



## **Working Arrangement between the European Parliament and the European Public Prosecutor's Office**

The European Parliament (EP) and the European Public Prosecutor's Office (EPPO), together referred to as "The Parties",

Having regard to Articles 86 and 232 of the Treaty on the Functioning of the European Union (TFEU),

Having regard to Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the EPPO (hereinafter referred to as 'the EPPO Regulation'), and in particular to Articles 99 and 103(2) thereof;

Having regard to the Protocol on the Privileges and Immunities of the European Union, and in particular Articles 7, 8, 9, 11 and 17 thereof;

Considering that it is within the common interest of EP and the EPPO to establish cooperative relations, in an effort to make the fight against fraud, corruption and any other criminal offence affecting the European Union's financial interests as efficient as possible,

Agree to the following Working Arrangement (hereinafter "Working Arrangement") in relation to EPPO cases.

### **Article 1**

#### **Purpose and scope of the Arrangement**

1. This Arrangement aims to facilitate and clarify the procedure in relation to:
  - the exchange of information between EP and the EPPO;
  - the requests for the waiver of immunity of Members and Staff of the EP;
  - the requests for the waiver of inviolability of premises, buildings and archives of the EP.



2. This Arrangement is not intended to create any additional rights and obligations. Existing obligations, including as regards the respectively applicable data protection legislation, continue to apply.

## **Article 2**

### **Contact points**

1. The EP and the EPPO hereby designate their respective contact points:
  - a. The EP's contact point shall be the President of the European Parliament for inquiries concerning Members of Parliament and the Secretary-General for inquiries concerning staff and other matters.
  - b. The EPPO's contact point shall be the European Chief Prosecutor.
2. The EP and the EPPO may, subsequently and for specific and particular matters, designate an ad-hoc contact person. Any subsequent change of the ad-hoc contact person shall be notified without delay in writing to the contact persons designated in paragraph 1 of this Article.

## **Article 3**

### **Exchange of information**

1. Prior to its opening or during an investigation, the EPPO may submit a reasoned request in writing to the EP to obtain information and documentation. The EPPO will use the model form enclosed as annex 1.
2. If to safeguard the prevention, investigation, detection and prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security, the EPPO considers that restrictions should be applied with regard to the rights of the data subject concerned under articles 17 to 22, 35, and 36, as well as Article 4 in so far as its provisions correspond to the rights and obligations provided for in Articles 17 to 22 of Regulation 2018/1725, the EPPO shall indicate this. In



case of the European Parliament receiving a request by a data subject, it shall inform the EPPO via the dedicated contact point, and the EPPO shall reply in no more than 1 week, either providing detailed grounds therefore so as to enable the EP to proceed to the necessary evaluation under Article 25 of Regulation (EU) 2018/1725 or inform the EP that no restrictions apply.

3. Without prejudice to the proper conduct and confidentiality of its investigations, the EPPO will inform the EP about ongoing or closed investigations in which the EP appears to be in the position to take precautionary measures to protect the financial interests of the Union or to open disciplinary or recovery procedures within the applicable time limits. Without prejudice to the proper conduct and confidentiality of its investigations, the EPPO will also inform the EP without delay in order to allow the latter to intervene as a civil party in the proceedings, in particular if the EPPO starts legal proceedings before a national court against a Member of Parliament or a member of staff of the EP.

#### **Article 4**

##### **Information provided by the EP**

1. In accordance with Article 24(1) of the EPPO Regulation, the President or the Secretary-General of the EP will without delay transmit to the EPPO information relating to any criminal conduct in respect of which it could exercise its competence in accordance with Article 22 and Article 25(2) and (3) of the EPPO Regulation using the template set out in annex 2. At the same time, they will include the contact details of the person in the EP whom they designated as the contact person for the purposes of the given case or indicate that, in the given case, they should be contacted personally.
2. When communicating the information, the President or the Secretary-General of the EP will inform EPPO whether or not they have informed the individual subject about the allegations.
3. The President or the Secretary-General will also indicate which elements contained in the information may reveal the identity of person protected under Article 22a(3) of the Staff Regulations or under EP Decision of 18 November 1999 concerning the terms and



- conditions for internal investigations in relation to the prevention of fraud, corruption and any illegal activity detrimental to the Communities' interests.
4. After having communicated information to the EPPO, the EP will not undertake any activities nor take any measures which may compromise any potential evidence prior to a decision by the EPPO on whether to open an investigation.
  5. The EPPO will without undue delay acknowledge receipt of EP's reports.
  6. In accordance with Article 26(2) of the EPPO Regulation, where EP has reported criminal conduct and, upon verifications, the EPPO decides to initiate an investigation the EPPO shall without undue delay inform the EP.
  7. In accordance with Article 24(7) of the EPPO Regulation, where the EPPO decides that there are no grounds to initiate an investigation, it will inform the EP as soon as possible.

