

# EUROPEAN PUBLIC PROSECUTOR'S OFFICE

## Internal rules of procedure of the European Public Prosecutor's Office

(2021/C 22/03)

THE COLLEGE OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE (EPPO),

Having regard to Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') <sup>(1)</sup>, hereinafter referred to as the 'EPPO Regulation', and in particular Article 21 thereof,

Taking into account the proposal drawn up by the European Chief Prosecutor,

Whereas:

According to Article 21(1) of the EPPO Regulation, the organisation of the work of the EPPO shall be governed by its internal rules of procedure.

According to Article 21(2) of the EPPO Regulation, once the EPPO has been set up, the European Chief Prosecutor shall without delay prepare a proposal for the internal rules of procedure of the EPPO, to be adopted by the College by a two-thirds majority.

The European Chief Prosecutor submitted to the College a proposal for the internal rules of procedure of the EPPO.

The College examined the proposal drawn up by the European Chief Prosecutor in its meetings of 29 September 2020, 30 September 2020, 5 October 2020 and 12 October 2020,

HAS ADOPTED THESE INTERNAL RULES OF PROCEDURE:

### TITLE I

#### GENERAL PROVISIONS

##### *Article 1*

##### **Scope**

1. In accordance with Article 21(1) of the Regulation, the present internal rules of procedure govern the organisation of the work of the European Public Prosecutor's Office (hereinafter 'the EPPO').
2. These internal rules complement the provisions of the Regulation. They shall be binding upon the Central Office, the staff of the EPPO and the European Delegated Prosecutors. The EPPO shall ensure that, where relevant, non-EPPO staff working under its direction, provided by the Member States to allow the EPPO to exercise its functions under the Regulation, follow these internal rules.

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<sup>(1)</sup> OJ L 283, 31.10.2017, p. 1.

*Article 2***Language arrangements**

1. The working language for the operational and administrative activities shall be used in all internal acts, decisions and documents produced by the EPPO, in all formal communication within the Central Office, between the Central Office and the European Delegated Prosecutors and between European Delegated Prosecutors located in different Member States.
2. The communications, acts or decisions of the EPPO addressed to institutions, bodies, offices or agencies of the European Union shall be drafted in the working language for the operational and administrative activities. French shall be used along with English in the relations with the Court of Justice of the European Union.
3. Communication with persons involved in criminal proceedings, such as suspected or accused persons, victims and witnesses, or with other third parties, shall be made in the language required in accordance with the applicable national rules of criminal procedural law and, where applicable, in accordance with the relevant EU or international legal instruments for judicial cooperation in criminal matters. When necessary, the communication shall be accompanied by a translation in a language understood by the addressee.
4. European Delegated Prosecutors shall ensure that acts of the criminal investigations which they handle and which are essential to allow the Central Office to carry out its tasks under the Regulation, are made available in the working language of the EPPO, where appropriate in a summary form, and are included in the progress report referred to in Article 44.

*Article 3***Translation modalities**

1. For case-related and urgent administrative translations required for the functioning of the EPPO in accordance with Article 2, the EPPO shall seek appropriate solutions aimed at ensuring that high quality and speedy translations are delivered within a secure environment.
2. For non-urgent administrative translations, the Translation Centre for the Bodies of the EU shall be used.
3. Translation modalities shall comply with data protection requirements and the EPPO's obligation to ensuring the latter.

## TITLE II

**ORGANISATIONAL MATTERS**

## CHAPTER 1

***The College****Article 4***Chairing**

1. The European Chief Prosecutor shall chair the meetings of the College.
2. Where appropriate, the European Chief Prosecutor shall designate one of the Deputy European Chief Prosecutors to chair a College meeting in his/her absence.
3. In the absence of the European Chief Prosecutor and the two Deputies, the most senior in age European Prosecutor shall chair the College meeting.

*Article 5***Exercise of general oversight**

1. For the purpose of Article 9(2) of the Regulation, the College may at any time request information on the activities of the EPPO, in addition to the information to be provided in accordance with the Regulation.
2. Information on general issues arising from individual cases shall be provided to the College anonymised and only to the extent required for the purpose of Article 9(2) of the Regulation.

*Article 6***Strategic and policy decisions**

The College shall determine the priorities and the investigation and prosecution policy of the EPPO upon a proposal by the European Chief Prosecutor.

*Article 7***Meetings**

1. In accordance with Article 9(2) of the Regulation, the College shall hold ordinary meetings at least once every month, unless the College decides otherwise. The European Chief Prosecutor may call an extraordinary meeting at any time.
2. At the request of at least seven College members, the European Chief Prosecutor shall call an extraordinary meeting no later than 10 days after their request.
3. The European Chief Prosecutor shall call the meetings of the College and determine the day and time of the meetings.
4. The meetings of the College shall take place at the premises of the EPPO. Whenever the circumstances so require, the European Chief Prosecutor may convene meetings of the College by videoconference. If the physical presence of one or more members of the College to meetings convened at the premises of the EPPO is not possible, the chair may authorise their attendance to take place remotely.
5. The European Chief Prosecutor shall prepare the provisional agenda for each meeting. Any member of the College and the Administrative Director may suggest to the European Chief Prosecutor points to be included in the provisional agenda. The agenda shall include the points requested by at least 7 members of the College and the issues proposed by a Permanent Chamber, in accordance with Article 21. The provisional agenda shall be sent by the Secretary of the College, together with any supporting documents, to all College members at least one week before the meeting. Relevant supporting documents shall also be provided to non-members of the College invited to attend for specific points. When an extraordinary meeting is called, the provisional agenda and supporting documents may be sent at a shorter notice.
6. At the beginning of each meeting, the College shall approve the agenda. Urgent matters, not appearing on the provisional agenda, may be proposed for discussion and voting by the chair of the meeting or any member of the College and included in the agenda provided that the College does not object.
7. As regards attendance by non-members of the College:
  - (a) the Administrative Director shall attend meetings of the College when budgetary, staff and other administrative matters are discussed and may be invited by the European Chief Prosecutor to attend meetings of the College in which strategic and policy matters are discussed;
  - (b) other staff members and any other person whose opinion may be of interest, may attend meetings upon invitation made by the European Chief Prosecutor or at the initiative of any member of the College.

*Article 8***Quorum and voting**

1. For the purpose of Article 9(5) of the Regulation, the quorum for the College to take decisions is two-thirds of the College members. In the absence of a quorum, the Chair may decide to continue the meeting without taking any formal decision. The relevant agenda items may be considered at the next College meeting or by written or silent procedure.
2. Exceptionally, if remote participation is not possible, a European Prosecutor who cannot attend a College meeting may give a proxy vote to another European Prosecutor to vote on his/her behalf. Proxy votes cannot be taken into account for establishing the quorum in accordance with paragraph 1.
3. A European Prosecutor using a vote by proxy shall communicate to the Secretary of the College in writing the identity of the proxy holder, the items of the agenda for which the proxy is valid and any possible restrictions placed on the proxy vote. The proxy vote is only valid for the item(s) of the agenda for which it has been given.
4. The chair shall call for a vote on a point of the agenda if he/she deems that the matter has been sufficiently considered.
5. The votes shall be taken by a show of hands, electronically or by a recorded vote, if the voting by a show of hands is challenged. The decisions adopted by the College shall not record the breakdown of votes.
6. Decisions to be taken by simple majority in accordance with the Regulation, will be considered adopted when the highest number of votes cast for any issue or item exceeds the second-highest number.

*Article 9***Written procedure for the adoption of College decisions**

1. In case of urgency, when a decision cannot be postponed and is required before the College can be convened, the European Chief Prosecutor may call for a written procedure.
2. The European Chief Prosecutor shall give the members of the College at least three working days for replies from the date the draft decision was sent electronically. In exceptional cases, the European Chief Prosecutor may decide on a shorter duration, but not shorter than a full working day.
3. A proposal for a decision to be taken by written procedure shall not be subject to amendments, and it shall be approved or rejected in its entirety. In case no reply has been received within the set period, the respective member of the College is deemed to have abstained from voting.
4. A decision is adopted when at least two-thirds of the members of the College have replied in writing and the required voting majority has been obtained.
5. In cases where the required quorum or voting majority are not reached, the European Chief Prosecutor may relaunch the written procedure or bring the matter to the next meeting of the College.
6. The European Chief Prosecutor shall establish that the written procedure has been completed. A notification to that effect shall be sent to the members of the College formalising the result of the decision.

*Article 10***Silent procedure for the adoption of College decisions**

1. The European Chief Prosecutor may call for a silent procedure for decisions to be taken by simple majority in accordance with the Regulation and considered of a less substantial nature.

