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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Notifications in relation to Article 105 of the EPPO Regulation

Delegations will find attached a revised version of the compilation of the above-mentioned notifications (the BG and MT sections have been updated).

Compilation of Member States contributions (notifications under Article 105 of the EPPO Regulation)

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I. AUSTRIA

Notification by Austria pursuant to Article 6(3) of Council Framework Decision

2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States

The previous Austrian notification (Doc. 6016/20 COPEN 44) is complemented, in the section “Competent authorities for the issue of a European Arrest Warrant” as follows:

In accordance with Article 6(3) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, Austria, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor’s Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor’s Office (‘EPPO’), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority as defined in Article 6(1) of Council Framework Decision 2002/584/JHA.

Notification by Austria pursuant to Article 24 (1) of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the EU

The previous Austrian notification (Doc. 8184/2/15 COPEN 15 REV 2) is amended, under the **Statements regarding Article 24 (1) of the Convention**, as follows:

In **point 1** (competent authority within the meaning of Art. 3 (1)) and **point 4** (competent administrative authorities within the meaning of Art. 6 (6)), the term “district fiscal authority (tax and customs offices)” is **replaced** by “authorities competent in the area of fiscal and customs offences (the Anti-Fraud Office and the Customs Authority Austria)”.

The following paragraphs are **added** at the end:

- The declaration made by Austria to the Council of Europe on 4.2.2021 in respect of the 1959 European Convention on Mutual Assistance in Criminal Matters and its Protocols also applies to this Convention.
- Austria declares that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to issue requests in accordance with Article 18 of the Convention and to act as competent authority in accordance with Article 19(2) and Article 20(1) to (5) of the Convention.
- Requests addressed to the EPPO as requested authority, should be transmitted to the Central Office of the EPPO. In urgent cases they may be transmitted directly to a Delegated European Prosecutor in Austria. In such cases a copy should be sent to the Central Office of the EPPO.

Notification by Austria pursuant to Article 4(2) of Council Framework Decision 2009/948/JHA of 30 October 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings

The previous Austrian notification (Doc. 15118/13 COPEN 162), chapter II., on Article 4(2) (Determination of competent authorities), is complemented as follows:

Austria, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is a 'competent authority' as defined in point (b) of Article 3 of Framework Decision 2009/948/JHA.

II. BELGIUM

Notification of the Kingdom of Belgium regarding the Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States

Article 6(3) of the Framework Decision (updating and replacing previous notification under Art. 6(3))

– **Competent issuing authorities (Art. 6.1)**

In case of a European arrest warrant issued for the purposes of prosecution, the competent issuing judicial authority is :

- the examining magistrate or;
- the public prosecutor.

In case of a European arrest warrant for the purposes of executing a sentence or a detention order, the competent issuing judicial authority is the public prosecutor.

– **Competent executing authorities (Art. 6.2)**

The competent executing judicial authority is :

- the examining magistrate, the court in chambers (‘chambre du conseil’) and the court in chambers attached to the Court of Appeal (‘chambre des mises en accusation’)
- or the public prosecutor if the person concerned consents to his/her surrender.

**Notifications by the Kingdom of Belgium regarding the European Public Prosecutor's Office
Regulation 2018/1805 of the European Parliament and of the Council of 14 November 2018 on
the mutual recognition of freezing orders and confiscation orders**

Additional notification under Article 24(1) – competent issuing authorities

In accordance with Article 24(1) of Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders, Belgium, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby notifies the European Commission that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority as defined in point (8) of Article 2 of Regulation (EU) 2018/1805 for the purpose of issuing freezing orders and freezing certificates as defined in that Regulation.

**Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant
and the surrender procedures between Member States**

Additional notification under Article 6(3)– competent issuing authorities

In accordance with Article 6(3) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, Belgium, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority as defined in Article 6(1) of Council Framework Decision 2002/584/JHA.

Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention

Additional notification under Article 6(1) – competent issuing authorities

In accordance with Article 6(1) of Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention, Belgium, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority in accordance with Framework Decision 2009/829/JHA.

Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 including the Protocol thereto of 16 October 2001

Additional notification under Article 24(1)

In accordance with Article 24(1) of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 ("the Convention"), the declaration made to the Council of Europe by Belgium on the 16th of February 2021 in respect of the 1959 European Convention on Mutual Assistance in Criminal Matters and its Protocols also applies to this Convention.

