



EUROPEAN  
PUBLIC  
PROSECUTOR'S  
OFFICE



**WORKING ARRANGEMENT**  
**between**  
**THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE (EPPO)**  
**and**  
**THE NATIONAL ANTIMAFIA AND COUNTER TERRORISM DIRECTORATE (DNA)**

**Preamble**

The European Public Prosecutor's Office (hereinafter referred to as 'the EPPO') and the Italian National Antimafia and Counter Terrorism Directorate (hereinafter referred to as 'DNA'), together referred to as 'the Parties',

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 86 and 325 thereof

Having regard to Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the EPPO (hereinafter referred to as 'the Regulation'), and in particular to Articles 22-27, 99 and 113 thereof

Having regard to Article 371-bis of the Italian Criminal Procedure Code, which attributes to the Chief Prosecutor of the DNA the coordination of the investigations undertaken by the Antimafia District Prosecutor's Office (hereinafter: "DDA") for offences referred to in Article 51 co. 3-bis of the CPC

Considering that it is in the common interest of the EPPO and the DNA to facilitate the cooperation, in an effort to make the fight against organised crime connected to smuggling of goods, corruption, VAT cross-border fraud, fraud and any other criminal offence or illegal activity adversely affecting the European Union's financial interests as efficient as possible

Taking into account the scope of their respective missions and mandates

Agree as follows:

**Article 1**  
**Purpose and scope**

1. The purpose of this working arrangement is to establish closer cooperation between the Parties in the exercise of their mandate, within the existing limits of the respective

legal frameworks, in particular through the exchange of information and mutual support between the Parties.

2. This working arrangement does not create any additional rights and obligations under European Union law and is without prejudice to the provisions governing the mandate of the EPPO.
3. The Parties will cooperate, within their mandates, in accordance with the EPPO Regulation and with the applicable Italian legislation, in particular in the following areas:
  - a) Consultation, exchange of information and coordination, both at the strategic and operational level;
  - b) Training and staff exchange;
  - c) Communication with the media

## **Article 2**

### **Consultation on case-related matters**

1. For the purpose of this Article, the DNA will always act in coordination with the competent office(s) of the DDA, which is the only competent national judicial authority in accordance with Articles 24, 25, 26, 27 and 34 of the Regulation.
2. Where appropriate, the Parties will consult each other in order to gather additional information before carrying out a final assessment on the competence of the EPPO and of the DDA, with the purpose of preventing conflicts over the question of the exercising of the competence of the EPPO and of the national judicial authority.
3. Before an office of the DDA informs the EPPO that they initiated an investigation in respect of a criminal offence for which the EPPO could exercise its competence in accordance with Article 24(2) or (3) or (5) of the Regulation, the DNA will consult with and provide the necessary information to the EPPO.
4. Before the EPPO refers an investigation to an office of the DDA pursuant to Article 34(1) and (2) of the Regulation, the EPPO will consult with and provide the necessary information to the DNA.

## **Article 3**

### **Exchange of information on case-related matters**

1. Whenever the EPPO exercises its competence in respect of investigations previously dealt with by a DDA, the DNA will share with the EPPO any information available in their databases in respect of the entities and individuals subject to investigation, including the available criminal intelligence, as regards their criminal connections and background, the outcome of previous investigations and prosecutions and any other information relevant in order to have a complete overview of the criminal environment where the investigated subjects operate or used to operate.
2. Whenever a DDA exercise its competence for offences referred to in the Directive DIRECTIVE (EU) 2017/1371 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law ('PIF Directive'), in respect of which the EPPO cannot or decides not to exercise its competence, the EPPO will share with the DNA any information available in their databases in respect of the entities and individuals subject to investigation, including the available criminal intelligence, as regards their criminal connections and background, the outcome of previous investigations and prosecutions and any other information relevant in order to have a complete overview

of the criminal environment where the investigated subjects operate or used to operate.

3. In case of a hit, upon the other party's request or at its own initiative, a party will provide the other with additional data related to the information initially provided.
4. Each Party can put on hold the exchange of information in case this may hamper ongoing investigations, or may jeopardise the security of individuals.
5. When exchanging information, each party will specify whether the information exchanged can or cannot be included in a criminal case file, and eventually disclosed in accordance with the requirements of the criminal procedure code, and what are the reasons of a possible non-disclosure clause.
6. A Party will reply to requests for information as provided for in this working arrangement expeditiously.

#### **Article 4**

##### **Coordination in case-related matters**

1. Beyond the cases where consultation and reporting is mandatory or recommended pursuant to the EPPO Regulation <sup>1</sup>, the Parties will coordinate each other in respect of connected investigations carried out separately by the EPPO and by offices of the DDA as coordinated by the DNA.
2. As a consequence of the non applicability of Article 371-bis of the Italian criminal procedure code to the Italian European Delegated Prosecutors and to the EPPO, where necessary or appropriate, the Parties may invite each other to participate on a peer-to-peer basis to coordinating meetings or other coordinating initiatives.