2. The European Chief Prosecutor shall give the members of the College at least three working days for replies from the date the draft decision was sent electronically. In exceptional cases, the European Chief Prosecutor may decide on a shorter duration, but not shorter than a full working day.
3. A proposal for a decision to be taken by silent procedure shall not be subject to amendments, and it shall be approved or rejected in its entirety. In case no reply has been received within the set period, the respective member of the College is deemed to have voted in favour.
4. The European Chief Prosecutor shall establish that the silent procedure has been completed. A notification to that effect shall be sent to the members of the College formalising the result of the decision.
5. If one or more members of the College object to the silent procedure, the matter under consideration will be deemed not approved.

#### Article 11

##### **Procedure for the adoption of guidelines**

1. For the purpose of the adoption by the College of the guidelines referred to in Articles 10(7), 24(10), 27(8), 34(3), 40(2) of the Regulation the following rules shall apply.
2. Proposals for adoption or modification of the guidelines may be submitted to the College by the European Chief Prosecutor or a group of at least 7 European Prosecutors and be communicated to all members of the College at least 15 days before the meeting of the College in which the respective point has been included in the agenda.
3. By derogation from Article 8(1), the quorum for the College to take decisions under this Article is four fifths of the College members.
4. Articles 9 and 10 shall not apply to decisions under this Article.
5. Decisions taken in accordance with this Article shall be published on the website of the EPPO.

#### Article 12

##### ***In camera* and confidentiality**

Without prejudice to Article 7(4), the meetings of the College shall be held *in camera* and the discussions shall be confidential.

#### Article 13

##### **Secretary of the College**

1. The European Chief Prosecutor shall designate a person from among the staff of the EPPO to serve as Secretary of the College.
2. The Secretary of the College shall work under the authority of the European Chief Prosecutor and assist him/her in the preparations of the College meetings.

#### Article 14

##### **Minutes of the meetings**

1. Within two working days after each meeting and after approval by the chair, the Secretary of the College shall distribute the list of decisions adopted by the College.
2. Without prejudice to paragraph 1, the Secretary of the College shall prepare the minutes of each meeting of the College.

3. The minutes of the meetings of the College shall contain, at least, the names of persons attending, a summary of the debates and the decisions adopted, without recording the breakdown of votes.
4. The draft minutes shall be sent by the European Chief Prosecutor to the College members for approval at a subsequent College meeting. Once adopted, the minutes shall be signed by the European Chief Prosecutor and the Secretary of the College and attached to a record.

## CHAPTER 2

### **The Permanent Chambers**

#### *Article 15*

#### **Decision on the Permanent Chambers**

1. The number of the Permanent Chambers, as well as the division of competences between the Permanent Chambers and the allocation of cases, shall be determined by a decision on the creation of the Permanent Chambers and the allocation of cases (hereinafter the 'decision on the Permanent Chambers') adopted by the College on a proposal by the European Chief Prosecutor.
2. The European Chief Prosecutor's proposal shall be accompanied by an explanatory note.
3. The Decision on the Permanent Chambers shall establish the procedural arrangements for the meetings of the Permanent Chambers.
4. The decision on the Permanent Chambers shall be published in the Official Journal and on the website of the EPPO.

#### *Article 16*

#### **Composition**

1. The composition of each Permanent Chamber shall be determined by a decision (hereinafter the 'decision on the composition of the Permanent Chambers') of the College, upon a proposal of the European Chief Prosecutor.
2. Each European Prosecutor shall be a permanent member of at least one Permanent Chamber.
3. The assignment of a European Prosecutor as a permanent member of more than one Permanent Chamber shall be duly justified taking into account the workload of that European Prosecutor.
4. The decision on the composition of the Permanent Chambers shall take into account the current and expected workload of the European Prosecutors and the need to ensure the efficient functioning of the EPPO.

#### *Article 17*

#### **Designation of the Chairs**

1. The European Chief Prosecutor or a Deputy European Chief Prosecutor shall chair the Permanent Chambers of which they are permanent members.
2. Outside the case contemplated in paragraph 1, the Chair shall be designated by the decision on the composition of the Chamber.

*Article 18***Temporary replacement of a Chair**

1. If it becomes necessary to replace a Chair of a Permanent Chamber on account of his/her temporary inability to discharge his/her duties, the European Chief Prosecutor shall determine, in consultation with the Deputy European Chief Prosecutors, appropriate arrangements in derogation to the decision on the composition of the Permanent Chambers. The arrangements shall take into account the need to ensure continuity in the operations of the Permanent Chambers.
2. The duration of these temporary arrangements shall be determined by the European Chief Prosecutor and shall not exceed three months.
3. These measures shall be communicated to the College and enter into force immediately.

*Article 19***Allocation of cases**

1. The decision on the Permanent Chambers shall establish a system for the allocation of cases to the Permanent Chambers. The system shall be based on a random, automatic and alternating allocation of cases to Permanent Chambers according to the order of registration of each new case and shall ensure an even distribution of workload among the Permanent Chambers.
2. The system set out in paragraph 1 shall be designed in such way as to exclude the possibility of allocating a case to a Permanent Chamber of which the supervising European Prosecutor is a permanent member.
3. The decision on the Permanent Chambers may further contain rules to ensure the efficient functioning of the EPPO and an equal distribution of workload between the Permanent Chambers, allowing the European Chief Prosecutor to exceptionally take measures if the workload of one Permanent Chamber significantly exceeds that of the others. These measures may include, inter alia, the temporary suspension of the attribution of new cases to a Permanent Chamber for a determined period of time. The European Chief Prosecutor shall inform the College of any such measure taken.
4. By derogation from the principle of random and automatic allocation and for the purpose of ensuring the efficient functioning of the EPPO, the decision on the Permanent Chambers may provide that certain categories of cases, based in particular on the type of offence under investigation or the circumstances of the offence, are assigned to a specific Permanent Chamber.

*Article 20***Competence over a specific case and reallocation**

1. Once a case has been allocated to a Permanent Chamber, it shall remain competent to monitor and direct the investigations and prosecutions related to that case, until the matter has been finally disposed of. This is without prejudice to the application of the rules on reallocation of cases between Permanent Chambers in accordance with Article 51.
2. The European Chief Prosecutor may, after consultation of the Permanent Chamber to which a case had been assigned, reallocate the case to a different Permanent Chamber:
  - (a) when there are links between individual cases assigned to different Permanent Chambers, or when the subject matter is repetitive;
  - (b) if decisions are required as a matter of urgency, including decisions under Article 27 of the Regulation.

3. The European Chief Prosecutor may also reallocate a case to a Permanent Chamber identified in accordance with Article 19(4), after the consultation of the Permanent Chamber to which it had been initially allocated, if such case should have been initially allocated to the specialised Permanent Chamber in application of the Decision on the Permanent Chambers, or if the need for reallocation emerges in the course of the criminal proceedings.
4. The European Chief Prosecutor shall inform the College of any measure taken in accordance with paragraph 2, stating the reasons for the reallocation.

#### Article 21

##### **Information to the College**

1. The Chair of each Permanent Chamber shall inform the College in writing, for the purposes of Article 5 and with the modalities described in that Article, about issues arising from the work of the Chamber that may be of relevance for the work of the EPPO as a whole, or in relation to the coherence, efficiency and consistency of the prosecution policy of the EPPO.
2. Each Permanent Chamber, acting through its chair, may submit to the College a written proposal for discussion of specific issues related to the implementation of the prosecution policy of the EPPO or other relevant guidelines concerning specific issues arising from the work of the Permanent Chamber.

#### Article 22

##### **Reporting obligations**

1. Every year the Chair of each Permanent Chamber, after the consultation of the permanent members, shall submit a written report to the College on the activities of the Permanent Chamber. A template of such report, as well as the deadline for submission, shall be established by the European Chief Prosecutor.
2. The report provided for in paragraph 1 shall contain at least information on the following:
  - (a) workload of the Permanent Chamber, including the number of incoming cases, the number and type of decisions taken, and the time necessary to decide on the cases;
  - (b) reasons for dismissal of cases in accordance with Article 39(1)(g) of the Regulation;
  - (c) decisions taken to apply a simplified prosecution procedure in accordance with Article 40 of the Regulation;
  - (d) decisions taken in accordance with Articles 27(8), 34(2) and 34(3) of the Regulation;
  - (e) application of the written procedure in accordance with Article 24;
  - (f) any other matter related to the activities of the Permanent Chamber, which is considered to have a horizontal impact on the operational activities of the EPPO.

