EUROPEAN
PUBLIC
PROSECUTOR'S
OFFICE

WORKING ARRANGEMENT ON COOPERATION BETWEEN THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE AND THE OFFICE OF THE PROSECUTOR GENERAL FROM THE REPUBLIC OF COSTA RICA

WORKING ARRANGEMENT
on cooperation between the European Public Prosecutor's Office and the Office of the Prosecutor General from the Republic of Costa Rica

The European Public Prosecutor's Office, hereinafter referred to as "the EPPO", and

The Office of the Prosecutor General from the Republic of Costa Rica,

hereinafter collectively to as "the Parties" or individually as "the Party",

Having regard to the provisions of the Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO'), hereinafter referred to as "the EPPO Regulation", and in particular Articles 99 and 104 thereof,

Having regard to the provisions of Article 62 of the Costa Rican Code of Criminal Procedure, it is the responsibility of the Public Prosecutor's Office to bring criminal proceedings in the manner established by law and to carry out the relevant and necessary actions to determine the existence of the criminal offence. Furthermore, pursuant to Article 65 of the Code of Criminal Procedure, when criminal activities are carried out, in whole or in part, outside national territory, or are attributed to individuals linked to a regional or international organisation, in cases where Costa Rican criminal law must be applied, the Public Prosecutor's Office may establish joint investigation teams with foreign or international institutions. Agreements on joint investigation teams must be approved and supervised by the Prosecutor General,

Considering the will of the Parties to establish a close cooperation with a view to protecting by investigative and prosecutorial means the financial interests of the European Union and of the Republic of Costa Rica, and to fight corruption, organised crime and other forms of serious crimes,

Considering the desire of the Parties to establish mutually close cooperation in investigations and prosecutions,

Taking into account that the EPPO is an independent body of the European Union (EU) that investigates and prosecutes cases in the participating Member States,

Acknowledging that the European Delegated Prosecutors of the EPPO are at the same time active members of the public prosecution service of their respective Member States and have the same powers as the national prosecutors in their respective Member States,

Considering, therefore, that, within its mandate, the EPPO may cooperate in criminal matters with the Costa Rican competent authorities either on the basis of the international agreements to which the European Union and/or its participating Member States are parties, or on the basis of reciprocity or in accordance with the law of the Republic of Costa Rica,

Acknowledging that, in accordance with Article 99(3) of the EPPO Regulation, this Working Arrangement does not form the basis for allowing the exchange of personal data,

Taking into account the competence of the Office of the Prosecutor General from the Republic of Costa Rica and the competence of the EPPO to investigate, prosecute and bring to judgment perpetrators of crimes against the financial interests of the European Union,

Aiming to facilitate cooperation in criminal matters and, especially, exchange of evidence and information between them in order to ensure effective investigation and prosecution, in full respect of the fundamental rights,

HAVE AGREED AS FOLLOWS:

Section I

General provisions

Article 1

Purpose

The purpose of this Working Arrangement is to facilitate cooperation between the Parties in investigations and prosecutions relating to criminal offences within their respective competences, with respect to the exchange of evidence, operational and strategic information and other forms of cooperation, in accordance with their respective legal frameworks, including applicable bilateral and multilateral instruments, as appropriate, and the provisions of this Working Arrangement.

Article 2

Scope

The Parties shall cooperate in all areas referred to in this Working Arrangement within the scope of their respective legal frameworks and mandates.

Article 3

Definitions

For the purposes of this Working Arrangement:

a) 'European Prosecutor' means the EPPO post-holder referred to in Articles 16 and 96(1) of the EPPO Regulation;

b) 'European Delegated Prosecutor' means the EPPO post-holder of the EPPO referred to in Articles 17 and 96(6) of the EPPO Regulation;

c) 'EPPO staff' means the staff and other persons referred to in Articles 2 (4) and Article 98 of the EPPO Regulation;

d) 'Personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person; and

e) 'Information' means personal and non-personal data.

Article 4

Transfer of personal data

Transfer of personal data between the Parties shall not take place under this Working Arrangement, and shall be subject to their respective legal frameworks, including relevant international agreements, where applicable.

