

DECISION OF THE COLLEGE OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE OF 14 DECEMBER 2022

ON APPLICATION BY ANALOGY OF COMMISSION DECISION C (2022) 1788 FINAL OF 24 MARCH 2022 ON WORKING TIME AND HYBRID WORKING

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 96(4) thereof,

Having regard to the Staff Regulations of Officials of the European Union ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS')¹, and in particular Article 110(2) of the Staff Regulations,

Having regard the opinion of the Staff Committee,

Whereas:

- (1) Pursuant to Article 96(4) of the EPPO Regulation, the College of the EPPO adopts implementing rules to the Staff Regulations and to the CEOS in accordance with Article 110 of the Staff Regulations;
- (2) On 24 March 2022, pursuant to Article 110(2) of the Staff Regulations and in compliance with Point 2.B of the Commission Guidelines on the implementation of Article 110(2) of the Staff Regulations², the Commission notified the EPPO of its Decision C (2022) 1788 final on working time and hybrid working. Unless the EPPO requests agreement of the Commission for rules that are different from those of the commission, the Commission Decision becomes applicable by analogy at the EPPO at the end of the 9-month period from the date of the notification, i.e. on 24 December 2022. Nevertheless, the EPPO may decide to adopt the Commission rules by analogy at any time within the 9-month period;

¹ 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 Atomic Energy Community, (OJ P 045 14.6.1962, p. 1385), as subsequently amended.

² Communication C(2014)6543 final of 26 September 2014 from Vice-President ŠEFČOVIČ to the Commission on the guidelines on the implementation of Article 110, paragraph 2, of the Staff Regulations.

- (3) According to Article 96(1) of the EPPO Regulation, the Staff Regulations and the CEOS apply to the European Chief Prosecutor and the European Prosecutors, the European Delegated Prosecutors, the Administrative Director and the staff of the EPPO, unless otherwise provided for in this Regulation;
- (4) According to Article 2, point (4) of the EPPO Regulation, 'staff of the EPPO' means the personnel at the central level who supports the College, the Permanent Chambers, the European Chief Prosecutor, the European Prosecutors, the European Delegated Prosecutors and the Administrative Director in the day-to-day activities in the performance of the tasks of this Office under this Regulation;
- (5) According to Article 8(3) of the EPPO Regulation, the Central Office consists of the College, the Permanent Chambers, the European Chief Prosecutor, the Deputy European Chief Prosecutors, the European Prosecutors and the Administrative Director;
- (6) The special advisers are excluded from the scope of application of the Commission Decision C (2022) 1788 and, in addition, the working time of the European Delegated Prosecutors are subject to the applicable national rules, pursuant to Article 8 of College Decision 001/2020 of 29 September 2020 laying down rules on the conditions of employment of the European Delegated Prosecutors;
- (7) The European Chief Prosecutor and the European Prosecutors carry out prosecutorial functions, as foreseen, *inter alia*, in Articles 10, 11, 12, 26, 27, 28, 31, 34, 35, 39 and 40 of the EPPO Regulation. Moreover, the European Chief Prosecutor, the Deputy European Chief Prosecutors and the Administrative Director have managerial functions and responsibilities, while the European Prosecutors, in their capacity as members of the College, perform similar duties.

HAS DECIDED AS FOLLOWS:

Article 1

Application by analogy of the Commission rules

The Commission Decision C (2022) 1788 final of 24 March 2022 on working time and hybrid working shall apply by analogy at the EPPO's central level, to the staff within the meaning of Article 2 point (4) of the EPPO Regulation. It shall also apply by analogy to seconded national experts at the EPPO.



Article 2

Implementation

1. The Administrative Director shall adopt Guidelines indicating criteria, procedures and good practices to achieve the objectives of this Decision and set up monitoring tools. The Staff Committee shall be consulted on these Guidelines before their adoption.
2. The Guidelines referred to in paragraph 2 shall also apply to seconded national experts at the EPPO.

Article 3

Entry into force

1. This Decision shall enter into force on the day following that of its adoption.
2. On the date of the entry into force of this Decision, the Decision 106/2021 of the College of the EPPO of 20 October 2021 on working time and the Decision 114/2021 of the College of the EPPO of 25 October 2021 on the implementation of telework in the EPPO shall cease to apply to the staff members within the meaning of Article 2 point (4) of the EPPO Regulations and to seconded national experts.

Done at Luxembourg on 14 December 2022.

On behalf of the College,

Andrés RITTER

Deputy European Chief Prosecutor



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