

COOPERATION AGREEMENT

between

THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE (EPPO)

and

THE ITALIAN EXCISE, CUSTOMS AND MONOPOLIES AGENCY

The European Public Prosecutor's Office (hereinafter referred to as 'the EPPO'), hereby represented by Mr. Danilo Ceccarelli, Deputy European Chief Prosecutor, as per delegation of the European Chief Prosecutor no. 4/2021 dated 3 March 2021;

and

the Italian Excise, Customs And Monopolies Agency (hereinafter referred to as 'the ADM'), represented by the Director General Mr. Marcello Minenna;

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 4, 13(1), 24(1), 36(6) and 39(4) thereof;

Having regard to Legislative Decree no. 9 of 2 February 2021, on the adapting of the national legal framework to the EPPO Regulation, and in particular to Article 14 thereof;

Having regard to Article 63 of Legislative Decree no. 300 of 30 June 1999, on the reform of the organisation of the Government, in accordance with Article 11 Law no. 59 of 15 March 1997, in the part where it regulates the competences of the ADM;

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code, and in particular to Article 102(3)(2) thereof;

Having due regard to the Parties respectively applicable legal framework and obligations as regards the protection of personal data, and considering that the exchange of operational personal data is not based or occurring upon this Agreement;



Having considered that the EPPO is responsible for investigating, prosecuting and bringing to judgment, before the competent courts of the Member States, the perpetrators of criminal offences affecting the financial interests of the Union;

Having considered that the ADM functions of judicial police and investigative body within the limits established by Article 57(3) criminal procedure code; by Articles 324 and 325 D.P.R. no. 43 of 23 January 1973; by Article 32 of Law Decree no. 331 of 30 August 1993, converted with Law no. 427 of 29 October 1993; by Articles 18, 19 and 58 of Legislative Decree no. 504 of 26 October 1995; and by Article 31 of Law Decree no. 23 of 8 April 2020, converted by Law no. 40 of 5 June 2020;

Having considered the mutual willingness of the EPPO and of the ADM to cooperate, also from the strategic point of view, to fight the offences that affect the financial interest of the European Union;

Agree as follows:

Article 1

Scope

The purpose of this cooperation Agreement is to establish closer cooperation and communication between the parties in order to strengthen the effectiveness of the investigative action of the ADM under the coordination of the EPPO, in respect to the offences that fall within the competence of the ADM.

Article 2

Investigation instructions

The offices of the EPPO in Italy can instruct to undertake investigations the Operational Group "EPPO – GOE" for specific investigation instructions or to support already ongoing investigations, being "EPPO – GOE" a specific unit established by the ADM to undertake investigations entrusted by the EPPO in the field of competence of the ADM.

Article 3

Common initiatives

Beyond investigation actions, the EPPO and the ADM will engage in the following activities:

- a) promote communications and meeting on legal interpretative issues relevant to the operational activity;
- b) identify and detect the criminal phenomena that affect the financial interest of the European Union that are more relevant and more frequent, in order for the ADM to undertake its analytical tasks;
- c) agree on organising training activities of mutual interest, workshops, conferences and seminars, encouraging the participation of respective staff members;

- d) agree on the text of joint press releases related to common training activities or projects managed by the respective central offices;
- e) other cooperation initiatives in line with the respective mandates and the applicable legal framework.

Article 4

Contact points

The respective contact points for the implementation of this agreement are:

- a) for the EPPO in Italy, Mr. Stefano CASTELLANI, European Delegated Prosecutor coordinator in Italy
- b) for the ADM, Mr. Michele PETTTO, Director of the Agency Office for EPPO matters

Article 5

Data protection and confidentiality

1. Any personal data shall be processed by the EPPO or by the ADM within the frame of this Agreement only in compliance with the principles of lawfulness and fairness, data minimisation, accuracy, storage limitation, integrity and confidentiality and accountability.
2. The Parties shall respect confidentiality of data and information resulting from the activities foreseen by this Agreement.
3. 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.
4. 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 6

Publication

The Parties agree that this Agreement could be published on the respective websites and disclosed through other public channels.

Article 7

Expenses

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



Article 8

Amendments and supplements

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

Article 9

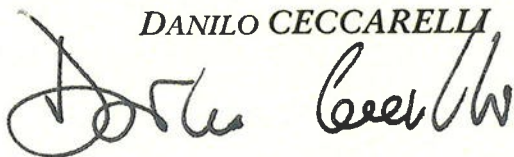
Entry into force

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

Done at Rome on 23 February 2022 in two originals in the English and Italian language.

for the EPPO
THE DEPUTY EUROPEAN CHIEF PROSECUTOR

DANILO CECCARELLI



for the AGENCY
THE DIRECTOR GENERAL

Marcello MINENNA

