



# DECISION OF THE COLLEGE OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE OF 12 FEBRUARY 2025

ON THE CONDITIONS OF EMPLOYMENT OF THE EUROPEAN DELEGATED PROSECUTORS, AND REPLACING AND REPEALING DECISIONS 001/2020, 013/2020, 017/2021, 013/2021, 098/2021, 007/2023 AND 058/2024 OF THE COLLEGE OF THE EPPO, AS AMENDED BY DECISION 026/2026 OF 20 MAY 2026 OF THE COLLEGE OF THE EPPO<sup>1</sup>

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

Having regard to 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'<sup>2</sup>, and in particular Articles 9 and 114(c) thereof,

Having regard to the 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 Community of Atomic Energy, hereinafter referred to as "the Staff Regulations" and, respectively "the CEOS", and in particular to Articles 5, 123 and 124 of the CEOS<sup>3</sup>,

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<sup>1</sup>The consolidated text of the College Decision 015/2025 is prepared for information purposes only, to facilitate the reading of the rules on the Conditions of Employment of European Delegated Prosecutors. The recitals from Decision 026/2026 are not integrated in the consolidated version; they can be found in the annex to this text.

<sup>2</sup> OJ L 283, 31.10.2017, p.1-71.

<sup>3</sup> 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.

Having regard to the Decision of the College of the European Public Prosecutor's Office of 12 October 2020 on the Internal Rules of Procedure of the EPPO (hereinafter referred to as "the Internal Rules of Procedure"), as amended and supplemented, and in particular Articles 31, 33 and 34 thereof,

Having regard to the Decision of the College of the European Public Prosecutor's Office of 13 January 2021 on the Financial Rules applicable to the EPPO, as amended by the Decision 023/2023 of the College of the EPPO of 19 April 2023 (hereinafter "the Financial Rules"), and in particular Article 78 thereof,

Whereas:

- (1) European Delegated Prosecutors form the decentralised level of the EPPO located in the Member States and they shall, from the time of their appointment as European Delegated Prosecutors until termination of their term, be active members of the public prosecution service or judiciary of the respective Member States which nominated them.
- (2) Pursuant to Article 96(6) of the EPPO Regulation, European Delegated Prosecutors shall be engaged as special advisers in accordance with Articles 5, 123 and 124 of the Conditions of Employment of Other Servants of the European Union (hereinafter referred to as 'the CEOS'). As a consequence, pursuant to Article 124 CEOS, Articles 1c, 1d, 11, 11a, 12 and 12a, the first paragraph of Article 16, Articles 17, 17a, 19, 22, 22a and 22b, Article 23 and the second paragraph of Article 25 of the Staff Regulations, concerning the rights and obligations of officials, and Articles 90 and 91 of the Staff Regulations, concerning appeals, apply by analogy to European Delegated Prosecutors.
- (3) Article 114(c) of the EPPO Regulation provides that the College shall adopt rules on the conditions of employment, performance criteria, professional insufficiency, rights and obligations of the European Delegated Prosecutors, including rules on the prevention and management of conflicts of interest.
- (4) The rules on the conditions of employment of the European Delegated Prosecutors have been initially adopted by Decision 001/2020 of the College of the EPPO of 29 September 2020. These rules have been subsequently amended by decisions 017/2021, 103/2021 and 007/2023 of the College. In addition, several separate decisions adopted by the College since September 2020 contain various provisions regarding the engagement of the European Delegated Prosecutors and their working conditions.
- (5) For reasons of legal certainty, it is appropriate that all core rules concerning appointment, renewal, engagement, rights and obligations of the European Delegated Prosecutor be provided for in the same act, namely the decision on the conditions of employment of the European Delegated Prosecutors.

Has adopted this Decision:

## Chapter I

### GENERAL PROVISIONS

#### Article 1

##### *Scope*

1. This Decision establishes rules on the conditions of employment of the European Delegated Prosecutors, who are engaged by the European Public Prosecutor's Office (EPPO) as special advisers in accordance with Articles 5, 123 and 124 of the CEOS, for the purpose of investigating, prosecuting and bringing to judgment crimes against the financial interests of the European Union. The rules include the procedures for appointment, engagement, renewal, dismissal and termination of contracts, as well as provisions on the rights and obligations of the European Delegated Prosecutors and general principles on the evaluation of their professional performance and disciplinary matters.
2. The rules referred to in paragraph 1 are complemented by the provisions from the Staff Regulations and the CEOS applicable by analogy to special advisers pursuant to Article 124 of the CEOS, unless otherwise provided for in this Decision.

## Chapter II

### RULES ON APPOINTMENT, ENGAGEMENT, RENEWAL AND TERMINATION OF CONTRACTS OF THE EUROPEAN DELEGATED PROSECUTORS

## Section 1

### Procedure of appointment or rejection of a person nominated by a Member State

#### Article 2

##### *Eligibility criteria*

A person who has been nominated by a Member State for a position of European Delegated Prosecutor shall meet the eligibility criteria mentioned in Article 17(2) of the EPPO Regulation and, in addition, shall have a satisfactory knowledge of the working language for the operational and administrative activities of the EPPO, adopted pursuant to Article 107(2) of the EPPO Regulation.

