



Brussels, 19 September 2016  
(OR. en)

12342/16

---

---

**Interinstitutional File:  
2013/0255 (APP)**

---

---

**LIMITE**

**EPPO 23  
EUROJUST 114  
CATS 65  
FIN 569  
COPEN 266  
GAF 52  
CSC 253**

**NOTE**

---

From:	Presidency
To:	CATS
No. prev. doc.:	11350/1/16 REV 1 6643/15
Subject:	Proposal for a Regulation on the establishment of the European Public Prosecutor's Office <i>- Relations with Eurojust</i>

---

**1. Background**

Article 57 on *Relations with Eurojust* has been discussed during the Dutch Presidency. A provisional version of the text was submitted to the Council (JHA) in June 2016<sup>1</sup>. In that version, different suggestions and proposals made by the delegations were reflected in footnotes.

The main modification in relation to the Commission proposal concerned the limitation of operational co-operation between EPPO and Eurojust (paragraphs 2-3) and the scope of the technical and administrative support which Eurojust could or should provide to EPPO, depending on whether this is an obligation or a possibility (paragraph 5).

---

<sup>1</sup> Document 9799/16

On 15 September 2016, the Working Party discussed the text of Article 57 again<sup>2</sup>, in parallel with Article 41 of the draft Eurojust Regulation relating to *Relations with the European Public Prosecutor's Office*. The aim of the discussions was to examine the coherence and consistency of the EPPO and Eurojust Regulations and to reflect upon the most efficient manner in which Eurojust could or should provide operational, technical and administrative assistance to EPPO.

The Presidency is of the opinion that any adjustments to Article 41 of the draft Eurojust Regulation should be decided at a later stage by the dedicated Working Party.

During the meeting, Member States expressed the view that further efforts should be carried out in order to achieve coherence between the terminology used in the EPPO Regulation and that used in the Eurojust Regulation. The Presidency agrees with this view, but it considers that there is no need to align all relevant provisions in every case in both Regulations.

Apart from the general question if, and to what extent, Eurojust could or should provide operational, technical and administrative assistance to EPPO, the Working Party also discussed whether the text should include a (open) list of services to be provided by Eurojust to EPPO, or merely a general reference to such services. A majority of delegations stressed the strong link between the services to be provided by Eurojust to EPPO and the impact of any choice which the Council would make on these matters for the budgetary cost analysis of the EPPO Regulation and for the future budget of Eurojust.

## **2. Issues to discuss**

- Would delegations favour a "may" or a "shall" clause concerning the technical and administrative support to be provided by Eurojust to EPPO?**
- Would delegations be in favour of mentioning a (open) list of services, or should the text only include a general reference to those services and should further details be regulated by an Agreement between EPPO and Eurojust?**

---

<sup>2</sup> WK 482/2016

### 3. Revised text

Delegations will find below the text of Article 57, as slightly reformulated by the Presidency in the light of the discussions in the Working Party:

#### *"Article 57*

#### **Relations with Eurojust**

1. The European Public Prosecutor's Office shall establish and maintain a close relationship with Eurojust based on mutual cooperation within their respective mandates and the development of operational, administrative and management links between them as defined below<sup>3</sup>. To this end, the European Public Prosecutor and the President of Eurojust shall meet on a regular basis to discuss issues of common concern.
2. In operational matters, the European Public Prosecutor's Office may associate Eurojust with its activities concerning cross-border cases, including by:
  - a) sharing information, including personal data, on its investigations in accordance with the relevant provisions in this Regulation;
  - b) inviting Eurojust or its competent national member(s) to provide support in the transmission of its decisions or requests for mutual legal assistance to, and execution in, States members of Eurojust but not taking part in the establishment of the European Public Prosecutor's Office or third countries.

---

<sup>3</sup> Paragraph 1 to be reviewed after finalisation of paragraphs 3-5 in this Article, including on the possibility of concluding agreements between EPPO and Eurojust.

3. The European Public Prosecutor's Office shall have indirect access on the basis of a hit/no-hit system to information in Eurojust's case management system. Whenever a match is found between data entered into the case management system by the European Public Prosecutor's Office and data held by Eurojust, the fact that there is a match will be communicated to both Eurojust and the European Public Prosecutor's Office, as well as the Member State which provided the data to Eurojust. ~~In cases where the data was provided by a third country, Eurojust<sup>4</sup> will only inform that third country of the match found with the consent of the European Public Prosecutor's Office.~~
- [5. The European Public Prosecutor's Office may/shall rely on the support and resources of the administration of Eurojust. The details of this arrangement shall be regulated by an Agreement. Eurojust may/shall provide [any of] the following services to the European Public Prosecutor's Office<sup>5</sup>:
- a) technical support in the preparation of the annual budget, the programming document containing the annual and multi-annual programming, and the management plan;
  - b) technical support in staff recruitment and career-management;
  - c) security services;
  - d) Information Technology services;
  - e) financial management, accounting and audit services;
  - f) any other services of common interest.<sup>6</sup>"]"

---

<sup>4</sup> Obligations of Eurojust will be addressed in the context of the Eurojust Regulation.

<sup>5</sup> The details of this arrangement shall be regulated by an Agreement. FR, supported by DE and LU, suggested that Eurojust should provide 'services of common interest' to EPPO, and that the provision should provide that 'The details of this arrangement shall be regulated by an Agreement'.

<sup>6</sup> The content of the list is to be determined later.