



**WORKING ARRANGEMENT**  
**between**  
**THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE (EPPO)**  
**and**  
**THE ITALIAN MILITARY PROSECUTOR GENERAL AT THE COURT OF CASSATION**

The European Public Prosecutor's Office (hereinafter referred to as 'the EPPO') and the Italian Military Prosecutor General at the Court Of Cassation (hereinafter referred to as 'Military Prosecutor General'), together referred to as 'the Parties',

Having regard to Articles 86 and 325 of the Treaty on the Functioning of the European Union (TFEU),

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 EPPO Regulation'), and in particular to Articles , 5(3), 13(1), 24(2) and 27 thereof,

Having regard to the function and the role of the Military Prosecutor General, and more in general of the Military Prosecution Service, in particular in view of Articles 103(3) and 108 of the Constitution of the Italian Republic, which establish that the military judiciary – including the prosecution – is independent from any other power,

Having regard to the exclusive competence, in the Italian national system, of the Military Prosecution Service in respect of military offences committed by military personnel, including personnel serving in law enforcement forces with military status,

Considering that the EPPO Regulation establishes that the EPPO shall exercise the functions of prosecutor in the Member States in respect of criminal offences affecting the financial interests of the Union which are provided for in Directive (EU) 2017/1371 (PIF Directive), when the EPPO exercises its competence, in the competent courts of those Member States, until the case has been finally disposed of,

Considering that some of the offences that might affect the financial interests of the European Union would fall, in accordance with the Italian legislation, within the exclusive competence of the Military Prosecution service, and the EPPO could exercise its competence pursuant to Articles from 24 to 27 of the EPPO Regulation, including possible evocation from the Military Prosecutor's Office that is conducting the investigation, in line with Article 24(2) of the EPPO Regulation,

Considering that the military prosecution service is highly specialised and that, in case the EPPO exercises its competence for military offences, it is necessary that the EPPO and the military prosecution service regularly consult each other,

Considering that it is in the common interest of the Military Prosecutor General and of the EPPO to ensure the correct prosecution and handling, from the legal standpoint, of the proceedings where the EPPO exercise its competence in respect of military offences,

Having finally considered that it is necessary, in the proceedings for protection of legality before the Court of Cassation, that the functions of prosecutor on behalf of the EPPO are exercised by a European Delegated Prosecutor that is appointed at the office of the General Prosecutor at the Court of Cassation level also with reference to military offences, as already foreseen by the agreement between the EPPO and the Minister of Justice of Italy in line with Article 13(2) of the EPPO Regulation, and Article 9 para 1 D.L.vo 9/2021, as amended by Article 34 para 1 D.L. 17/2022,

Agree as follows:

### **Article 1**

#### **Purpose and scope**

1. The purpose of this Working Arrangement is to provide a structured framework for cooperation between the Parties in relation to proceedings for military offences in respect of which the EPPO exercises its competence.
2. This Working Arrangement, which only concerns the relations between the EPPO and the Military Prosecutor General, is not intended to create any additional rights and obligations under Union Law and is without prejudice to the provisions governing the mandate of the EPPO or of the Military Prosecutor General.

### **Article 2**

#### **Consultations**

1. Without prejudice to the obligations of the Parties pursuant to the EPPO Regulation and the Italian Legislative Decree no. 9/2021, whenever possible the EPPO and the Military Prosecutor General will consult in any occasions the EPPO receives, for any sources, information related to military offences that might fall within its competence. The Military Prosecutor General may refer the consultation to the Chief Prosecutor of the competent

territorial Military Prosecutor's Office, or to a substitute prosecutor. The EPPO may refer the consultation to an European Delegated Prosecutor.

2. Where a Military Prosecutor's Office believes that there are reasons to inform the EPPO that an investigation in respect of criminal offences for which the EPPO could exercise its competence is ongoing, the military prosecutor in charge of the case will consult the EPPO before sending the information according to Article 24(2) of the EPPO Regulation. The EPPO will refer the consultation to an European Delegated Prosecutor.
3. Where the EPPO exercise its competence for a military offence, initiation an investigation in line with Article 26 or evoking an investigation in accordance with Article 27 of the EPPO Regulation, the European Delegated Prosecutor will consult regularly with a military prosecutor at every stage and phase of the proceedings. Without prejudice to the absolute autonomy and independence of each party, the consultation will be aimed at ensuring the correct prosecution and handling of the proceedings. The Military Prosecutor General may refer the consultation to the Chief Prosecutor of the competent territorial Military Prosecutor's Office, or to a substitute prosecutor.

### **Article 3** **Coordination in case-related matters**

1. When the EPPO and a Military Prosecutor's Office carry out connected investigations, the Parties will coordinate with each other in respect of investigative measures.
2. The Parties may invite each other to participate, on a peer-to-peer basis, to coordination meetings or other coordinating initiatives.
3. Upon the other party's request or at its own initiative, each Party may transfer to the other Party specific documents part of the respective case-file, in accordance with the applicable legislation on the secrecy of pre-trial investigations.
4. Each Party can put on hold the exchange of information in case this may hamper ongoing investigations, or may jeopardise the security of individuals.

### **Article 4** **Contact points**

The Parties shall designate contact points for exchange of information and operational cooperation under this working arrangement. They shall notify each other of such designation by means of exchange of letters.

### **Article 5** **Data Protection**

1. Personal data may only be processed by the Parties in full compliance with the respectively applicable data protection framework. Both Parties shall ensure that all receipts of personal data, as well as any transfers thereof, are duly logged and traceable, including, where required in line with these or other implementing rules, the grounds for their transfer. No personal data shall be kept longer than necessary for the purpose for which it has been processed, or than required due to other legal obligations.

2. 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.
3. To the extent applicable and without prejudice to any processor-controller agreement between the parties, the parties shall cooperate and inform each other appropriately in the implementation of their respective obligations. This specifically includes informing each other
  - a) in case of any personal data breach occurring in relation to personal data exchanged under this arrangement,
  - b) in case there are reasons to believe that personal data received or provided under this arrangement were or are inaccurate or incomplete, or should not have been transmitted, in which case the receiving party shall take the appropriate action.

## **Article 6 Expenses**

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

## **Article 7 Amendments and supplements**

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

## **Article 8 Entry into force**

This Working Arrangement shall enter into force on the date of its signature by the last signatory.

Done at Luxembourg and in Rome on 11 July 2022, in two originals in the English and Italian language.

**For the EPPO**

**CECCARELLI Danilo**  
Digitally signed by  
CECCARELLI Danilo  
Date: 2022.07.11  
17:48:11 +02'00'

**Danilo Ceccarelli**  
**Deputy European Chief Prosecutor**  
**European Prosecutor for Italy**

**For the Military Prosecutor's General  
Office at the Court of Cassation**

*Firmato Digitalmente da/Signed by:*  
**MAURIZIO BLOCK**

*In Data/On Date:*  
giovedì 21 luglio 2022 16:56:46

**Maurizio Block**  
**Military Prosecutor General at the Court  
Of Cassation**