#### Article 3

##### *Preliminary procedures*

1. Upon receiving the nomination from the competent authority of the Member State, the European Chief Prosecutor shall assess whether the person who has been nominated for the position of European Delegated Prosecutor fulfils the eligibility criteria provided for in Article 17(2) of the EPPO Regulation and in Article 2 of this Decision, based on the documents provided by the Member State concerned. To this end, the European Chief Prosecutor shall consult with the Deputy European Chief Prosecutors and the European Prosecutor from that Member State. In order to support her/him and the College in assessing the compliance with the eligibility criteria, the European Chief shall appoint a working group of three European Prosecutors. This working group is not a selection panel and has a consultative role.
2. For the purpose of the assessment under paragraph 1 the person who has been nominated shall submit a certificate of their criminal record and a declaration of honour on absence of conflict of interests in accordance with Article 11a of the Staff Regulations.
3. If the documents accompanying the nomination are not sufficient for finalising the assessment, the European Chief Prosecutor:

- (a) may ask the competent authority of the Member State concerned or the nominated person to provide additional information, and/or
  - (b) may invite the working group referred to in paragraph 1 of this Article to provide her/him with a reasoned opinion in writing on the compliance with the eligibility criteria.
4. The College Secretariat shall ensure the adequate registration of the nominations and supporting documents received, as well as of all communication between the EPPO, national authorities and/or the nominated person in respect of the appointment procedure.

## Article 4

### *Proposal by the European Chief Prosecutor*

1. Where she/he finds that the person who has been nominated by the Member State concerned fulfils the eligibility criteria referred to in Article 17(2) of the EPPO Regulation and in Article 2 of this Decision, the European Chief Prosecutor shall submit to the College a written proposal pursuant to Article 17(1) of the EPPO Regulation to appoint the respective person for a term of 5 years, renewable in accordance with the provisions of this Decision.
2. Where she/he considers that the person who has been nominated does not fulfil one or all of the eligibility criteria referred to in Article 17(2) of the EPPO Regulation and in Article 2 of this Decision, the European Chief Prosecutor shall inform the College, the nominated person and the nominating Member State, inviting the latter to submit a new nomination. The decision not to submit to the College the proposal to appoint a person who has been nominated for the position of European Delegated Prosecutor shall be reasoned, in particular by indicating the eligibility criteria which were not met, as well as the available legal remedies.

## Article 5

### *Decision of the College*

The College shall decide on the appointment or rejection on the basis of the proposal of the European Chief Prosecutor and, where applicable, the reasoned opinion of the working group referred to in Article 3(2) (b), the accompanying documents of the nomination and, where applicable, the additional information and/or documents provided by the Member State or the person concerned.

## Article 6

### *Reasoning and communication of the decision*

1. The decision of the College to appoint or to reject a person who has been nominated by a Member State for the position of European Delegated Prosecutor shall be reasoned. In particular, a decision rejecting a person who has been nominated for the position of European Delegated Prosecutor shall indicate the eligibility criteria which were not met, as well as the available legal remedies.
2. The decision referred in paragraph 1 shall be communicated to the competent authority of the respective Member State and to the person concerned.

## Article 7

### *Engagement and contract*

1. The persons appointed as European Delegated Prosecutors by the College in accordance with Article 17(1) of the EPPO Regulation and Article 5 of this Decision shall be engaged as special advisers, pursuant to Article 96(6) of the EPPO Regulation, in accordance with Articles 5, 123 and 124 of the CEOS.
2. For the purpose of paragraph 1 of this Article, each European Delegated Prosecutor shall conclude a contract of special adviser with the EPPO.
3. The European Chief Prosecutor shall sign the contracts referred to in paragraph 2 of this Article.
4. Without prejudice to Articles 11 and 12, the contracts of special advisers as provided for in Article 123 CEOS, by virtue of which European Delegated Prosecutors are formally engaged, shall be successively extended as necessary to allow them to complete their 5 year-term provided for in Article 17(1) of the EPPO Regulation.

## Section 2

### Procedure for the renewal of the appointment at the end of the 5-year term

## Article 8

### *Principles*

1. At least six months prior to the end of a 5-year term as European Delegated Prosecutor the College shall decide whether or not to renew the appointment in accordance with the rules in this section.
2. The decision to renew a 5-year term or not to renew it shall be based on transparent and objective criteria, including:
  - (a) any modification in the agreement between the European Chief Prosecutor and the competent authority of the Member State of the European Delegated Prosecutor concerned, in accordance with Article 13(2) of the EPPO Regulation in regard to the number of European Delegated Prosecutors in the respective Member State;
  - (b) the performance of the European Delegated Prosecutor concerned throughout their term, taking into consideration the appraisal reports as referred in Article 15 of this decision, the opinion of the supervising European Prosecutor, and, where applicable, of the Permanent Chambers.

