

Memorandum of Understanding and Working Arrangement on Cooperation
between the European Public Prosecutor's Office, on the one side,
and
the United States Department of Justice and
Department of Homeland Security, on the other side

The European Public Prosecutor's Office ("EPPO"), on the one side, and the United States Department of Justice and Department of Homeland Security, on the other side, together referred to as "the Participants",

Having regard to the legal framework of the European Union, including, in particular, Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the EPPO ("the EPPO Regulation");

Having regard to the legal framework of the United States of America, including, in particular, its agreements and laws governing international judicial and police cooperation and extradition of offenders;

Considering that the EPPO is a body of the European Union (EU) that investigates and prosecutes cases in the participating Member States;

Considering that the European Prosecutors ("EPs"), who oversee EPPO cases in its central office, and European Delegated Prosecutors ("EDPs"), who are responsible for those investigations and prosecutions in the Member States, are both staff of the EPPO acting on behalf of the EPPO, and at the same time active members of the public prosecution service of the respective Member States who are operationally integrated into their national prosecution services;

Considering that EPs, EDPs and investigators working together on an EPPO investigation or prosecution are judicial and police officials of the EU Member State in which the EPPO investigation or prosecution is being conducted, that the offenses concerned are those of that EU Member State, that any prosecution will take place before the courts of that EU Member State, and any punishment will be imposed and carried out under the laws of that EU Member State;

Considering that cooperation in such investigations and prosecutions may be sought via extradition and mutual legal assistance treaties or arrangements between EU Member States and the United States of America providing for cooperation in criminal matters between EU Member States and the United States of America, and laws related thereto; and

Considering the desire of the Participants to provide close cooperation to each other in investigations and prosecutions relating to criminal matters,

HAVE REACHED THE FOLLOWING UNDERSTANDINGS:

Section 1 Purpose

The purpose of this Memorandum of Understanding and Working Arrangement is to facilitate cooperation between the Participants in investigations and prosecutions relating to criminal offenses within their respective competences, with respect to the exchange of strategic and operational information and evidence, extradition and other forms of cooperation, consistent with their respective legal frameworks, including applicable bilateral and multilateral instruments, as appropriate, and the provisions of this Memorandum of Understanding and Working Arrangement.

Section 2 Definitions

For the purposes of this Memorandum of Understanding and Working Arrangement:

- a) 'European Prosecutor' means the staff of the EPPO referred to in Articles 16 and 96(1) of the EPPO Regulation;
- b) 'European Delegated Prosecutor' means the staff of the EPPO referred to in Articles 17 and 96(6) of the EPPO Regulation;
- c) 'EPPO staff' means the staff and other persons referred to in Articles 8(5), 96(3), 97 and 98 of the EPPO Regulation.

Section 3 Cooperation in gathering information and evidence

(1) The U.S. Department of Justice and Department of Homeland Security intend to cooperate with the EPPO, consistent with applicable legal frameworks, in the gathering of information and evidence needed by the EPPO for an investigation, prosecution, or related proceeding conducted under the EPPO Regulation. Such cooperation may be provided under any applicable international agreement or law governing mutual legal assistance in criminal matters, or through an available arrangement or other police cooperation mechanism. The U.S. Department of Justice intends to provide mutual legal assistance in response to a request made on behalf of a European Delegated Prosecutor handling the matter and transmitted between the appropriate authority of the EU Member State in which the investigation or prosecution is being carried out and the U.S. Central Authority for mutual legal assistance.

(2) The EPPO intends to cooperate with the U.S. Department of Justice and Department of Homeland Security, consistent with applicable legal frameworks, in providing evidence needed by the U.S. Department of Justice or Department of Homeland Security for an investigation, prosecution, or related proceeding conducted under their respective

authority. Such cooperation may be provided under any applicable international agreement or law governing mutual legal assistance in criminal matters, or through an available arrangement or other police cooperation mechanism.

Section 4 Joint investigation teams

The Participants may take part in joint investigation teams consistent with the provisions of the U.S.-EU Agreement on Mutual Legal Assistance signed at Washington June 25, 2003, and of the bilateral mutual legal assistance treaty applicable to the United States of America and the EU Member State concerned.

Section 5 Extradition

The Participants intend that where the EPPO seeks the extradition of a person sought for a prosecution it is conducting, the European Delegated Prosecutor handling the matter may request the appropriate authority of the EU Member State in which the prosecution is being carried out to seek provisional arrest or extradition consistent with the applicable treaty between the EU Member State concerned and the United States of America.

