Brussels, 7th of January 2021

Madame President of the Commission,
Dear Ursula,

On 22 July of last year, the Council appointed the European prosecutors to the newly established European Public Prosecutor. Among these, the nominated Portuguese Prosecutor had been ranked in second place by the European selection panel established by Council Regulation (EU) 2017/1939. This selection of the Portuguese nominee followed a request from the Portuguese government and the submission of new elements submitted by the Minister of Justice of that Member State.

When requested to make public these new elements, the Minister of Justice of Portugal refused.

However, on 31 December the Portuguese media leaked an official and confidential document of the Portuguese Government where it presents the three reasons to change the ranking of the selection panel. The document was officially sent to the Council. The Council accepted to change the ranking of the panel based on this new argumentation, which has proven to be false.

The Portuguese Government falsely stated that the candidate (now Prosecutor):

1. was Deputy General Prosecutor, misleadingly distinguishing him from the other two candidates;
2. directed the most important national criminal investigation department, which he never did;
3. was the leading prosecutor in the two main national cases of European funds fraud, which he was not.

The office of the Portuguese General Attorney has already confirmed these statements to be false.

In the light of this leak and the falsehood of the information provided by Portuguese Government, the Portuguese Justice Minister said that this was a "reserved and confidential matter" and that these were three administrative lapses, that would not change anything. The responsible official from the Portuguese Ministry of Justice has also stated that these new elements were given by Minister and her cabinet. He has, in the meantime, been exonerated.

We find these revelations extremely worrying because they show that the process for the selection of the Portuguese nominee on the EPPO fell well short of the required standards and undermines fundamentally the integrity of the EPPO office at a crucial time of its establishment.

Furthermore, when a Member State provides false information to the EU institutions, leading to a misinformed Council Decision, it breaches the EU treaties, including the duty of loyal cooperation, and threatens the rule of law.

This is particularly worrying at a time when the Minister of Justice of Portugal is chairing the Council of the European Union.

As guardian of the treaties, and also responsible for the annual report on the rule of law, we urge you to look into this matter and take all the necessary action.

Best Regards,

Esteban Gonzalez-Pons
Vice-President
of the EPP Group

Monika Hohlmeier

Monika Hohlmeier
Chair of the CONT
Committee

Jeroen Lenaers
EPP Coordinator
of the LIBE Committee