## Article 9

### *Procedure*

1. At least nine months before the end of each European Delegated Prosecutor's 5-year term, the Human Resources Unit of the EPPO shall request for their availability and willingness to be appointed for a new 5-year term. The Human Resources Unit shall inform the European Chief Prosecutor without undue delay.
2. The European Chief Prosecutor shall thereafter propose to the College the renewal of the appointment of the European Delegated Prosecutor for another renewable 5-year term or the non-renewal of the appointment.
3. Articles 5 and 6 of this Decision shall apply *mutatis mutandis*.
4. The renewal of the 5-year term shall be decided by the College, in its capacity as Appointing Authority pursuant to Article 96(3) of the EPPO Regulation on the basis of the proposal of the European Chief Prosecutor and the agreement of the European Delegated Prosecutor concerned, given in writing.

## Article 10

### *Renewal of the contract*

On the basis of the decision to renew the 5-year term, adopted by the College pursuant to Articles 8 and 9 of this Decision, the European Delegated Prosecutor concerned shall conclude a renewed contract of special adviser. The provisions of Article 7 shall apply accordingly.

## Section 3

### Dismissal and termination of the contract

## Article 11

### *Dismissal*

1. The College, upon a proposal by the European Chief Prosecutor, shall dismiss a European Delegated Prosecutor in the situations referred to in Articles 12 and 13 of this Decision. The European Delegated Prosecutor has the right to be heard.
2. The decision of the College shall be communicated to the Member State, the supervising European Prosecutor and to the European Delegated Prosecutor concerned.
3. The decision to dismiss the European Delegated Prosecutor shall be reasoned, by indicating, where applicable, the eligibility criteria under Article 17(2) of the EPPO Regulation which are no longer met.

## Article 12

### *Early termination of contract*

1. Where the European Delegated Prosecutor envisages termination of their contract before the end of their 5-year term, the period of notice shall be three months. The College may shorten the period of notice. The EPPO shall immediately inform the Member State concerned to ensure the

timely replacement of the European Delegated Prosecutor in accordance with Article 17(5) of the EPPO Regulation.

2. The contract may be terminated by the EPPO without notice if the European Delegated Prosecutor is unable to resume her/his duties after the expiry of a six months period after having been placed on sick leave pursuant to Article 25 of this Decision. The European Delegated Prosecutor shall be heard before terminating the contract on this ground, unless justified reasons prevent her/him from being heard. The termination shall be communicated immediately to the European Delegated Prosecutor, as well as to the competent authority in the relevant Member State.
3. The contract shall be terminated without notice where the disciplinary sanction of dismissal has been imposed by the College.
4. The contract shall be terminated by the EPPO without notice if the College, under a reasoned proposal made by the European Chief Prosecutor, finds that the European Delegated Prosecutor no longer fulfils the requirements set out in Article 17(2) of the EPPO Regulation or is unable to perform her/his duties for reasons other than those covered under paragraph 3. The conclusion that the European Delegated Prosecutor does not fulfil the requirements under Article 17(2) of the EPPO Regulation may be based on information related to the period before their appointment which became known to the EPPO at a later stage.

## Article 13

### *Termination of the contract in case of non-renewal*

At the end of a 5-year term, the engagement as special adviser of a European Delegated Prosecutor shall be terminated if the contract is not renewed pursuant to Section 2 of Chapter II of this Decision.

## Chapter III

# RIGHTS AND OBLIGATIONS

## Section 1

### Professional development and performance

#### Article 14

##### *Entry into level and progression*

1. The European Delegated Prosecutors shall be engaged on a scale comprising 8 levels.
2. Every three years, a European Delegated Prosecutor shall advance to the next level.
3. A European Delegated Prosecutor shall normally be recruited at level 1. In case a European Delegated Prosecutor has more than 5 years of prior work experience in her/his national system or in previous engagement with the EPPO, she/he shall benefit from an additional level for each period of five full years of relevant work experience. Such classification upon entry into service shall not exceed level 3.
4. A European Delegated Prosecutor shall not advance to the next level if the last finalised appraisal report concluded that her/his performance was unsatisfactory.

#### Article 15

##### *Appraisal*

1. The professional performance of each European Delegated Prosecutor shall be the subject of an appraisal report every second year, unless an extraordinary appraisal is needed. This report will be considered when determining the possibility of renewing the term in office, according to Article 17(1) of the EPPO Regulation and Articles 8 to 10 of this Decision.
2. The appraisal report shall be drawn-up according to the procedure referred to in paragraph 4 of this Article. Upon request, the report shall be transmitted by the European Chief Prosecutor to the competent national authorities for their internal assessment regarding national appraisals, with the consent of the European Delegated Prosecutor concerned.
3. The report mentioned in paragraph 1 shall be adopted by an appraisal committee appointed by the College upon proposal by the European Chief Prosecutor.

