

## **Working Arrangement**

### **establishing the modalities of cooperation**

**between the European Climate, Infrastructure and Environment Executive Agency (CINEA), the European Education and Culture Executive Agency (EACEA), the European Innovation Council and SMEs Executive Agency (EISMEA), the European Research Council Executive Agency (ERCEA), the European Health and Digital Executive Agency (HaDEA) and the European Research Executive Agency (REA),**

(Hereafter referred to as ‘the executive agencies’)

**and the European Public Prosecutor’s Office**

(Hereafter referred to as ‘the EPPO’),

together referred to as ‘the Parties’

Considering that:

- 1) The Commission Implementing Decision (EU) 2021/173<sup>1</sup> has established the European Climate, Infrastructure and Environment Executive Agency, the European Health and Digital Executive Agency, the European Research Executive Agency, the European Innovation Council and SMEs Executive Agency, the European Research Council Executive Agency, and the European Education and Culture Executive Agency.
- 2) Article 99(1) of Council Regulation (EU) 2017/1939<sup>2</sup> provides that ‘*in so far as necessary for the performance of its tasks, the EPPO may establish and maintain cooperative*

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<sup>1</sup> Commission Implementing Decision (EU) 2021/173 of 12 February 2021 establishing the European Climate, Infrastructure and Environment Executive Agency, the European Health and Digital Executive Agency, the European Research Executive Agency, the European Innovation Council and SMEs Executive Agency, the European Research Council Executive Agency, and the European Education and Culture Executive Agency and repealing Implementing Decisions 2013/801/EU, 2013/771/EU, 2013/778/EU, 2013/779/EU, 2013/776/EU and 2013/770/EU, OJ L 50, 15.2.2021, p. 9–28.

<sup>2</sup> Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor’s Office (‘the EPPO’), OJ L 283, 31.10.2017, p. 1–71.

*relations with institutions, bodies, offices or agencies of the Union in accordance with their respective objectives’.*

- 3) Article 99(2) of Council Regulation (EU) 2017/1939 provides that *‘in so far as relevant to the performance of its tasks, the EPPO may, in accordance with Article 111, directly exchange all information, with the entities referred to in paragraph 1 of this Article, unless otherwise provided for in this Regulation’.*
- 4) Article 99(3) of Council Regulation (EU) 2017/1939 provides that *‘for the purposes set out in paragraphs 1 and 2, the EPPO may conclude working arrangements with the entities referred to in paragraph 1. Those working arrangements shall be of a technical and/or operational nature and shall in particular aim to facilitate cooperation and the exchange of information between the parties thereto’.*
- 5) Chapter VIII of Council Regulation (EU) 2017/1939 provides for the rules applicable for data protection as regards the operational processing performed by EPPO on personal data and Regulation (EU) 2018/1725<sup>3</sup> applies to the processing of personal data by the executive agencies.
- 6) Article 103(2) of Council Regulation (EU) 2017/1939 provides that *‘without prejudice to the proper conduct and confidentiality of its investigations, the EPPO shall without delay, provide the institution, body, office or agency of the Union and other victims concerned sufficient information in order to allow them to take appropriate measures, in particular:*
  - a. *administrative measures, such as precautionary measures to protect the financial interests of the Union, in this regard;*
  - b. *intervention as a civil party in the proceedings;*
  - c. *measures for the purpose of administrative recovery of sums due to the Union budget or disciplinary action’.*

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<sup>3</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39–98.

- 7) Regulation (EC) No 1653/2004<sup>4</sup> lays down the statute for executive agencies to be entrusted with certain tasks in the management of Community programme.
- 8) Article 3(3) of the Agreement establishing the modalities of cooperation between the European Commission and the European Public Prosecutor's Office of 18 June 2021 provides that the European Commission will facilitate the conclusion of separate Working Arrangements between the Executive Agencies set up by it and the EPPO,

The Parties have agreed as follows:

## **Chapter I – Purpose and Scope**

### **Article 1**

#### **Purpose**

In accordance with Article 99(1) of Regulation (EU) 2017/1939, the purpose of this Working Arrangement is to establish and maintain a cooperative relationship between the Parties in accordance with their respective objectives, for the purpose of protecting the financial interests of the Union, and to set out the modalities for this cooperation.

### **Article 2**

#### **Nature**

This Working Arrangement is not intended to modify any existing legal rules or to interfere with the legal frameworks governing the Parties.

### **Article 3**

#### **Scope of application**

1. Without prejudice to paragraphs 2 and 3, this Working Arrangement apply to the relations between the EPPO and each executive agency.

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<sup>4</sup> Commission Regulation (EC) No 1653/2004 of 21 September 2004 on a standard financial regulation for the executive agencies pursuant to Council Regulation (EC) No 58/2003 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes, OJ L 297, 22.9.2004, p. 6–16.

2. This Working Arrangement do not govern the relations between the EPPO and the European Commission, which are governed by a specific separate Agreement adopted pursuant to Article 103(1) of Regulation (EU) 2017/1939.
3. Relations between the EPPO and the European Anti-Fraud Office (hereafter referred to as ‘OLAF’) when the latter exercises its independent investigative function pursuant to Regulation (EU, Euratom) No 883/2013 of the European Parliament and of Council<sup>5</sup> are governed by the specific applicable provisions of Regulation (EU) 2017/1939 and Regulation (EU, Euratom) 883/2013, and by specific separate working arrangements between the EPPO and OLAF.

## **Article 4**

### **Scope of the cooperation**

The cooperation between the Parties may, in addition to the exchange of information under the conditions laid down in this Working Arrangement, include collaboration in the performance of each Party’s tasks as outlined in their respective legal frameworks and related to the protection of the financial interests of the Union.

## **Chapter II – Modalities of Cooperation**

### **Article 5**

#### **Reporting by the executive agencies**

4. In accordance with Article 24(1) of Regulation (EU) 2017/1939, each executive agency shall report to the EPPO, without undue delay, any suspicions of criminal conduct in respect of which the EPPO could exercise its competence in accordance with Article 22, and Article 25(2) and (3) of that Regulation, taking into account the joint interest of the

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<sup>5</sup> Regulation (EU, Euratom) 2020/2223 of the European Parliament and of the Council of 23 December 2020, OJ L 437, 28.12.2020, p. 49–73 amending Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF), OJ L 248, 18.9.2013, p. 1–22.

Parties in protecting the financial interests of the Union, their reciprocal obligation to cooperate, and more broadly the general interest of the Union.

5. In accordance with Article 24(5) of Regulation (EU) 2017/1939, each executive agency shall also inform the EPPO of cases where it is not possible to make an assessment of whether the criteria in Article 25(2) of Regulation (EU) 2017/1939 for the EPPO to exercise its competence are met.
6. For the purposes of paragraphs 1 and 2 of this Article, each executive agency shall transmit to the EPPO, in accordance with Article 24(4) of Regulation (EU) 2017/1939, any information and evidence relating to the criminal conduct referred to in paragraph 1 of this Article.
7. Reporting by the executive agencies in application of this Article will preferably take place according to the modalities indicated in Annex IV.
8. The executive agencies will address reports falling under this Article to the EPPO in accordance with the procedure indicated in Annex I.1.
9. The EPPO will without undue delay acknowledge receipt of the executive agencies' reports.
10. In accordance with Article 24(9) of Regulation (EU) 2017/1939, the EPPO may, in specific cases and based on a reasoned request, request further relevant information available to the executive agencies.

The requested information may concern infringements, which caused damage to the Union's financial interests, other than those within the competence of the EPPO in accordance with Article 25(2) of Regulation (EU) 2017/1939.

The executive agencies will respond to such requests for information as soon as possible, having regard to the time limit specified by the EPPO in its request and justified by the EPPO with reference to objective needs linked to its investigation.

