

# DECISION OF THE COLLEGE OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE OF 20 JULY 2022

AMENDING COLLEGE DECISION 097/2021 OF 22 SEPTEMBER  
2021 LAYING DOWN RULES ON THE OTHER STAFF PUT AT THE  
DISPOSAL OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE BUT  
NOT EMPLOYED BY IT

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

Having regard to Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ("EPPO") (hereinafter referred to as "the EPPO Regulation"), and in particular Article 98 thereof,

Having regard to Decision of the College of the European Public Prosecutor's Office of 12 October 2020 on the Internal Rules of Procedure of the EPPO (hereinafter referred to as "the IRP"), and in particular Articles 1(2) and 61(2)(5) and (6) thereof,

Whereas:

- a. According to Article 98(1) of the EPPO Regulation, the EPPO may make use, in addition to its own staff, of other persons put at its disposal but not employed by it. These other persons are not in a contractual relationship with EPPO. They shall be paid by their Member States and remain at all times subject to the applicable laws of their respective countries, in particular as regards labour and social laws. In particular, Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Community of Atomic Energy shall not apply to them.
- b. According to Article 61(6) of the IRP, when entering information into the Case Management System, the handling European Delegated Prosecutor may be assisted by the staff of the EPPO or by other administrative staff acting under his/her control put at the EPPO's disposal by the respective participating Member State, only to the extent required to ensure that the EPPO can function as a single office and that the content of information in the Case Management System reflects at all times the case file.

Has adopted the following decision:

## Article 1

### *Amendments*

Article 4 of College Decision 097/2021 laying down rules on the other staff put at the disposal of the European Public Prosecutor's Office but not employed by it, is replaced by the following:

### **' Article 4**

#### *Use of the Case Management System*

1. Other EPPO Staff shall be able to use specific functionalities of the Case Management System (hereinafter referred to as "the CMS") only to the extent necessary to fulfil the purpose as per Article 61(6) of the Internal Rules of Procedure, namely:
  - a) Preparation of Case Registration: other EPPO Staff shall be able to prepare information allowing the European Delegated Prosecutor to register, a new case.
  - b) Case Management: other EPPO Staff shall be able to assist the European Delegated Prosecutors in the management of cases to which the European Delegated Prosecutor has assigned them. For this purpose, upon instruction of the European Delegated Prosecutor, they shall be entitled to
    - i. Access the list of tasks assigned to the European Delegated Prosecutor;
    - ii. Collaborate in drafting documentation relevant to the case;
    - iii. Prepare the insertion, uploading, or amendment of existing information or documentation, including where appropriate, their removal, in order to maintain the accuracy and completeness of information in their respective cases;
    - iv. Search for information within the cases they have been assigned to.
2. No action undertaken by the other Staff may result in the amendment, removal or insertion of data or documents into the Case Management System, absent the validation of the European Delegated Prosecutor, and under their responsibility. All activities of the other Staff shall be auditable to the same extent as that of any other CMS user.
3. To the extent required for the performance of the tasks indicated in paragraph 1, other EPPO staff may be granted authorisation to use specific functionalities of the CMS in accordance with the Decision of the European Chief Prosecutor pursuant to Article 61(2) of the IRP, under the condition that:
  - a. They are allocated explicitly by their Member State to support the EPPO
  - b. They have completed a dedicated training regarding the use of the CMS,

- c. They have completed a dedicated training and documented their acceptance of their obligations regarding security, confidentiality and data protection, including the obligation to cooperate with any inquiries by the EPPO,
  - d. They are able to perform their tasks and follow the trainings in the working language of the EPPO.
  - e. They have been subjected to appropriate security screening
4. Other EPPO Staff who have access to the CMS shall be subject to all the obligations and limitations imposed by the EPPO Regulation and implementing rules by the College, related to confidentiality, security and data protection.
5. The European Prosecutor from the Member State in which other staff is employed or, upon their delegation, the European Delegated Prosecutor designated to replace them in accordance with Article 2 of College Decision 013/2021 of 24 February 2021, shall propose to the European Chief Prosecutor the inclusion of that individual into the list specified in para 1 above, confirming that the individual has fulfilled the criteria and would be eligible for inclusion. This also includes the responsibility for requesting immediate removal from the list if deemed appropriate, such as once the individual no longer fulfils the requirements laid out above.'

## Article 2

### *Entry into force*

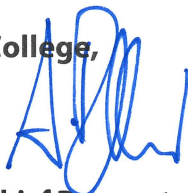
This decision shall enter into force on the date of its adoption by the College of the European Public Prosecutor's Office (EPPO).

Done at Luxembourg on 20 July 2022.

**On behalf of the College,**

**Andrés RITTER**

**Deputy European Chief Prosecutor**

A blue ink signature of Andrés Ritter, consisting of stylized, overlapping loops and lines.

EUROPEAN  
PUBLIC  
PROSECUTORS  
OFFICE