Section II

Operational cooperation

Article 5

Cooperation on gathering evidence or operational information

(1) The Parties shall provide each other with the broadest extent of cooperation for gathering evidence or operational information, in accordance with their applicable legal frameworks.
(2) The Office of the Prosecutor General undertakes to cooperate with the EPPO, in accordance with the applicable legal frameworks, in gathering evidence or operational information needed by the EPPO for an investigation or prosecution conducted within its competence. Such cooperation may be provided on the basis of multilateral agreements, such as the United Nations Convention against corruption or the United Nations Conventions against transnational organised crime, to which both the Republic of Costa Rica and the European Union, as well as the EPPO participating Member States are parties, or on the basis of an international agreement to which both the Republic of Costa Rica and the Member State of the European Delegated Prosecutor handling the case are parties, [or under a police cooperation mechanism] or, on the basis of reciprocity, in accordance with the law governing mutual assistance in criminal matters of the Republic of Costa Rica.
(3) The EPPO undertakes to cooperate with the Office of the Prosecutor General, in accordance with applicable legal frameworks, in providing evidence or operational information in its possession needed by the requesting authority in criminal investigations or proceedings. Such cooperation may be provided under any of the applicable international agreements referred to in paragraph 1 of this Article [or under a police cooperation mechanism] or on the basis of reciprocity.

Article 6

Freezing of assets

The Parties undertake to facilitate cooperation for freezing of assets under the applicable legal frameworks. To this end, Article 5 shall apply *mutatis mutandis*.

Article 7

Joint investigation teams

(1) The Parties may cooperate on setting up joint investigation teams in cases that would fall under the competence of the EPPO, in accordance with the applicable legal frameworks.

(2) For the setting up of a joint investigation team, the Parties shall conclude specific agreements, in accordance with the United Nations Convention against corruption or the United Nations Convention against transnational organised crime, respectively, or in accordance with the law of the Republic of Costa Rica.

Section III

Strategic cooperation and institutional matters

Article 8

Exchange of strategic and other information

(1) The Parties may exchange strategic and other non-operational information in areas within their competence.

(2) The information referred to in paragraph 1 shall contain no personal data.

Article 9

EPPO Contact Points at the Office of the Prosecutor General

In accordance with Article 104(2) of the EPPO Regulation, the Parties agree that the EPPO's Contact Point at the Public Prosecutor's Office of Costa Rica shall be the Office of Technical Advice and International Relations of the Office of the Prosecutor General of the Republic of Costa Rica.

Article 10

Meetings and other events

(1) The Parties may organise high-level meetings, as well as technical meetings at both operational and administrative levels.

(2) The Parties may cooperate in organising training sessions on matters of common interest and they may invite each other to seminars, workshops, conferences and other similar activities that are mutually relevant.

Article 11

Means and channels of communication

(1) The Parties shall communicate by any means whereby a written record can be produced, including through secured means of electronic communication.

(2) At the operational level, the Parties shall cooperate in accordance with the applicable legal frameworks. Requests for assistance addressed to the Public Prosecutor's Office of Costa Rica shall be sent to the Office of Technical Advice and International Relations of the Office of the Prosecutor General of the Republic of Costa Rica. Requests for assistance addressed to the EPPO shall be sent to the Operations Unit of the EPPO in Luxembourg.

(3) At strategic and management level, the Parties shall communicate through the European Chief Prosecutor and the Prosecutor General of Costa Rica. Non-operational communication shall be addressed to the EPPO at EPPO-ExecutiveOffice@eppo.europa.eu and to the Public Prosecutor's Office of Costa Rica at oatri-mp@poder-judicial.go.cr.

Section IV

Final provisions

Article 12

Consultations

The Parties shall consult each other regarding any matters that may lead to different interpretations of this Working Arrangement.

Article 13

Expenses

Unless otherwise stipulated in this Working Arrangement, the Parties shall bear their own expenses that arise in the course of implementation of this Working Arrangement.

Article 14

Amendments

This Working Arrangement may be amended in writing at any time by mutual consent between the Parties.

Article 15

Termination of the Working Arrangement

(1) This Working Arrangement may be terminated in writing by either Party with three months' notice.

(2) In case of termination, the Parties shall reach agreement on the continued use and storage of the information that has already been communicated between them.

(3) Without prejudice to paragraph 1, the legal effects of this Working Arrangement shall remain in force.

Article 16

Entry into force

This Working Arrangement shall enter into force on the date of its signature.

Done at Madrid, on 28/5/25 in two originals in English and Spanish languages, all texts being equally authentic.

For the EPPO,

Ignacio de Lucas Martín

European Prosecutor

For the Public Prosecution,

Carlo DÍAZ SÁNCHEZ

Prosecutor General