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NOTE

From: Commission services
To: Council

Subject: Non-paper from the Commission services on the state of play of the setting up of the European Public Prosecutor's Office (EPPO)

Delegations will find attached the above mentioned non-paper.

**Non-paper from the Commission services on the state of play of the setting up of the
European Public Prosecutor's Office (EPPO)**

This document presents an update on the preparatory steps taken in relation to the establishment process of the EPPO, as provided for by Council Regulation (EU) 2017/1939, highlighting the progress made since December 2019.

- **European Prosecutors:** The Selection Panel set up pursuant to Article 14(3) of Council Regulation (EU) 2017/1939 will hear on 13 March 2020 the outstanding three candidates nominated by Malta.
- **EPPO internal rules of procedure and Conditions of Employment for EDPs:** The drafts for the Internal Rules of Procedure and the Conditions of Employment for European Delegated Prosecutors (EDPs) were provided to the European Chief Prosecutor in January 2020.
- **Case Management System (CMS):** The development of the CMS has started for the roll out of the first version for November 2020. Preparatory work has also started on the EPPO data centre.
- **Budget:** The budget for 2020 has been awarded by the Budgetary Authority and is operational. It might be subject to amendments in line with the relevant budgetary procedures, i.e. a possible amending budget. In March, the Commission provided 3 million euro additional financing for the development of CMS. The budget for 2021 follows the normal annual budgetary procedure and should be decided by the Budgetary Authority in 2020, subject to the adoption of the Multiannual Financial Framework.
- **Staff recruitment:** Six additional EPPO staff started in January 2020 and there is now 11 EPPO staff. Seven additional staff will start in the next two months. Three selection procedures are still ongoing.

- **Premises:** The works on the EPPO premises located in the Tower B building (floors 1-5) together with its Annex on the Kirchberg Plateau in Luxembourg have commenced in January 2020 with the aim of being completed by November 2020.
- **Council of Europe Conventions:** The EPPO Regulation sets out the framework for developing the EPPO's relationship with third countries and provides for a mechanism to facilitate cooperation in matters falling within the competence of the EPPO. On that basis, the EPPO Regulation binds the participating Member States to recognise and, where applicable, notify the EPPO as a competent authority to implement multilateral international agreements on legal assistance in criminal matters, including the European Convention on Mutual Assistance in Criminal Matters of 1959 and its protocols. Discussions on this topic continued in the Council Working Party meetings (COPEN). At the last meeting on 19 February 2020, delegations were invited to provide written comments on the revised text for a draft declaration to notify the EPPO as competent authority under the European Convention on Mutual Assistance in Criminal Matters of 1959.
- **Adaptations:** The Commission monitors the legal and administrative adaptations in the Member States that are needed to comply with the EPPO Regulation and discussed this topic in the EPPO Expert Group meeting on 9 March 2020.
- **PIF Directive** Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (PIF Directive) was due to be transposed on 6 July 2019. The Commission is currently carrying out a transposition check. To date, 18 Member States notified the Commission stating that they transposed the PIF Directive completely, four Member States stated that they transposed the Directive in parts, while four Member States still did not notify the Commission at all. Denmark does not take part in the PIF Directive. The Commission on 19 September 2019 sent out 'Letters of Formal Notice' to those Member States that failed to notify the Commission of a complete transposition of the PIF Directive. All those Member States replied that they prepared or are preparing draft legislation to that end.