



DECISION OF THE COLLEGE OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE OF 2 OCTOBER 2024

ON THE REJECTION OF A PERSON NOMINATED TO THE FUNCTION OF EUROPEAN DELEGATED PROSECUTOR OF THE EPPO IN THE ITALIAN REPUBLIC

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'), and in particular Articles 9, 13 and 17 thereof, hereinafter "the EPPO Regulation",

Having regard to Decision 2020/013 of 16 November 2020 of the College of the EPPO laying down rules on the procedure for the appointment of the European Delegated Prosecutors, and in particular Articles 1, 3 and 4 thereof,

Having regard to the Judgment of the General Court of the EU of 10 July 2024 in case T-676/22, *Giuffrida v EPPO*, which annulled Decision 2022/38 of 14 September 2022 of the College of the EPPO on the ground of the infringement of the obligation to state reasons,

Taking into account the finding of the General Court as regards the defective statement of reasons,

Considering that in order to comply with the judgment of the General Court, the EPPO is called to adopt a new decision on the basis of all relevant information available at the time when the annulled Decision 2022/38 of 14 September 2022 was adopted,

Whereas the finding of the General Court does not affect the preparatory acts of the annulled Decision 2022/38,

Whereas the College has undertaken a review of the existing information at the time of the adoption of Decision 2022/38, including the reasoned opinion of 6 July 2022 of the working group of European Prosecutors, established by Decision 2020/014 of 16 November 2020 of the College of the EPPO in accordance with Article 3 of Decision 2020/013 of the College of the EPPO ("the Working Group"), issued based on the documents accompanying the nominations made by the Italian Republic, the additional information and documents provided by the nominated person and the interview held with the person concerned,

Whereas the College shares the conclusion of the Working Group that the nominated person does not possess the necessary relevant practical experience to be appointed European



Delegated Prosecutor and, therefore, she does not fully meet the eligibility criteria as set out in Article 17 of the EPPO Regulation;

Considering that the post of European Delegated Prosecutor in Bari requires relevant expertise to deal with complex cases concerning VAT and customs offences,

Considering therefore that nominated candidate Ms Carmela Giuffrida did not demonstrate to have sufficient relevant practical experience in investigating, prosecuting and indicting persons responsible for criminal offences affecting the financial interests of the Union that are provided for in Directive (EU) 2017/1371 or financial offences in general and therefore falls short of meeting all requirements set out in Article 17, paragraph 2 of the EPPO Regulation;

Has adopted this decision:

Article 1

The nomination of Ms Carmela Giuffrida for the function of European Delegated Prosecutor of the EPPO in the Italian Republic is rejected, as she does not meet all the requirements set out in Article 17, paragraph 2 of the EPPO Regulation.

Article 2

This decision shall enter into force on the date following that of its adoption.

Done at Luxembourg on 2 October 2024.

On behalf of the College,

Laura Codruța KÖVESI
European Chief Prosecutor

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Laura

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by KOVESI Laura
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