#### **Article 5**

##### **Waiving of immunities of Members of the EP**

For the purposes of Articles 29(2) of the EPPO Regulation, where the immunity of a Member of the EP presents an obstacle to the conduct of a specific investigation the EPPO shall send a reasoned written request to the President of the EP for a waiver of the immunity of a Member of the EP in accordance with the procedures laid down by Union law. The EPPO will use the model form enclosed as annex 3.

#### **Article 6**

##### **Waiving of immunities of Staff of the EP**

1. For the purposes of Articles 29(2) of the EPPO Regulation, where the immunity of an official or other servant of the EP presents an obstacle to the conduct of a specific investigation the EPPO shall send a reasoned written request to the Secretary General of the EP to waive the immunity of an official or other servant of the EP in accordance with the procedures laid down by Union law. The EPPO will use the model form enclosed as annex 3.



2. Where the EPPO considers that the person whose immunity is requested to be waived cannot, in accordance with applicable case-law<sup>1</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 EP will take due account of this request when it evaluates whether the right to be heard can exceptionally be suspended in order to protect the secrecy of investigations.

## **Article 7**

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

1. Where the investigations of the EPPO require access to premises, buildings or archives of the EP protected by the Protocol on the privileges and immunities of the European Union, the EPPO will address to the President of the EP a reasoned written request for the waiver of inviolability of its premises and archives. The EPPO will use the model form enclosed as annex 4.
2. Once the EP has waived the inviolability, the EPPO will inform the Secretary-General at least 48 hours in advance of the date on which they intend to access the premises, buildings or archives of the EP, unless urgent measures need to be undertaken in a shorter time frame. In duly justified and exceptional circumstances where the EPPO considers that a shorter time frame should apply, the EPPO will provide a written explanation of the circumstances leading to the application of a shorter time frame. The EPPO will be accompanied and supported by a person designated by the Secretary-General of the EP when accessing the EP premises, buildings or archives for conducting an investigation. The person designated by the Secretary-General shall also facilitate that competent EP staff shall provide technical assistance as requested by the EPPO, including assistance necessary to take a copy of or obtain extracts from the contents of any data medium held by the EP.

## **Article 8**

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<sup>1</sup> Judgment of 18 June 2020, *Commission v RQ*, C-831/18P, EU:C:2020:481.



### **Common provisions**

1. The requests sent by the EPPO will contain the following elements:
  - EPPO Case references;
  - Context and factual background of the EPPO investigation;
  - Alleged offence(s) and applied national law;
  - If known, name of the suspect(s) and/or other person(s) concerned by the request and their respective status in the investigation ;
  - Documents requested;
  - a statement why a waiver of immunity is not necessary at this stage of the proceedings;
  - indication of whether any restriction under Article 25 of Regulation (EU) 2018/1725 shall be applied.
3. The EP will treat the request as soon as possible, taking into consideration the time constraints linked to the specific criminal proceedings concerned. Any information in relation to an operational communication from the EPPO will be exchanged via secure electronic communication means.
4. Any information provided to the EP by the EPPO shall not be shared beyond what is strictly necessary, and on the basis of a strict need-to-know, for the purposes of the execution of the EPPO's request without prejudice of Article 103(2) of the EPPO Regulation.

### **Article 9**

#### **Review of the Arrangement**

1. This Arrangement may be amended in writing at any time by mutual consent between the Parties. Any amendment must receive the approval in line with the Parties' respective legal frameworks.
2. Such amendment shall enter into force on the day following the date upon which the Parties notify each other of the completion of their internal requirements.
3. Either the EP or the EPPO may also terminate the Arrangement by notifying the other in a timely manner.



4. In case of termination, the Parties shall reach agreement on the continued use and storage of the information that has already been communicated between them.

**Article 10**  
**Entry into Force**

This Arrangement takes effect on the date of the last signature.

For the European Parliament,

For the European Public Prosecutor's Office,

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Roberta Metsola

President of the European Parliament

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Laura Codruța Kövesi

European Chief Prosecutor

**STRASBOURG**    **28 NOV. 2024**

Luxembourg, 24.10.2024



## **Annex 1 - Request for information and/or documents**

In accordance with Article 3 and Article 8 of the Working Arrangements the European Public Prosecutor's Office herewith submits a request for information and/or documents in relation to

1. EPPO case number
2. Name and function of the suspected or accused person concerned and all other identification details available (nationality, personnel number, place of employment)
3. Detailed reasons for the request and procedure to which it relates
4. A statement why a waiver of immunity is not necessary at this stage of the proceedings;
5. Indication of whether any restriction under Article 25 of Regulation (EU) 2018/1725 shall be applied.
6. Indication of a contact person in the EPPO's office for any questions on the request
7. Any other relevant information