Where an executive agency is unable to respect the deadline, it will inform the EPPO as soon as possible, and give an indication of the time within which it expects to be able to respond.

11. As provided for by Article 24(10) of Regulation (EU) 2017/1939, the EPPO may request other information in order to enable the College of the EPPO, in accordance with Article 9(2) of that Regulation, to issue general guidelines on the interpretation of the obligation to inform the EPPO of cases in respect of which the EPPO could exercise its competence pursuant to Article 25(2) of Regulation (EU) 2017/1939.
12. The EPPO will address its requests for other or further information to each executive agency in application of this Article in accordance with the procedure indicated in Annex I.1.
13. The relevant contact point in the executive agencies may direct EPPO services to single contact points in the relevant services of the Executive agencies to facilitate the exchange of information, prior to the exchange in question occurring.
14. Whenever the EPPO consults an executive agency on the basis of this Article or of Article 25(2), second subparagraph of Regulation (EU) 2017/1939, it will do so through the contact point in the Central Office of the EPPO indicated in Annex I.1.

## **Article 6**

### **Cooperation with EPPO investigations and prosecutions**

1. The Parties will engage in close cooperation in the framework of the criminal investigations and prosecutions carried out by the EPPO.
2. The executive agencies will encourage its staff members to contribute on a need-to-know basis to the investigations carried out by the EPPO and will facilitate such contribution, subject to the relevant provisions of the Staff Regulations<sup>6</sup> relating to the prohibition of

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<sup>6</sup> 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 Atomic Energy Community.

unauthorised disclosure of information and the disclosure of information in legal proceedings.

3. For the purpose of granting the permission set out in Article 19 of the Staff Regulations<sup>7</sup>, the EPPO will send a reasoned request to the executive agency concerned, in particular to authorise the appearance of relevant persons at the relevant stage(s) of criminal proceedings as witnesses, or expert witnesses, or other equivalent roles provided for by the applicable law of a participating Member State. The request will be treated as soon as possible, having regard to the time-limit specified by the EPPO in the request taking into account the time constraints linked to the specific criminal proceedings concerned as detailed by the EPPO.
4. Whenever an executive agency is unable to respect the deadline, it will inform the EPPO as soon as possible, and give an indication of the time within which it expects to be able to respond.

Each executive agency will cooperate closely with the EPPO throughout the process.

This procedure is without prejudice to the notification to the relevant persons of appropriate convocations or summons in accordance with the applicable procedural rules.

5. The EPPO will transmit its requests falling under this Article via the contact point indicated in Annex I.1.

## **Article 7**

### **Information provided by the EPPO**

6. In accordance with Article 24(7) and Article 26(2) of Regulation (EU) 2017/1939, where an executive agency has reported criminal conduct and, upon verification, the EPPO decides to initiate an investigation, the EPPO shall without undue delay, and in principle within fifteen days from the date of its decision, inform the executive agency to that effect. Where the EPPO decides that there are no grounds to initiate an investigation, it

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<sup>7</sup> Applicable by analogy to temporary staff and contract staff, under articles 11 and 81 of the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community.

will inform the relevant executive agency as soon as possible. Please refer to Annexes II and III.

7. In accordance with Article 34(8) of Regulation (EU) 2017/1939, the EPPO will inform the executive agency which reported the criminal conduct as soon as possible, and in principle within fifteen days from the date of its decision, if a case is transferred to the competent national authorities in accordance with paragraphs (1), (2), (3) of that Article and Article 25(3) of Regulation (EU) 2017/1939.
8. In accordance with Article 39(4) of Regulation (EU) 2017/1939, where a case has been dismissed, the EPPO will inform the executive agency as soon as possible of such a dismissal, where the executive agency is the relevant body and the facts forming the subject of the EPPO's decision could affect the general responsibility for the implementation of the Union budget delegated to the executive agencies.
9. In accordance with Article 103(2) of Regulation (EU) 2017/1939, the EPPO shall, without delay and without prejudice to the proper conduct and confidentiality of its investigations, provide the executive agency with sufficient information in order to allow the executive agency to take appropriate measures in view of its responsibility for the implementation of the budget as well as its responsibility as Appointing Authority for its staff, in particular:
  - a. administrative measures, such as precautionary measures under Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council<sup>8</sup> ('the Financial Regulation') or under the Staff Regulations, to protect the financial interests of the Union, in this regard. The EPPO may recommend specific measures to the executive agency in relation to the protection of the financial interests of the Union;
  - b. intervention as a civil party in the proceedings;

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<sup>8</sup> Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).



- c. measures for the purpose of administrative recovery of sums due to the Union budget or disciplinary action.

The information will be due in particular where it appears that the responsibility of the relevant executive agency to implement the Union's budget may be affected, without prejudice to the confidentiality and proper conduct of the investigations.

The information to be provided includes, in particular, information on the decision to bring a case to judgment pursuant to Article 36(6) of Regulation (EU) 2017/1939, on judgments rendered in a case or the lodging of appeals by the EPPO or the prosecuted person.

This information will not be due:

- where the executive agency is a party to the relevant proceedings and has therefore already been informed via other channels;
- where the executive agency, duly informed of its right to become a party to the proceedings, has decided not to exercise it.

10. The information referred to in paragraph 4 will be provided on the EPPO's own initiative.

Notwithstanding the above, where an executive agency requests such information, it will address its request via the contact points indicated in Annex I.1. It will specify in its request the legal grounds and reasons based on which the information request is justified and necessary.

The EPPO may decline the request by duly motivated reasoned decision where the transmission of the information requested would violate applicable criminal procedural law or would otherwise harm the proper conduct or confidentiality of its investigations.

11. Without prejudice to Article 8 and to the proper conduct and confidentiality of its investigations, the EPPO will assess whether it is appropriate to consult or inform the relevant executive agency before sending any information to authorities of third countries or international organisations in cases regarding suspected or accused staff members of the Agency, in particular when this transmission could raise a serious reputational risk for

the Union in accordance with the first paragraph of this Article, or where the EPPO would need information or assessment from the executive agency as regards the wider implications of a case.

12. The EPPO will preferably transmit information or send consultations pursuant to this Article via the contact points indicated in Annex I.1.
13. The EPPO will preferably use the templates in Annex III to provide the information falling under this Article.
14. The Parties will discuss, at the request of either Party, the general application of Article 103(2) of Regulation (EU) 2017/1939 with a view to ensuring that the executive agency can take appropriate measures to effectively protect the financial interests of the Union and carry out its other responsibilities. The Parties will endeavour to resolve any difficulty that may arise in that regard.

## **Article 8**

### **Information transmitted for the purpose of the adoption of measures for the protection of the financial interests of the Union**

1. Without prejudice to the proper conduct and confidentiality of its investigations, in accordance with Article 103(2)(a) of Regulation (EU) 2017/1939, the EPPO shall provide executive agencies with sufficient factual, legal and financial information as is necessary for the executive agencies' responsible authorising officer(s) to assess the need for, and the scope and magnitude of, precautionary measures or other measures of an administrative, financial or contractual nature to protect the financial interests of the Union, and in particular to prevent damage or further damage to the Union's budget. It shall do so without delay and in the most specific and complete manner possible.

This will include an estimate of the possible damage to the Union budget and identify the legal provisions infringed.

2. The EPPO may also recommend to the executive agencies specific administrative measures, contractual measures or other measures aimed at protecting the Union's financial interests, in accordance with the provisions laid down in the Financial

Regulation or with the relevant contract or grant agreement, pursuant to Article 103(2)(a) of Regulation (EU) 2017/1939.

