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NOTE

from: Presidency
to: Working Party on Cooperation in Criminal Matters
No. initiative : 12558/13 EPPO 3 EUROJUST 58 CATS 35 FIN 467 COPEN 108
Subject: Proposal for a Council Regulation on the establishment of the European Public
Prosecutor's Office
- Discussion paper

Following the discussions in COPEN on 29 January 2014, the Presidency will continue the thematic discussions with an examination of topics regarding the EPPO's cooperation with Eurojust and other partners. This discussion paper outlines a number of questions regarding this topic, which will be the basis for the discussions at the upcoming COPEN meeting of 10 February 2014. COPEN will also discuss issues regarding procedural safeguards, as outlined in the discussion paper distributed for the last COPEN meeting (document 5529/14).

I) Relation with Eurojust

The proposal foresees that the EPPO shall establish and maintain a special relationship with Eurojust based on close cooperation and development of operational, administrative and management links between them, as defined in detail in the provisions of Article 57 of the proposal.

Questions

In the view of Member States and with regard to the wording of Article 86 TFEU, how should the links between Eurojust and EPPO be organised? The proposed mechanism for associating Eurojust in operational matters is foreseen in art. 57 (2). Do delegations agree with the proposed mechanism and, if not, how should the organisation be set up in order to achieve as high a level of synergies as possible between the two?

II. Relations with Union institutions, agencies and bodies

The proposal foresees that the EPPO shall develop a special relationship with Europol, which shall in particular entail the exchange of personal data. Further, the proposal foresees that the EPPO shall cooperate with the Commission, including OLAF, and establish and maintain cooperative relations with other Union institutions, bodies, offices and agencies.

Question

Delegations are invited to reflect on how the relationship between EPPO and

- OLAF
- Europol and other EU institutions, bodies, offices and agencies.

should be organised and developed¹.

¹ The Commission Communication COM (2013) 532 "Better protection of the Union's financial interests: Setting up the European Public Prosecutor's Office and reforming Eurojust" is of high relevance in this context.

III). Relations with third countries and international organisations

The proposal outlines conditions for the EPPO's relations with third countries and international organisations.

Questions

With regard taken to the fact that the exact organisation and structure of EPPO still remains to be confirmed, delegations are invited to consider how the relationship between EPPO and third countries - in particular as regards negotiation of agreements, the system proposed of the EPPO's role in legal assistance in criminal matters and extradition (Article 59(4)) - should be organised.