[name and signature of the requesting EPPO]

## Annex 2



## EPPO CRIME REPORT

Use this form to report information about a PIF offence

Reporting Entity			
Name of public institution or authority *			
<input type="text"/>			
Country/HQ *	<input type="text"/>	<input type="text"/>	<input type="text"/>
Address *	<input type="text"/>		
Tel.	<input type="text"/>	Email	<input type="text"/>
Contact Person			
Name *	<input type="text"/>	Designation *	<input type="text"/>
Tel. *	<input type="text"/>	Email *	<input type="text"/>

Criminal investigation already initiated by national authorities ? *	
<input type="radio"/> Yes <input type="radio"/> No / Don't know	
Case reference number *	<input type="text"/>
Date when national investigation started	<input type="text"/>

Is there an EDP linked to the case ?	
<input type="radio"/> Yes <input type="radio"/> No	
EDP name	<input type="text"/>

Factual Circumstances	
Country where criminal acts were committed *	<input type="text"/>
2nd country where criminal acts were committed (if applicable)	<input type="text"/>
3rd country where criminal acts were committed (if applicable)	<input type="text"/>
Country where the damage against the Union's financial interest took place *	<input type="text"/>
2nd country where the damage against the Union's financial interest took place (if applicable)	<input type="text"/>
Amount of estimated damage *	€ <input type="text"/>
Was damage created to another victim ?	<input type="radio"/> Yes <input type="radio"/> No
Estimated damage to another victim	€ <input type="text"/>
Privileges and immunities apply to potential suspects	<input type="radio"/> Yes <input type="radio"/> No

## EPPO CRIME REPORT

Reported criminal offence	
Brief description of facts (please indicate: where, who, what, how) *	
Date of commission of criminal offence(may be an approximate date) *	<input type="text"/>
Type of Offences *	<input type="text"/> ▼
Subtype of Offences *	<input type="text"/> ▼
In case you have selected "Other", please specify *	<input type="text"/>

2nd reported criminal offence	
Brief description of facts (please indicate: where, who, what, how)	
Date of commission of criminal offence(may be an approximate date)	<input type="text"/>
Type of Offences	<input type="text"/> ▼
Subtype of Offences	<input type="text"/> ▼
In case you have selected "Other", please specify	<input type="text"/>

## EPPO CRIME REPORT

### 3rd reported criminal offence

Brief description of facts (please indicate: where, who, what, how)

Date of commission of criminal offence(may be an approximate date)	<input style="width: 100%;" type="text"/>
Type of Offences	<input style="width: 100%;" type="text"/>
Subtype of Offences	<input style="width: 100%;" type="text"/>
In case you have selected "Other", please specify	<input style="width: 100%;" type="text"/>

### Potential suspect

<input type="radio"/> Natural Person <span style="margin-left: 200px;"><input type="radio"/> Legal Entity</span>	
Surname	<input style="width: 100%;" type="text"/>
Given Name	<input style="width: 100%;" type="text"/>
Date of Birth	<input style="width: 100%;" type="text"/>
Sex	<input type="radio"/> M <input type="radio"/> F
Identification Number(e.g. Personal N° or Registration N°)	<input style="width: 100%;" type="text"/>
Occupation	<input style="width: 100%;" type="text"/>
Suspects member of criminal organization ?	<input type="radio"/> Yes <input type="radio"/> No
Place of residence ( country, city, address )	<input style="width: 100%;" type="text"/>
Do the documents in the Annex contain personal data related to this individual revealing the racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic and biometric data, concerning a person's health, sex life or sexual orientation?	
<input type="radio"/> Yes <input type="radio"/> No	

Please indicate which document in the Annex and what special category of personal data and the reason therefore

## EPPPO CRIME REPORT

<b>2nd potential suspect (if applicable)</b>			
<input type="radio"/> Natural Person		<input type="radio"/> Legal Entity	
Surname	<input style="width: 95%;" type="text"/>	Maiden Name	<input style="width: 95%;" type="text"/>
Given Name	<input style="width: 95%;" type="text"/>	Alias	<input style="width: 95%;" type="text"/>
Date of Birth	<input style="width: 95%;" type="text"/>	Place of Birth	<input style="width: 95%;" type="text"/>
Sex	<input type="radio"/> M <input type="radio"/> F	Nationality	<input style="width: 95%;" type="text"/>
Identification Number(e.g. Personal N° or Registration N°)		<input style="width: 95%;" type="text"/>	
Occupation	<input style="width: 95%;" type="text"/>		
Suspects member of criminal organization ?		<input type="radio"/> Yes <input type="radio"/> No	
Place of residence ( country, city, address )		<input style="width: 95%;" type="text"/>	
Do the documents in the Annex contain personal data related to this individual revealing the racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic and biometric data, concerning a person's health, sex life or sexual orientation?		<input type="radio"/> Yes <input type="radio"/> No	
Please indicate which document in the Annex and what special category of personal data and the reason therefore			
<div style="border: 1px solid black; width: 100%; height: 100%;"></div>			