In accordance with Article 24(1) of the Convention, Belgium declares that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to issue requests in accordance with Article 18 of the Convention and to act as competent authority in accordance with Article 19(2) and Article 20(1) to (5) of the Convention.

Requests addressed to the EPPO as requested authority, should be transmitted to the Central Office of the EPPO. In urgent cases they may be transmitted directly to a Delegated European Prosecutor in Belgium. In such cases a copy should be sent to the Central Office of the EPPO.

Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings

Additional notification under Article 4(2)

In accordance with Article 4(2) of Council Framework Decision 2009/948/JHA of 30 October 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings, Belgium, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is a 'competent authority' as defined in point (b) of Article 3 of Framework Decision 2009/948/JHA.

III. BULGARIA

In accordance with Article 105 (3) of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ("the EPPO"), the Republic of Bulgaria submits to the General Secretariat of the Council the following notifications:

I. ADDITIONAL NOTIFICATION FROM THE REPUBLIC OF BULGARIA AS A MEMBER STATE OF THE EUROPEAN UNION PARTICIPATING IN THE ENHANCED COOPERATION ON THE ESTABLISHMENT OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE ("EPPO") REGARDING ARTICLE 6(1) OF THE COUNCIL FRAMEWORK DECISION 2002/584/JHA OF 13 JUNE 2002 ON THE EUROPEAN ARREST WARRANT AND THE SURRENDER PROCEDURES BETWEEN MEMBER STATES

In accordance with Article 6(3) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, Republic of Bulgaria, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office (EPPO), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority as defined in Article 6(1) of Council Framework Decision 2002/584/JHA.

II. ADDITIONAL NOTIFICATION FROM THE REPUBLIC OF BULGARIA AS A MEMBER STATE OF THE EUROPEAN UNION PARTICIPATING IN THE ENHANCED COOPERATION ON THE ESTABLISHMENT OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE ("EPPO") REGARDING ARTICLE 6(1) OF THE FRAMEWORK DECISION 2009/829/JHA ON THE APPLICATION, BETWEEN MEMBER STATES OF THE EUROPEAN UNION, OF THE PRINCIPLE OF MUTUAL RECOGNITION TO DECISIONS ON SUPERVISION MEASURES AS AN ALTERNATIVE TO PROVISIONAL DETENTION

In accordance with Article 6(1) of Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention, the Republic of Bulgaria, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority in accordance with Framework Decision 2009/829/JHA.

III. ADDITIONAL NOTIFICATION FROM THE REPUBLIC OF BULGARIA AS A MEMBER STATE OF THE EUROPEAN UNION PARTICIPATING IN THE ENHANCED COOPERATION ON THE ESTABLISHMENT OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE REGARDING ARTICLE 4(2) OF THE FRAMEWORK DECISION 2009/948/JHA OF 30 OCTOBER 2009 ON PREVENTION AND SETTLEMENT OF CONFLICTS OF EXERCISE OF JURISDICTION IN CRIMINAL PROCEEDINGS

In accordance with Article 4(2) of Council Framework Decision 2009/948/JHA of 30 October 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings, the Republic of Bulgaria, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is a 'competent authority' as defined in point (b) of Article 3 of Framework Decision 2009/948/JHA.

IV. ADDITIONAL NOTIFICATION FROM THE REPUBLIC OF BULGARIA AS A MEMBER STATE OF THE EUROPEAN UNION PARTICIPATING IN THE ENHANCED COOPERATION ON THE ESTABLISHMENT OF THE EUROPEAN PUBLIC PROSECUTOR’S OFFICE (“EPPO”) UNDER ARTICLE 24 (1) OF THE CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS BETWEEN THE MEMBER STATES OF THE EUROPEAN UNION OF 29 MAY 2000 INCLUDING THE PROTOCOL THERETO OF 16 OCTOBER 2001

In accordance with Article 24 (1) of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 (“the Convention”), the declaration made to the Council of Europe by the Republic of Bulgaria on 10 March 2022 in respect of the 1959 European Convention on Mutual Assistance in Criminal Matters and its Protocols also applies to this Convention.

In accordance with Article 24 (1) of the Convention the Republic of Bulgaria, declares that the European Public Prosecutor’s Office (‘EPPO’), in the exercise of its competences, as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to issue requests in accordance with Article 18 of the Convention and to act as competent authority in accordance with Article 19 (2) and Article 20 (1) to (5) of the Convention.

