



Council of the  
European Union

**Brussels, 16 June 2022  
(OR. en)**

**9991/22**

**LIMITE**

**COPEN 249  
RELEX 821  
JAI 908**

**NOTE**

---

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	8699/22
Subject:	Establishment of the EU-US informal expert group - Working Modalities

---

In connection with the establishment of the EU-US informal Expert group, delegations will find attached the Working Modalities as agreed at technical level.

**EU-U.S. informal expert group MLA/Extradition – Working modalities**

The overall purpose of the expert group is to discuss the functioning of the EU-US Agreements on Mutual Legal Assistance (MLA) and Extradition with a view to improving extradition and mutual legal assistance between the United States and EU Member States.

The group intends to exchange views in the wider context of Article 11 of the EU-U.S. MLA Agreement and Article 15 of the EU-U.S. Extradition Agreement on any issue raised by one of the Parties relating to the interpretation or application of the EU-U.S. Agreements, and as described below. The group may also exchange views on any dispute regarding the interpretation or application of the EU-US Agreements. However, it is not tasked with the formal review of the agreements under Article 17 of the EU-U.S. MLA Agreement or Article 21 of the EU-U.S. Extradition Agreement.

Specific implementation issues with bilateral agreements may be raised that relate to the interpretation and functioning of the EU-U.S. agreements, including the invocation of grounds for refusal referred to in Article 13 of the MLA agreement and Article 17 of the Extradition Agreement. Bilateral issues without a link to provisions of the EU-U.S. agreements or European Union law otherwise should not be discussed in the group.

The expert group will not discuss cases pending before courts in the EU or the U.S. but may discuss existing judgements and their impact on the agreements, with a view to facilitating the most effective use of the Agreements.

The expert group may consider practical suggestions to improve the implementation of both EU-U.S. Agreements and may discuss suggestions for the common interpretation of provisions of the EU-U.S. agreements in order to address issues identified.

## **Composition of the group**

The group will, in accordance with Articles 11 and 15 above, include representatives of the European Union, led by the European Commission, and of the United States government. It may include representatives of the current EU Council Presidency and representatives from EU Member States engaged in extradition and mutual legal assistance with the United States. Where an issue that pertains to a particular Member State is to be discussed, one expert from that Member State may participate.

The participants may together determine, inter alia, the number of representatives attending meetings, the frequency and modalities of meetings, the agenda, and manner for memorializing the discussions and outcomes, as well as the circumstances under which representatives other than those referred to above, e.g. Eurojust or the European Judicial Network, may participate.

---