<b>3rd potential suspect (if applicable)</b>			
<input type="radio"/> Natural Person		<input type="radio"/> Legal Entity	
Surname	<input style="width: 95%;" type="text"/>	Maiden Name	<input style="width: 95%;" type="text"/>
Given Name	<input style="width: 95%;" type="text"/>	Alias	<input style="width: 95%;" type="text"/>
Date of Birth	<input style="width: 95%;" type="text"/>	Place of Birth	<input style="width: 95%;" type="text"/>
Sex	<input type="radio"/> M <input type="radio"/> F	Nationality	<input style="width: 95%;" type="text"/>
Identification Number(e.g. Personal N° or Registration N°)		<input style="width: 95%;" type="text"/>	
Occupation	<input style="width: 95%;" type="text"/>		
Suspects member of criminal organization ?		<input type="radio"/> Yes <input type="radio"/> No	
Place of residence ( country, city, address )		<input style="width: 95%;" type="text"/>	
Do the documents in the Annex contain personal data related to this individual revealing the racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic and biometric data, concerning a person's health, sex life or sexual orientation?		<input type="radio"/> Yes <input type="radio"/> No	
Please indicate which document in the Annex and what special category of personal data and the reason therefore			
<div style="border: 1px solid black; width: 100%; height: 100%;"></div>			



## EPPO CRIME REPORT

Victim(s) (other than the EU)			
<input type="radio"/> Natural Person		<input type="radio"/> Legal Entity	
Surname	<input type="text"/>	Maiden Name	<input type="text"/>
Given Name	<input type="text"/>	Alias	<input type="text"/>
Date of Birth	<input type="text"/>	Place of Birth	<input type="text"/>
Sex	<input type="radio"/> M <input type="radio"/> F	Nationality	<input type="text" value=""/>
Identification Number (e.g. Personal N° or Registration N°)	<input type="text"/>		
Occupation	<input type="text"/>		
Residence ( country, city, address )	<input type="text"/>		
Do the documents in the Annex contain personal data related to this individual revealing the racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic and biometric data, concerning a person's health, sex life or sexual orientation? <span style="float: right;"><input type="radio"/> Yes   <input type="radio"/> No</span>			
Please indicate which document in the Annex and what special category of personal data and the reason therefore			
<input type="text"/>			

Information about other offences, suspects, victims (if applicable) or other relevant information
<input type="text"/>

Annexes (for large documents please include a table of contents)
<input type="text"/>
Do the documents in the Annex contain personal data related to individuals <b>other than those indicated above</b> revealing the racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic and biometric data, concerning a person's health, sex life or sexual orientation? <span style="float: right;"><input type="radio"/> Yes   <input type="radio"/> No</span>
Please indicate which document in the Annex and what special category of personal data and the reason therefore
<input type="text"/>

Save As



### **Annex 3 - Request for the waiver of immunity**

In accordance with Article 5 / Article 6 of the Working Arrangements, the European Public Prosecutor's Office herewith submits a request to waive the immunity of

1. EPPO case references
  
2. Name of the person concerned and all other identification details available (nationality, personnel number, place of employment)
  
3. Context and factual background of the EPPO investigation
  
4. Alleged offence(s) and applicable national law
  
5. Proposed legal basis for the waiver
  
6. In case the official / other servant of the EU 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 Parliament to proceed to the necessary evaluation
  
7. Any other relevant information

[signature of the requesting EPPO]



## **Annex 4 - Request to lift the inviolability of the European Parliament's premises / buildings / archives**

In accordance with Article 7 of the Working Arrangements, the European Public Prosecutor's Office herewith submits a request to lift the inviolability of the European Parliament's premises/buildings/archives:

1. EPPO Case references
  
2. Name of person(s) concerned by the request, all other identification details available (nationality, personnel number, place of employment) and their respective status in the investigation;
  
3. Context and factual background of the EPPO investigation
  
4. Alleged offence(s) and applicable national law
  
5. Documents requested and/or premises to be accessed
  
6. If applicable, an explanation as to why a waiver of immunity of the person against whom the investigation is directed is not necessary at this stage of the proceedings
  
7. If applicable, a specific motivation if any restriction under Article 25 of Regulation (EC) 2018/1725 shall be applied
  
8. Any other relevant information

[signature of the requesting EPPO]