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Working Arrangement

**on the cooperation between the European Public Prosecutor's Office
and the Special Anti-Corruption and Organised Crime Structure of the Republic of Albania**

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The European Public Prosecutor's Office, hereinafter referred to as "the EPPO", and the Special Prosecution Office against Corruption and Organised Crime of the Republic of Albania, here and after referred to as ("SPAK"), together referred to as "the Parties",

Having regard to the provisions of the 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 the Articles 99 and 104 thereof,

Having regard to the provisions of the Constitution of the Republic of Albania and the Law no. 95/2016, "On the Organisation and Functioning of Institutions for Combating Corruption and Organised crime", here and after "Law no.95/2016, for the representation of the SPAK in relations with third parties and mutual assistance in criminal cases of special jurisdiction, and in particular article 4, article 15, point 2 letter "a" and article 22 of Law no. 95/2016,

Considering the will of the Parties to establish a close cooperation with a view of protecting by investigative and prosecutorial means the financial interests of the European Union and of the Republic of Albania,

Taking into account the special competence of SPAK in investigating, prosecuting and bringing to judgment perpetrators of corruption and organised crime and the competence of the EPPO to investigate, prosecute and bring to judgment authors of crimes against the financial interests of the European Union,

Aiming to facilitate cooperation and exchange of information between them in order to ensure effective investigation and prosecution, in full respect of the Charter of Fundamental Rights of the European Union, and to bring to justice without undue delay all persons who are suspect or accused of committing crimes against the EU budget,

HAVE AGREED AS FOLLOWS:

Chapter I

General provisions

Article 1

Purpose

- (1) The purpose of this Working Arrangement is to facilitate judicial cooperation in criminal matters and exchange of information between the Parties.
- (2) The Parties shall exchange strategic information and establish other forms of operational and institutional cooperation in accordance with the provisions of this Working Arrangement.
- (3) For gathering evidence or obtaining extradition of persons sought, as well as for other forms of judicial cooperation between them, the Parties shall apply the relevant multilateral instruments for judicial cooperation in criminal matters, including, but not limited to, the European Convention on mutual assistance in criminal matters and its additional Protocols, as well as the United Nations Convention against transnational organised crime and the United Nations Convention against corruption.

Article 2

Scope

The Parties shall cooperate in all areas referred to in this Working Arrangement within the limits of their respective legal frameworks.

Article 3

Definitions

For the purposes of this Working Arrangement:

- a) 'European Prosecutor' means the EPPO post-holder referred to in Articles 16 and 96(1) of the EPPO Regulation;
- b) 'European Delegated Prosecutor' means the EPPO post-holder 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 Article 2 (4) of the EPPO Regulation;
- d) 'Personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical,

physiological, genetic, mental, economic, cultural or social identity of that natural person;
and

- e) 'Information' means personal and non-personal data.

Chapter II

Operational cooperation

Article 4

Cooperation on gathering evidence

The Parties shall provide each other with the widest extent of cooperation for gathering evidence, in accordance with the provisions of the European Convention on mutual assistance in criminal matters, Strasbourg, 20 April 1959, and its additional Protocols.

Article 5

Freezing of assets

The Parties shall cooperate in the area of freezing of assets in accordance with the applicable multilateral legal instruments, including the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, Warsaw, 16 May 2005.

Article 6

Joint investigation teams

- (1) The Parties may cooperate on setting up joint investigation teams in cases that would fall under the competence of the EPPO.
- (2) For the setting up of a joint investigation team, the Parties shall conclude specific agreements, in accordance with the Second Additional Protocol to the European Convention on mutual assistance in criminal matters.

Article 7

Extradition

The Parties acknowledge that where it is necessary for the EPPO to request the extradition of a person sought, the handling European Delegated Prosecutor may request the competent authority of his/her Member State to issue an extradition request in accordance with the European Convention on extradition, Paris, 13 December 1957, and its additional Protocols.

Chapter III

Strategic cooperation and institutional matters

Article 8

Exchange of strategic and other information

- (1) The Parties may exchange any strategic and other non-operational information in areas within their competence.
- (2) The information referred to in paragraph 1 shall not contain personal data.

Article 9

Secondment of Liaison officers to the EPPO

- (1) In order to facilitate the application of this Working Arrangement and especially to fostering the operational cooperation between the Parties, SPAK may second a liaison officer to the EPPO's headquarters in Luxembourg.
- (2) The EPPO shall provide an office, technical equipment and the necessary logistical support for the liaison officer seconded to its headquarters. SPAK will cover all other costs of the secondment.
- (3) The Parties shall agree the specific Working Arrangements related to the secondment of the liaison officer through an exchange of letters.

Article 10

EPPO Contact Points in the SPAK

In accordance with Article 104(2) of the EPPO Regulation, the Parties agree that the EPPO has as its Contact Point in the SPAK, the International Cooperation and Liaison Sector for Joint Investigations.

Article 11

Meetings and other events

- (1) The Parties shall organise high-level meetings between the European Chief Prosecutor and the Chief Special Prosecutor, as well as technical meetings at both operational and administrative levels.
- (2) The Parties may cooperate in organising training sessions on matters of common interest and they may invite each other to seminars, workshops, conferences and other similar activities that are mutually relevant.

Article 12

Technical Support provided by the EPPO

Upon request, the EPPO may support SPAK in exercising its functions, especially with expertise and sharing best practices in investigating and prosecution financial crimes, corruption and organised crime.