4. The procedure for the appraisal referred to in paragraph 1 shall be laid down by a separate College Decision.

## Section 2

### Financial entitlements

#### Article 16

##### *Remuneration and allowances*

1. For their activity, the European Delegated Prosecutors are entitled to the following:
  - (a) a basic monthly remuneration which, for level 1 of the scale as referred to in Article 16 of this Decision, corresponds to the basic monthly salary of an Official in function group AD, grade 9, step 1, as provided in the table in Article 66 of the Staff Regulations. The basic monthly remuneration shall increase of 6% for each next level of that scale.
  - (b) the service allowance referred to in Article 23(4) of this Decision;
  - (c) where applicable, the top-up amount referred to in Article 20 (1), which is determined at the time of the engagement, and may be subject to a revision following any subsequent change in the national reference remuneration taken into account for the purpose of Article 18(1) or in the EPPO remuneration as defined in the present Article of this Decision;
  - (d) where applicable, the special allowance referred to in Article 21 of this Decision.
2. The entitlements mentioned in paragraph (1) are subject to Regulation (EEC, Euratom, ECSC) No 260/68 of the Council of 29 February 1968 laying down the conditions and procedure for applying the tax for the benefit of the European Communities (OJ L 56, p. 8), as subsequently amended.

#### Article 17

##### *Correction coefficient and annual update*

Articles 64 and 65 of the Staff Regulations shall apply by analogy to the entitlements referred to in Article 16 (1), (a), (b) and (d).

## Article 18

### *Top-up amount*

1. In case the total net remuneration of a European Delegated Prosecutor is lower than what it would be if that prosecutor would only have remained a national prosecutor, she/he may apply, submitting appropriate supporting documents, to the Administrative Director to receive a top-up amount that ensures that the total net remuneration will be equal to the net national remuneration.
2. For the purpose of paragraph (1), the total remuneration paid by the EPPO shall consist of the amounts mentioned in Article 16 (1) (a) and (b).
3. In accordance with Article 96(6) of the EPPO Regulation, the top up shall not cover any contributions to the social security, pension and insurance coverage national scheme.
4. The special allowance referred to in Article 21 of this Decision shall not be taken into account when establishing the total remuneration of the European Delegated Prosecutor for the purpose of Article 16 of this Decision.

## Article 19

### *Recovery of overpayments*

1. Any sum overpaid shall be recovered if the recipient was aware that there was no due reason for the payment or if the fact of the overpayment was patently such that she/he could not have been unaware of it.
2. The request for recovery must be made no later than five years from the date on which the sum was paid. Where the recipient deliberately misled the administration with a view to obtaining the sum concerned, the request for recovery shall not be invalidated even if this period has elapsed.

## Section 3

### European Delegated Prosecutors designated to substitute European Prosecutors

## Article 20

### *Additional tasks of a European Delegated Prosecutor designated to substitute the European Prosecutor of her/his Member State*

1. The European Delegated Prosecutor designated to substitute the European Prosecutor shall, in agreement with the European Prosecutor, represent the EPPO in their Member State of origin for institutional and administrative matters to be discussed with the competent national authorities. The representation role ceases in the presence of the European Chief Prosecutor or of the supervising European Prosecutor.
2. A European Prosecutor concerned may assign additional administrative tasks to the European Delegated Prosecutor designated to substitute her/him. Such tasks may include, *inter alia*, the coordination of the staff put at the disposal of the EPPO in their Member States, as well as relations with the media and communication.
3. Where the European Chief Prosecutor has delegated to a European Prosecutor the coordination of the activities of the European Delegated Prosecutors in application of Article 34 of the Internal Rules of Procedure, the European Prosecutor concerned may delegate these tasks to the European Delegated Prosecutor referred to in paragraph 1. The European Chief Prosecutor shall be informed thereof in writing.
4. The European Prosecutor may withdraw the supplementary tasks mentioned in paragraphs 2 and 3 at any time.

## Article 21

### *Special allowance*

If the College approves the proposal to assign additional tasks to the European Delegated Prosecutor designated to substitute the European Prosecutor, the latter is entitled to a special monthly allowance of 600,47 EUR.

## Section 4

### Working conditions and social security

#### Article 22

##### *Place of employment*

The place of employment of each European Delegated Prosecutor shall be determined in a decision of the European Chief Prosecutor, in accordance with the functional division agreed with the Member State concerned pursuant to Article 13(2) of the EPPO Regulation.

#### Article 23

##### *Working time regime*

1. By analogy to Article 55(1) of the Staff Regulations, European Delegated Prosecutors shall be at all times at the disposal of the EPPO.
2. The working hours shall be determined based on the regime applicable to national prosecutors in the Member State of the respective European Delegated Prosecutor.
3. Outside the cases provided for under Articles 37 and 39, the European Chief Prosecutor may approve a request by a European Delegated Prosecutor, for personal grounds, for individual part-time working arrangements, provided that such arrangements are permitted under the working time or leave regime applicable to national prosecutors in the Member State of the requesting European Delegated Prosecutor. In such cases, the entitlements provided for in Article 16 shall be paid *pro rata*.
4. For overtime worked and for the availability outside the regular working hours, as required by the exigencies of the service, the European Delegated Prosecutors shall be entitled to a service allowance at the flat rate of 483,73 EUR per month.