Requests addressed to the EPPO as requested authority, should be transmitted to the Central Office of the EPPO. In urgent cases they may be transmitted directly to a Delegated European Prosecutor in the Republic of Bulgaria. In such cases a copy should be sent to the Central Office of the EPPO. The notification made in accordance with Article 24 (1) (b) of the Convention, requiring requests or communications to be transmitted via the Central Authority, shall not apply to requests or communications issued by or addressed to the EPPO.

IV. CROATIA

[Translation provided by the General Secretariat of the Council - Original text in Croatian]

Notifications in respect of Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings

In respect of Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings, the Republic of Croatia hereby makes the following additional notifications, which will be applicable as of the date of entry into force of the decision of the European Commission referred to in Article 120(2) of Council Regulation (EU) 2017/1939:

In accordance with Article 4(2) of Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings, the Republic of Croatia, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is a 'competent authority' as defined in Article 3, point (b), of Framework Decision 2009/948/JHA.

Notifications in respect of Council Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between Member States

In respect of Council Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between Member States, the Republic of Croatia hereby makes the following additional notifications, which will be applicable as of the date of entry into force of the decision of the European Commission referred to in Article 120(2) of Council Regulation (EU) 2017/1939:

In accordance with Article 6(3) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, the Republic of Croatia, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority as defined in Article 6(1) of Council Framework Decision 2002/584/JHA.

Notifications in respect of Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention

In respect of Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention, the Republic of Croatia hereby makes the following additional notifications, which will be applicable as of the date of entry into force of the decision of the European Commission referred to in Article 120(2) of Council Regulation (EU) 2017/1939:

In accordance with Article 6(1) of Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention, the Republic of Croatia, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority in accordance with Framework Decision 2009/829/JHA.

V. CYPRUS

Draft model text of a declaration for the notification of the EPPO as a competent judicial authority in relation to the 1959 European Convention on Mutual Assistance in Criminal Matters and its Protocols

In accordance with Article 24 of the Convention [as amended by Article 6 of the Second Additional Protocol to the Convention¹ the REPUBLIC OF CYPRUS², as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, declares that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, shall be deemed to be a judicial authority for the purpose of issuing requests for mutual assistance in accordance with the Convention and its protocols as well as for the purpose of providing, on request of another Contracting Party in accordance with the Convention and its protocols, information or evidence which the EPPO has obtained already or may obtain following the initiation of an investigation in the area of its competence. The EPPO shall also be deemed to be a judicial authority for the purpose of receipt of information in accordance with Article 21 of the Convention in respect of offences within its competence as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939. This declaration is intended to supplement the previous declaration(s)³ made by the REPUBLIC OF CYPRUS in accordance with Article 24 of the Convention.

¹ Text in square brackets to be used only by Member States that have ratified the Second Additional Protocol.

² The intention is for each participating Member State to make its own declaration in the proper form to the Council of Europe. Thus each declaration will refer to the specific Member State.

³ This wording assumes that all Member States have made previous declarations in accordance with Article 24 of the Convention.

With reference to this declaration made in accordance with Article 24 of the Convention, the REPUBLIC OF CYPRUS avails itself of the opportunity to interpret the legal effects of that declaration as follows:

- a) Where the Convention or its protocols refer to the requesting Party or the requested Party, this shall in case of requests issued by or addressed to the European Public Prosecutor's Office be interpreted as referring to the EU Member State of the competent European Delegated Prosecutor whose powers and functions are referred to in Article 13 of Council Regulation (EU) 2017/1939.
- b) Where the Convention or its protocols refer to the law of the requesting or the requested Party, this shall in case of requests issued by or addressed to the European Public Prosecutor's Office be interpreted as referring to Union law, in particular Council Regulation (EU) 2017/1939, as well as to the national law of the EU Member State of the competent European Delegated Prosecutor, to the extent applicable in accordance with Article 5(3) of that Regulation.
- c) Where the Convention or its protocols provide for the possibility for a Party to make declarations or reservations, all such declarations and reservations made by the REPUBLIC OF CYPRUS shall be deemed applicable in case of requests made by another Party to the European Public Prosecutor's Office whenever a European Delegated Prosecutor located in the REPUBLIC OF CYPRUS is competent in accordance with Article 13(1) of Council Regulation (EU) 2017/1939.
- d) As a judicial requesting authority acting in accordance with Article 24 of the Convention [as amended by Article 6 of the Second Additional Protocol to the Convention]⁴, the European Public Prosecutor's Office shall comply with any conditions or restrictions on the use of information and evidence obtained, which may be imposed by the requested Party based on the Convention and its protocols.

