



**COUNCIL OF
THE EUROPEAN UNION**

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REV 1

EUROPOL 71

NOTE

from :	Presidency
to :	COREPER/Council
No. prev. doc. :	9566/02 EUROPOL 43; 10947/02 EUROPOL 51; 11680/02 EUROPOL 59; 12121/02 EUROPOL 65; 12609/02 EUROPOL 71
Subject :	Procedure for selecting the Directorate of Europol

1. Background

Belgium, the Netherlands and Luxembourg have tabled a proposal for a Council act amending the Staff Regulations applicable to Europol employees. The proposal contains among other things provisions on the procedure of selecting the Directorate of Europol. During meetings in the Article 36 Committee, Member States have discussed the Benelux proposal.

During the meeting of the Europol Management Board 28 – 29 May 2002, Member States discussed the issue of the procedure for selecting the Directorate of Europol. The background for the discussion was the procedures followed so far when selecting the Directorate of Europol, whereas the Member States have determined which candidates they wish to put forward for the selection procedure – using a national open or closed pre-selection procedure if they wish to do so.

The role of the Management Board has been limited to establishing the profile for the vacant position, and then simply forwarding the list of candidates who match the profile to the Council, without submitting the candidates to any form of examination. The Council has then decided on that basis.

During the discussions in the Management Board, little support was given to continuing the procedures for selecting the Directorate of Europol followed so far. However, consensus could not be reached either on any other proposal for a selection procedure.

Against this background the Benelux proposal – in particular the provisions regarding the procedure of selecting the Directorate of Europol – has been discussed during meetings in the Article 36 Committee.

The discussions in the Article 36 Committee showed that there was no consensus on the provisions regarding the procedure of selecting the Directorate of Europol as proposed by Benelux.

Against this background, the Presidency presented a compromise proposal on the procedure of selecting the Directorate of Europol. At the same time Benelux presented a revised proposal.

Discussions in the Article 36 Committee have showed that consensus cannot be reached on either of the two options presented by the Presidency and Benelux respectively.

The two options are hereby presented to the Council. The following needs to be considered regardless of what option for the procedure of selecting the Directorate of Europol is chosen. Firstly, the Europol Convention prescribes for both the position of the Director and the Deputy Directors it is the Council, which appoints them, acting unanimously in accordance with the procedure laid down in Title VI of the Treaty on European Union. Secondly, the Europol Convention prescribes that in all cases the Europol Management Board must provide its opinion to the Council before it can decide. These two elements must be respected in all proposals for establishing a future procedure of selecting the Directorate of Europol.

2. Benelux revised proposal for the procedure of selecting the Directorate of Europol

The selection procedure consists in a completely open system of recruitment for the post of both the Director and the Deputy Directors of Europol.

This means in practice that the Management Board will draw up a profile for the position and have it published in all the Member States via the Official Journal of the European Community, inviting candidates to put forward their applications.

Europol will inform the national units of the Member States of a vacancy for the post of director or deputy director, as well as the candidates that have put in an application. The national units may forward an advice regarding the applicants to the Management Board.

After that, the Management Board shall set up a Selection Committee, that, on basis of professional qualifications, experience, an advice of the national units and a pre-selection (conform article 24 of the Staff Regulations) makes an initial selection. The Selection Committee shall interview the candidates and shall draw up a report for the Management Board.

On basis of the report of the Selection Committee the Management Board draws up a list of suitable candidates, in order of merit, and forwards it to the Council.

The Council takes the final decision.

3. Presidency compromise proposal for the procedure of selecting the Directorate of Europol

The Europol Management Board will draw up a profile for the position in question, asking Member States to initiate pre-selection procedures. It should be binding upon Member States to publish the profile for the position in accordance with national procedures in order for Member States to carry out the national selection of candidates and put forward candidates.

Proposals for candidates received from Member States could be accompanied by an advice from the Member State in question in order for the Europol Management Board to decide on the short-listing of candidates and on the details of any selection tests to be conducted.

Against this background, in accordance with the Europol Convention the Europol Management Board forwards a list of suitable candidates to the Council in order for the Council to reach an agreement.

4. Questions to be addressed by the Council

- i. Should the profile for the position be published in the Official Journal of the European Community?
- ii. If the vacant position is not published in the Official Journal of the European Community, should it then be left to Member States to publish the profile for the position in accordance with national procedures in order for Member States to carry out the national selection of candidates and put forward candidates?
- iii. Should the Management Board draw up a list of candidates in order of merit?