## Article 24

### *Annual leave*

1. The European Delegated Prosecutors' rights relating to annual leave are those governed by the respective national rules and regulations applicable to prosecutors working in the national services to which they remain members, unless otherwise provided for in this Decision.
2. Considering the requirements related to the continuity of the service, the requests for annual leave shall be approved by the European Chief Prosecutor.
3. Where a European Delegated Prosecutor has not used up all their annual leave before the end of the current calendar year, the European Delegated Prosecutor concerned shall be entitled to carry over to the following year only the maximum amount of days of annual leave allowed by the applicable national legislation. Where the national law does not provide a maximum amount, Article 4 paragraph 1 of Annex V to the Staff Regulations shall apply by analogy. In the latter situation, the amount of annual leave which may be carried over shall not exceed twelve days, unless otherwise approved by the European Chief Prosecutor after consultation with the Administrative Director and the supervising European Prosecutor.
4. By analogy to Article 4 paragraph 2 of Annex V to the Staff Regulations, where a European Delegated Prosecutor at the time of leaving the service at the EPPO has not used up all her/his annual leave to which she/he was entitled during her/his term-in-office at the EPPO, she/he shall be paid compensation equal to one-thirtieth of his monthly remuneration at the time of leaving the service for each day's leave due to her/him, with a maximum of 24 days. For the rest of the annual leave days not used, where applicable, the European Chief Prosecutor shall inform the relevant national authorities, in order to ensure continuity and to respect the leave rights of the former European Delegated Prosecutor, at national level.
5. By analogy to Article 4 paragraph 3 of Annex V to the Staff Regulations, a sum calculated in the manner provided for in the preceding paragraph shall be deducted from payment due to a European Delegated Prosecutor who at the time of leaving the service has drawn annual leave in excess of her/his entitlement up to that date.
6. A European Delegated Prosecutor appointed without interruption of service for the EPPO as European Prosecutor shall be entitled to carry over any accrued unused annual leave days prior to this appointment. Following the change of status, the use of carried-over leave days will be subject to the relevant rules of the Staff Regulations, CEOS, and their related implementing provisions.

## Article 25

### *Sick leave*

1. The European Delegated Prosecutors' rights relating to sick leave are those established by the national rules.
2. While the European Delegated Prosecutor is on sick leave, the EPPO shall pay the entitlements referred to in Article 16(1) under the same conditions as those foreseen by the national rules, unless such entitlements are covered by the national sickness insurance scheme.
3. The requests for sick leave shall be acknowledged by the European Chief Prosecutor.

## Article 26

### *Maternity, paternity and parental leave*

1. The European Delegated Prosecutors shall benefit from the national rules on maternity, paternity and parental leave.
2. While the European Delegated Prosecutor is on maternity, paternity or parental leave, the EPPO shall pay the entitlements referred to in Article 16(1) under the same conditions as those foreseen by the national rules, unless such entitlements are covered by the national social security scheme.
3. The requests for maternity leave, paternity and parental leave shall be notified according to the national rules to the European Chief Prosecutor and communicated to the Human Resources Unit for administrative purposes.
4. Special part-time working arrangements during maternity, paternity and parental leave may be approved by the European Chief Prosecutor, provided that such arrangements are permitted under the applicable regime for national prosecutors in the Member State of the respective European Delegated Prosecutor. Article 23 paragraph 3 shall apply *mutatis mutandis*.

## Article 27

### *Other types of leave*

1. Leave on personal grounds, special leave and other types of leave of which prosecutors may benefit according to the applicable national law shall be granted in the same conditions to European Delegated Prosecutors.

2. The corresponding provisions from Annex V to the Staff Regulations shall apply by analogy in absence of equivalent national law provisions.
3. The requests for the types of leave referred to in paragraph 1 shall be approved by the European Chief Prosecutor, after consultation with the Administrative Director and the supervising European Prosecutor.

## Article 28

### *Public holidays*

The European Delegated Prosecutors shall benefit from the national rules on public holidays applicable to prosecutors working in the national services of which they remain members.

## Section 5

### Ethics

## Article 29

### *Outside activities*

1. An 'outside activity', as referred to in Article 12b of the Staff Regulations, means any activity, paid or unpaid, that:
  - (i) is not part of the European Delegated Prosecutor's duties, including those covered by a mission order or an authorisation to travel for work-related reasons such as giving a speech or a presentation, and
  - (ii) cannot reasonably be considered a hobby or leisure activity.
2. By analogy to Article 12b of the Staff Regulations, a European Delegated Prosecutor wishing to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside her/his work for the EPPO, shall first obtain the permission of the European Chief Prosecutor. Permission shall be refused if the activity or assignment in question is such as to interfere with the performance of the European Delegated Prosecutor's duties or is incompatible with the interests of the EPPO.
3. Provided that they fall within the scope of this Decision as defined in paragraph 1, and that the supervising European Prosecutor is duly informed of, prior permission shall be deemed to be granted for activities meeting the following cumulative conditions:

- (a) they are unpaid or do not generate revenues;
- (b) they are neither pursued in a professional capacity nor are performed for a commercial entity;
- (c) they are performed outside the regular working hours or are covered by a duly approved leave or recuperation;
- (d) the impartiality and objectivity of the European Delegated Prosecutor while performing her/his duties are not compromised, or may not appear to be compromised in the eyes of third parties, because of interests which diverge from those of the EPPO;
- (e) the outside activity or assignment has no negative impact on the reputation and/or on the trustfulness of the EPPO;
- (f) the other obligations laid down in this Decision are complied with.