⁴ Text in square brackets to be used only by Member States that have ratified the Second Additional Protocol.

- e) Obligations imposed upon the requesting Party by Article 12 of the Convention shall also be binding upon the judicial authorities of the EU Member State of the competent European Delegated Prosecutor. The same applies in case of obligations of the requesting Party under Article 11 of the Convention [as amended by Article 3 of the Second Additional Protocol and under Articles 13, 14 and 23 of the Second Additional Protocol]⁵ in respect of the EU Member State of the European Delegated Prosecutor competent in accordance with Article 13(1) of Council Regulation (EU) 2017/1939.

Draft model text of additional declarations

1. In accordance with Article 15 of the Convention [as amended by Article 4 of the Second Additional Protocol to the Convention]⁶, the REPUBLIC OF CYPRUS declares that requests to the European Public Prosecutor's Office for mutual assistance as well as information laid by a Contracting Party in accordance with Article 21 of the Convention shall be addressed directly to the European Public Prosecutor's Office [and the declaration made in accordance with Article 15 (...) of the Convention [as amended by Article 4 of the Second Additional Protocol to the Convention] shall not apply in the case of the European Public Prosecutor's Office]⁷. Requests for mutual assistance shall be sent either to the Central Office of the European Public Prosecutor's Office or to the European Delegated Prosecutor's Office(s) of that Member State. The EPPO shall, where appropriate, forward such request to the competent national authorities if the EPPO either does not have or is not exercising its competence in a particular case.

⁵ Text in square brackets to be used only by Member States that have ratified the Second Additional Protocol.

⁶ Text in square brackets to be used only by Member States that have ratified the Second Additional Protocol.

⁷ Text in square brackets to be used only by Member States that have previously made declarations in accordance with Article 15 of the original Convention or Article 15 as amended by the Second Additional Protocol e.g. on the need to send a copy of the request to the Ministry of Justice or a central authority specified by the Member State and which should not apply in the case of the EPPO.

2. In accordance with Article 15 of the Convention [as amended by Article 4 of the Second Additional Protocol to the Convention]⁸, the REPUBLIC OF CYPRUS furthermore declares that applications in accordance with Article 11 of the Convention [as amended by Article 3 of the Second Additional Protocol, and Articles 13 and 14 of the Second Additional Protocol as they refer to the above mentioned Article 11]⁹, initiated by one of the European Delegated Prosecutors in that EU Member State, shall be transmitted by the MINISTRY OF JUSTICE AND PUBLIC ORDER.
3. In accordance with Article 33(2) of the Second Additional Protocol, the REPUBLIC OF CYPRUS declares that the European Public Prosecutor's Office may, where a joint investigation team as referred to in Article 20 of that Protocol is intended to operate on the territory of the REPUBLIC OF CYPRUS, act in the capacity of 'competent authority' in accordance with Article 20 of that Protocol [only with the prior consent of the judicial authorities of the REPUBLIC OF CYPRUS / [only after prior notification to the ATTORNEY GENERAL OF THE REPUBLIC¹⁰ and in accordance with Council Regulation (EU) 2017/1939 and the applicable national law.

⁸ Text in square brackets to be used only by Member States that have ratified the Second Additional Protocol.

⁹ Text in square brackets to be used only by Member States that have ratified the Second Additional Protocol.

¹⁰ Text in square brackets to be chosen by Member State as appropriate.

VI. CZECH REPUBLIC

[Translation provided by the General Secretariat of the Council - Original text in Czech]

Notification by the Czech Republic pursuant to Article 2, point (a) of Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence (the ‘Framework Decision’)

The Czech Republic hereby notifies the General Secretariat of the Council that, in exercising its competences under Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor’s Office, the European Public Prosecutor’s Office is competent to act as issuing authority in accordance with Article 2, point

(a) of the Framework Decision.

Notification under the Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention

Pursuant to Article 6(1) of this Framework Decision, the Czech Republic hereby notifies the General Secretariat of the Council that, in exercising its competences under Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor’s Office, the European Public Prosecutor’s Office is competent to act as issuing authority in accordance with this Framework Decision.

Notification by the Czech Republic under the Convention, established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of the European Union ('the Convention').

