



European Parliament

IPOL-COM-LIBE D (2019) 14842

D 305941 12.04.2019

Mr Antonio TAJANI  
President of the European Parliament  
PHS 09B011  
Brussels

**Subject:** *Appointment of the European Chief Prosecutor - Outcome of the third meeting between the EP and Council negotiating delegations - Brussels, 4 April 2019*

Dear President,

We would like to inform you of the outcome of the third meeting between the Parliament's and the Council's negotiating delegations, which took place Thursday, 4 April in the afternoon at Parliament's premises in Brussels.

Before going through the agenda, the Parliament's negotiating delegation informed the Council's delegation of the statement you made in plenary on 3 April, expressing the continuous support of the Parliament to Ms. Kövesi to become the EU Chief Prosecutor;

The agenda proposed by the Council foresaw the discussion of the profile and merits of the two candidates for which the Parliament and the Council had expressed their preference. In light of the recent events in Romania where the Parliament's candidate had been placed under judicial control and morally and professionally attacked by the Romanian authorities, the Parliament's delegation insisted that the discussions could not carry on as if nothing had happened, circumventing the current political situation in Romania that affects directly Ms. Kövesi's candidature<sup>1</sup>.

The Council's negotiating delegation indicated that it was aware of the situation in Romania. However the candidate should be chosen independently from the current events. The Chief Prosecutor should be independent and able to work with all stakeholders.

It should not be ignored that the situation as described above could be detrimental to the European Parliament's candidate, and could also affect the Council's candidate whom the Parliament does not support.

The Council's unwillingness to recognise the latest events in Romania as a judicial crisis undermining the Parliament's candidate was considered unacceptable by the Parliament's delegation who asked for an updated negotiating mandate from the COREPER. The Council's delegation affirmed that the EPPO was on every COREPER agenda and refused to contemplate this suggestion.

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<sup>1</sup> It is to be noted that the decision of judicial control was lifted by the Romanian High Court on 3 April 2019.

The Parliament's negotiators still highlighted some additional elements that are relevant for the decision, such as the fact that Ms. Kövesi is a - highly competent - woman, and they recalled that you, on behalf of the Parliament, already wrote to the Council in March this year asking the Council to better respect the principle of gender balance for the appointment of EU key staff. In addition, the fact that Romania is not holding a single EU key post was also mentioned. However, these arguments did not succeed in changing the position of the Council's delegation as regards an update of the mandate.

The next meeting was adjourned without any alternative date being agreed.

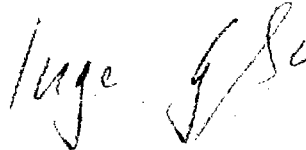
Subsequently, the Council proposed two alternative dates for a further negotiation round. The Parliament's delegation would very much welcome to continue negotiations with the Council as soon as the Council returns to the negotiation table with a fresh approach, taking due account of the Parliament's concerns. As long as this is not the case, we do not see any possibility to reach a common agreement and are compelled to inform you that for the time being no agreement could be reached between the two negotiating teams on the choice of the European Chief Prosecutor.

Yours sincerely,



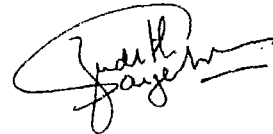
Claude Moraes

Chair of the Committee on  
Civil Liberties, Justice and  
Home Affairs (LIBE)



Ingeborg Gräßle

Chair of the Committee on  
Budgetary Control (CONT)



Judith Sargentini

Vice-Chair of the Committee  
on Civil Liberties, Justice and  
Home Affairs (LIBE)

Cc: Cecilia Wikström, Chair of the Conference of Committee Chairs;  
IPOL-COORD-LEG