

DECISION OF THE COLLEGE OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE OF 26 JANUARY 2022

DELEGATING THE POWERS OF THE APPOINTING AUTHORITY AND
THE AUTHORITY AUTHORISED TO CONCLUDE CONTRACTS TO THE
ADMINISTRATIVE DIRECTOR, AND REPEALING DECISION
014/2021 OF THE COLLEGE OF THE EPPO¹

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

Having regard to the Staff Regulations of Officials ('Staff Regulations') and the Conditions of Employment of Other Servants ('CEOS') of the European Union, laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68², and in particular Articles 2(1), 110(2) of the Staff Regulations and Article 6 of the CEOS,

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'), hereinafter referred to as "the EPPO Regulation", and in particular Articles 9 and 96 thereof,

Having regard to the Internal Rules of Procedures of the EPPO, and in particular Articles 4-11 thereof,

Whereas:

- (1) By virtue of Article 96(3) of the EPPO Regulation, the powers of the appointing authority and the authority empowered to conclude contracts of employment are conferred on the College of the EPPO.

¹ This consolidated text of the Decision 005/2022 of the College of the EPPO delegating the powers of the Appointing Authority and the Authority Authorised to Conclude Contracts to the Administrative Director, as amended by the Decision 011/2021 of the College of the EPPO of 7 February 2024, is prepared for information purpose only, to facilitate the reading of the rules. The recitals and other relevant provisions from the College Decision 011/2024, which are not reproduced in the consolidated text, are reproduced in the Annex. The amendments entered into force on 8 February 2024.

² OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, OJ L 287, 29.10.2013, p.15.

- (2) Pursuant to Article 96(3) of the EPPO Regulation, the College may delegate these powers to the Administrative Director with respect to the staff of the EPPO. Moreover, pursuant to Article 96(3) of the EPPO Regulation, delegation of powers shall not concern the European Chief Prosecutor, the European Prosecutors, the European Delegated Prosecutors or the Administrative Director.
- (3) The Administrative Director is authorised to sub-delegate the powers delegated to him and should inform the College of such sub-delegations.
- (4) Pursuant to the sixth subparagraph of Article 110(2) of the Staff Regulations and Article 96(4) of the EPPO Regulation, the College is to adopt, in agreement with the Commission, the implementing rules for giving effect to the Staff Regulations and the CEOS.
- (5) Decisions on the daily management of the EPPO, and in particular decisions in individual staff matters should be taken at the most appropriate level.
- (6) Pursuant to Article 19 of the EPPO Regulation, for administrative and budgetary purposes, the Administrative Director manages the EPPO and should be, in particular, responsible for the day-to-day administration of the EPPO.
- (7) On the basis of Service Level Agreements, certain appointing authority powers of a technical nature could be sub-delegated by the Administrative Director to the services of the European Commission, in particular to the Paymaster's Office or the Directorate-General for Human Resources and Security, notably when those services are not available within the EPPO.
- (8) It is therefore necessary to adopt a decision delegating the relevant competences in the area of staff management to the Administrative Director,

Has adopted the following decision:

Article 1³

This Decision concerns the exercise of the powers of the appointing authority and the authority empowered to conclude contracts of employment in respect of the staff of the EPPO, except:

- a. the European Chief Prosecutor;
- b. the European Prosecutors;
- c. the European Delegated Prosecutors;
- d. the Administrative Director;

³ This article is reproduced as amended by Article 1 of the Decision College of the EPPO of 7 February 2024 amending the Decision 005/2022 of the College of the EPPO of 26 January 2022 delegating the powers of the Appointing Authority and the Authority Authorised to Conclude Contracts to the Administrative Director.

- e. the appointment of the Head of the College Secretariat;
- f. the appointment of the accounting officer;
- g. the designation of the Data Protection Officer.

