

# DECISION OF THE COLLEGE OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE OF 19 APRIL 2023

## AMENDING THE DECISION 002/2021 OF 13 JANUARY 2021 OF THE COLLEGE OF THE EPPO ON THE FINANCIAL RULES APPLICABLE TO THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE

The College of the EPPO,

Having regard to Council Regulation (EU) 1939/2017 of 12 October 2017, implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('EPPO'), and in particular Article 95 thereof,

Having regard to Commission Decision C (2023) 1143 final of 15 February 2023 on a request from the EPPO for its Financial Rules to depart from certain provisions of Commission Delegated Regulation (EU) 2019/715,

Whereas:

In accordance with the Commission's Decision of 15 February 2023 on a request from the EPPO for its Financial Rules to depart from certain provisions of Commission Delegated Regulation (EU) 2019/715, the EPPO's request is accepted subject to rewording in Articles 43 and 91, as set out in the Annex of that Decision.

HAS ADOPTED THIS DECISION:

### Article 1

#### *Amendments*

The Decision 002/2021 of 13 January 2021 of the College of the European Public Prosecutor's Office on the Financial Rules applicable to the European Public Prosecutor's Office is amended as follows:

1. In Article 43, paragraphs (1) and (3) are amended as follows:

*"2. In order to facilitate the implementation of their appropriations, the EPPO may conclude service-level agreements as referred to in Article 59 of Regulation (EU, Euratom) 2018/1046, as well as agreements with the competent authorities of Member States necessary for the implementation of Article 31 of the constituent act of the EPPO.*

*3. Technical expertise tasks and administrative, preparatory or ancillary tasks not involving the exercise of public authority or the use of discretionary powers of judgement may be entrusted by contract to external private-sector entities, where this proves to be indispensable. Such contracts may also be concluded where this is necessary for the implementation of Article 31 of the constituent act of the EPPO."*

2. Article 91 is amended as follows:

*"Article 91: Procurement procedures*

*The EPPO may conclude a service level agreement as referred to in paragraph 2 of Article 43 without having recourse to a public procurement procedure. The EPPO may also conclude agreements and contracts for the purposes of Article 31 of the constituent act of the EPPO as referred to in paragraphs 2 and 3 of Article 43 of the present regulation without having recourse to a public procurement procedure, where procurement is not possible.*

*The EPPO may use joint procurement procedures with contracting authorities of the host Member State to cover its administrative needs. In such case, Article 165 of Regulation (EU, Euratom) 2018/1046 shall apply."*

## Article 2

### *Entry into force*

This Decision shall enter into force on the day following that of its adoption.

Done at Luxembourg on 19 April 2023.

**On behalf of the College,**

**Laura Codruta KÖVESI**  
**European Chief Prosecutor**

