



DECISION OF THE COLLEGE OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE 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, AS AMENDED BY DECISION 035 OF 20
JULY 2022 OF THE COLLEGE OF THE EPPO¹

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"²), 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 Internal Rules of Procedure"), 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

¹ The consolidated text of the College Decision 097/2021 is prepared for information purposes only, to facilitate the reading of the rules on the Other Staff put at the disposal of the European Public Prosecutor's Office but not employed by it. The recitals from the Decision 035/2022 are not reproduced in the text of the consolidated version.

² OJ L 283, 31.10.2017, p.1.

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.

- c. There is a need to adopt a decision laying down rules on these other staff put at EPPO's disposal but not employed by it, in accordance with Article 98(2) of the EPPO Regulation.

Has adopted the following rules:

Article 1

Scope

1. This decision lays down rules on the tasks and the functional relationship between the EPPO and other staff put at its disposal by the Member States but not employed by it (hereinafter referred to as "other Staff"), irrespective of whether they are put at disposal of the EPPO full-time or part-time.
2. This decision does not apply to seconded national experts.

Article 2

Coordination, supervision, training and other activity

1. Where they perform tasks for the EPPO, the coordination and the supervision of the work of the other Staff is carried out by the EPPO in accordance with article 3.
2. Subject to the agreement of the competent authorities of the Member States, other Staff may participate in selected trainings and other relevant activities organised by or for the EPPO. Where a European Delegated Prosecutor wishes for other Staff put at his/her disposal to participate in EPPO training or activity, he/she shall inform the competent European Prosecutor. The European Prosecutor shall forward this request to the Administrative Director in due time before the event's occurrence for the latter's decision.

Article 3

Tasks

1. In addition to their tasks as foreseen under the national system, other Staff may be assigned to further tasks necessary for the functioning of the decentralised offices of the EPPO. Such tasks may include the assistance to the European Delegated Prosecutor in organising the work of the European Delegated Prosecutor's national office, maintaining the case file and interacting with IT tools and applications in accordance with Article 4.
2. The overall coordination and the supervision of the work of the other Staff shall be in principle carried out by the European Delegated Prosecutor designated to substitute the European Prosecutor of his/her Member State, unless the European Prosecutor takes a different decision.

3. Where the European Delegated Prosecutor designated to substitute the European Prosecutor of his/her Member State is unavailable, the concerned European Prosecutor may assign the coordination and the supervision of the other Staff to another European Delegated Prosecutor of the same country.

Article 4³

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 access 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,

³ This Article has been amended by Article 1 of the College Decision 035/2022 of 20 July 2022.



- 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 paragraph 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 5

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 22 September 2021.

On behalf of the College,

Laura Codruța KÖVESI
European Chief Prosecutor