolidated text of the Decision on Permanent Chambers is prepared for information purposes only, to facilitate the reading of these rules. The recitals from the Decision 085/2021 of 11 August 2021 of the College of the EPPO are reproduced in the Annex of this consolidated version. According to Article 3 of the College Decision 085/2021 the amendments enter into force on the thirtieth day following the adoption by the College of the European Public Prosecutor's Office (EPPO) of Decision 085/2021.

Article 1

Subject-matter and scope

This decision implements Article 15 of the Internal Rules of Procedure. It establishes the Permanent Chambers of the EPPO, defines their number, and sets rules on the division of competences among them and the allocation of cases.

Article 2

Establishment of the Permanent Chambers

1. Fifteen Permanent Chambers shall be established. They shall be designated by consecutive numbers from one to fifteen.
2. In application of Article 16(3) IRP, each European Prosecutor shall be assigned as a permanent member of one, two or three Permanent Chambers. The assignment to one or more Permanent Chambers shall take into consideration the estimated workload of the respective European Prosecutor and shall be determined on the basis of:
 - a) the number of cases under his/her supervision and related tasks as foreseen in Article 12(1) of the EPPO Regulation. For the initial assignment, reference will be made to the estimated caseload for the first year of operation of the EPPO;
 - b) the number of European Delegated Prosecutors under his/her coordination, pursuant to Article 34 IRP;
 - c) other specific tasks under his/her responsibility and assigned to him/her in accordance to the EPPO Regulation or the IRP.
3. In addition, the assignment of the Deputy European Chief Prosecutors to more than one Permanent Chamber shall further take into account the workload deriving from their duties under Article 11(2) and (3) EPPO Regulation.
4. The European Chief Prosecutor and each Deputy European Chief Prosecutor shall Chair the Permanent Chambers of which they are permanent members.

Article 3

Meetings of the Permanent Chambers

1. Each Permanent Chamber shall, in principle, hold at least 2 meetings per calendar month. The Chair of the Permanent Chamber shall set the dates of these meetings at least 15 days in advance.
2. The Chair of the Permanent Chamber may call additional meetings whenever necessary. Additional meetings shall be convened at least five working days in advance. In case of urgency, meetings may be convened as soon as the permanent members and relevant supervising European Prosecutor are available and no later than three days.

3. Except in case of urgency and after consultation of the European Chief Prosecutor, meetings of the Permanent Chambers shall not take place at the same time as meetings of the College. The Chair of the Permanent Chamber shall reschedule any meeting convened in conflict with a meeting of the College.

4. When setting the dates for the meetings of the Permanent Chamber, the Chair shall ensure coordination with the permanent members of that Chamber, the relevant supervising European Prosecutors and the staff of the Central Office referred to in Article 7.

Article 4

Allocation of cases to the Permanent Chambers

The allocation of cases to the Permanent Chambers in the cases set out by Articles 32(5), 41(3), 42(1), 47(2), 50(2) second subparagraph, 51(3) and 59(4) IRP shall comply with the following rules:

a) The Case Management System of the EPPO shall, **upon the registration of a case**, randomly allocate **that case** to a Permanent Chamber **whose permanent members do not include the supervising European Prosecutor**. For the purpose of evocation, the case shall be immediately allocated to a Permanent Chamber **that has a meeting scheduled between the third and the fifth day from the registration of the case and whose permanent members do not include the supervising European Prosecutor**.²

b) In order to allow the European Chief Prosecutor to consider taking measures according to Article 19(3) IRP, he/she shall be notified when the number of cases allocated to a Permanent Chamber is higher by 10% than the average number of cases allocated to each Permanent Chamber.

Article 5

Temporary exclusion from new allocation

For the purpose of ensuring the efficient functioning of the EPPO and an equal distribution of workload between the Permanent Chambers, in accordance with Article 19(3) IRP, the European Chief Prosecutor may suspend the allocation of new cases to one or several Permanent Chambers for a specified period of time.