#### Article 23

##### **Organisation of the meetings**

1. Meetings of the Permanent Chambers shall be held in accordance with an agenda, indicating specifically the cases to be treated, the decision to be taken and the issues to be discussed in relation to each case.
2. The Chair of the Permanent Chamber shall set the agenda. Additional items shall be added to the agenda upon request of a permanent member. The Chair shall circulate the agenda to the members of the Permanent Chamber and to the supervising European Prosecutor in charge of each case included on the agenda. The agenda shall be communicated to the European Chief Prosecutor.
3. The Chair of the Permanent Chamber may invite the persons indicated in Article 10(9), second subparagraph, of the Regulation, or any relevant member of the staff of the EPPO, to submit comments in writing within a specified deadline.



4. A Permanent Chamber may deliberate on an item in the agenda only if the permanent members and the relevant supervising European Prosecutor attend the meeting, either in person or with the modalities set out in paragraph 7.
5. By derogation from paragraph 4, if a permanent member cannot attend the meeting, in person or with the modalities set out in paragraph 7, a decision on an item in the agenda may be taken if those present reach consensus.
6. The Chair of the Permanent Chamber shall inform the European Chief Prosecutor about decisions taken in accordance with paragraph 5, stating the reasons for which the procedure has been applied.
7. The meetings of the Permanent Chamber shall take place at the premises of the EPPO. Whenever the circumstances so required, the Chair may convene meetings of the Permanent Chamber by videoconference. If the physical presence of one or more members of the Permanent Chamber, or of any other person invited to attend a meeting is not possible, the Chair may authorise their attendance to take place remotely.
8. The Chair may designate a member of the Permanent Chamber or the supervising European Prosecutor to report on an item included on the agenda of the meeting.
9. Minutes of each meeting of the Permanent Chambers shall be drawn up under the responsibility of the Chair of the Permanent Chamber and shall be registered in the Case Management System.

#### Article 24

#### **Written procedure**

1. The Permanent Chamber may act by way of a written procedure:
  - (a) when called to take a decision to dismiss a case in accordance with Article 39 (1) (a)–(d) of the Regulation or to refer it to the national authorities in accordance with Article 34 of the Regulation;
  - (b) when the decision to be taken is of limited complexity, including by reason of its content or repetitive nature, or because of the link with previous decisions already taken in the same case.
2. When acting in accordance with the written procedure, the draft decision shall be communicated via the Case Management System to all permanent members of the Permanent Chamber, to the supervising European Prosecutor.
3. If no objection is lodged by a permanent member of the Permanent Chamber or by the supervising European Prosecutor, within a deadline determined by the Chair not shorter than three days, the decision shall be deemed to have been adopted.

#### CHAPTER 3

#### ***European Chief Prosecutor and Deputy European Chief Prosecutors***

#### Article 25

#### **Functions and tasks of the European Chief Prosecutor**

1. The European Chief Prosecutor has the powers granted to him/her by the Regulation and exercises his/her functions in accordance with the Regulation and these rules.
2. In accordance with Article 11(1) of the Regulation, the European Chief Prosecutor shall issue decisions. When the decision is issued in oral form, the addressee may ask for a written confirmation.
3. In accordance with Article 11(3) of the Regulation, the European Chief Prosecutor shall sign instruments on behalf of the EPPO, such as working arrangements and agreements.

*Article 26***Selection and appointment of Deputy European Chief Prosecutors**

1. Where the position of Deputy European Chief Prosecutor is vacant, or due to become vacant within the next three months, the European Chief Prosecutor shall without delay inform the College of the vacancy and invite any interested European Prosecutor to submit his/her application, together with a statement of motivation. The appointment of a Deputy European Chief Prosecutor shall take place not later than 3 months after the announcement to the College of the vacancy. Applications shall be accepted until 2 weeks prior to the College meeting foreseen for the appointment.
2. At the latest one week prior to the College meeting for the appointment of the Deputy Chief Prosecutor, the European Chief Prosecutor shall propose to the College a candidate for the appointment as Deputy European Chief Prosecutor from amongst the received applications. The European Chief Prosecutor shall provide the application, together with the statement of motivation submitted by the proposed candidate to the College together with the agenda.
3. Following the presentations by the candidate, all the members of the College shall vote by secret ballot.
4. If two Deputy European Chief Prosecutors need to be appointed at the same time, the procedure outlined in paragraphs 1 to 3 of this Article shall apply accordingly.

*Article 27***Functions of the Deputy European Chief Prosecutors**

1. The European Chief Prosecutor may assign and/or delegate each Deputy European Chief Prosecutor specific tasks or thematic or organisational responsibilities on an ad hoc or general basis. The College shall be informed thereof.
2. The European Chief Prosecutor shall ensure continuity of service at all times. The European Chief Prosecutor shall decide on the order of replacement in case of the European Chief Prosecutor's absence and/or being unable to attend to the duties allocated to the European Chief Prosecutor.

*Article 28***Exercise of the functions**

When exercising functions in the capacity of Deputy European Chief Prosecutor, this is done under the supervision of the European Chief Prosecutor, and the Deputy European Chief Prosecutor shall in these respects report directly to the European Chief Prosecutor.

*Article 29***Resignation and dismissal of a Deputy European Chief Prosecutor**

1. If a Deputy European Chief Prosecutor wishes to resign from the function of Deputy European Chief Prosecutor, he/she shall notify the European Chief Prosecutor in writing at least three months prior to his/her intended day of resignation, unless otherwise agreed. The European Chief Prosecutor shall forward the resignation to the College without delay.
2. In cases of grave breaches of trust, the College may, upon request of the European Chief Prosecutor, decide by a majority of its members to dismiss the Deputy European Chief Prosecutor from the function of Deputy European Chief Prosecutor. The Deputy European Chief Prosecutor concerned shall be excluded from the vote. The College shall hear the Deputy European Chief Prosecutor concerned before taking its decision.

## CHAPTER 4

**European Prosecutors**

## Article 30

**Substitution between European Prosecutors**

1. Where a European Prosecutor will be absent or unable to fulfil his/her duties for a brief period of time, the European Chief Prosecutor shall appoint a European Prosecutor to act as a substitute.
2. The substituted European Prosecutor may propose in writing to the European Chief Prosecutor a European Prosecutor whose consent to act as a substitute has already been obtained. The European Chief Prosecutor shall either assign the proposed European Prosecutor or another.
3. The European Chief Prosecutor shall ensure that the European Prosecutor assigned to act as a substitute can adequately perform his/her duties, taking into due account the extent of the knowledge of the legal system and language required, in light of the specific circumstances of the substitution. The two European Prosecutors and the College shall be informed accordingly.
4. The substitution under this Article shall include all duties, except where stated otherwise in these rules or excluded in the Regulation.
5. This Article shall apply for all cases of absence of the European Prosecutor with the exception of absence dealt with under Article 31.

## Article 31

**Substitution of a European Prosecutor by a European Delegated Prosecutor**

1. Each European Prosecutor shall, upon appointment, or whenever a replacement is necessary, propose to the European Chief Prosecutor one European Delegated Prosecutor from his/her Member State to be designated by the College who would be in a position to act as interim European Prosecutor, in accordance with Article 16(7) of the Regulation.
2. When a European Prosecutor resigns, is dismissed or leaves his/her position in accordance with Article 16(5) and (6) of the Regulation, or is otherwise unable to carry out his/her functions, the European Chief Prosecutor shall without delay seek a decision by the College to enable the respectively designated person to act as interim European Prosecutor as of the date the resignation, dismissal or departure takes effect, for a period of up to 3 months
3. At the latest two weeks prior to the end of the 3 month period, the College may extend the period of substitution for as long as it deems necessary.
4. The interim European Prosecutor shall cease to act in his/her function, when the European Prosecutor from his/her Member State is able to resume his/her duties, or upon appointment of a new European Prosecutor.

## Article 32

**Allocation of cases to other European Prosecutors**

1. Requests made on the basis of Article 12(2) of the Regulation by a European Prosecutor may contain a proposal for a European Prosecutor whose consent to take over the case has already been obtained.
2. When a request is made in relation to workload, the European Chief Prosecutor shall assess the workload of the requesting European Prosecutor, of the availability of any other measure seen as appropriate to address the issue and of the impact of the proposal on the effectiveness of the investigations and prosecutions of the EPPO.

3. When a request is made on the basis of a potential conflict of interest, the European Chief Prosecutor shall grant the request, if he/she concludes that the personal interests of the requesting European Prosecutor actually or potentially impair his/her independence in carrying out the duties of a European Prosecutor in accordance with Article 12 of the Regulation, or may be perceived as such. Paragraph 1 shall apply to the extent possible.