4. As examples, the following activities are in principle deemed to fulfil the mandatory conditions set out above for the prior permission to be considered granted:

- any unpaid activity that has no link with the activities of the European Union / the EPPO, is carried out in a purely private capacity and is undertaken from time to time only, upon need, in particular:
  - (i) charitable and humanitarian activities;
  - (ii) activities relating to sport or wellbeing;
  - (iii) craftwork, artistic or cultural activities;
- unpaid teaching activities unless they are performed for a commercial entity;
- the mere ownership of assets or holdings, or the management of the personal or family fortune, whether in a private capacity or as a shareholder of a company, but not running a business;
- the mere membership of a professional order or association, unless the code of conduct of the order or association conflicts with the European Delegated Prosecutor's obligations under the EPPO Regulation and this Decision.

5. By analogy to the second paragraph of Article 16 of the Staff Regulations, a European Delegated Prosecutor intending to engage in an occupational activity other than her/his function as national prosecutor or within the national judiciary within one year after the end of their mandate as European Delegated Prosecutor, shall inform the European Chief Prosecutor thereof; the latter shall inform the College. If the respective activity is related to investigations carried out by the European Delegated Prosecutor during her/his service within the EPPO and it could lead to a conflict with legitimate interests of the EPPO, the College may, having regard to the interests of

the service, either forbid her/him from undertaking it or give its approval subject to any conditions it deems fit. The College shall notify its decision within 30 working days of being so informed. If no such notification has been made by the end of that period, this shall be deemed to constitute implicit acceptance.

## Article 30

### *Ethics compliance*

The European Delegated Prosecutors shall comply with the applicable provisions from the Internal Rules of Procedure of the EPPO and all special rules adopted by the College in the field of ethics and declaration of interests.

## Article 31

### *Disclosure of information in legal proceedings*

By virtue of Article 124 CEOS, Article 19 of the Staff Regulations applies by analogy to European Delegated Prosecutors. However, Article 19 of the Staff Regulations shall not be construed as applying to disclosure in legal proceedings by European Delegated Prosecutors within the exercise of their duties.

## Article 32

### *Right to assistance*

1. By analogy to Article 24 of the Staff Regulations, the EPPO shall assist a European Delegated Prosecutor, in particular in proceedings against any person perpetrating threats, insulting or defamatory acts or utterances, or any attack to person or property to which she/he or a member of her/his family is subjected by reason of her/his position or duties.
2. The EPPO shall jointly and severally compensate the European Delegated Prosecutor for damage suffered in such cases, insofar as the European Delegated Prosecutor did not either intentionally or through grave negligence cause damage and has been unable to obtain compensation from the person who did cause it.



## Chapter IV

# DISCIPLINARY PROCEEDINGS

### Article 33

#### *Disciplinary action and proceedings*

1. Any failure by a European Delegated Prosecutor to comply with her/his professional obligations, as provided for in the EPPO Regulation, Article 124 CEOS and this Decision, whether intentionally or through negligence on his part, shall make her/him liable to disciplinary action.
2. Where the European Chief Prosecutor becomes aware of evidence of failure within the meaning of paragraph 1, she/he may launch administrative investigations to verify whether such failure has occurred.
3. The misconducts liable to give rise to disciplinary action and the disciplinary procedure against European Delegated Prosecutors shall be determined in a separate decision (hereinafter "the decision on the disciplinary procedure") to be adopted by the College upon proposal of the European Chief Prosecutor.
4. These provisions shall be without prejudice to the independence of European Delegated Prosecutors as provided for in Article 6 (1) of the EPPO Regulation.

### Article 34

#### *Composition of the Disciplinary Board*

By derogation to Article 5 (2) of Annex IX to the Staff Regulations, the procedure applicable to the Disciplinary Board and its composition shall be determined in the decision on the disciplinary procedure.

### Article 35

#### *Suspension*

1. The provisions of Articles 23 and 24 of Annex IX to the Staff Regulations apply by analogy for the decision of suspending a European Delegated Prosecutor.

2. The decision to suspend a European Delegated Prosecutor shall be taken by the College upon a proposal by the Disciplinary Board when there are serious grounds to believe that the disciplinary breach could lead to the disciplinary measure of dismissal.

## Article 36

### *Disciplinary measures*

1. The disciplinary measures applicable to European Delegated Prosecutors shall be determined in the decision on the disciplinary procedure.
2. By derogation to Article 11 of Annex IX to the Staff Regulations, any disciplinary measure against a European Delegated Prosecutor shall be taken by the College only upon a proposal by the Disciplinary Board and in accordance with the decision on the disciplinary procedure.