3. The Parties may exchange further information as regards the appropriate measures referred to in paragraphs 1 and 2. The executive agencies will inform the EPPO of the follow-up measures they have taken.
4. In relation to proceedings before the Panel referred to in Article 143 of the Financial Regulation ('the Panel') and other measures which cannot be adopted by an executive agency without hearing the person concerned and revealing the existence of a criminal investigation or information relating to it, the EPPO will indicate, where there are reasons to preserve the confidentiality of an investigation or criminal proceedings:
  - which information or evidence should be kept confidential with respect to the person concerned; and
  - which information may be disclosed by the executive agency to the person concerned with a view to adopting measures to protect the financial interests of the Union and without affecting the proper conduct of the investigation.

The EPPO will also inform the relevant executive agency when such legitimate grounds cease to exist, so that the executive agency may share this material evidence or part of it with the person concerned.

5. The Parties may, without prejudice to the proper conduct and confidentiality of the EPPO's investigations, exchange information to allow the executive agency to consider measures that may be adopted by an executive agency without hearing the person concerned or without revealing the existence of a criminal investigation or information relating to it, with a view to protecting the Union's financial interests.
6. In matters where Executive Agency's administrative proceedings are based, in whole or in part, on information transmitted by the EPPO, an EPPO representative will be invited to the meetings of the Panel and participate in oral and written procedures as an observer without voting rights. The representative may attend and provide comments on his/her own initiative or at the request of the Chair of the Panel.

7. Where the EPPO is an observer in Panel proceedings, the recommendations on administrative sanctions and the ensuing administrative decisions will be communicated to its representative, except in disciplinary cases.

## **Article 9**

### **Information transmitted for the purpose of disciplinary action under Article 86 and Annex IX to the Staff Regulations**

1. For the purpose of Article 103(2)(c) of the Regulation (EU) 2017/1939, where the EPPO opens an investigation concerning Executive Agency's staff, it shall provide the relevant executive agency with sufficient information, in order to allow the latter to assess whether it is necessary to:
  - a. open the proceedings in accordance with Article 86 of and Annex IX to the Staff Regulations<sup>9</sup>; or
  - b. take precautionary measures, including suspension pursuant to Articles 23 and 24 of Annex IX to the Staff Regulations.

That information shall be provided without delay and without prejudice to the proper conduct and confidentiality of the investigation.

2. The information provided by the EPPO to an executive agency pursuant to paragraph 1 will include all the factual and legal information necessary for the executive agency to assess the need for disciplinary measures.

The EPPO will inform the executive agencies of any conduct of their staff which is not subject to the EPPO investigation, but which could be relevant for disciplinary purposes.

3. For the purposes set out in Article 25 of Annex IX to the Staff Regulations, the EPPO will also transmit to the relevant executive agency any decision to dismiss the case, to apply a simplified prosecution procedure, or to prosecute the case before a court. The EPPO will

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<sup>9</sup> Applicable by analogy to temporary staff and contract staff, under articles 50a and 119 of the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community.

inform the relevant executive agency of judicial decisions on the merits of the accusation rendered in the case and of the moment where they become final or appealed.

It will, where appropriate, keep the relevant executive agency informed of any development that may be relevant for the purpose of disciplinary action or precautionary measures.

4. The executive agencies may adopt precautionary measures for the purposes of the Staff Regulations, on condition that this does not affect the proper conduct and confidentiality of the EPPO investigation. The EPPO will inform the relevant executive agency as soon as the confidentiality requirement ceases to exist.
5. Where an executive agency considers opening the proceedings set out in Article 86 of Annex IX to the Staff Regulations, the EPPO will indicate, at the executive agency's request and within a timeframe of 20 working days from its receipt, which information or evidence must be kept confidential vis-à-vis the person concerned and which information may be used without affecting the proper conduct of the EPPO investigation.

## **Article 10**

### **Intervention as civil party in criminal proceedings**

1. Where appropriate, the Parties shall cooperate for the purpose of facilitating the participation of the executive agency as a civil party in criminal proceedings and investigations. This cooperation shall take place in full respect of each Party's independence, in conformity with the applicable procedural rules.
2. Where the executive agency may make a request to intervene as a civil party in proceedings, the EPPO shall provide the relevant executive agency with sufficient information in writing and without undue delay, as well as of the applicable time limits and other procedural requirements.

The information will include:

- a short summary of the facts;

- a preliminary assessment of the potential material and reputational risk for the Union;  
and
- information on whether Union officials or other servants may be involved in the offence.

The EPPO may also add any other information that it deems relevant, including its assessment as to the added value of the executive agency's participation as civil party, where appropriate.

3. Where an executive agency intervenes as a civil party in proceedings in which the EPPO is exercising its competence, the Parties will consult regularly, as appropriate, on questions of common interest related to those proceedings, such as on:
  - measures aimed at sustaining the effectiveness of the proceedings and ensuring that the proceedings are conducted without unreasonable delays;
  - measures for the protection of the financial interests of the Union through precautionary measures; and
  - other measures aimed at recovering sums unduly subtracted from the Union budget.

## **Article 11**

### **Waiving of immunities**

1. For the purposes of Article 29(2) of Regulation (EU) 2017/1939, where the immunity of a person protected by privileges or immunities under Union law, in particular the Protocol on the privileges and immunities of the European Union<sup>10</sup>, presents an obstacle to the conduct of a specific investigation, to the ensuing prosecution or to the possibility of presenting evidence gathered during the investigation, the European Chief Prosecutor shall send a reasoned written request for that immunity to be waived in accordance with the procedures laid down by Union law.

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<sup>10</sup> Protocol (No 7) on the privileges and immunities of the European Union OJ C 326, 26.10.2012, p. 266–272.

2. The reasoned written request of the European Chief Prosecutor will be addressed to the contact point indicated in Annex I.1. Where the reasoned written request concerns the Director of an executive agency him/herself, the European Chief Prosecutor will address the reasoned written request to the relevant executive agency's Steering Committee.
3. Where the EPPO considers that the person whose immunity is requested to be waived cannot, in accordance with applicable case-law<sup>11</sup>, be informed and heard on the request to waive the immunity, the reasoned written request will contain the detailed grounds for not hearing the person concerned.
4. The EPPO will preferably use the template in Annex V when submitting requests pursuant to this Article. The executive agencies may request additional information or explanations from the EPPO.
5. The relevant executive agencies will provide a written reply within the shortest possible timeframe and according to the principle of mutual sincere cooperation, in principle after having heard the person whose immunity is requested to be waived. The reply will in principle be provided within 30 working days after reception of the request in cases where the person concerned is heard, and within 20 working days in cases where the person is not heard.

Where an executive agency is unable to respect the deadline, it will inform the EPPO as soon as possible, and give an indication of the time within which it expects to be able to respond.

## **Article 12**

### **Waiving of inviolability of premises, buildings and archives**

1. Where the investigations of the EPPO require access to premises, buildings or archives of an executive agency, protected by the Protocol on the privileges and immunities of the European Union, the EPPO will address a reasoned written request for the waiver of those privileges and immunities to the contact point indicated in Annex I.1.

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<sup>11</sup> Judgment of 18 June 2020, Commission v RQ, C-831/18P, EU:C:2020:481.

2. The EPPO will preferably submit requests in application of this Article by using the template in Annex VI.

The executive agencies will provide a written reply as soon as possible and based on the principle of mutual sincere cooperation. The reply will in principle be provided within 15 working days after receipt of the request.

Where an executive agency is unable to respect the deadline, it will inform the EPPO as soon as possible, and give an indication of the time within which it expects to be able to respond.

3. Once the inviolability has been waived, the EPPO may, for the purpose of accessing the executive agency's premises, buildings or archives for conducting an investigation, request assistance from the Head of Unit of Human Resources and the Head of the Unit in charge of IT related matters.