4. The European Chief Prosecutor shall decide on the requests under paragraphs 2 and 3 without undue delay, ensuring the continuation of the proper and effective functioning of the EPPO. The European Chief Prosecutor may reassign the case to the proposed European Prosecutor or to a different one, or reject the request.

5. Where the European Chief Prosecutor reassigns a case based on this Article, he/she shall ensure that the European Prosecutor assigned to take over the case is not a permanent member of the monitoring Permanent Chamber and can adequately perform his/her duties, taking into due account the extent of the knowledge of the legal system and language required, in light of the specific circumstances. The European Prosecutor taking over the case shall exercise his/her tasks in accordance with Article 12 of the Regulation.

6. The reassignment shall be notified to the concerned European Prosecutors and the Permanent Chambers via the Case Management System. The College shall be regularly informed by the European Chief Prosecutor about the reassignment of cases.

#### CHAPTER 5

### ***European Delegated Prosecutors***

#### *Article 33*

### **Appointment of European Delegated Prosecutors**

The College shall appoint the European Delegated Prosecutors based on a proposal by the European Chief Prosecutor. Prior to the proposal, the European Chief Prosecutor shall ensure that the nominees meet the criteria in Article 17(2) of the Regulation and the eligibility criteria provided in the College Decision laying down rules on conditions of employment of the European Delegated Prosecutors.

#### *Article 34*

### **Coordination of the European Delegated Prosecutors**

The European Chief Prosecutor may delegate to the European Prosecutors the coordination of the activities of the European Delegated Prosecutors of the respective Member States, including their working programmes, so that the exercise of their functions is ensured.

#### *Article 35*

### **Substitution between European Delegated Prosecutors**

Where a European Delegated Prosecutor is temporarily absent, such as on annual leave, sick leave or otherwise unavailable, the European Prosecutor of the same Member State shall assign another European Delegated Prosecutor from that Member State to substitute the absent European Delegated Prosecutor during the period of his/her absence. The provisions set out in the College Decision laying down rules on conditions of employment of the European Delegated Prosecutors remain unaffected.

## CHAPTER 6

**Administrative Director**

## Article 36

**Selection and appointment of the Administrative Director**

1. The European Chief Prosecutor shall propose for approval to the College the vacancy notice for the selection of the Administrative Director.
2. The vacancy notice shall be published in the *Official Journal of the European Union* and on the EPPO's website.
3. The European Chief Prosecutor shall assess candidates against the selection criteria set out in the vacancy notice and interview an adequate number of the most suitable candidates. The European Chief Prosecutor shall also nominate a panel to assist him/her.
4. Following the interviews, the European Chief Prosecutor shall draw up a shortlist of not more than 3 candidates, ranked in the order of preference, and transmit it to the College, together with an assessment of each shortlisted candidate.
5. The College shall appoint the Administrative Director from one of the candidates placed on the shortlist.

## Article 37

**Evaluation of the performance and extension of the mandate of the Administrative Director**

1. No later than 6 months before the end of the mandate of the Administrative Director, the European Chief Prosecutor shall submit to the College an evaluation of the performance of the Administrative Director for its approval and, if deemed appropriate, any observations.
2. Prior to the adoption of the evaluation, the Administrative Director may be heard by the College if deemed necessary or if he/she requests it. The Administrative Director shall not be present at the meeting when the College adopts the evaluation report. The College shall adopt a decision no later than 4 months before the end of the mandate of the Administrative Director.
3. The College, acting on a proposal from the European Chief Prosecutor which takes into account the assessment referred to in paragraph 2, may extend once the term of office of the Administrative Director for a period of no more than 4 years.

## TITLE III

**OPERATIONAL MATTERS**

## CHAPTER 1

**Registration and verification of Information**

## Article 38

**Registration of information**

1. All information received by the EPPO in accordance with Article 24 of the Regulation, as well as acquired by the EPPO *ex officio* which refers to any criminal conduct in respect of which the EPPO may exercise its competence shall be registered in the register kept in accordance with Article 44(4)(a) of the Regulation (hereinafter the Register).

2. The registration shall include the date, time and place of receipt of the information, and the person opening the registration file. It shall further include the following details:

- (a) the source of the information, including the identity and contact details of the organisation or person who has provided it, unless applicable rules regarding the protection of informers and whistle-blowers are applicable and provide otherwise;
- (b) the format of the information, including reference to any document or other item, which cannot be stored in original in the Case Management System;
- (c) whether the file is opened with a view to initiating or evoking an investigation.

3. The registration should also contain, to the extent available:

- (a) the possible legal qualification of the reported criminal conduct, including if it was committed by an organised group;
- (b) a short description of the reported criminal conduct, including the date when it was committed;
- (c) the amount and nature of the estimated damage;
- (d) the Member State(s) where the focus of the criminal activity is, respectively where the bulk of the offences, if several, was committed;
- (e) other Member States that may be involved;
- (f) the names of the potential suspects and any other involved persons in line with Article 24(4) of the Regulation, their date and place of birth, identification numbers, habitual residence and/or nationality, their occupation, suspected membership of a criminal organisation;
- (g) whether privileges or immunities may apply;
- (h) the potential victims (other than the European Union);
- (i) the place where the main financial damage has occurred;
- (j) inextricably linked offences;
- (k) any other additional information, if deemed appropriate by the inserter.

4. To the extent possible, the document containing the information and all the items attached to it shall be converted in an electronically storable format within the Case Management System.

5. Based on the content of paragraph 3(d) above, the Case Management System shall notify the appropriate European Prosecutor(s). Additionally, where the assessment of paragraph 3(g) is positive, the Case Management System shall notify the European Chief Prosecutor.

6. Where the information contains special categories of personal data as defined in Article 55 of the Regulation, these may be only processed if the requirements set out in Article 55 of the Regulation are met. The special categories of personal data shall be marked as such in the Case Management System, and the grounds for their storage noted. The Case Management System shall notify the Data Protection Officer of any such registration.

7. In deviation from paragraph 1, information reported by private parties that manifestly does not refer to a criminal conduct in respect of which the EPPO may exercise its competence shall be referred by a European Delegated Prosecutor or a European Prosecutor to the competent national authorities without undue delay, in line with Article 24(8) of the Regulation or returned to the reporting party and/or deleted. An appropriate log shall be kept.

#### *Article 39*

#### **Assignment for verification**

1. All information registered according to Article 38(1) shall be subject to verification by a European Delegated Prosecutor for the purpose of assessing whether there are grounds to exercise the competence of the EPPO.

2. Following the notification from the Case Management System in accordance with Article 38(5), the European Prosecutor shall assign the verification to a European Delegated Prosecutor. The process for assigning the verification shall be determined by the European Prosecutor, which may include a rule based allocation, including for cases where the information was obtained *ex officio* by a European Delegated Prosecutor.
3. Where multiple European Prosecutors have been notified, or the notified European Prosecutor considers that another European Prosecutor is better placed to make the assignment, they shall consult and decide together. In case no agreement is reached, the European Chief Prosecutor shall make a decision.
4. If the information has been received by the EPPO in accordance with Article 24(2) of the Regulation, it shall be assigned for verification within 24 hours of registration. All other information shall be assigned for verification within 3 days of registration.
5. If the European Prosecutor does not assign the case in the prescribed time limit, or he/she informs his/her inability to do so within the foreseen time limit, the assignment shall be done by the European Chief Prosecutor or by a Deputy European Chief Prosecutor.

#### Article 40

#### Verification of information

1. The verification for the purpose of initiating an investigation shall assess whether:
  - (a) the reported conduct constitutes a criminal offence falling under the material, territorial, personal and temporal competence of the EPPO;
  - (b) there are reasonable grounds under the applicable national law to believe that an offence is being or has been committed;
  - (c) there are obvious legal grounds that bar prosecution;
  - (d) where applicable, the conditions prescribed by Article 25(2), (3) and (4) of the Regulation are met.
2. The verification for the purpose of evocation shall additionally assess:
  - (a) the maturity of the investigation;
  - (b) the relevance of the investigation with regard to ensuring the coherence of the EPPO's investigation and prosecution policy;
  - (c) the cross-border aspects of the investigation;
  - (d) the existence of any other specific reason, which suggests that the EPPO is better placed to continue the investigation.
3. The verification shall be carried out using all sources of information available to the EPPO as well as any sources available to the European Delegated Prosecutor, in accordance with applicable national law, including those otherwise available to him/her if acting in a national capacity. The European Delegated Prosecutor may make use of the staff of the EPPO for the purpose of the verification. Where appropriate, the EPPO may consult and exchange information with Union institutions, bodies, offices or agencies, as well as national authorities, subject to the protection of the integrity of a possible future criminal investigation.
4. The European Delegated Prosecutor shall finalise the verification related to the evocation of an investigation at least 2 days before the expiration of the deadline prescribed by Article 27(1) of the Regulation. The verification related to initiating an investigation shall be finalised no later than 20 days following the assignment.
5. If the European Delegated Prosecutor does not finalise the verification on whether or not to initiate an investigation within the prescribed time limit, or he/she informs their inability to do so within the foreseen time limit, the European Prosecutor shall be informed and where deemed appropriate extend the time available or issue an appropriate instruction to the European Delegated Prosecutor.
6. Where it concerns a decision on evocation, the European Delegated Prosecutor may ask the European Chief Prosecutor to extend the time limit needed to adopt a decision on evocation by up to 5 days.