## Chapter V

### OTHER PROVISIONS

## Article 37<sup>4</sup>

### *European Delegated Prosecutors exercising functions as national prosecutors*

1. A European Delegated Prosecutor may continue to exercise functions as national prosecutor in accordance with Article 13(3) of the EPPO Regulation only if this is permitted under the agreement reached, according to Article 13(2) of the EPPO Regulation, between the European Chief Prosecutor and the relevant authority of the Member State of the respective European Delegated Prosecutor.
2. When a European Delegated Prosecutor of a Member State also exercises functions as national prosecutor in accordance with Article 13(3) of the EPPO Regulation, the EPPO shall pay the

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<sup>4</sup> Paragraphs 3 to 6 of Article have been added by Article 1 of the College Decision 026/2026 of 20 May 2026.

remuneration according to Article 16 of this Decision and the Member State shall reimburse the EPPO for the actual work performed as a national prosecutor.

3. By derogation from paragraph 2, in duly justified cases, when a European Delegated Prosecutor performs their function exclusively before specialised national jurisdictions, or only in relation to criminal proceedings before high national courts deciding only on questions of law, the agreement referred to in paragraph (1) may establish which quota of their working time the European Delegated Prosecutor concerned shall dedicate to the exercise of their functions under the EPPO Regulation, and that the remuneration of that European Delegated Prosecutor under Article 16 will be paid by the EPPO only in proportion to that quota. In such cases, Article 38 (3) shall not apply.<sup>5</sup>
4. In the cases referred to in paragraph 3, the agreement under paragraph 1 shall be subject to review at the latest one year after its conclusion, and every following year for the duration of the term of service of the European Delegated Prosecutor concerned. The European Chief Prosecutor shall inform the College of cases of application of this paragraph.<sup>6</sup>
5. Article 24 shall not apply to European Delegated Prosecutors referred to paragraph (3). Leave rights and regulations under national law will apply to these European Delegated Prosecutors. Considering the requirements related to the continuity of service, these European Delegated Prosecutors shall inform the supervising European Prosecutor of their requests for annual leave.<sup>7</sup>
6. Articles 23 (4), 25, 26 and 27 shall not apply to European Delegated Prosecutors referred to in paragraph (3).<sup>8</sup>

## Article 38

### *Special conditions*

1. In accordance with Article 13(3) of the EPPO Regulation, a European Delegated Prosecutor that continues to exercise functions as national prosecutor shall inform her/his supervising European Prosecutor of her/his functions in national capacity, including of any situation that will prevent her/him from fulfilling her/his obligations in capacity of European Delegated Prosecutor, including any conflict of interest that might arise.

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<sup>5</sup> According to Article 2 of the College Decision 026/2026, this paragraph entered into force on 1 June 2026.

<sup>6</sup> According to Article 2 of the College Decision 026/2026, this paragraph entered into force on 1 June 2026.

<sup>7</sup> According to Article 2 of the College Decision 026/2026, this paragraph entered into force on 1 June 2026.

<sup>8</sup> According to Article 2 of the College Decision 026/2026, this paragraph entered into force on 1 June 2026.

2. Article 23(1) of this Decision shall fully apply to European Delegated Prosecutors that continue to exercise functions as national prosecutors.
3. The criteria for determining in each individual case the assessment of the actual work performed monthly by the European Delegated Prosecutor on behalf of the EPPO and on behalf of the national authorities, as well as the precise modalities of reimbursement by the Member State of the EPPO, shall be determined by a working arrangement between the EPPO and the relevant authority of the respective Member State. This arrangement can be concluded by exchange of letters.

## Article 39

### *Exception*

1. Exceptionally, provided that the agreement provided for in Article 13(2) of the EPPO Regulation allows it, a European Delegated Prosecutor may be authorised to exercise exclusively functions as national prosecutor, for a period of at least one month and not longer than 1 year, to be determined in the agreement mentioned in Article 37(1). The agreement may be renewed.
2. The contract of the European Delegated Prosecutor exclusively exercising functions as national prosecutor shall include a reference to this arrangement and specify its expected/maximum duration.
3. Where a European Delegated Prosecutor exercises exclusively functions as national prosecutor, she/he shall continue to be paid by the competent national authority in her/his capacity as national prosecutor and according to the applicable national rules.
4. During the period a European Delegated Prosecutor exclusively exercises functions as national prosecutor, in accordance with paragraph 1, the provisions of Articles 23 to 27 and of Article 32 of this Decision shall not apply to her/him.
5. At any time, if the agreement mentioned in Article 37(1) of this Decision is modified in respect of European Delegated Prosecutors engaged in accordance with paragraph 1, those European Delegated Prosecutors shall be engaged in accordance with the general rules from this Decision or according to Articles 37-38 of this Decision, respectively. The term set out in Article 17 (1) of the EPPO Regulation shall be calculated from the day the contract of the European Delegated Prosecutor is correspondingly amended.

## Chapter VI

# FINAL PROVISIONS

### Article 40

#### *Delegation*

The European Chief Prosecutor may delegate to the Administrative Director the task referred to in Article 7(3) of this Decision and to the relevant supervising European Prosecutor the tasks referred to in Articles 24, 25 and 26 of this Decision.