## **Article 13**

### **Databases**

1. In application of Article 43(2) of Regulation (EU) 2017/1939, the EPPO shall be able to obtain any relevant information falling within its competence that is stored in databases and registers of executive agencies.

Annex VIII lists the relevant databases to which the EPPO can have, respectively, direct or indirect reading access, subject to possible limitations defined in the applicable legal framework.

Where, by derogation to Article 43(2) of Regulation (EU) 2017/1939, it appears that there is a need to modify the underlying legal framework governing the databases concerned, the executive agencies will inform the EPPO and ask the Commission where relevant, or consider making the necessary proposals for amendments, providing, where possible and appropriate, for direct access. The Parties will establish the ensuing changes in the list of directly or indirectly accessible databases by exchange of letters.



2. In case of indirect access, the EPPO will submit requests for information stored in databases and registers of executive agencies to the contact point(s) indicated in Annex I.1, preferably by using the template in Annex VII.

The executive agencies will extract the information from the databases and registers in question and transmit it to the EPPO without delay. It will provide the information as soon as possible, and in any case, within 15 working days from reception receipt of the request, taking into account the degree of urgency set out by the EPPO in its request.

## **Article 14**

### **Confidentiality and professional secrecy**

1. Any information exchanged between the Parties in application of this Working Arrangement is protected by the rules concerning confidentiality and professional secrecy in accordance with the Union law applicable to each of the Parties. Information is shared among the Parties only on a need-to-know basis where strictly necessary.
2. To safeguard the confidentiality of the exchanged information, both the EPPO and the executive agencies will agree on appropriate security markings according to the degree of confidentiality required.
3. Any information, which is not a personal data, exchanged between the Parties in application of this Working Arrangement will, unless already initially intended for onward transmission, not be transmitted onward to third parties except:
  - a. where the onward transmission is necessary to comply with a legal obligation. In such cases, the recipient Party will inform the transmitting Party in advance of this onward transmission;
  - b. where the information has been requested by judicial authorities in the Member States in the framework of court proceedings;
  - c. where that information has already lawfully been made public.

4. Personal data provided by the EPPO to the executive agencies under this Working Arrangement may not be transmitted onward to any external recipient absent the prior approval of the EPPO.

### **Chapter III – Data Protection**

#### **Article 15**

##### **General Provisions**

1. Any exchange and further processing of personal data shall be in full compliance with the Parties' respective legal frameworks.
2. The Parties shall keep a record of the transmission and receipt of data communicated under this Working Arrangement, including the grounds for such transmissions.
3. Each party shall act as separate controller for the processing of personal data in relation to this Working Arrangement.

#### **Article 16**

##### **Cooperation in Implementation of Data Protection Obligations**

The Parties shall cooperate and inform each other appropriately in the implementation of their respective obligations, through the contact points indicated in Annex I.8. This specifically includes:

- a. Informing each other in case of any personal data breach occurring in relation to personal data exchanged under this Working Arrangement.
- b. Consulting each other in case of data subject requests related to personal data exchanged under this Working Arrangement, and specifically not to grant access prior to having consulted the other party.
- c. Informing each other in case there are reasons to believe that personal data received or provided under this Working 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 17**

### **Transmission of special categories of personal data**

Provision of personal data revealing racial or ethnic origin, political opinions, religious or philosophical belief, trade union membership, genetic or biometric data for the purpose of uniquely identifying a person or concerning health, sexual life or sexual orientation shall be prohibited, unless they are strictly necessary and proportionate for a purpose set forth in Article 1 of this Working Arrangement.

## **Article 18**

### **Time limits for the storage of personal data**

Personal data shall be stored for no longer than is necessary for the achievement of the purposes of this Working Arrangement or for the purposes for which the data were collected or further processed according to Article 1 of this Working Arrangement. Such necessity should be reviewed constantly in accordance with the respective legal frameworks of the Parties.

## **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.

## **Chapter IV – Institutional provisions**

## **Article 20**

### **Consultations and close cooperation**

1. Meetings at appropriate level between the Parties may take place to discuss issues falling under this Working Arrangement.

2. The Parties will consult each other regularly on policy issues and matters of common interest for the purpose of realising their objectives and coordinating their respective activities. This may also include consultations on the effectiveness and consistency of measures adopted by the executive agency to protect the Union budget following EPPO investigations. The Parties may also exchange information, excluding personal data, for the purpose of strategic analysis and statistical purposes.
3. With a view to fostering effective cooperation, the Parties will, in consultation with each other, engage to disseminate to their respective staff information on a need-to-know basis and in compliance with the applicable confidentiality and security measures about the scope of action, applicable legal framework and working methods of the other Party. Each Party will, in this respect, facilitate the provision by their staff of training to the staff of the other Party. The Parties will also facilitate, when appropriate, the organisation of joint training to their staff on matters of common interest.

## **Chapter V – Final provisions**

### **Article 21**

#### **Expenses**

The Parties will bear their own expenses, which arise in the course of the implementation of this Working Arrangement.

### **Article 22**

#### **Revision and disputes settlement**

1. This Working Arrangement may be modified in writing at any time by mutual consent between the Parties, except for the contact points indicated in Annex I, which may, if applicable, be amended by the relevant Party unilaterally. Any amendment to the Working Arrangement must receive appropriate approval in accordance with the procedures set out in the Parties' respective legal frameworks.
2. Where appropriate, the Parties will meet to discuss the application and potential amendment of this Working Arrangement.

3. The Parties shall endeavour to settle amicably any dispute arising out or relating to the interpretation or application of this Working Arrangement.

### **Article 23**

#### **Date of application**

This Working Arrangement apply from the day following the date of the last signature.

### **Article 24**

#### **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 will endeavour to reach an agreement on the continued use and storage of the information that has already been communicated between them, without prejudice to Article 14, paragraph 1.

Done at Brussels and at Luxembourg, in the English language.

For the executive agencies

The Director of the European Climate,  
Infrastructure and Environment Executive  
Agency (CINEA),

Qualified electronic signature by:  
MARIA DE LA PALOMA ABA GARROTE  
Date: 2023-06-28 14:25:20 +02:00

*Signed electronically*

For the European Public Prosecutor's Office

The European Chief Prosecutor

Qualified electronic signature by:  
LAURA CODRUTA KOVESI  
Date: 2023-07-10 11:24:07 +02:00

*Signed electronically*

The Director of the European  
Education and Culture Executive  
Agency (EACEA)

Qualified electronic signature by:  
SOPHIE ELISABETH M BEERNAERTS  
Date: 2023-07-03 11:15:34 +02:00

*Signed electronically*

The Director of the European  
Innovation Council and SMEs  
Executive Agency (EISMEA),

Qualified electronic signature by:  
JEAN-DAVID RAYMOND LUCIEN MALO  
Date: 2023-07-05 10:53:32 +02:00

*Signed electronically*

The Director of the European  
Research Council Executive  
Agency (ERCEA),

Qualified electronic signature by:  
LAURENCE JEANNE MARIE PAULE  
MOREAU  
Date: 2023-07-06 18:21:34 +02:00

*Signed electronically*

The Director of the European  
Health and Digital Executive  
Agency (HaDEA),

Qualified electronic signature by:  
MARINA ZANCHI  
Date: 2023-07-10 09:24:11 +02:00

*Signed electronically*

The Director of the European  
Research Executive Agency  
(REA),

Qualified electronic signature by:  
MARC ANTON M TACHELET  
Date: 2023-06-15 20:27:33 +02:00

*Signed electronically*

## **Annex I**

### **Reporting and Information Procedures - Contact Points**

#### **1. REPORTING PROCEDURE UNDER ARTICLE 5**

The Executive Agencies will report to the Head of Operations in the Central Office of the EPPO, any suspicion of criminal conduct in respect of which the EPPO could exercise its competence and other information falling under Article 5.

