

## European Prosecutors

### Background

The European Public Prosecutor's Office (the EPPO) will be an independent European prosecution service responsible for investigating, prosecuting and bringing to justice the perpetrators of, and accomplices to, criminal offences affecting the financial interests of the EU. The [EPPO Regulation \(EU\) 2017/1939](#)<sup>1</sup> entered into force on 20 November 2017. In accordance with Article 120 of that Regulation, the EPPO will begin its operations following a decision of the Commission, once it is set up, but not earlier than 3 years from the date of entry into force of the EPPO Regulation.

The period between the entry into force of the EPPO Regulation and the date on which the EPPO will begin its operations will be dedicated to the setting up of the new EU body. In line with Article 20 of the EPPO Regulation, the Commission is responsible for the establishment and initial administrative operation of the EPPO, until the latter has the capacity of implementing its own budget.

### Eligibility criteria

In accordance with Article 16(1) of the EPPO Regulation, **each Member State shall nominate three candidates for the position of European Prosecutor from among candidates:**

- a) Who are active members of the public prosecution service or judiciary of the relevant Member State;
- b) Whose independence is beyond doubt; and
- c) Who possess the qualifications required for appointment to high prosecutorial or judicial office in their respective Member States, and who have relevant practical experience of national legal systems, of financial investigations and of international judicial cooperation in criminal matters.

Further eligibility criteria derive from the application to the European Prosecutors of the **Staff Regulations and Conditions of Employment of other Servants of the European Union (CEOS)**<sup>2</sup>.

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<sup>1</sup> Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO'), OJ L 283, 31.10.2017, p. 1–71. Hereinafter EPPO Regulation.

<sup>2</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 45, 14.6.1962, p. 1385)

These relate, in particular, to:

A) **Age:** Article 6 of the EPPO Regulation provides for the independence of the EPPO, including that of the European Prosecutors. In consequence, candidates shall be able to complete the 6-year mandate before reaching the age of retirement, which, in accordance with Article 47(a) CEOS, is “the end of the month in which the servant reaches the age of 66”.

B) **Other** (in accordance with **Article 12 (2) CEOS**):

(a) To be a national of one of the Member States of the Union, and to enjoy full rights as a citizen;

(b) To have fulfilled any obligations imposed by the laws concerning military service;

(c) To produce the appropriate character references as to the suitability for the performance of their duties;

(d) To be physically fit to perform their duties; and

(e) To produce evidence of a thorough knowledge of one of the languages of the Union and of a satisfactory knowledge of another language of the Union to the extent necessary for the performance of their duties

### **Appointment procedure**

Member States will be invited to nominate candidates by letter of the Commission. The indicative timeframe for this invitation can be estimated to be January 2019, subject however to confirmation.

The nominations by Member States will be reviewed by the selection panel referred to in Article 14(3) of the EPPO Regulation, which will also conduct interviews with the candidates. The panel will give a reasoned opinion on the candidates' qualifications to perform the duties of European Prosecutors and shall rank the candidates according to their qualifications and experience. The ranking shall indicate the panel's order of preference and shall not be binding on the Council. However, if the selection panel finds that a candidate does not fulfil the conditions required for the performance of the duties of a European Prosecutor, its opinion shall be binding on the Council.

After having received the reasoned opinion of the panel, including the ranking list, the Council, acting by simple majority, shall select and appoint one of the candidates to be the European Prosecutor of the Member State in question.

The Council shall select and appoint the European Prosecutors for a **non-renewable term of 6 years**. The Council may decide to extend the mandate for a maximum of 3 years at the end of the 6-year period. Every 3 years there shall be a partial replacement of one third of the European Prosecutors. The Council, acting by simple majority, shall adopt transitional rules for the appointment of European Prosecutors for and during the first mandate period.