Article 2⁴

1. Within the limits of Article 1, the powers conferred by the Staff Regulations on the appointing authority and by the CEOS on the authority empowered to conclude contracts of employment shall be delegated to the Administrative Director of the EPPO, except for the adoption of the implementing rules to give effect to the Staff Regulations and the CEOS.
2. The powers referred to in paragraph 1 are conferred on the Administrative Director without prejudice to other competences of the College as provided for in the EPPO Regulation, in particular as regards the career of the European Prosecutors and European Delegated Prosecutors.
3. The decisions on extension of contract, termination of contract, appraisal and reclassification of the EPPO's accounting officer, data protection officer and Head of College Secretariat shall be subject to the adoption by the College. The decisions on the conclusion and extension of contracts, appraisal and disciplinary procedures of the European Delegated Prosecutors are exclusively governed by the rules provided for in the Decision of the College on the Conditions of employment of the European Delegated Prosecutors.
4. The powers referred to in paragraph 1 concerning Article 90(2) of the Staff Regulations are exercised by the College when the contested decision was taken at the level of the Administrative Director.

Article 3

1. The Administrative Director may sub-delegate the powers referred to in Article 1 to a member of temporary staff by reference to appropriate criteria, such as their function group, position and job assignment, which they hold in the EPPO.
2. The Administrative Director shall inform the College of such sub-delegations.
3. Agents to whom powers are sub-delegated under paragraph 1 may be designated by their position in the EPPO or *ad personam*.
4. Sub-delegations shall be brought to the attention of the staff in a suitable form.
5. Where a person to whom powers have been conferred pursuant to Article 2 or paragraph 1 of this Article is unable to act, those powers shall be exercised in

⁴ This article is reproduced as amended by Article 1 of the Decision College of the EPPO of 7 February 2024 amending the Decision 005/2022 of the College of the EPPO of 26 January 2022 delegating the powers of the Appointing Authority and the Authority Authorised to Conclude Contracts to the Administrative Director.

accordance with the rules on deputising set out in the EPPO's internal procedures on this matter.

6. The Administrative Director may sub-delegate the relevant powers referred to in Article 1 to the services of the Commission. The sub-delegation shall be carried out in writing and brought to the attention of the staff.

Article 4

On the date of the entry into force of this Decision, the Decision 014/2021 of 24 February 2021 of the College of the European Public Prosecutor's Office on the delegation to the Administrative Director of the powers as appointing authority to conclude staff contracts is repealed.

The legal effects of the staff contracts concluded by the interim Administrative Director in accordance with Article 20(2) of the EPPO Regulation, as well as those concluded by the Administrative Director on the basis of Decision 014/2021 of 24 February 2021, are maintained.

Article 5

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

Done at Luxembourg on 26 January 2022.

On behalf of the College,

Laura Codruța KÖVESI
European Chief Prosecutor

ANNEX

Relevant recitals and provisions of Decision 011/2024 of the College of the EPPO of 7 February 2024, which are not incorporated in the consolidated version of the College Decision 005/2022 delegating the powers of the Appointing Authority and the Authority Authorised to Conclude Contracts to the Administrative Director

Recitals:

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

Having regard to:

- *The Staff Regulations of Officials ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS')⁵, and in particular Articles 2(1), 110(2) of the Staff Regulations and Article 6 of the CEOS thereof,*
- *The 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")⁶, and in particular Article 96(3) thereof,*
- *Having regard to the Internal Rules of Procedure of the European Public Prosecutor's Office (hereinafter referred to as "Internal Rules of Procedure")⁷, and in particular Article 13(3) thereof.*

Whereas:

1. *By virtue of Article 96(3) of the EPPO Regulation, the powers of the appointing authority and the authority empowered to conclude contracts of employment are conferred to the College of the EPPO.*
2. *Pursuant to Article 96(3) of the EPPO Regulation, the College may delegate these powers to the Administrative Director with respect to the staff of the EPPO. Moreover, pursuant to Article 96(3) of the EPPO Regulation, delegation of powers shall not concern the European Chief Prosecutor, the European Prosecutors, the European Delegated Prosecutors or the Administrative Director.*

⁵ 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), and any subsequent amendment thereto.

⁶ OJ L 283, 31.10.2017, p. 1–71.

⁷ Decision 003/2020 of the College of the EPPO of 12 October 2020 on the Internal Rules of Procedure of the EPPO, as amended and supplemented by the Decisions 085/2021, 026/2022 and 010/2024 of the College of the EPPO.



3. *Pursuant Article 13(3) of the Internal Rules of Procedure, the Head of the College Secretariat shall be appointed by the College.* "

Article 2:

"Article 2

Entry into force

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