Where the Executive Agencies request the OLAF to conduct a preliminary evaluation, as per Article 12 (c) (6) of OLAF Regulation, and OLAF considers that the facts under evaluation fall within the EPPO's competence, the OLAF may report directly to the EPPO on behalf of the agencies.

#### **Executive Agencies direct contact points (EADCP)<sup>1</sup>:**

CINEA	<a href="mailto:CINEA-ANTI-FRAUD@ec.europa.eu">CINEA-ANTI-FRAUD@ec.europa.eu</a>
EACEA	<a href="mailto:EACEA-R2-ANTI-FRAUDE@ec.europa.eu">EACEA-R2-ANTI-FRAUDE@ec.europa.eu</a>
EISMEA	<a href="mailto:EISMEA-EPPO@ec.europa.eu">EISMEA-EPPO@ec.europa.eu</a>
ERCEA	<a href="mailto:ERC-ANTI-FRAUD@ec.europa.eu">ERC-ANTI-FRAUD@ec.europa.eu</a>
HADEA	<a href="mailto:HADEA-ANTI-FRAUD@ec.europa.eu">HADEA-ANTI-FRAUD@ec.europa.eu</a>
REA	<a href="mailto:REA-ANTI-FRAUD@ec.europa.eu">REA-ANTI-FRAUD@ec.europa.eu</a>

#### **2. INFORMATION REQUESTS AND REQUESTS FOR THE APPEARANCE OF WITNESSES IN THE FRAMEWORK OF THE EPPO'S INVESTIGATIONS AND PROSECUTIONS UNDER ARTICLE 6**

The EPPO will as a rule transmit requests for the appearance of persons as witnesses or expert witnesses and other information requests falling under Article 6 to the Executive Agency's direct contact points.

#### **3. INFORMATION PROVIDED BY THE EPPO UNDER ARTICLE 7 AND 10**

The EPPO will preferably transmit information pursuant to Article 7 and 10:

- on the initiation of an investigation;
- on the absence of grounds to initiate an investigation;
- on the transfer of a file to the competent national authorities in the Member States or to the authorities of a third country or an international organisation;
- on the dismissal of a case;
- on the decision to bring a case to judgment;

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<sup>1</sup> The Functional Mailboxes' access should be restricted to staff strictly necessary for the processing of information transmitted by EPPO, taking into consideration the need to ensure business continuity.



- on judgments rendered and on the lodging of appeals;
- and to allow the Agency to take appropriate measures, including on the possibility for an Executive Agency to act as a civil party in the relevant proceedings

to the Executive Agency's direct contact points.

#### **4. INFORMATION AND RECOMMENDATIONS PROVIDED BY THE EPPO UNDER ARTICLE 8**

The EPPO will transmit the factual, legal and financial information and any recommendations for the purpose of measures for the protection of the EU budget falling under Article 8 via the Executive Agency's direct contact points.

#### **5. INFORMATION AND RECOMMENDATIONS PROVIDED BY THE EPPO UNDER ARTICLE 9**

The EPPO will transmit information pursuant to Article 9 to the Executive Agency's Director, where the EPPO opens an investigation concerning the Executive Agency's staff.

The EPPO will transmit information pursuant to Article 9 to the Chair of the Steering Committee of the Executive Agency, where the EPPO opens an investigation concerning the Executive Agency's Director.

#### **6. REQUESTS FOR WAIVING OF IMMUNITIES AND INVIOABILITY UNDER ARTICLE 11 AND ARTICLE 12**

The EPPO will submit reasoned written requests to waive immunities and the inviolability of premises, buildings and archives via the European Chief Prosecutor to the Executive Agency's direct contact points.

#### **7. REQUESTS FOR INFORMATION STORED IN DATABASES AND REGISTERS UNDER ARTICLE 13**

The EPPO will submit requests for information stored in databases and registers of the Executive Agency as a rule via the Head of Operations in its Central Office directly to the relevant Executive Agency service managing the database.

#### **8. CONTACT POINTS IN DATA PROTECTION UNDER ARTICLES 15 – 16**

<b>Executive Agencies direct contact points (EADCP)<sup>2</sup> – With copy to the respective DPOs FMB</b>	
CINEA	<a href="mailto:CINEA-ANTI-FRAUD@ec.europa.eu">CINEA-ANTI-FRAUD@ec.europa.eu</a> Copy to: <a href="mailto:CINEA-DPO@ec.europa.eu">CINEA-DPO@ec.europa.eu</a>
EACEA	<a href="mailto:EACEA-R2-ANTI-FRAUDE@ec.europa.eu">EACEA-R2-ANTI-FRAUDE@ec.europa.eu</a> Copy to: <a href="mailto:EACEA-data-protection@ec.europa.eu">EACEA-data-protection@ec.europa.eu</a>

<sup>2</sup> The Functional Mailboxes' access should be restricted to staff strictly necessary for the processing of information transmitted by EPPO, taking into consideration the need to ensure business continuity.

EISMEA	<a href="mailto:EISMEA-EPPO@ec.europa.eu">EISMEA-EPPO@ec.europa.eu</a> Copy to: <a href="mailto:EISMEA-DPO@ec.europa.eu">EISMEA-DPO@ec.europa.eu</a>
ERCEA	<a href="mailto:ERC-ANTI-FRAUD@ec.europa.eu">ERC-ANTI-FRAUD@ec.europa.eu</a> Copy to: <a href="mailto:ERC-DATA-PROTECTION@ec.europa.eu">ERC-DATA-PROTECTION@ec.europa.eu</a>
HADEA	<a href="mailto:HADEA-ANTI-FRAUD@ec.europa.eu">HADEA-ANTI-FRAUD@ec.europa.eu</a> Copy to: <a href="mailto:HADEA-DPO@ec.europa.eu">HADEA-DPO@ec.europa.eu</a>
REA	<a href="mailto:REA-ANTI-FRAUD@ec.europa.eu">REA-ANTI-FRAUD@ec.europa.eu</a> Copy to: <a href="mailto:REA-DATA-PROTECTION-OFFICER@ec.europa.eu">REA-DATA-PROTECTION-OFFICER@ec.europa.eu</a>

EPPO direct contact point	
EPPO DPO	<a href="mailto:EPPO-DPO@eppo.europa.eu">EPPO-DPO@eppo.europa.eu</a>

## **Annex II**

### **Conditions for informing the Executive Agencies pursuant to Article 7 of this Working Arrangement**

#### **I. Conditions for the reporting**

The EPPO will inform the relevant Executive Agencies in line with Article 7, taking into account the particular circumstances of each case.

#### **II. Timing of the reporting**

If an Executive Agency is the reporting institution within the meaning of Article 24 (1) Regulation (EU) 2017/1939, the EPPO shall inform the Executive Agency:

- without undue delay, and in principle within fifteen days from the decision to initiate an investigation;
- as soon as possible after its decision that there are no grounds to open an investigation following an assessment of allegations reported to it.

In other cases, the EPPO will inform the Executive Agency, without prejudice to the proper conduct and confidentiality of its investigations:

- as soon as possible, and in principle within fifteen days from the date of its decision, if a case is transferred to the competent national authorities;
- as soon as possible where a case has been dismissed;
- without delay in order to allow the Executive Agency to take appropriate precautionary measures.

Whenever possible, the EPPO will ensure that it does not communicate information about investigations falling within the scope of this annex to the media without the Executive Agency and the Commission having been informed.

The EPPO will communicate to the Executive Agency, subject to the conditions in this annex, when there is a significant change in the scope of the investigation (i.e. additional persons concerned or additional projects/programs affected).