## **Duties and responsibilities**

Pursuant to the EPPO Regulation, in particular Article 12, the European Prosecutor:

- Shall supervise the investigations and prosecutions for which the European Delegated Prosecutors handling the case in their Member State of origin are responsible, on behalf of the Permanent Chamber and in compliance with any instructions it has given in accordance with Article 10(3), (4) and (5).
- Shall present summaries of the cases under their supervision and, where applicable, proposals for decisions to be taken by the competent Permanent Chamber, on the basis of draft decisions prepared by the European Delegated Prosecutors.
- May/shall substitute other European Prosecutors, in accordance with Article 12(1), subparagraph 2, and (2), as well as the internal rules of procedure of the EPPO;
- May, in a specific case and in compliance with applicable national law and with the instructions given by the competent Permanent Chamber, give instructions to the handling European Delegated Prosecutor, whenever necessary for the efficient handling of the investigation or prosecution or in the interest of justice, or to ensure the coherent functioning of the EPPO;
- Review, where the national law of a Member State provides for the internal review of certain acts within the structure of a national prosecutor's office, acts taken by the European Delegated Prosecutor in accordance with the internal rules of procedure of the EPPO, without prejudice to the supervisory and monitoring powers of the Permanent Chamber;
- Shall liaise and function as information channel between the Permanent Chambers and the European Delegated Prosecutors in their respective Member States of origin;
- Shall monitor the implementation of the tasks of the EPPO in their respective Member States, in close consultation with the European Delegated Prosecutors;
- Shall ensure, in accordance with this Regulation and the internal rules of procedure of the EPPO that all relevant information from the Central Office is provided to European Delegated Prosecutors and vice versa;
- Shall carry out any other task, as provided in the EPPO Regulation.

## **Functions**

In discharging their duties, the European Prosecutors will fulfil a range of different functions, in particular: operative functions, by exceptionally taking over the conduct of an investigation in accordance with Article 28 (4); supervisory functions, by supervising the investigations and prosecutions, in the their Member State of origin or exceptionally, in accordance with Article 12 (2), on behalf of the Permanent Chambers as well as in their function as members of the Permanent Chambers, which monitor

and direct investigations and prosecutions assigned to them and also ensure the coordination of investigations and prosecutions in cross-border cases; strategic functions, as members of the College, where they will be required to contribute to the adoption of acts of general application (such as the internal rules of procedure), strategic guidance (such as, e.g., the guidelines on the exercise of the right of evocation provided for in Article 27 (8)) or decisions on general matters arising from individual cases (Article 9).

**In this respect, the following skills and abilities would be of importance:**

- Extensive experience as a public prosecutor, relevant practical experience in investigations and prosecutions of major financial crimes and corruption cases, as well as in international cooperation in criminal matters. Experience with offences against the financial interests of the EU would be an asset. Member States should determine the minimum duration of the required professional experience in such manner as to ensure that all European Prosecutors have sufficient seniority, taking into account the coordination tasks assigned to them and the need to work together with the other European Prosecutors in a European high-level judicial body. The minimum duration of the required professional experience should take into account the specific characteristics of the careers of Prosecutors, and the structure of Prosecution offices, in each Member State;
- Experience in managing or coordinating the work of other prosecutors, in consideration of the supervising role they will have to play vis-à-vis the European Delegated Prosecutors from their Member States, including their liaison role between them and the Permanent Chambers;
- Experience in dealing with cross-border investigations;
- The ability to work in a complex multicultural environment, including the ability to confront themselves with legal systems different than their own; in this regard, and to allow the assessment of their ability to communicate effectively, candidates should be invited, at the moment of application, to specify all the EU languages they know and the corresponding level of knowledge according to the Common European Framework of Reference for Languages.
- An excellent knowledge of the institutional and legal framework of the Union;
- Demonstrated understanding of and commitment to the independence and guardianship of fundamental rights required in the EPPO's investigative/prosecutorial role;
- High ethical standards and personal integrity;

- Excellent interpersonal, decision-making, communication and negotiating skills, being able to build trusted working relationships with all stakeholders etc.

### **Conditions of employment**

The European Prosecutors will be appointed as Temporary Agents of the EPPO under Article 2(a) of the CEOS at grade AD12.

The Staff Regulations and the CEOS and the rules adopted by agreement between the institutions of the Union for giving effect to those Staff Regulations and CEOS shall apply to them.

The place of employment will be Luxembourg.

### **Security clearance**

The selected candidate should hold, or be in the position to obtain, a valid security clearance certificate **at the level of EU Secret** from his/her national security authority.

A personal security clearance is an administrative decision following completion of a security screening conducted by the individual's competent national security authority in accordance with applicable national security laws and regulations, and certifying that an individual may be allowed to access classified information up to a specified level. Please note that the necessary procedure for obtaining a security clearance can be initiated on request of the employer only, and not by the individual candidate.