7. Where the European Delegated Prosecutor does not issue a decision within the time limit, it shall be treated as a consideration not to evoke a case, and Article 42 applied accordingly.

#### Article 41

### Decision to initiate an investigation or to evoke a case

1. Where, following the verification, the European Delegated Prosecutor decides to exercise EPPO's competence by initiating an investigation or evoking a case, a case file shall be opened and it shall be assigned an identification number in the index of the case files (hereinafter the Index). A permanent link to the related registration under Article 38(1) above shall be automatically created by the Case Management System.

2. The corresponding reference in the Index shall contain, to the extent available:

(a) as regards suspected or accused persons in the criminal proceedings of the EPPO or persons convicted following the criminal proceedings of the EPPO:

- (i) surname, maiden name, given names and any alias or assumed names;
- (ii) date and place of birth;
- (iii) nationality;
- (iv) sex;
- (v) place of residence, profession and whereabouts of the person concerned,
- (vi) social security numbers, ID-codes, driving licences, identification documents, passport data, customs and tax identification numbers;
- (vii) description of the alleged offences, including the date on which they were committed;
- (viii) category of the offences, including the existence of inextricably linked offences;
- (ix) the amount of the estimated damages;
- (x) suspected membership of a criminal organisation;
- (xi) details of accounts held with banks and other financial institutions;
- (xii) telephone numbers, SIM-card numbers, email addresses, IP addresses, and account and user names used on online platforms;
- (xiii) vehicle registration data;
- (xiv) identifiable assets owned or utilised by the person, such as crypto-assets and real estate;
- (xv) information whether potential privileges or immunities may apply;

(b) as regards natural persons who reported or are victims of offences that fall within the competence of the EPPO:

- (i) surname, maiden name, given names and any alias or assumed names;
- (ii) date and place of birth;
- (iii) nationality;
- (iv) sex;
- (v) place of residence, profession and whereabouts of the person concerned;
- (vi) ID-codes, identification documents, and passport data;
- (vii) description and nature of the offences involving or reported by the person concerned, the date on which the offences were committed and the criminal category of the offences;

(c) as regards contacts or associates of one of the persons referred to in point (a) above:

- (i) surname, maiden name, given names and any alias or assumed names;
- (ii) date and place of birth;
- (iii) nationality;



- (iv) sex;
- (v) place of residence, profession and whereabouts of the person concerned;
- (vi) ID-codes, identification documents, and passport data.

The categories of personal data referred to above under points (a)(x)–(xv) shall be entered in the Index only to the extent practicable, taking into account the operational interest and available resources. The reference in the Index shall be maintained up to date during the investigation of a case file. The Case Management System shall periodically notify the European Delegated Prosecutor if certain categories of information are not entered in the Index.

3. The Case Management System shall notify the supervising European Prosecutor and the European Chief Prosecutor and shall randomly assign the monitoring of the investigation to a Permanent Chamber, in accordance with Article 19.

4. Where the handling European Delegated Prosecutor considers that in order to preserve the integrity of the investigation it is necessary to temporarily defer the obligation to inform the authorities referred to in Articles 25(5), 26(2) and 26(7) of the Regulation, he/she shall inform the monitoring Permanent Chamber without delay. The latter may object to this decision and instruct the European Delegated Prosecutor to proceed with the relevant notification immediately.

#### Article 42

#### **Decision not to initiate an investigation or not to evoke a case**

1. Where, following the verification, the European Delegated Prosecutor considers not to initiate an investigation or not to evoke a case, he/she shall record the reasons in the Register. The consideration shall be notified to the assigning European Prosecutor and the Case Management System shall assign its review to a Permanent Chamber whose permanent members do not include the supervising European Prosecutor.

2. If the College has adopted general guidelines allowing the European Delegated Prosecutors to decide, independently and without undue delay, not to evoke cases concerning specific types of offences, the review of the European Delegated Prosecutor's decision shall be conducted according to the rules prescribed by those guidelines.

3. The Permanent Chamber, if it feels it is appropriate, may ask for assistance from the staff of the EPPO to further inform their decision.

4. The Permanent Chamber's review of the consideration not to evoke a case shall be conducted before the expiration of the deadline prescribed by Article 27(1) of the Regulation. The review of the consideration not to initiate an investigation shall be conducted no later than 20 days following the assignment to the Permanent Chamber. The Permanent Chamber may request the European Chief Prosecutor to extend the time available for the review.

5. If the Permanent Chamber instructs the European Delegated Prosecutor to start an investigation or to evoke the case, the European Delegated Prosecutor shall act in accordance with Article 41.

6. If the Permanent Chamber does not instruct the European Delegated Prosecutor before the expiration of the time limit for the review, the consideration of the European Delegated Prosecutor shall be deemed as accepted. Where possible, the authority or person, who reported the criminal conduct shall be notified of the decision.

7. If the decision not to start an investigation is based on the fact that the reported criminal conduct falls outside the competence of the EPPO, the originally received information, along with, where permissible, any information discovered during the verification by the EPPO, shall be referred to the competent national authorities.

## CHAPTER 2

**Investigations**

## Article 43

**Rules on conducting the investigation**

1. Notwithstanding the possibility of reallocation in accordance with Article 49, the European Delegated Prosecutor who decided to initiate or to evoke the investigation shall also be handling it.
2. When allowed under the national law, the European Prosecutor may assign one or more European Delegated Prosecutors from the same Member State to conduct the investigation alongside the handling European Delegated Prosecutor.
3. Without prejudice to the provisions of the national law applicable to the case, the EPPO's case files shall be organised and managed in accordance with these rules in order to ensuring the proper functioning of the EPPO as a single office. Copies of all items added to the case file shall be stored in an electronic format in the Case Management System, where possible, in accordance with Article 44(4)(c) of the Regulation.
4. The practical arrangements for the access of the supervising European Prosecutor and of the competent Permanent Chamber to the information and evidence from the case files which cannot be stored electronically in the Case Management System shall be made with the handling European Delegated Prosecutor in a cost-effective manner.
5. On the basis of a proposal made by the European Chief Prosecutor, the College may adopt further rules on the management and the archive of the EPPO's case files.

## Article 44

**Reporting on the investigations**

1. While the investigation is ongoing, the handling European Delegated Prosecutor shall draw up and maintain a progress report. The report shall contain an indicative investigative work plan as well as any significant developments of the investigation, including at least:
  - (a) the investigative measures planned, performed and their results;
  - (b) any changes in the scope of the investigation concerning the suspect(s), the offence(s) under investigation, the damage caused and the victim(s);
  - (c) the gathering of important evidence;
  - (d) requests for review of any act or decision of the handling European Delegated Prosecutor, if applicable;
  - (e) a brief description of the content of communications, acts or decisions addressed to a Member State or to a person subject to the jurisdiction of a Member State.
2. This report shall be maintained in the Case Management System. The supervising European Prosecutor and the members of the monitoring Permanent Chamber shall receive a notification through the Case Management System whenever the report is amended.
3. The European Prosecutors may adopt guidelines for the European Delegated Prosecutors in their Member States specifying the reporting obligation.

## Article 45

**Monitoring of the investigations**

1. After a case is opened, the Case Management System shall assign it randomly for monitoring to a Permanent Chamber whose permanent members do not include the supervising European Prosecutor, in accordance with Article 19.

2. The monitoring Permanent Chamber, including any one of its permanent members and the supervising European Prosecutor, shall at any time have access to the information from the case file as stored in the Case Management System. When indispensable for taking a decision, the Permanent Chamber may ask the supervising European Prosecutor to ensure the transmission to the Central Office of the original item(s), whose copies are not yet, or are not able to be stored in their original form in the Case Management System and are not held in the Central Office. The item(s) shall be returned without undue delay once the purpose for which it was requested by the Permanent Chamber has been achieved.
3. Without prejudice to the reporting obligations under Article 22, the Permanent Chamber or the supervising European Prosecutor may at any time request a European Delegated Prosecutor to provide information on an ongoing investigation or prosecution.
4. The Permanent Chamber shall review the investigation periodically, according to a timetable established by the Chair, or at any moment at the request of one of its permanent members, the supervising European Prosecutor or the handling European Delegated Prosecutor.
5. At any point during the investigation, the handling European Delegated Prosecutor can request the assistance of a member of the staff of the EPPO.