In addition, information is to be provided following the closure of an investigation.

#### **III. Information to be reported**

In the course of the EPPO's ongoing investigation, and without prejudice to the confidentiality and effectiveness of the investigation the information to be communicated to the Executive Agency will include all information necessary for the purpose of the transmission.

### **Annex III**

#### **Templates that the EPPO may use for the transmission of Information and Consultations under Article 7, 8 and 9 of this Working Arrangement**

### Annex III.A - Information on the initiation of an investigation

To be sent by the EPPO without undue delay, and in principle within 15 days from the date of the decision, via the contact point(s) indicated in Annex I

**Subject: Information on the initiation of an investigation, pursuant to Article 7(1) and (2) of the Working Arrangement between the Executive Agencies and the European Public Prosecutor's Office (EPPO)**

**Case No «Case Number»**

This is to inform you that the EPPO is carrying out the above-referenced investigation, which may affect the Executive Agency's responsibility to implement the Union's budget.

The investigation concerns « **Executive Agency and other Institutions, bodies, offices and agencies – “IBOAs”** ».

*[Please provide the brief description of case and any relevant information that might be appropriate].*

The investigation relates to possible criminal conduct in respect of which the EPPO could exercise its competence by one of your members of staff / contractors / ....**[Only where necessary:** by «name and function of the suspected or accused person».]

*[In case of Executive Agencies, the name and function are to be included only if that information is necessary.*

*[Where relevant:* The investigation relates to the following **project** financed by the Executive Agency in the framework of the following **programme**: «name and number of the project»; «name and number of the programme»]

*[Where relevant:* The **estimated damage** to the EU budget is [EUR amount].]

Please be informed that the [suspected / accused] person [was/were notified on «date »/ has/have not been notified] that [he/she/they] [is/was/are/were] a person concerned in the investigation.

In the interest of the confidentiality of the ongoing investigation, please instruct your services to share this information only if strictly necessary and on a **need-to-know** basis, for the purpose of....

*[If necessary, please add other relevant information]*

In case of queries, please contact «Name, function», «email», «phone number». Your attention is drawn to the notice concerning the transfer of personal data below.

[Name, Surname]

*[Where relevant for cases concerning others IBOAs :  
Encl.: Note(s) to «the Union body/ies»]*

To be sent by the EPPO without delay to the contact point(s) specified in  
Annex I

**Subject: Information on [the absence of grounds to initiate an investigation, the dismissal of a case, the decision to bring a case to judgment, and/or to allow the Executive Agencies to take appropriate measures, pursuant to Article 7(1) to (5), 8 and 9 of the Working Arrangement between the Executive Agencies and the EPPO**

**Case No «Case Number»**

Pursuant to Article [7(1), (2), (4), (5), (8) and (9)] of the Working Arrangement establishing the modalities of cooperation between the European Public Prosecutor's Office and the Executive Agencies, this is to inform you of **[the «preliminary» results of an investigation in/ the absence of grounds to initiate an investigation in/ the dismissal of / the use of a simplified prosecution procedure in/ the prosecution before a court in]** the above-referenced case [concerning a staff member of the Executive Agency / which may affect the Executive Agency's responsibility to implement the Union's budget.]

The investigation concerns/ed **«Executive Agency/ies and/or [in case of information on the results of an investigation] other IBOAs»**.

*[Please provide the brief description of case and any relevant information that might be appropriate].*

The investigation relates/ed to possible criminal conduct in respect of which the EPPO could exercise its competence by one of your members of staff / contractors / ....[Only where necessary: by «name and function of the suspected or accused person».] *[In case of Executive Agencies, the name and function are to be included only if that information is necessary.]*

*[Where relevant: The investigation relates to the following **project(s)** financed by the Executive Agency in the framework of the following **programme(s)**: «name and number of the project»; «name and number of the programme»]*

*[Where relevant: The **estimated damage** to the EU budget is [EUR amount].*

***Scenario 1: investigation giving rise to recommendations or information to allow the Executive Agency to allow appropriate measures***

Based on the findings of the investigation, the EPPO [is making a **non-binding recommendation(s)** to the Executive Agency / and/or **transmits information enabling the Executive Agency**] to

- a) consider initiating judicial proceedings and/or
- b) consider undertaking appropriate measures to ensure the recovery of EUR «amount to be recovered » [.; and/or]
- c) consider initiating appropriate disciplinary proceedings [.; and/or];
- d) consider initiating appropriate administrative measures, including to address systemic issues.

***[In case of recommendations or information falling under points b) and d), please***

*provide, in the most specific and complete manner possible:*

- **sufficient factual, legal and financial information** as is necessary for the Commission's responsible authorising officer(s) to assess the **need for, and the scope and magnitude of, precautionary measures or other measures of an administrative, financial or contractual nature** to protect the financial interests of the Union, and in particular to prevent damage or further damage to the Union's budget; including
- **an estimate of the possible damage to the EU budget and a specification of the legal provisions infringed.**

*In case of information falling under point c), please:*

- *provide, without prejudice to the proper conduct and confidentiality of the investigation, with all the **factual and legal information** that is necessary to allow the latter to assess the **need to:***
  - **open disciplinary proceedings** in accordance with Article 86 and Annex IX to the Staff Regulations; and
  - **take precautionary measures**, including suspension pursuant to 23 and 24 of Annex IX to the Staff Regulations.
- *provide also **information on any conduct of Executive Agency staff which was not subject to the investigation**, but which could be relevant for disciplinary purposes.*

*Please add:* We will keep you informed of any development that may be relevant for the purpose of the disciplinary action or precautionary measures.

*Please indicate also which information or evidence should be kept confidential with respect to the person concerned; and which information may be disclosed by the Executive Agency to the person concerned with a view to adopting measures to protect the financial interests of the Union and without affecting the proper conduct of the investigation.]*

*[Where relevant for cases concerning Executive Agencies: Please find enclosed the «recommendation / information» sent to «the Director and/or Steering Committee of «the Executive Agency».]*

### ***Scenario 2: investigation not giving rise to any recommendations***

Based on the findings of this investigation, the EPPO is not making any recommendation for specific precautionary measures to be taken.

### ***Scenario 3: dismissal of a case, application of a simplified prosecution procedure, prosecution of a case before a court relating to an Executive Agency staff member***

Based on its assessment, the EPPO has decided to:

- a) dismiss the case;
- b) apply a simplified prosecution procedure
- c) prosecute the case before the «*please specify* » court;

***[In case of a decision under point c):***

We will inform you of judicial decisions rendered in that case, and of the lodging of any appeal by the EPPO or by the prosecuted person.]

To ensure confidentiality, please instruct your services to share this information only if strictly necessary and on a need-to-know basis for the purpose of....

*[If necessary, please add other relevant information.]*

In case of queries, please contact «Name, function», «email», «phone number».

Your attention is drawn to the notice concerning the transfer of personal data below.

[Name, Surname]



Annex III.C –

Information on a judicial decision rendered and/or an appeal lodged -

To be sent by the EPPO without delay to the contact point(s) specified in  
Annex I

**Subject: Information under Article 7(3) and 9 of the Working Arrangement between  
the Executive Agencies and the EPPO on a decision to dismiss a case, and for the  
purpose of disciplinary action**

**Case No «Case Number»**

Pursuant to Article **7(3) and 9** of the Working Arrangement establishing the modalities of cooperation between the European Public Prosecutor's Office (EPPO) and the Executive Agencies, this is to inform you of the **[judicial decision rendered /an appeal lodged]** by [«name of the court» / the EPPO / the prosecuted person] in the above-referenced case which concerns a staff member of the Executive Agency.

