

**WORKING ARRANGEMENT  
BETWEEN  
THE THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE ('EPPO') AND THE  
COMMISSION FOR ANTI-CORRUPTION AND ILLEGAL ASSETS FORFEITURE ('CACIAF')**

The European Public Prosecutor's Office (hereinafter referred to as "the EPPO") and the Commission for Anti-Corruption and Illegal Assets Forfeiture (hereinafter referred to as „CACIAF"), together referred to as "The Parties",

Having regard to Article 86 of the Treaty on the Functioning of the European Union,

Having regard to the Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office (hereinafter "the EPPO Regulation"),

Taking into account the scope of their respective missions and mandates,  
Considering the need to establish a practical framework for the cooperative relations between the EPPO and CACIAF,

Have agreed as follows:

**Chapter I  
GENERAL PROVISIONS**

**Article 1  
Purpose**

The purpose of this Working Arrangement is to facilitate cooperation and exchange of information, including personal data, between the EPPO, in particular through the European Delegated Prosecutors in Bulgaria, and CACIAF, within the limits of their respective legal frameworks and mandates.

**Article 2  
Coordination and supervision**

(1) The general direction of the interaction and control over the implementation of this Working Arrangement shall be exercised by the European Chief Prosecutor and by the President of the CACIAF.

(2) The coordination of the interaction is carried out by the Bulgarian European Prosecutor at the European Public Prosecutor's Office and by the Vice-President of the CACIAF or a member of the Commission, appointed by an order of the President of the Commission.

**Article 3**  
**Exercise of competence**

Interaction in the exercise of the competence to investigate crimes committed by senior public officials concerning the fight against fraud and other illegal activities affecting the financial interests of the Union and falling within the scope of Article 22 of the EPPO Regulation, during the pre-trial proceedings, shall be carried out under the direct supervision of the respective Bulgarian European Delegated Prosecutor and the bodies under Article 16 para. 2 of the Anti-Corruption and Illegal Assets Forfeiture Act (ACIAFA).

**Chapter II**  
**OPERATIONAL COOPERATION**

**Article 4**  
**Access to information**

(1) The bodies under Article 16 paragraph 2 of the ACIAFA shall provide the competent European Delegated Prosecutor with information and materials regarding established data on corruption offenses committed by senior public officials or other offenses falling within the scope of Article 22 of the EPPO Regulation.

(2) When the data are not sufficient for initiating pre-trial proceedings, by written order of the handling European Delegated Prosecutor, the bodies under Article 16 paragraph 2 of the ACIAFA carry out additional verification within their powers, and after the execution of the order, the materials are returned to the competent European Delegated Prosecutor with a report on the results obtained.

**Article 5**  
**Operational coordination**

(1) When on the basis of the report on the performed operative-search activity, a decision was adopted by the CACIAF for operational cooperation with the pre-trial authorities, the competent European Delegated Prosecutor and the authorities under Article 16 paragraph 2 of the ACIAFA shall coordinate and assist each other in the organisation and conduct of urgent and initial investigative actions.

(2) The coordination of the initial investigative actions shall be carried out in a timely manner.

(3) The planning of the initial investigative actions shall include:

1. the specific initial actions required and the sequence of their conduct;
2. organisational measures related to the conduct of the initial actions for investigation - providing assistance from the Ministry of Interior and other state bodies, witnesses, experts, technical assistants etc;
3. analysis of the need and anticipation of the use of special intelligence tools in pre-trial proceedings;

4. analysis of the danger of a participant in the crime to abscond, commit another crime or conceal evidence and taking measures to prevent this.

## **Article 6**

### **Cooperation for the exercise of competence**

(1) The CACIAF shall without undue delay report to the EPPO any criminal conduct in respect of which it could exercise its competence. The report shall contain as a minimum, a description of the facts, including an assessment of the damage caused or likely to be caused, the possible legal qualification and any available information about potential victims, suspects, and any other involved persons.

(2) Where the EPPO receives a report of an offence falling under its competence and there is insufficient evidence to initiate pre-trial proceedings, the European Delegated Prosecutor may order CACIAF to conduct a preliminary check within time limit not exceeding two months.

(3) The order shall be sent to the President of the CACIAF, and the deadline indicated by the European Delegated Prosecutor shall be calculated from the date of its registration at CACIAF until the date of the completion of the preliminary check. If it proves to be insufficient, the period may be extended, of which the inspection body shall be notified in writing.

(4) The European Delegated Prosecutor shall verify the completeness and timeliness of the inspection, and may request a report on the findings of the inspection, give further guidance on the establishment of new circumstances or on the clarification of those already established, and provide methodological assistance.