#### *Article 46*

### **Directing of the investigations**

1. Instructions to the handling European Delegated Prosecutors in accordance with Article 10(5) of the Regulation may concern taking or refraining from taking specific measures.
2. The instructions may establish an obligation for the handling European Delegated Prosecutor to report on the corresponding follow-up.
3. The Chair of the Permanent Chamber shall circulate a draft of the instructions or delegate a member of the Permanent Chamber or the supervising European Prosecutor to do so.
4. The instructions shall be entered in the Case Management System which shall automatically notify the concerned European Delegated Prosecutor.
5. The supervising European Prosecutor shall ensure the European Delegated Prosecutor complies with the instructions. If the supervising European Prosecutor considers that the handling European Delegated Prosecutor failed to follow instructions, he/she shall request clarifications and inform the Permanent Chamber, where necessary submitting a proposal in accordance with Article 28(3)(b) of the Regulation.

#### *Article 47*

### **Review of the instructions of the Permanent Chambers**

1. When a European Delegated Prosecutor deems that the implementation of an instruction received from the monitoring Permanent Chamber would be contrary to Union law, including the Regulation, or applicable national law, he/she shall immediately inform the Permanent Chamber, proposing to amend or revoke the instructions received. The monitoring Permanent Chamber shall decide without undue delay on this request, after consulting the supervising European Prosecutor.
2. When the Permanent Chamber denies such a request, the European Delegated Prosecutor may submit a request for review to the European Chief Prosecutor. The chair of the monitoring Permanent Chamber may submit observations to the European Chief Prosecutor. The European Chief Prosecutor shall assign the request to a different Permanent Chamber, who shall take a final decision on the instruction with the participation of the supervising European Prosecutor.

*Article 48***Internal review of the acts of European Delegated Prosecutors**

1. Where the national law of a Member State provides for the internal review of acts within the structure of its own prosecutor's office, all requests for the review of an act undertaken by the European Delegated Prosecutor shall be inserted in the Case Management System which shall notify the supervising European Prosecutor and the monitoring Permanent Chamber.
2. The handling European Delegated Prosecutor shall submit written observations to the supervising European Prosecutor.
3. The supervising European Prosecutor shall deal with the request for review within the deadline established according to the national law. The review procedure shall have no suspensive effect and shall not delay the efficient handling of on-going investigations or prosecutions, unless the national law provides otherwise.
4. Prior to taking a decision on the request for review, the supervising European Prosecutor shall inform the competent Permanent Chamber. The Permanent Chamber may at any time continue exercising its monitoring powers enshrined in the Regulation.
5. Where, in the context of internal reviews under national law, the national law refers to the supervising/superior prosecutor, for the purposes of this Article it shall be understood as the supervising European Prosecutor in relation to the European Delegated Prosecutor.

*Article 49***Reallocation of a case to another European Delegated Prosecutor**

The supervising European Prosecutor may propose to reallocate a case to another European Delegated Prosecutor in the same Member State. The reasoned proposal shall be entered in the Case Management System, which shall notify the monitoring Permanent Chamber and the handling European Delegated Prosecutor. The handling European Delegated Prosecutor may submit written observations within 5 days after receiving the notification, unless, due to the urgency of the matter, this period has been reduced by the European Prosecutor.

*Article 50***Reallocation of a case to a European Delegated Prosecutor in another Member State**

1. The handling European Delegated Prosecutor, the supervising European Prosecutor or any permanent member of the monitoring Permanent Chamber may propose for a case to be reallocated to a European Delegated Prosecutor in another Member State in accordance with Article 26(5) of the Regulation.
2. The Permanent Chamber may invite the European Prosecutor from the Member State where the case is proposed to be reallocated to, to attend its meeting and may request written observations from the European Delegated Prosecutors concerned.

In case the reallocation results in the supervising European Prosecutor also being a permanent member of the monitoring Permanent Chamber, Article 19 shall apply accordingly.

3. The decision of the Permanent Chamber to reallocate a case according to paragraphs 1 and 2 shall be registered in the Case Management System, which shall notify the European Prosecutors and European Delegated Prosecutors concerned. The decision may not be taken by written procedure.

*Article 51***Merging or splitting of cases**

1. Any handling European Delegated Prosecutor, supervising European Prosecutors or permanent member of the monitoring Permanent Chamber may propose to the Permanent Chamber the merging or splitting of cases falling under the criteria of Article 26(5)(b) and (6) of the Regulation.
2. When the cases to be merged are monitored by different Permanent Chambers, they shall consult each other in order to decide upon the merging of those cases. Where a decision to merge cases is made, the monitoring Permanent Chamber of the first registered case in the Case Management System shall also monitor the merged case, unless the concerned Permanent Chambers jointly decide to deviate from this principle. In case of disagreement between the Permanent Chambers, the European Chief Prosecutor shall decide.
3. When the monitoring Permanent Chamber decides to split a case, it shall remain competent for all the cases which resulted from the split. If there is a reason to deviate from this rule, the monitoring Permanent Chamber shall inform the European Chief Prosecutor who shall decide. The new case(s) resulting from the split shall receive a new case number, in accordance with Article 41.
4. The decision to merge or split cases, and the choice of allocation to a different Permanent Chamber following a merge or a split of cases shall be registered in the Case Management System.
5. The decision shall also contain the Permanent Chamber's choice on the European Delegated Prosecutor handling the merged or split cases in accordance with Article 26 of the Regulation. In case of disagreement between the Permanent Chambers, the European Chief Prosecutor shall decide.

*Article 52***Investigations conducted by a European Prosecutor**

1. Before taking a reasoned decision in accordance with Article 28(4) of the Regulation, the supervising European Prosecutor who intends to conduct an investigation personally shall request the approval of the Permanent Chamber through the Case Management System.
2. The request shall include the reasons why the investigation should be conducted by the supervising European Prosecutor.
3. The Permanent Chamber may ask for clarifications from the handling European Delegated Prosecutor.
4. If the approval is granted by the Permanent Chamber, the supervising European Prosecutor shall record the decision in the Case Management System, which shall notify the concerned European Delegated Prosecutor(s). The decision shall also be communicated to the national authorities.
5. Where a European Prosecutor conducts an investigation personally, Article 44 shall apply in analogy.

*Article 53***Assignment of measures to another European Delegated Prosecutor**

1. The assignment of an investigation measure by the handling European Delegated Prosecutor to an assisting European Delegated Prosecutor from another Member State shall be registered in the Case Management System, which shall notify the concerned European Prosecutors. The European Prosecutor of the Member State where the measure needs to be carried out shall allocate the appropriate European Delegated Prosecutor to undertake the measure. The European Delegated Prosecutor shall be notified by the Case Management System.

Where an assisting European Delegated Prosecutor has already been determined, the handling European Delegated Prosecutor may assign the execution of the measure directly to that European Delegated Prosecutor. In urgent cases the handling European Delegated Prosecutor may assign the execution of the measure to any European Delegated Prosecutor of the respective Member State.

2. The decision shall contain all the elements necessary to allow the assisting European Delegated Prosecutor to undertake the measure and shall indicate a time limit for the execution of the assignment.
3. If the assisting European Delegated Prosecutor cannot undertake the measure within the set time limit, he/she shall inform the supervising European Prosecutor and consult with the handling European Delegated Prosecutor to resolve the matter bilaterally.
4. If deemed necessary, for example in complex cross-border investigations, a coordination meeting may be organised at the Central Office of the EPPO.

