

# DECISIONS

## COMMISSION DECISION (EU) 2021/1081

of 28 June 2021

### amending Decision (EU) 2018/1220 on the rules of procedure of the panel referred to in Article 143 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, and in particular Article 143(4) thereof <sup>(1)</sup>,

Whereas:

- (1) Commission Decision (EU) 2018/1220 <sup>(2)</sup> lays down the rules of procedure of the panel referred to in Article 143 of Regulation (EU, Euratom) 2018/1046.
- (2) The Commission has determined 1 June 2021 as the date on which the European Public Prosecutor's Office (EPPO) assumes the investigative and prosecutorial tasks <sup>(3)</sup> conferred on it by Council Regulation (EU) 2017/1939 <sup>(4)</sup>. The practical arrangements for close cooperation between the Panel and the EPPO must therefore be defined, taking into account the arrangements for cooperation between the European Commission and the EPPO set out in the agreement referred to in Article 103(1) of the above-mentioned Regulation.
- (3) In order to ensure the continuity of the functioning of the Panel and, consequently, the continued protection of the Union's financial interests, it should be specified that the Chair of the Panel continues to perform his/her duties until a replacement has effectively been appointed, or at least for the first months following the end of his/her term of office.
- (4) The conditions relating to the function or minimum grade required for deputies to Panel members representing the European Commission should be aligned on those required for the members representing the authorising officers. To that end, they should be set at the function group level of Head of Unit or equivalent.
- (5) This Decision should come into force on the day following its publication in the *Official Journal of the European Union*, in order to guarantee the functioning of the Panel referred to in Article 143 of Regulation (EU, Euratom) 2018/1046.
- (6) Decision (EU) 2018/1220 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

<sup>(1)</sup> OJ L 298, 26.10.2012, p. 1.

<sup>(2)</sup> Commission Decision (EU) 2018/1220 of 6 September 2018 on the rules of procedure of the panel referred to in Article 143 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council (OJ L 226, 7.9.2018, p. 7).

<sup>(3)</sup> Commission Implementing Decision (EU) 2021/856 of 25 May 2021 determining the date on which the European Public Prosecutor's Office assumes its investigative and prosecutorial tasks (OJ L 188, 28.5.2021, p. 100).

<sup>(4)</sup> Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office (OJ L 283, 30.10.2017, p. 1).

### Article 1

Decision (EU) 2018/1220 is amended as follows:

(1) Article 2(1) is replaced by the following:

'1. The Chair of the Panel shall be appointed by the Commission for a non-renewable term of five years, in accordance with Article 143(3) of Regulation (EU, Euratom) 2018/1046, following a call for expressions of interest. His/her term of office shall begin on the date fixed for that purpose in the decision on the appointment. This Decision shall be published in the C series of the *Official Journal of the European Union*.

At the end of his/her term of office, in so far as required for the functioning of the Panel, the Chair shall remain in his/her post until his/her replacement is appointed. This period may not exceed six months.;

(2) Article 5(1) is replaced by the following:

'1. The Director of the Central Financial Service in the Directorate-General for Budget shall be one of the two permanent members of the Panel representing the Commission, pursuant to Article 143(2)(b) of Regulation (EU, Euratom) 2018/1046. The Director-General for Budget shall designate an official from at least the function group of Head of Unit or equivalent to deputise for this permanent member.

The Director-General for Budget shall designate the second permanent member representing the Commission *ad personam* among Commission officials of at least AD14 grade. The Director-General for Budget shall designate an official from at least the function group of Head of Unit or equivalent to deputise for this permanent member.;

(3) in Article 6, paragraphs 3 and 4 are replaced by the following:

'3. In matters where the request of the referring authority is based, inter alia, on information transmitted by the European Anti-Fraud Office (OLAF), OLAF's representative shall attend the Panel's meetings and participate in oral and written procedures. He/she may provide comments at the request of the Chair.

In matters where the request of the referring authority is based, in whole or in part, on information transmitted by the European Public Prosecutor's Office (EPPO), the latter shall transmit information and attend as an observer in accordance with the provisions of the agreement referred to in Article 103(1) of Council Regulation (EU) 2017/1939.

4. In other cases, OLAF may be invited to provide information or advice, at the request of the Chair. The EPPO may also be invited to provide information or advice, at the request of the Chair, in accordance with the provisions of the agreement referred to in Article 103(1) of Council Regulation (EU) 2017/1939.;

(4) the following article is inserted:

*'Article 9a*

#### **Cooperation with the EPPO**

The arrangements for cooperation with the EPPO shall be set out in the agreement referred to in Article 103(1) of Council Regulation (EU) 2017/1939.;

(5) in Article 10, paragraph 4 is replaced by the following:

'4. The request for a recommendation shall contain the information required in Article 142(3) of Regulation (EU, Euratom) 2018/1046. It shall also contain the other relevant information referred to in Article 136 of the aforementioned Regulation, including, where applicable, OLAF reports and the information transmitted by the EPPO to enable the appropriate measures to be taken to protect the Union's financial interests. It shall include a duly completed information sheet.;

(6) Article 26 is replaced by the following:

*Article 26*

**Notification of the opinion and the recommendation**

The Panel shall notify the opinion without delay to the referring authority, the authorising officer responsible and the observers. Where the EPPO has been invited as an observer, the provisions of the agreement referred to in Article 103(1) of Council Regulation (EU) 2017/1939 shall apply.'

*Article 2*

**Entry into force and publication**

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

Done at Brussels, 28 June 2021.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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