Article 6

Reallocation of cases

For the purpose of Article 32(5) IRP, when the European Chief Prosecutor decides to assign the supervision of a case to a European Prosecutor from a Member State other than the one where the European Delegated Prosecutor is based, and this European Prosecutor is a

² This paragraph is reproduced as amended by Article 2 of the College Decision 085/2021. The amendments are highlighted in bold.

permanent member of the monitoring Permanent Chamber, the case shall be immediately assigned to a different Permanent Chamber.

Article 7

Support to the Permanent Chambers

1. Adequate resources from the staff of the EPPO shall be assigned to support the work of the Permanent Chambers under the EPPO Regulation.
2. The assigned staff shall assist the Chair of the Permanent Chamber, inter alia, in organising the agenda, in preparing the minutes of the meetings, in drafting documents in view of the meetings and in recording decisions adopted by the Permanent Chamber in the Case Management System.
3. Subject to the availability of resources, the assignment shall ensure the stability and continuity of the support provided by staff members to the designated Permanent Chamber.

Article 8

Attendance of non-members to the meetings of the Permanent Chamber

1. In addition to the persons indicated in Article 10(9) EPPO Regulation, the Chair of the Permanent Chamber, after having consulted the permanent members and the relevant supervising European Prosecutor, may invite any member of the Central Office, European Delegated Prosecutor or staff of the EPPO to attend the meeting of the Permanent Chamber in relation to specific points in the agenda, when this is necessary for the purpose of allowing the Permanent Chamber to take decisions.
2. For the same purpose, in exceptional situations, when this is not contrary to applicable provisions of Union or national law, the Chair of the Permanent Chamber, after having consulted the permanent members, the relevant supervising European Prosecutor and, if necessary, the handling European Delegated Prosecutor, may invite any other person to attend the meeting of the Permanent Chamber.
3. Persons invited in accordance with paragraphs (1) and (2) may under no circumstance be present at the moment of the deliberation of a decision of the Permanent Chamber.
4. Administrative costs related to the invitations under this Article shall be covered by the budget of EPPO. In case the invitation entails costs, the Administrative Director shall be notified of invitations under this Article.

Article 9

Evaluation

The College shall assess the impact of this Decision on the efficiency of the work of the EPPO six months after the date established in accordance with Article 120(2) EPPO Regulation.

Article 10

Entry into Force

This Decision shall enter into force on the day of its adoption by the College.

Done at Luxembourg on 25 November 2020.

For the College,

Laura Codruța KÖVESI
European Chief Prosecutor

ANNEX

Relevant provisions of Decision 085/2021 of the College which are not incorporated in the consolidated version

Recitals:

"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 Article 21 thereof,

Taking into account the proposal drawn up by the European Chief Prosecutor,

Whereas:

1. At its extraordinary meeting of 9 June 2021, the College found necessary to establish specific rules for the exceptional cases provided for in Article 28(4) of the Regulation.
2. Upon request of the European Chief Prosecutor, a working group of the College elaborated new rules implementing Article 28(4) of the Regulation and submitted them to the European Chief Prosecutor with a view of a proposal for a College Decision amending and supplementing the internal rules of procedure.
3. The amendments to the internal rules of procedure implies minor amendments of the Decision 015/2020 of the College of the EPPO of 25 November 2020 on Permanent Chambers.
4. In accordance with Article 70 of the internal rules of procedure, the European Chief Prosecutor communicated to the College a reasoned proposal for amendment on 12 July 2021.
5. The College examined the proposal drawn up by the European Chief Prosecutor at its meeting of 11 August 2021."

Article 3:

"Article 3

Entry into force and transitional rules

1. This decision shall enter into force on the thirtieth day following its adoption by the College of the European Public Prosecutor's Office (EPPO).
2. Until the date when the amendments introduced by this Decision will be fully integrated in the technical features of the Case Management System, but not later than three months from the entry into force of this decision, the random allocation of cases to Permanent Chambers may be done manually, by drawing of lots."