DECISIONS

COUNCIL DECISION (EU) 2023/1335

of 27 June 2023

appointing the European Prosecutors of the European Public Prosecutor's Office

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

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') ([1]), and in particular Article 16 thereof,

Having regard to Council Implementing Decision (EU) 2018/1696 of 13 July 2018 on the operating rules of the selection panel provided for in Article 14(3) of Regulation (EU) 2017/1939 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') ([2]),

Having regard to Council Decision (EU) 2023/133 of 17 January 2023 appointing the members of the selection panel provided for in Article 14(3) of Regulation (EU) 2017/1939 ([3]),

Having regard to the reasoned opinions and the ranking of the candidates drawn up by the selection panel,

Whereas:

(1) The EPPO was established by Regulation (EU) 2017/1939.

(2) The European Prosecutors are to supervise investigations and prosecutions in accordance with Article 12 of Regulation (EU) 2017/1939.

(3) The mandates of eight European Prosecutors appointed for a non-renewable period of three years by Council Implementing Decision (EU) 2020/1117 ([4]) expire on 28 July 2023. To ensure the continuity of functioning of the EPPO College, which consists of the European Chief Prosecutor and one European Prosecutor per participating Member State, it is necessary for the Council to appoint eight European Prosecutors for those positions becoming vacant from 29 July 2023.

(4) Implementing Decision (EU) 2018/1696 lays down the operating rules of the selection panel provided for in Article 14(3) of Regulation (EU) 2017/1939 (the 'operating rules of the selection panel').

(5) Pursuant to Article 16(1) of Regulation (EU) 2017/1939, each participating Member State is to nominate three candidates for the position of European Prosecutor from among candidates who are active members of the public prosecution service or judiciary of the relevant Member State, whose independence is beyond doubt and 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.

([1]) OJ L 283, 31.10.2017, p. 1.
([2]) OJ L 282, 12.11.2018, p. 8.
([3]) OJ L 17, 19.1.2023, p. 90.
([4]) Council Implementing Decision (EU) 2020/1117 of 27 July 2020 appointing the European Prosecutors of the European Public Prosecutor's Office (OJ L 244, 29.7.2020, p. 18).

(6) Greece, Italy, Cyprus, Lithuania and Austria have nominated the candidates for the positions becoming vacant from 29 July 2023.

(7) The selection panel drew up the reasoned opinions and the ranking for each of the candidates nominated by those Member States who fulfilled the conditions set out in Article 16(1) of Regulation (EU) 2017/1939 and submitted them to the Council, which received them on 2 May 2023.

(8) Pursuant to the fourth paragraph of Rule VII.2 of the operating rules of the selection panel, the selection panel ranked the candidates according to their qualifications and experience. The ranking indicates the selection panel's order of preference and is not binding on the Council.

(9) In accordance with Article 16(2) of Regulation (EU) 2017/1939, after having received the reasoned opinions of the selection panel, the Council is to select and appoint one of the candidates to be the European Prosecutor of the participating Member State in question.

(10) In accordance with Article 16(3) of Regulation (EU) 2017/1939, the Council, acting by simple majority, is to select and appoint the European Prosecutors for a non-renewable term of 6 years.

(11) The Council assessed the respective merits of the candidates taking into account the reasoned opinions submitted by the selection panel.

(12) With regard to the reasoned opinion concerning the candidates nominated by Cyprus, the grounds put forward by the selection panel sufficiently establish that given the exceptional circumstances in that Member State, it is objectively impossible for that Member State to find further eligible candidates within a reasonable time, in spite of the fact that that Member State has deployed all necessary efforts to do so. Therefore, the conditions set out in the third paragraph of Rule VII.2. of the operating rules of the selection panel are met. In the light of the above-mentioned exceptional circumstances, the Council considered that the reasoned opinion submitted with regard to candidates nominated by Cyprus offered it sufficient choice of suitable candidates and, since any further delay in the appointment of the European Prosecutors would have serious adverse consequences on the effectiveness of European Union law, decided to proceed on that basis.

(13) On the basis of an assessment of the respective merits of the candidates, the Council followed the non-binding order of preference indicated by the selection panel for the candidates nominated by Greece, Cyprus, Lithuania and Austria.

(14) As regards the candidates nominated by Italy, on the basis of an assessment of the respective merits of those candidates, which was carried out in the relevant preparatory bodies of the Council, and taking into account the reasoned opinion submitted by the selection panel, complementary information and relevant documents submitted by Italy, the Council did not follow the non-binding order of preference of the selection panel,

HAS ADOPTED THIS DECISION:

Article 1

The following persons are hereby appointed European Prosecutors of the EPPO for a non-renewable period of six years from 29 July 2023:

Mr Nikolaos PASCHALIS ([5]),

Mr Andrea VENEGONI ([6]),

([5]) Nominated by Greece.
([6]) Nominated by Italy.

Ms Anne PANTAZI LAMPROU ([7]),

Mr Gedgaudas NORKŪNAS ([8]),

Ms Ursula SCHMUDERMAYER ([9]).

Article 2

This Decision shall enter into force on the date following that of its publication in the *Official Journal of the European Union*.

Done at Luxembourg, 27 June 2023.

For the Council
The President
J. ROSWALL

([7]) Nominated by Cyprus.
([8]) Nominated by Lithuania.
([9]) Nominated by Austria.