Section 6 Other ways of cooperation

The Participants may:

- (a) exchange strategic and other, non-operational information in areas within their competence;
- (b) cooperate in carrying out training sessions on matters of common interest;
- (c) invite each other to seminars, workshops, conferences and other similar activities;
- (d) provide logistical, technical or other support, expertise or other cooperation, to each other in such manner as they may decide between them; and
- (e) participate in such additional cooperation or activities as may be decided between them.

Section 7
Points of Contact and Liaison officers

(1) For purposes of facilitating cooperation from the U.S. Department of Justice and Department of Homeland Security to the EPPO under this Memorandum of Understanding and Working Arrangement, the U.S. points of contact are:

- (a) The Department of Justice Senior Counsel to the European Union in Brussels;
- (b) The Federal Bureau of Investigation Legal Attaché to Luxembourg;
- (c) The U.S. Department of Justice, Criminal Division, Office of International Affairs in Washington DC; [and]
- (d) The U.S. Department of Homeland Security, Immigration and Customs Enforcement Attaché in Brussels.

(2) For purposes of facilitating cooperation from EPPO to the U.S. Department of Justice and Department of Homeland Security under this Memorandum of Understanding and Working Arrangement, the EPPO points of contact are:

- (a) The Operations Support Unit of the EPPO, from the central level in Luxembourg;
- (b) The European Prosecutor supervising investigation and prosecution in the concerned Member State, from the Central Office of the EPPO in Luxembourg.

(3) Each Participant may modify its points of contact by written notification to the other Participant.

(4) The Participants may decide upon the terms and conditions for secondment of a U.S. liaison officer(s) at the EPPO's headquarters, and of an EPPO contact point(s) to the U.S. Department of Justice and Department of Homeland Security.

Section 8
Mode and channels of communication

(1) The Participants may communicate in such manner and through such channel as provided for under the applicable agreement, arrangement, or law they invoke.

(2) If a Participant requires assistance in identifying the appropriate mode or channel of communication, it may consult the points of contact.

(3) The points of contact and liaison officers described in Section 7 may communicate directly with one another.

(4) The provisions of this Section are without prejudice to other communication between the Participants in a manner compatible with their respective applicable legal frameworks.

Section 9 Data protection

The Participants recognize that the Agreement between the United States of America and the European Union on the Protection of Personal Information Relating to the Prevention, Investigation, Detection, and Prosecution of Criminal Offenses, signed at Amsterdam June 2, 2016, applies to personal data obtained by one Participant from the other under this Memorandum of Understanding and Working Arrangement.

Section 10 Consultation

The Participants may engage in consultations to facilitate the operation of this Memorandum of Understanding and Working Arrangement, including to resolve any different interpretations relating to it. This Memorandum of Understanding and Working Arrangement is not intended to affect any consultations between the Participants concerning matters not addressed herein.

Section 11 Expenses

Neither Participant intends to make any pecuniary request against the other Participant for expenses arising out of the execution of this Memorandum of Understanding and Working Arrangement. Should expenses of an extraordinary nature arise out of the execution of this Memorandum of Understanding and Working Arrangement, the Participants may consult with a view to determining the manner to address them.

Section 12 Modification

This Memorandum of Understanding and Working Arrangement may be modified in writing at any time by mutual decision of the Participants.

Section 13
Commencement of Cooperation

The Participants intend to commence cooperation pursuant to this Memorandum of Understanding and Working Arrangement on the date of the last signature of the Participants.

Signed, in three originals, in the English language.

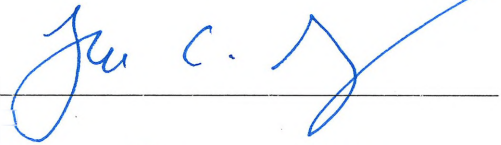
**FOR THE EUROPEAN PUBLIC
PROSECUTOR'S OFFICE:**



Date: 26.07.2022

Place: Luxembourg

**FOR THE UNITED STATES
DEPARTMENT OF JUSTICE:**



Date: June 4, 2022

Place: Washington

**FOR THE UNITED STATES
DEPARTMENT OF HOMELAND
SECURITY:**



Date: 7/12/22

Place: Washington