*[Please provide the brief description of case and any relevant information that might be appropriate].*

The underlying EPPO investigation that gave rise to the [judgment / judgment under appeal] related to possible criminal conduct in respect of which the EPPO can exercise its competence by **«name and function of the suspected or accused person»**.

[In its judgment rendered on «date», the «name of the court» concludes to «please reflect the court decision» / the appeal relates to «please reflect the content of the appeal».]

Please find a copy of the [judgment / appeal] annexed.

To ensure confidentiality, please instruct your services to share this information only if strictly necessary and on a need-to-know basis, for the purpose of....

*[If necessary, please add other relevant information.]*

In case of queries, please contact «Name, function», «email», «phone number».

Your attention is drawn to the notice concerning the transfer of personal data below.

[Name, Surname]

Annex: Copy of the [judgment / appeal]

**Information on the transfer of a case to the competent national authorities in a Member State**

**To be sent by the EPPO without undue delay, and in principle within 15 days from the date of its decision, to the contact point(s) indicated in Annex I**

**Subject: Information under Article 7(23 of the Working Arrangement between the Executive Agencies and the EPPO on the transfer of a case to the national competent authorities**

**Case No «Case Number»**

Pursuant to Article 7(2) of the Working Arrangement establishing the modalities of cooperation between the European Public Prosecutor's Office (EPPO) and the Executive Agencies, this is to inform you of the **transfer of the above-mentioned case** concerning [an Executive Agency **staff member** and/or **outside individual/entity** to [«name of the national authorities»] of [«name of the Member State»].

[If not previously informed, *please provide the brief description of case and any relevant information that might be appropriate*].

The case was transferred on «date» to the above-mentioned authorities.

To ensure confidentiality, please instruct your services to share this information only if strictly necessary and on a need-to-know basis.

[*If necessary, please add other relevant information.*]

In case of queries, please contact «Name, function», «email», «phone number».

Your attention is drawn to the notice concerning the transfer of personal data below.

[Name, Surname]

Annex: Copy of the transmission letter

– Template

**for consultations by the EPPO on its intention to send information related to a staff member of the Executive Agency to the authorities of a third state or an international organisation to be sent without delay to the contact point(s) indicated in Annex I**

**Subject: Consultation, pursuant to Article 7(6) of the Working Arrangement between the Executive Agencies and the EPPO, on the intention of the EPPO to send information related to a staff member of the Executive Agency to the authorities of a third state or an international organisation**

**Case No «Case Number»**

Pursuant to Article 7(6) of the Working Arrangement establishing the modalities of cooperation between the European Public Prosecutor's Office (EPPO) and the Executive Agencies, the EPPO herewith [consults / informs] the Executive Agency on its intention to send information concerning a named or identifiable [staff member] of the Executive Agency to [the authorities of a third country / an international organisation].

The Executive Agency is herewith invited to provide any information as regards notably the existence of a possible serious reputational risk for the Union in accordance with Article 7(1) and the wider implications of the above-mentioned case].

*[Please provide the brief description of case and any relevant information that might be appropriate].*

Please find a copy of the intended transmission letter annexed.

In the interest of the EPPO investigation, a reply within the shortest possible deadline is appreciated.

To ensure confidentiality, please instruct your services to share this information only if strictly necessary and on a need-to-know basis.

*[If necessary, please add other relevant information.]*

In case of queries, please contact «Name, function», «email», «phone number».

Your attention is drawn to the notice concerning the transfer of personal data below.

[Name, Surname]

Annex: Copy of the intended transmission letter

## **Annex IV**

### **Template for reports by the Executive Agencies under Article 5 (1) to (4) of this Working Arrangement on criminal conduct in respect of which the EPPO could exercise its competence**

Reporting will follow the format of the EPPO crime report, via the available secured tools.

## **Annex V –**

### **Template for requests by the EPPO for the waiver of immunity of a person protected by privileges or immunities under Union law**

#### **Subject: Request under Article 11 (1) to (4) of the Working Arrangement between the Executive Agencies and the EPPO for the waiver of immunity of a person protected by privileges or immunities under Union law**

Article 11 of the Working Arrangement establishing the modalities of cooperation between the European Public Prosecutor's Office (EPPO) and the Executive Agencies provides that, 'for the purposes of Article 29(2) of Regulation (EU) 2017/1939, where the immunity of a person protected by privileges or immunities under the Union law, in particular the Protocol on the privileges and immunities of the European Union, presents an obstacle to a specific investigation being conducted, to the ensuing prosecution or to the possibility of presenting evidence gathered during the investigation, the European Chief Prosecutor shall send a reasoned written request for its waiving in accordance with the procedures laid down by Union law. [...]

In case the EPPO considers that the person whose immunity is requested to be waived cannot, in line with applicable case-law<sup>3</sup>, be informed and heard on the request to waive the immunity, the reasoned written request will contain the detailed grounds for not hearing the person concerned.

The Executive Agency will provide a written reply within the shortest possible timeframe and according to the principle of mutual sincere cooperation, in principle after having heard the person whose immunity is requested to be waived.

The reply should in principle be provided within 30 working days after reception of the request in cases where the person concerned is heard, and within 20 working days in cases where the person is not heard. The Executive Agency will inform the EPPO as soon as it appears that it will not be able to respect the deadline, with an indication of the expected time within which it will be able to reply.'

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<sup>3</sup> Judgment of 18 June 2020, *Commission v RQ*, C-831/18P, EU:C:2020:481

Pursuant to the above-mentioned provision, **the EPPO herewith submits the following waiver request:**

- 1. Name of the person concerned and all other identification details available (for example, nationality, personnel number, place of employment)**
- 2. Detailed reasons for the request and expected timing of the procedure to which the request relates**
- 3. Proposed legal basis for the waiver**
- 4. In case the person concerned cannot be informed of and heard on the request to waive the immunity, the detailed grounds for not hearing the person concerned, so as to enable the Executive Agency to make the necessary balance<sup>11</sup>**

To ensure confidentiality, please instruct your services to share this information only if strictly necessary and on a need-to-know basis, for the purpose of the execution of this request.

*[If necessary, please add other relevant information.]*

In case of queries, please contact «Name, function», «email», «phone number».  
Your attention is drawn to the notice concerning the transfer of personal data below.

[Name, Surname]

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<sup>11</sup> Please see Judgment of 18 June 2020, *Commission v RQ*, C-831/18P, EU:C:2020:481.

**Annex VI -**  
**Template for the transmission of information under requests by the EPPO**  
**under Article 12 of this Working Arrangement for the waiver of inviolability of**  
**premises, buildings and archives**

Article 12 of the Working Arrangement establishing the modalities of cooperation between the European Public Prosecutor's Office (EPPO) and the Executive Agencies provides that, '[w]here the investigations of the EPPO require **access to premises, buildings or archives** of an Executive Agency, protected by the Protocol on the privileges and immunities of the European Union, the EPPO will address a reasoned written request for their waiving to the contact point indicated in Annex I.1.'

The EPPO will preferably submit requests in application of this Article by using the template in Annex VI.

The Executive Agency will provide a written reply within the shortest possible deadlines and based on the principle of mutual sincere cooperation. The reply should in principle be provided within 15 working days after reception of the request. The Executive Agency will inform the EPPO as soon as it appears that it will not be able to respect the deadline, with an indication of the expected time within which it will be able to reply.'

Pursuant to the above-mentioned provision, **the European Public Prosecutor's Office herewith submits the following waiver request:**

- 1. Precise identification of the premises, buildings and archives concerned**
- 2. Detailed reasons for the request and expected timing of the next steps in the procedure**

To ensure confidentiality, please instruct your services to share this information only if strictly necessary and on a need-to-know basis, for the purpose of execution of this request.

