

# DECISION OF THE COLLEGE OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE OF 29 JUNE 2022

## ON GUIDELINES ON THE IMPLEMENTATION OF ARTICLE 54 OF COLLEGE DECISION 003/2020 OF 12 OCTOBER 2020 LAYING DOWN THE INTERNAL RULES OF PROCEDURE OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE

The College of the European Public Prosecutor's Office (EPPO),

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 ('the EPPO'), hereinafter referred to as the "EPPO Regulation", and in particular Articles 21 and 91(6) thereof,

Having regard to the Internal Rules of Procedure ("IRP") of the European Public Prosecutor's Office, adopted by College Decision 003/2020 of 12 October 2020, as amended and supplemented by College Decision 085/2021 of 11 August 2021, and in particular Article 54 thereof,

HAS ADOPTED THE FOLLOWING DECISION:

### Article 1

#### *Implementation of Article 54 IRP on Exceptionally costly investigation measures*

The following rules and criteria shall apply for the implementation of Article 54 of the College Decision 003/2020 of 12 October 2020 laying down the Internal Rules of Procedure of the European Public Prosecutor's Office, as amended and supplemented by Decision 085/2021 of 11 August 2021 of the College of the EPPO:

1. Where an exceptionally costly investigation measure is carried out or could be carried out on behalf of the EPPO, the handling European Delegated Prosecutor may file a reasoned request in the Case Management System for a partial financial contribution of the EPPO, in accordance with Article 91(6) of the Regulation and Article 54 IRP.
2. The reasoned request shall contain the following information:

- (a) details on the exceptional nature of the cost of the measure, including any specific national circumstances in that respect;
  - (b) the requested amount of the EPPO's financial contribution, which shall be measurable and include the nature of the expense, in as much detail as possible, for which costs are claimed; and
  - (c) the identification of the national administration having legal personality and legitimacy to enter into a financing agreement with the EPPO.
3. The request is automatically notified in the Case Management System to the permanent members of the competent Permanent Chamber as well as to the supervising European Prosecutor.
4. The Permanent Chamber shall examine the request, taking into account the input from the Administrative Director on the available financial resources, the legality and regularity of providing a financial contribution to the national administration referred to in paragraph 2c) for the purpose identified, under the condition that the input has been provided within any time limit set by the Permanent Chamber when informing the Administrative Director of the request.
- The Permanent Chamber shall accept, reject or partially accept the request, without indicating the possible amount to be awarded, in accordance with one or more of the following assessment criteria:
- (a) foreseeable evidentiary value of the measure in the framework of the investigation or before any competent court;
  - (b) foreseeable added value of the measure in view of subsequent asset recovery processes; and
  - (c) benefits and cost proportionality in relation to the harm caused by the criminal activity under investigation.
5. The decision of the Permanent Chamber shall be duly motivated and shall be automatically notified through the Case Management System to the concerned European Delegated Prosecutor.
6. Where the request is accepted by the Permanent Chamber, the Administrative Director shall be informed of that decision. The Administrative Director shall, without undue delay, take a decision on the amount to award in compliance with the Financial Rules, ensuring budgetary coherence with other requests handled in accordance with the assessment criteria, and shall conclude a financing agreement with the contracting party.
7. The decision of the Administrative Director on the amount to award shall be notified without delay to the concerned European Delegated Prosecutor, the supervising European Prosecutor, the European Chief Prosecutor and the permanent members of the Permanent Chamber.



## Article 2

### *Entry into force*

This decision shall enter into force on the day of its adoption.

Done at Luxembourg on 29 June 2022.

**On behalf of the College,**

**Laura Codruța KÖVESI**  
**European Chief Prosecutor**



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