(5) For the results of the preliminary check pursuant to paragraph 2 of this Article, the bodies under Article 16 paragraph 2 of the ACIAFA shall prepare a report.

## **Article 7**

### **Urgent cases**

At any time during the investigations opened by the CACIAF or initiated under request of European Delegated Prosecutors for an offense under Article 22 of the EPPO the Director of the CACIAF's Anti-Corruption Directorate shall immediately inform the European Delegated Prosecutor pursuant to Article 28(2) of the Regulation if it is necessary to take urgent investigative action. The notification and instructions given by the European Delegated Prosecutor shall be reflected in writing.

## **Article 8**

### **Forms of cooperation**

(1) In the course of the investigation, the European Delegated Prosecutor concerned and the bodies under Article 16 para. 2 of the ACIAFA shall interact in accordance with the EPPO Regulation and the Criminal Procedure Code (CPC) of Bulgaria:

1. in carrying out certain actions related to the detection of crimes in the exercise of management and supervision of the investigation, in accordance with Article 196 of the CPC;
2. for the identification and tracing of the perpetrator in accordance with Article 215 of the CPC;
3. upon continuation of the search for the perpetrator in case of suspended criminal proceedings due to non-disclosure of the perpetrator of the crime in accordance with Article 245 para. 1 of the CPC.
4. when the performance of operative search activity is assigned under Articles 102 - 106 of the ACIAFA, in connection with pre-trial proceedings for offences under Article 22 of the EPPO Regulation committed by senior public officials.

(2) The acts of the European Delegated Prosecutor under paragraph 1 of this Article shall be sent to the President of the CACIAF.

(3) In the cases referred to in paragraph 1, points 2 and 3, the bodies under Article 16 para. 2 of the ACIAFA the results of the search are periodically reported to the European Delegated Prosecutor every third month.

## **Article 9 Notification**

(1) The EPPO shall notify:

1. the bodies under Article 16 paragraph 2 of the ACIAFA of the results of the closed files and pre-trial proceedings initiated on their materials;
2. the CACIAF of the results of the completion of court proceedings and the issued judicial acts in criminal cases initiated on its materials.

(2) In case of division of the proceedings or separation of the materials provided by the bodies under Article 16 paragraph 2 ACIAFA, the relevant European Delegated Prosecutor shall notify the CACIAF.

## **Chapter III SECURITY MEASURES AND FORFEITURE OF ILLEGALLY ACQUIRED ASSETS**

### **Article 10 Procedure**

(1) The European Delegated Prosecutor shall inform the Director of the relevant Territorial Directorate (TD) of the CACIAF when investigation was initiated for an offence referred to in Article 22 of the EPPO Regulation and falling within the scope of Article 108 para. 1 of the ACIAFA. The information shall contain the case number, the legal qualification of the offence and coordinates for subsequent communication.

(2) The European Delegated Prosecutor shall send a notification to the Director of the relevant TD of the CACIAF when, for an offence referred to in Article 22 of the EPPO Regulation and falling within the scope of Article 108 para. 1 of the ACIAFA, the EPPO decided not to initiate investigations and in case of termination or suspension of an investigation.

(3) The European Delegated Prosecutor shall send a written notification to the Director of the TD when: the EPPO decides to prosecute, to apply simplified prosecution procedures, to dismiss the case; to impose precautionary measures on the property of the accused; or to reopen suspended criminal proceedings.

(4) The notifications contain the fully available information on the person, the offence, the property, the precautionary measures imposed, the contact details, the case number.

(5) The notifications shall be accompanied by a copy of a decree to constitute the person as accused party, respectively of the indictment or a proposal for an agreement for resolving the case, or a proposal for release from criminal liability with imposition of an administrative penalty under Article 78a of the Bulgarian Criminal Code.

(6) The notifications under para. 1-5 shall be sent by the European Delegated Prosecutor to the director of the respective TD through the President of the CACIAF.

### **Article 11**

#### **Freezing orders**

Pursuant to Article 30 (d) of the EPPO Regulation, in conjunction with Article 72 of the CPC, the European Delegated Prosecutors are entitled to order or request the freezing of instrumentalities or proceeds of crime, including assets, that are expected to be subject to confiscation by the trial court, where there is reason to believe that the owner, possessor or controller of those instrumentalities or proceeds will seek to frustrate the judgement ordering confiscation.

### **Article 12**

#### **Support in view of confiscation**

(1) When conducting investigations for a criminal offence for which the Criminal Code provides for confiscation in favour of the state, confiscation or fine, or when the property status is relevant to the criminal proceedings for another reason provided by law, the European Delegated Prosecutor may request a report from the CACIAF on available previous inspections or proceedings against the person, as well as copies of the documents collected on them related to his property status.