### Article 41

#### *Replacement and repeal*

1. On the date of the entry into force of this Decision, the following decisions are hereby replaced and repealed:
  - (1) Decision 001/2020 of the College of the EPPO of 29 September 2020 laying down rules on conditions of employment of the European Delegated Prosecutors;
  - (2) Decision 013/2020 of the College of the EPPO of 16 November 2020 laying down rules on the procedure for the appointment of the European Delegated Prosecutors;
  - (3) Decision 013/2021 of the College of the EPPO of 24 February 2021 laying down rules on the tasks and rights of the European Delegated Prosecutors designated to substitute the European Prosecutors of their Member States;
  - (4) Decision 017/2021 of the College of the EPPO of 24 March 2021 amending and supplementing the College Decision 001/2020 of 29 September 2020 laying down rules on conditions of employment of the European Delegated Prosecutors;
  - (5) Decision 098/2021 of the College of the EPPO of 22 September 2021 laying down rules on the procedure for assessing persisting compliance of a European Delegated Prosecutor with the criteria set in Article 17(2) of the EPPO Regulation;
  - (6) Decision 007/2023 of the College of the EPPO of 22 February 2023 amending and supplementing the College Decision 001/2020 of 29 September 2020 laying down rules on conditions of employment of the European Delegated Prosecutors, as amended and supplemented by the College Decisions 017/2021 and 103/2021;

- (7) Decision 058/2024 of the College of the EPPO of 10 October 2024 on the members of the working group designated to assess the compliance of the European Delegated Prosecutors nominated by Member States with the eligibility criteria.
2. On the date of the entry into force of this Decision, references to the decisions replaced and repealed according to paragraph 1 shall be construed as references to this Decision.

## Article 42

### *Entry into force and application*

1. This Decision shall enter into force on the fifteenth day following the date of its adoption by the College of the European Public Prosecutor's Office (EPPO).
2. This Decision shall apply to contracts of employment of European Delegated Prosecutors signed after its entry into force. For ongoing contracts, which remain valid, this Decision shall apply from the date of its entry into force to the future effects of those employment relationships<sup>9</sup>, except for Articles 14(4) and 39(1) of this Decision, which will not apply until the ongoing contracts are renewed.

Done at Luxembourg on 12 February 2025.

**On behalf of the College,**

**Laura Codruța KÖVESI**

**European Chief Prosecutor**

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<sup>9</sup> In line with the principle that the new rules apply immediately to the current and future effects of situations that arose under the previous rules. See also Judgment in case T-494/23, HG v Commission, 16.10.2024, EU:T:2024:703, points 22-23.

## Annex

### Preamble of College Decision 026/2026

“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’<sup>10</sup>, and in particular Articles 9 and 114(c) thereof,

Having regard to 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 Community of Atomic Energy, hereinafter referred to as “the Staff Regulations” and, respectively “the CEOS”, and in particular to Articles 5, 123 and 124 of the CEOS<sup>11</sup>,

Having regard to the decision of the College of the European Public Prosecutor’s Office of 12 October 2020 on the Internal Rules of Procedure of the EPPO (hereinafter referred to as “the Internal Rules of Procedure”), as amended and supplemented, and in particular Articles 31, 33 and 34 thereof,

Having regard to the decision of the College of the European Public Prosecutor’s Office of 13 January 2021 on the Financial Rules applicable to the EPPO, as amended by the Decision 023/2023 of the College of the EPPO of 19 April 2023 (hereinafter “the Financial Rules”), and in particular Article 78 thereof,

Whereas:

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<sup>10</sup> OJ L 283, 31.10.2017, p.1-71.

<sup>11</sup> 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.

- (1) As a rule, to preserve the EPPO's independence and ensure the efficiency of its investigative and prosecutorial activity, the European Delegated Prosecutors shall work exclusively for the EPPO.
- (2) Exceptionally, according to Article 13(3) of the EPPO Regulation, European Delegated Prosecutors *"may also exercise functions as national prosecutors, to the extent that this does not prevent them from fulfilling their obligations under this Regulation"*.
- (3) Articles 37 to 39 of Decision 015/2025 of the College of the EPPO of 12 February 2025 on the conditions of employment of the European Delegated Prosecutors, and replacing and repealing Decisions 001/2020, 013/2020, 017/2021, 013/2021, 098/2021, 007/2023 and 058/2024 of the College of the EPPO (hereinafter "College Decision 015/2025" or "the CEEDP") establish the conditions under which European Delegated Prosecutors may continue exercising functions as national prosecutors. While, in line with Article 13(3) of the EPPO Regulation, these conditions are meant to ensure that exercise of functions as national prosecutors remains the exception, the provisions of Article 37 of the CEEDP in force to date are only fit for those situations where the European Delegated Prosecutors work preponderantly for the EPPO.
- (4) The limited and extraordinary situations where, in the interest of the EPPO, European Delegated Prosecutors may be allowed to exercise preponderantly functions as national prosecutors would require an amendment of Article 37 of the CEEDP, with the aim to diminish the administrative burden for all parties concerned."