#### Article 54

##### **Exceptionally costly investigation measures**

1. Where an exceptionally costly investigation measure is carried out or could be carried out on behalf of the EPPO, the handling European Delegated Prosecutor may file a reasoned request in the Case Management System for a partial financial contribution of the EPPO, in accordance with Article 91(6) of the Regulation.
2. The reasoned request shall contain details on the exceptional nature of the cost of the measure. The request shall also specify the requested amount of the EPPO's financial contribution.
3. The request is automatically notified in the Case Management System to the permanent members of the competent Permanent Chamber as well as to the supervising European Prosecutor.
4. The Permanent Chamber shall periodically examine the requests. The Permanent Chamber shall accept or reject the request in accordance with the guidelines on the contribution of the EPPO to exceptionally costly investigation measures, without indicating the amount to be awarded.
5. The decision of the Permanent Chamber shall be automatically notified through the Case Management System to the concerned European Delegated Prosecutor.
6. Where the request is accepted by the Permanent Chamber, the Administrative Director shall be informed of that decision and, if applicable, of the proposed amount to be awarded. The Administrative Director shall periodically take a decision on the amount to award in compliance with the Financial Rules and in accordance with the guidelines on the contribution of the EPPO to exceptionally costly investigation measures. The decision is notified without delay to the concerned European Delegated Prosecutor, the supervising European Prosecutor, the European Chief Prosecutor and the permanent members of the Permanent Chamber.

#### CHAPTER 3

##### **Conclusion of cases**

#### Article 55

##### **Delegation of powers to conclude cases**

1. The Permanent Chamber may decide to delegate its decision-making power in accordance with Article 10(7) of the Regulation at any stage before the termination of the investigation. The decision may not be taken by written procedure. The decision shall be registered in the Case Management System and notified to the European Chief Prosecutor. If the European Chief Prosecutor is a member of the relevant Permanent Chamber, the Deputy European Chief Prosecutors shall be notified about the decision.
2. The request for review of this decision in accordance with Article 10(7), second subparagraph of the Regulation shall be communicated forthwith by the Case Management System to the supervising European Prosecutor and the handling European Delegated Prosecutor, who shall refrain thereafter from any act which may impair the effectiveness of the review.

3. The matter shall be decided by the Permanent Chamber without undue delay. The European Chief Prosecutor or, as the case may be, the Deputy European Chief Prosecutor, who has submitted the request, may attend the meeting of the Permanent Chamber on this matter. The College shall be notified of the request and of the outcome of the review procedure.

#### Article 56

### Termination of the investigation

1. When the handling European Delegated Prosecutor considers the investigation to be completed, he/she shall provide a report containing, *inter alia*:

- (a) a summary of the facts that were the object of the investigation, as resulting from the existing evidence;
- (b) the legal qualification of the facts and their application to the specific case;
- (c) a reasoned proposal to prosecute, to apply a simplified prosecution procedure, to dismiss the case or to refer it to the competent national authorities;
- (d) if applicable, a proposal to join several cases and the court where the case should be brought to judgement;
- (e) any deadlines applicable under national law.

This provision shall also apply to the European Prosecutor who is conducting the investigation personally in accordance with Article 28(4) of the Regulation.

2. The report and the draft decision provided by the European Delegated Prosecutor to be submitted to the Permanent Chamber shall be registered in the Case Management System, which shall notify the supervising European Prosecutor and all the members of the monitoring Permanent Chamber.

3. The report and the draft decision shall be submitted to the supervising European Prosecutor, who, within 10 days shall forward them to the Permanent Chamber, including any own observations he/she may have. Unless the draft decision by the European Delegated Prosecutor proposes to bring a case to judgment, the European Prosecutor may ask the chair of the Permanent Chamber for an extension of the 10-day deadline.

4. The chair of the Permanent Chamber shall decide the date when the report and the draft decision shall be discussed. When the European Delegated Prosecutor submits a draft decision proposing to bring a case to judgement, it shall be discussed at least 5 days before the expiration of the time limit prescribed by Article 36(1) of the Regulation.

5. When the European Delegated Prosecutor submits a draft decision proposing to bring a case to judgement or to apply a simplified prosecution procedure, the decision of the Permanent Chamber cannot be adopted by written procedure.

6. The Permanent Chamber may adopt or amend the decision proposed by the European Delegated Prosecutor, may adopt a different decision or may instruct the European Delegated Prosecutor to continue the investigation, indicating the specific activities to be undertaken, in accordance with Article 46. If it deems necessary, it may also conduct its own review in line with Article 35(2) of the Regulation.

7. If a decision to dismiss the case has been adopted, the European Delegated Prosecutor shall undertake the notification and information required pursuant to Article 39(4) of the Regulation and note it in the Case Management System.

8. The report shall be submitted by the European Delegated Prosecutor in a manner which ensures the ability to comply with the deadlines foreseen in paragraphs 3 and 4, taking into account the existence of any deadlines applicable in line with national procedural laws. Where this is not possible, the report shall highlight this aspect, as well as giving reasons for it. The supervising European Prosecutor and the Permanent Chamber shall act accordingly.

9. In case the respectively competent Permanent Chamber has delegated its decision-making power in line with Article 55, the report under paragraph 1 shall be provided to the supervising European Prosecutor, who shall adopt the decision as proposed or after amending it as deemed appropriate. If the decision by the supervising European Prosecutor is to dismiss the case, Article 56(7) shall apply.

#### *Article 57*

### **Referral of cases to the national authorities**

1. At any point during the investigation, the handling European Delegated Prosecutor, the supervising European Prosecutor or any member of the monitoring Permanent Chamber may propose for a case to be referred to the national authorities according to Articles 34(1)-(3) of the Regulation.
2. The draft decision shall be registered in the Case Management System, which shall notify the permanent members of the Permanent Chamber, the supervising European Prosecutor and the handling European Delegated Prosecutor.
3. If no comments from any of the notified parties under paragraph 2 are received within a timeline of 5 days, the decision shall be deemed to have been adopted, shall be translated and shall be sent to the competent national authority.
4. If the competent national authority decides to take over the case, or if the referral is based on Article 34(1) and/or (2) of the Regulation, the European Delegated Prosecutor shall transfer the case file without undue delay.
5. In cases where the referral is based on Article 34(3) of the Regulation, the competent national authority does not take over the case or does not respond in 30 days after receiving the referral decision, the European Delegated Prosecutor shall continue the investigation, or proceed with the application of Article 56.

#### *Article 58*

### **Consultation with the national authorities**

1. Where the European Delegated Prosecutor intends to propose the dismissal of a case in relation to an offence indicated by Article 22(3) of the Regulation in line with Article 39(3) of the Regulation, he/she shall notify the national authorities specified by the respective Member State in line with Article 25(6) of the Regulation.
2. Based on the observations received from the national authority within 20 days following the notification under paragraph 1 above, the European Delegated Prosecutor shall register the corresponding report and draft decision into the Case Management System.

#### *Article 59*

### **Reopening an investigation**

1. If the EPPO receives information related to facts which were not known at the time of the decision to dismiss a case and which may warrant further investigation, the following rules shall apply.
2. The verification shall be assigned by the supervising European Prosecutor to the same European Delegated Prosecutor who conducted the investigation or, where appropriate, to a different European Delegated Prosecutor from the same Member State.
3. The European Delegated Prosecutor, following the assessment of the new facts, shall draw a report concerning their influence on the dismissal decision, specifying and taking into account any relevant provisions in the national law, and if any further investigative activity is deemed necessary.



4. The report and the corresponding draft decision shall be registered in the Case Management System, which shall assign it to the same Permanent Chamber which decided upon the dismissal, unless that Permanent Chamber no longer operates, in which case the Case Management System shall assign it randomly to a Permanent Chamber whose permanent members do not include the supervising European Prosecutor, in accordance with Article 19.

5. If the Permanent Chamber following from paragraph 4 above, or a national court or the European Court of Justice following the review of a dismissal decision decide that the EPPO should reopen the case, the supervising European Prosecutor shall assign a European Delegated Prosecutor to continue the investigation.

#### CHAPTER 4

#### **Court proceedings**

##### *Article 60*

#### **Representation in court**

1. In proceedings before national courts in line with Article 36 of the Regulation, the EPPO shall in principle be represented by a European Delegated Prosecutor.
2. The European Delegated Prosecutor shall draw up a report containing any significant developments of the proceedings and shall update it periodically. The report shall be registered in the Case Management System and all updates shall be notified to the members of the Permanent Chamber.
3. The Permanent Chamber may issue instructions to the European Delegated Prosecutor or the European Prosecutor in accordance with Article 10(5) of the Regulation.
4. By derogation from paragraph 1 above, the EPPO may also be represented by the supervising European Prosecutor in accordance with Article 28(4) of the Regulation. Paragraphs 2 and 3 above of the present Article shall apply.