(2) Following the notification, the European Delegated Prosecutor may request from the relevant TD of the CACIAF further information on the property status of the person, as well as on the property of the legal entities owned or controlled by him, including copies of the relevant documents.

### **Article 13**

#### **Documents provided to the European Delegated Prosecutor**

(1) The European Delegated Prosecutor shall be provided by the bodies of CACIAF with copies of documents relevant to the investigation regarding the property status of the inspected person, as well the legal entities owned or controlled by him.

(2) Copies of investigative action reports or other materials from the pre-trial proceedings may be provided to the CACIAF's bodies by the European Delegated Prosecutor. Access to the pre-trial materials may be granted to the bodies of the CACIAF with the permission of the handling European Delegated Prosecutor.

## **Chapter IV SECURITY PROPERTY MANAGEMENT**

### **Article 14 Asset management**

(1) Pursuant to Article 72a of the CPC, in conjunction with Article 160 of the ACIAFA, the property on which security measures have been imposed under that law is managed and protected by CACIAF.

(2) The conditions and procedure for carrying out actions for management of property on which precautionary measures have been imposed, as well as the management of confiscated property, shall be carried out in accordance with the provisions of Chapter Thirteen of the ACIAFA.

### **Article 15 Registry**

(1) CACIAF keeps an electronic register of secured property, which contains complete information about the person and the property.

(2) CACIAF shall issue certificates of the existence of precautionary measures imposed under ACIAFA within 7 days of receipt of a request from the relevant authorities as it is under Article 170(3) of the ACIAFA.

## **Chapter V EXCHANGE OF INFORMATION AND PERSONAL DATA PROTECTION**

### **Article 16 Means of communication**

The information exchange between CACIAF and the EPPO is carried out on paper and/or electronically in a manner determined by the President of CACIAF and the European Chief Prosecutor.

### **Article 17**

## **Access to information from CACIAF databases**

The European Delegated Prosecutors may obtain any information relevant to a case, stored in national databases on criminal investigations and law enforcement, as well as in other related registers of public authorities, under the same conditions as the ones applicable under the current Bulgarian law in such cases.

### **Article 18**

#### **Cooperation in Implementation of Data Protection Obligations**

- (1) Concerning personal data protection, the Parties shall apply the relevant European Union legal acts and national legislation.
- (2) The Parties shall cooperate and inform each other appropriately in the implementation of their respective obligations. This specifically includes
  - a. Informing each other in case of any personal data breach occurring in relation to personal data exchanged under this Working Arrangement.
  - b. Consulting each other in case of data subject requests related to personal data exchanged under this Working arrangement, and specifically not to grant access prior to having consulted the other party
  - c. Informing each other in case there are reasons to believe that personal data received or provided under this Working Arrangement were or are inaccurate or incomplete, or should not have been transmitted, in which case the receiving party shall take the appropriate action.

### **Article 19**

#### **Confidentiality**

Staff of the Parties who have access to or become aware of information about ongoing proceedings are obliged to observe confidentiality and not to disclose/reveal it to third parties.

### **Article 20**

#### **Cooperation for training purposes**

- (1) For the training of the European Delegated Prosecutors and employees under Article 16 para. 2 of the ACIAFA, as well as other staff of the CACIAF, the Parties may organise joint trainings and meetings and they may exchange good practices .
- (2) The specific topics, trainers and forms of training shall be agreed in a timely manner, with each party bearing the costs for its participants in the events.

## **Chapter VI**

## FINAL PROVISIONS

### Article 21 Expenses

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

### Article 22 Amendments and supplements

This Working Arrangement may be amended and supplemented in writing by mutual consent between the Parties.

### Article 23 Entry into force

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

Done at Luxembourg on 13/12/2021 and at Sofia on 16.12.2021, in two originals in English and Bulgarian languages.

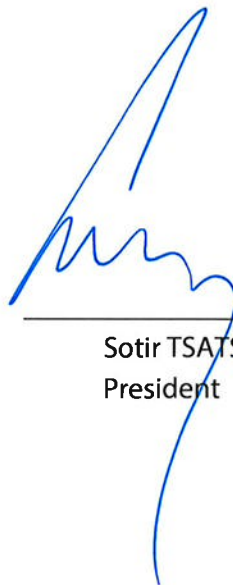
For the EPPO



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Laura Codruța KÖVESI  
European Chief Prosecutor

For CACIAF



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Sotir TSATSAROV  
President