*[If necessary, please add other relevant information.]*

In case of queries, please contact «Name, function», «email», «phone number».  
Your attention is drawn to the notice concerning the transfer of personal data below.

[Name, Surname]

## Annex VII

### **Template for requests under Article 13 (2) of the Working Arrangement for indirect reading access to information stored in databases and registers of the Executive Agencies**

In application of Article 43(2) of Regulation (EU) No 2017/1939<sup>12</sup>, the EPPO shall be able to obtain any relevant information falling within its competence that is stored in databases and registers of the Commission.

Annex VIII of the Working Arrangement establishing the modalities of cooperation between the European Public Prosecutor's Office and the Executive Agencies lists the relevant databases to which the EPPO can have, respectively, direct or indirect access.

Article 13 of the Working Arrangement provides that, in case of indirect access, the EPPO will submit requests for information stored in databases and registers of the Executive Agencies directly to the responsible service, and that the Executive Agency will extract the information from the databases and registers in question and transmit it to the EPPO without delay. It will provide the information within 15 working days from reception of the request, and earlier in case of urgent requests.

Pursuant to the above-mentioned provision, **the European Public Prosecutor's Office** herewith submits the following **request for indirect reading access to the following information in a database managed by an Executive Agency:**

- 1. Name of the database:**
- 2. Precise information requested (with specification of the type and the date(s) where relevant)**

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<sup>12</sup> Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO'), Official Journal L 283, 31.10.2017, p. 1–71.



### **3. Degree of urgency and reasons for the urgency**

To ensure confidentiality, please instruct your services to share this information only if strictly necessary and on a need-to-know basis for the purpose of execution of this request.

*[If necessary, please add other relevant information.]*

In case of queries, please contact «Name, function», «email», «phone number».

Your attention is drawn to the notice concerning the transfer of personal data below.

[Name, Surname]

## Annex VIII

### List of databases or registers to which the EPPO can have direct or indirect reading Access

This annex provides a non-exhaustive list of databases to which the EPPO can have, respectively, direct full reading access, or indirect reading access via case-by-case requests to the Commission service or Executive Agency holding the information in the database. Additional databases might be added to the below list, and the respective access granted by the DG or Executive Agency managing the concerned access rights.

<b>Name of the database or register</b>	<b>Brief description / content</b>	<b>EA or DG managing the access</b>	<b>Type of access (direct or indirect)</b>
ABAC Workflow (to be replaced by SUMMA)	Payments database	DG BUDG	Indirect
ABAC Accounting (to be replaced by SUMMA)	Payment execution/treasury	DG BUDG	Indirect
APPFIN	Local Projects database related to programmes 2007-2013 and 2014-2020	EACEA	Indirect
ARACHNE	Data mining and enrichment to support administrative controls in the area of the European structural and investment funds	DG EMPL	Indirect with a specific EPPO interface
AssMal	Reimbursement of medical costs	PMO	Indirect
AGM	Reimbursement of travel costs for experts participating in meetings organised by Commission services	PMO	Indirect

CASE @ EC	Case management application for State Aid cases	DG COMP	Indirect
CATS (Clearance of Accounts Audit Trail System)	Agriculture payments by Member States - Clearance of accounts database for agricultural funds	DG AGRI	Indirect
CIS (Customs Information System)	Information on operations that are in breach of customs or agricultural legislation	OLAF	Indirect
COMEXT	International trade in goods statistics	EUROSTAT	Direct
C-Pay	FP7 payment and amendments tool	ERCEA	Indirect
CRIS (Cross-Regional Information System)	Development aid projects	DG INTPA	Direct (Indirect in case of linked documents in Ares to which the EPPO does not have access)
CSM (Container Status Messages) directory	Reporting of container status messages	OLAF	Indirect
EDES (Early Detection and Exclusion System)	List of operators excluded from EU funding or forming the subject of a financial sanction	DG BUDG	Direct for opened cases; Indirect for closed cases
eBTI-3 (Binding Tariff Information System)	Data of applications and issued Binding Tariff Information decisions	DG TAXUD	Indirect to non-aggregated data (without need for prior MS approval)
eGrant suite	-	DG RTD	Direct
ECCNet2 (European Consumer Centres Network)	Network of offices offering advice and assistance to consumers in relation to cross-border purchases	DG JUST	Indirect

e-SIRE (Système Informatique des Ressources Externes)	Management of external resources	DG HR	Indirect
EEN platforms	Platform to support EEN community and services to EEN clients	EISMEA	Indirect
EIC Community	Business Services for EIC Beneficiaries	EISMEA	Indirect
FTS (Financial Transparency System)	Beneficiaries of funding from the EU budget and the European Development Fund	DG BUDG	Direct
HOPE (Humanitarian Office Programme Environment)	DG ECHO's Financial management database	DG ECHO	Indirect
IET (Import, Export and Transit) directory, including ATIS (Anti-Fraud Transit Information System)	IT-application and filing system on customs fraud, falling under the Anti-Fraud Information System (AFIS)	OLAF	For import and export data: see access to <i>Surveillance</i> .  For transit data: indirect access to ATIS
iRasff (Rapid Alert For Food and Feed System)	Information system supporting the Alert and Cooperation Network, comprising the Administrative Assistance and Cooperation network, Rapid Alert System for Food and Feed and the Agri-food Fraud Network	DG SANTE	Indirect
LIFE 1	Databases of application, evaluation, grant agreements, and project follow-up of the LIFE1 programme	DG ENV & CINEA	Indirect

MIPS	Mission expenses	PMO	Indirect
OLAF-IMS (Irregularity Management System)	Reporting of irregularities related to EU expenditure by EU countries and candidate countries	OLAF	Indirect
OPSYS	The new system for the management and monitoring of the EU external relations portfolio of interventions.	DG INTPA	Direct (Indirect in case of linked documents in Ares to which the EPPO does not have access)
OWNRES	Irregularity notifications in the area of Customs, reported by Member States	DG BUDG	Indirect
PEGASUS I & II	Local Projects databases related to programmes 2007-2013 and 2014-2020 Pegasus I and II will be integrated in one “Pegasus” and be disconnected from ABAC by end of 2023	EACEA	Indirect
SFC (System for Fund Management in the European Union)	Electronic exchange of information concerning shared fund management between Member States and the Commission	DG REGIO	Indirect

SIS (Schengen Information System)	Information sharing system for security and border management in Europe	DG HOME	Only for the European Delegated Prosecutors: Direct (if the respective European Delegated Prosecutor has direct access as a national prosecutor); Indirect (via the competent national authorities) if that is the access granted under national law.
Speedwell	Paperless workflow tool processing invoices	ERCEA	Indirect
SUMMA (to replace ABAC)	Payments/payments execution/treasury database	DG BUDG	Indirect
SURVEILLANCE	Anonymised Customs import data	DG TAXUD	Indirect, to non-aggregated data (without need for prior MS approval).  Direct access to the future data visualisation tool
SYSPER	Management of human resources / financial benefits	DG HR / PMO	Indirect
TEN-tec	Databases of application, evaluation, grant agreements, reporting and project follow-up of the Connecting Europe Facility 1 programme	CINEA & DG MOVE/ENER for CEF Transport & Energy  (CEF-Telecom:	Indirect

		HaDEA & DG CNECT as from 2021)	
TRACES	Digital certification platform used by competent authorities and economic operators of both EU and non-EU countries for the issuance of sanitary and phytosanitary official certificates and official documents. Further to the DG SANTE scope, TRACES accommodates certification schemes of DGs AGRI, ENV and MARE.	DG SANT E, DG AGRI, DG MAR E and DG ENV	Indirect
WOMIS	Own Resources debt write-off notification and approval system	DG BUDG	Indirect