#### TITLE IV

#### **CASE MANAGEMENT SYSTEM**

##### *Article 61*

#### **Rules regarding the right of access to the Case Management System**

1. The European Chief Prosecutor, the Deputy European Chief Prosecutors, other European Prosecutors and the European Delegated Prosecutors shall access the Register and the Index only to the extent required for the performance of their duties.
2. The European Chief Prosecutor shall designate the EPPO staff whose access to the Register and/or to the Index is required for the performance of their duties. The decision shall also indicate the level of access and the conditions of exercising it.
3. In exceptional cases, if needed to ensure confidentiality, the European Chief Prosecutor may decide that the access to a specific information in the Register and/or to a specific case file in the Index is temporarily only available to the permanent members of the Permanent Chamber, the supervising European Prosecutor and the handling European Delegated Prosecutors and other specifically nominated staff.
4. The European Chief Prosecutor and the Deputy European Chief Prosecutors shall have direct access to information stored electronically in the Case Management System or access to the case file to the extent required for the performance of their duties.

5. The handling European Delegated Prosecutor shall grant access to information stored electronically in the Case Management System or to the case file to the assisting European Delegated Prosecutor, or other European Delegated Prosecutors having submitted a reasoned request, or staff of the EPPO only to the extent required for the undertaking of the tasks assigned to them.
6. When entering information into the Case Management System, the handling European Delegated Prosecutor may be assisted by the staff of the EPPO or by other administrative staff acting under his/her control put at the EPPO's disposal by the respective participating Member State, only to the extent required to ensure that the EPPO can function as a single office and that the content of information in the Case Management System reflects at all times the case file.
7. The EPPO shall implement appropriate technical and organisation measures to ensure the protection of the personal data stored in the Case Management System.

#### Article 62

### **Cross-checking of information**

1. Information entered in the Index shall automatically be cross-checked against the Register, the Index and all information from the case files stored electronically in the Case Management System.
2. In case of a hit, the handling European Delegated Prosecutor and the supervising European Prosecutor of the underlying cases shall be notified.
3. If access to one of the linked cases was temporarily restricted to certain users in accordance with Article 61(3), only the handling European Delegated Prosecutor and the supervising European Prosecutor of the respective case shall be notified.
4. The application of paragraphs 1 to 3 above shall also be permissible for information inserted into or added to the Register and information from the case files stored electronically in the Case Management System not in the Index.

#### TITLE V

### **DATA PROTECTION**

#### Article 63

### **General principles**

1. Personal data may only be processed by the EPPO in full compliance with the respectively applicable data protection framework applicable to such processing. Any personal data shall be processed by the EPPO only in compliance with the principles of purpose limitation, lawfulness and fairness, data minimisation, accuracy, storage limitation, integrity and confidentiality and accountability.
2. The EPPO shall take into full account its obligations stemming from the application of the data protection by design as foreseen in Article 67 of the Regulation and ensure its appropriate implementation, especially as regards the automated processing of personal data and developments of systems in this respect.
3. The EPPO 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.
4. The Data Protection Officer shall have access to the record of all transfers and receipts of personal data under paragraph 2 above, allowing for the fulfilment of the obligations of the Data Protection Officer under specifically Article 79(1)(d) of the Regulation.

5. No personal data, be it administrative or operational, shall be kept longer than necessary for the purpose for which it has been processed, or than required due to other legal obligations.
6. The College, acting upon proposal of the European Chief Prosecutor, shall adopt further implementing rules on the processing of personal data by the EPPO, in accordance with Article 64 below.
7. The College, acting upon a proposal by the European Chief Prosecutor, shall adopt the implementing rules on the Data Protection Officer.
8. As foreseen and in line with Article 79(1)(a) of the EPPO Regulation, the Data Protection Officer shall ensure in an independent manner, the compliance of the EPPO with the data protection provisions of the Regulation, of Regulation 2018/1725 as regards administrative personal data, and of the relevant data protection provisions in the internal rules of procedure of the EPPO.

#### *Article 64*

### **Implementing rules on the processing of personal data**

1. The College, upon a proposal by the European Chief Prosecutor, shall adopt a further implementing decision on the processing of administrative and operational personal data by the EPPO.
2. Those rules shall outline and define, at a minimum:
  - (a) practicalities of the exercise of the rights of the data subject;
  - (b) time limits concerning the storage of administrative personal data;
  - (c) the criteria and process for the exchange of information ;
  - (d) if required, the establishment of automated data files other than case files for the processing of operational personal data.

#### *Article 65*

### **Establishment of automated data files other than case files for the processing of operational personal data**

1. Where required for the fulfilment of its tasks, the EPPO may process operational personal data other than in case files, in line with Article 44(5) of the Regulation.
2. Where such processing is necessary, the procedure for the notification of the European Data Protection Supervisor, as well as the procedure for the actual processing of operational personal data and the respectively applicable safeguards, shall be dealt with in the implementing rules adopted under Article 64 above.

## TITLE VI

### **RULES ON RELATIONS WITH PARTNERS**

#### *Article 66*

### **General rules on working arrangements and agreements**

1. Where the European Chief Prosecutor identifies the need to conclude working arrangements with the entities referred to in Article 99(1) of the Regulation, he/she shall inform the College in writing, setting out guidelines for the negotiations.

2. Following the information to the College, the European Chief Prosecutor may enter into negotiations on the working arrangements and shall report regularly to the College on the progress made. The European Chief Prosecutor may request guidance to the College during the negotiations.
3. The working arrangements shall be adopted by the College.
4. The provisions of paragraphs 2 and 3 shall apply *mutatis mutandis* for the conclusion of the agreements referred to in Article 103 (1) of the Regulation.

#### Article 67

### **Contact points in third countries**

1. The College may indicate a list of third countries with which the EPPO shall seek to establish contact points, for the purpose of Article 104(2) of the Regulation.
2. The EPPO may designate contact points in third countries by exchange of formal letters between the European Chief Prosecutor and the competent authorities concerned.

#### TITLE VII

### **FINAL RULES**

#### Article 68

### **Conclusion of Headquarters Agreement**

The provisions of Article 66(2) and (3) shall apply *mutatis mutandis* for the conclusion of the agreement referred to in Article 106(2) of the Regulation.

#### Article 69

### **Conflict of interest**

1. The European Delegated Prosecutors, the European Prosecutors and the European Chief Prosecutor shall act free of any conflict of interest.
2. If any actual or potential conflict of interest arises in relation with an investigation, which may actually or potentially impair his/her independence in carrying out his/her duties, or may be perceived as such, the concerned European Delegated Prosecutor or European Prosecutor shall immediately inform in writing respectively, the competent supervising European Prosecutor or the European Chief Prosecutor. If the conflict of interest concerns the European Chief Prosecutor, he/she shall immediately inform one of the Deputy European Chief Prosecutors.
3. Where the supervising European Prosecutor concludes that a European Delegated Prosecutor has an actual or potential conflict of interest, he/she shall propose to reallocate a case to another European Delegated Prosecutor in the same Member State, in accordance with Article 49, or shall assign a substitute European Delegated Prosecutor from that Member State in accordance with Article 35.
4. Where the European Chief Prosecutor concludes that a supervising European Prosecutor has an actual or potential conflict of interest, he/she shall assign the case to another European Prosecutor, in accordance with Article 32.
5. Where the European Chief Prosecutor concludes that a permanent member of a Permanent Chamber has an actual or potential conflict of interest, he/she shall reallocate the case to another Permanent Chamber, in accordance with Article 20. Where the permanent member of the Permanent Chamber is the European Chief Prosecutor, the decision on the reallocation to another Permanent Chamber shall be taken by a Deputy European Chief Prosecutor.

*Article 70***Amendment of the internal rules of procedure**

1. Modifications to these rules may be proposed by the European Chief Prosecutor and any European Prosecutor. To this end, a reasoned proposal for amendment shall be communicated to the College. The European Chief Prosecutor may consult the Administrative Director.
2. Within 1 month of receiving the proposal, the European Chief Prosecutor, any European Prosecutor and the Administrative Director, where appropriate, may submit written comments.
3. The vote on the proposal for amendment of these rules shall be included in the agenda of the first possible College meeting after the deadline for submission of comments under paragraph 2.
4. Any amendments shall be adopted with a majority of two-thirds, in line with Article 21(3) of the Regulation.

*Article 71***Procedure in case of unavailability of the Case Management System**

Where these rules refer to any action being undertaken by or through the Case Management System, and the Case Management System is not functioning properly, or technically unavailable, those actions shall be undertaken in a suitable manner capable of creating a permanent and reviewable record. Once the Case Management System is available again, any actions undertaken shall be updated within the system accordingly.

*Article 72***Publication and entry into force**

1. The provisions of the internal rules of procedure and any amendment thereof shall enter into force on the date of their adoption.
2. The internal rules of procedure shall be published in the *Official Journal of the European Union* and shall also be made public through the website of the EPPO.

Done at Luxembourg, 12 October 2020.

On behalf of the College,  
Laura Codruța KÖVESI  
European Chief Prosecutor

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