Article 13

Means and channels of communication

- (1) The Parties shall communicate by any means whereby a written record can be produced, including through secured means of electronic communication.
- (2) At operational level, the Parties shall cooperate directly. Requests for assistance or judicial decisions addressed to the EPPO shall be sent to the Central Office.
- (3) At strategic and management level, the Parties shall communicate through the European Chief Prosecutor and the Chief Special Prosecutor.

Chapter IV

Processing of personal data, data security and liability

Article 14

Exchange of personal data

Any exchange of personal data between the Parties shall be in accordance with the respectively applicable Union and Albanian legal framework.

Article 15

General Provisions

1. In respect of personal data exchanged pursuant to this Working Arrangement, the Parties shall ensure that:
 - a) the personal data are fairly processed;
 - b) the personal data provided are adequate, relevant and not excessive in relation to the specific purpose of the request or transfer;
 - c) the personal data are retained only so long as necessary for the purpose for which the data were provided or further processed in accordance with this Working Arrangement. Such necessity should be reviewed no later than in accordance with the respective legal frameworks of the Parties; and
 - d) no personal data is transmitted without a purpose.

Article 16

Transmission of special categories of personal data

1. Personal data revealing racial or ethnic origin, political opinions or religious or other beliefs, trade union membership or concerning health and sexual life shall be prohibited, unless they are strictly necessary for a purpose set forth in Article 1 of this Working Arrangement.
2. The Parties shall take adequate safeguards, particularly appropriate technical and organisational security measures, to comply with the special sensitivity of the categories of personal data mentioned in paragraph 1 of this Article.

Article 17

Rights of the data subject and Public Access requests

1. In line with the respectively applicable legislation, individuals possess a number of rights in relation to the processing of their personal data exchanged under this Working Arrangement by the Parties. These rights are exercised in accordance with the law applicable to the Party to which the request is submitted.
2. The Party to which the request is submitted shall give the other Party the opportunity to express its opinion, especially prior to the granting of any access to the data subject following such a request. The parties shall inform each other of the final decision taken in relation to the request they received.
3. Requests for public access to documents exchanged under this Working Arrangement shall be subject to the same consultation requirement under paragraph 2 of this Article, including the notification of the final action taken.
4. This Article is without prejudice to any rights an individual may have under the law applicable to the transmitting Party to seek release of information from that Party, or other appropriate relief. Also in such cases where this concerns information exchanged under this Working Arrangement, the obligations under paragraph 2 shall apply accordingly.

Article 18

Notification obligations

1. If a Party becomes aware either via the request of the data subject, via notification from the transmitting Party or via some other way, that information it has received from or transmitted to the other Party is not or may not be accurate, or should not have been transmitted, it shall take all appropriate measures to safeguard against erroneous reliance on such information, which may include supplementation, deletion or correction of such information, including informing the other Party, which shall act accordingly.

2. In case of a personal data breach, the Parties shall inform each other where it concerns personal data exchanged under this Working Arrangement.

Article 19

Data security

The Parties ensure that the necessary technical and organisational measures are utilised to protect personal data received under this Working Arrangement against accidental or unlawful destruction, accidental loss or unauthorised disclosure, alteration, access or any unauthorised form of processing. The Parties particularly ensure that only those authorised to access personal data can have access to such data.

Article 20

Onward transfers

Any onward transmission, including to Union bodies and agencies, Member States, third countries and international organisations, shall receive the prior explicit authorisation by the transmitting Party, in specific or in general terms. Such consent may only be given when allowed under the applicable legal framework of the transmitting Party.

Article 21

Liability for the unauthorised, incorrect or inaccurate processing of data

1. Each Party shall be liable, in accordance with its respective legal framework, for any damage caused to an individual because of unauthorised, incorrect or inaccurate processing of data carried out by it.
2. Neither Party may plead in any proceedings brought against it that the other Party had transmitted inaccurate information. If a Party is bound to pay amounts awarded as compensation for damages to an injured party, and the damages are due to a failure of the other Party to comply with its legal obligations to transmit accurate information and data, the latter shall be bound to repay, on request, these amounts. In case no agreement can be reached on the determination and compensation of damages between the Parties, the issue shall be settled by consultations carried out in accordance with Article 22.
3. The Parties shall not require each other to pay for punitive or non-compensatory damages under paragraph 2 of this article.

Chapter V

Final provisions

Article 22

Consultations

The Parties shall consult each other regarding any matters that may lead to different interpretations of this Working Arrangement.

Article 23

Expenses

Unless otherwise stipulated in this Working Arrangement, the Parties shall bear their own expenses that arise in the course of implementation of this Working Arrangement.

Article 24

Amendments

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

Article 25

Termination of the Working Arrangement

- (1) This Working Arrangement may be terminated in writing by either Party with three months' notice.
- (2) In case of termination, the Parties shall reach agreement on the continued use and storage of the information that has already been communicated between them.
- (3) Without prejudice to paragraph 1, the legal effects of this Working Arrangement shall remain in force.

Article 26

Entry into force

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

Done at Luxembourg on 29 June 2023 in two originals in English and Albanian languages, all texts being equally authentic.

For the EPPO,



Laura Codruța KÖVESI

European Chief Prosecutor

For SPAK,

Altin DUMANI

Chief Special Prosecutor