#### **Article 5**

##### **Contact points for operational cooperation**

1. The Parties shall designate contact points for operational cooperation. They shall notify each other of such designation by means of exchange of letters at the time of signature of this arrangement.
2. Any subsequent change of the designated contact points will be notified without delay in writing.
3. Any new requests for information exchange, cooperation or coordination should be addressed:
  - By the EPPO to the DNA Chief Prosecutor, via the DNA contact points;
  - By the DNA to the European Chief Prosecutor, via the EPPO contact points.

#### **Article 6**

##### **Information exchange on trends**

Within the limits of their respective mandates, the EPPO and the DNA may exchange, either spontaneously or upon request, strategic information such as:

- a) Operational structures of the organisations involved in criminal activities relevant to the mandate of the EPPO, as well as the links between these organisations operating inside or outside the European Union;
- b) Strategies, *modus operandi*, techniques and the financing of these organisations;
- c) Trends in criminality related to organised crime connected to criminal activities relevant to the mandate of the EPPO

---

<sup>1</sup> As a support for the interpretation of this provision the Parties jointly agree to make reference, in this respect to the letter of the EPPO dated 23 April 2021 addressed, among others to the head of the DNA, and herewith attached. The letter has no binding legal value for either Party.

## **Article 7**

### **Professional training and staff exchange**

Subject to the availability of resources, the parties will cooperate in the area of training, including staff exchange. They will inform each other of, and invite each other to relevant seminars, workshops, conferences and other similar activities of common interest. Staff exchanges may be subject to a separate arrangement.

## **Article 8**

### **Meetings and other events**

1. The Parties shall organise regular high-level meetings between the European Chief Prosecutor and the DNA Chief Prosecutor, 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 9**

### **Channels and language of communication at institutional level**

1. For high level and training-related cooperation, the Parties shall communicate through the Executive Office, for the EPPO, and the Department for the International Cooperation, for the DNA.
2. In application of this Article, the communication language shall be English.

## **Article 10**

### **Communication with the media**

1. The Parties agree to consult each other before communicating with the media on operations in which they are both involved. The Parties may agree the text of a joint or individual press release on results thereof.
2. Each Party will react to the request for such consultation as soon as possible, and preferably within 48 hours.

## **Article 11**

### **Confidentiality, use of information by the partners and in relation to third parties**

1. Information communicated or acquired under this working arrangement is protected by professional secrecy in accordance with Article 108 of the EPPO Regulation and in accordance with the Italian Law, and is treated in accordance with the relevant rules on confidentiality
2. The EPPO and the DNA will not exchange information if disclosure to the other Party is prohibited by the law governing the Party possessing the information.

## **Article 12**

### **Data Protection**

1. Personal data may only be processed by the EPPO and the DNA in full compliance with the data protection framework respectively applicable to such processing. Any personal data processed by the EPPO or by the DNA shall be processed only in compliance with the principles of lawfulness and fairness, data minimisation, accuracy, storage limitation, integrity and confidentiality and accountability. Both Parties shall ensure that all receipts of personal data, as well as any transfers thereof,

are duly logged and traceable, including, where required in line with these or other implementing rules, the grounds for their transfer. No personal data shall be kept longer than necessary for the purpose for which it has been processed, or than required due to other legal obligations.

2. At the moment that parties exchange personal data for investigative purposes, and the relevant data subject has already been notified of the processing of their data by the transmitting party, this shall be notified to the receiving party while respecting applicable rules on confidentiality of criminal investigations.
3. As soon as one of the Parties becomes aware of a data breach concerning personal data transmitted on the basis of the present arrangement, it should inform the other Party accordingly, while respecting applicable rules on confidentiality of criminal investigations. The communication should describe the nature of the personal data breach as well as any remedial action taken, as appropriate.
4. Personal data shall be transmitted with a purpose and shall not be processed in a manner incompatible with the purpose for which it was transmitted.
5. Any restriction on the use of information exchanged, or instructions relating to deletion or destruction, including possible access restrictions in general or specific terms, shall be respected by the Parties.

### **Article 13**

#### **Expenses**

The Parties shall bear their own expenses which arise in the course of implementation of the present working arrangement, unless otherwise stipulated.

### **Article 14**

#### **Amendments and supplements**

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

### **Article 15**

#### **Entry into force**

This working arrangement shall enter into force on the date of its signature.

Done at Rome, 24 May 2021, in two originals in the English and Italian language.

For the EPPO



---

**Laura Codruța KÖVESI**  
European Chief Prosecutor

For the DNA

---

**Federico Cafiero De Raho**  
Chief Prosecutor of the DNA