In accordance with Article 24(1) of this Convention, the notification given by the Czech Republic in respect of the 1959 Convention and its Additional Protocols on 4 March 2021 is also applicable to this Convention.

In the case of interception of telecommunications without the technical assistance of another Member State, in exercising its competences under Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office, the European Public Prosecutor's Office ('the Office') is competent to provide information in accordance with Article 20(2) of the Convention.

Requests addressed to the Office as the requested authority are to be transmitted to the Office's headquarters. In urgent cases, they may be transmitted directly to a European Delegated Prosecutor in the Czech Republic. In such cases, a copy of the request should be sent to the Office's headquarters.

Notification by the Czech Republic under Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings

Pursuant to Article 4(2) of this Framework Decision, the Czech Republic hereby notifies the General Secretariat of the Council that, in exercising its competences under Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office, the European Public Prosecutor's Office is the competent authority in accordance with Article 3, point (b) of this Framework Decision.

VII. ESTONIA

Notifications by Estonia in accordance with Article 105 (3) of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ("the EPPO"):

Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States

Additional notification under Article 6(3)– competent issuing authorities

In accordance with Article 6(3) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, Estonia, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority as defined in Article 6(1) of Council Framework Decision 2002/584/JHA.

Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention

Additional notification under Article 6(1) – competent issuing authorities

In accordance with Article 6(1) of Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention, Estonia, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority in accordance with Framework Decision 2009/829/JHA.

Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings

Additional notification under Article 4(2)

In accordance with Article 4(2) of Council Framework Decision 2009/948/JHA of 30 October 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings, Estonia, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is a 'competent authority' as defined in point (b) of Article 3 of Framework Decision 2009/948/JHA.

VIII. FINLAND

[Translation provided by the General Secretariat of the Council - Original text in Finnish]

In accordance with Article 24(1) of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 (“the Convention”), the declaration made to the Council of Europe by Finland on 16 March 2021 in respect of the 1959 European Convention on Mutual Assistance in Criminal Matters and its Protocols also applies to this Convention.

In accordance with Article 24(1) of the Convention, Finland declares that the European Public Prosecutor’s Office (‘EPPO’), in the exercise of its competences, as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to issue requests in accordance with Article 18 of the Convention and to act as competent authority in accordance with Article 19(2) and Article 20(1) to (5) of the Convention.

Requests addressed to the EPPO as requested authority, should be transmitted to the Central Office of the EPPO. In urgent cases they may be transmitted directly to a Delegated European Prosecutor in Finland. In such cases a copy should be sent to the Central Office of the EPPO.

**NOTIFICATION UNDER ARTICLE 105 OF REGULATION (EU) 2017/1939
CONCERNING FRAMEWORK DECISION 2009/829/JHA ON THE APPLICATION,
BETWEEN MEMBER STATES OF THE EUROPEAN UNION, OF THE PRINCIPLE OF
MUTUAL RECOGNITION TO DECISIONS ON SUPERVISION MEASURES AS AN
ALTERNATIVE TO PROVISIONAL DETENTION**

Article 6

Designation of competent authorities

1. Each Member State shall inform the General Secretariat of the Council which judicial authority or authorities under its national law are competent to act according to this Framework Decision in the situation where that Member State is the issuing State or the executing State.

In accordance with Article 6(1) of Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention, Finland, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority in accordance with Framework Decision 2009/829/JHA.

**NOTIFICATION UNDER ARTICLE 105 OF REGULATION (EU) 2017/1939
CONCERNING FRAMEWORK DECISION 2009/948/JHA ON PREVENTION AND
SETTLEMENT OF CONFLICTS OF EXERCISE OF JURISDICTION IN CRIMINAL
PROCEEDINGS**

Article 4

Determination of competent authorities

2. In accordance with paragraph 1, each Member State shall inform the General Secretariat of the Council which authorities under its national law are competent to act in accordance with this Framework Decision.

In accordance with Article 4(2) of Council Framework Decision 2009/948/JHA of 30 October 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings, Finland, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is a 'competent authority' as defined in point (b) of Article 3 of Framework Decision 2009/948/JHA.

**NOTIFICATION UNDER ARTICLE 105 OF REGULATION (EU) 2017/1939
CONCERNING FRAMEWORK DECISION 2002/584/JHA ON THE EUROPEAN ARREST
WARRANT AND THE SURRENDER PROCEDURES BETWEEN MEMBER STATES**

Article 6

Determination of the competent judicial authorities

1. The issuing judicial authority shall be the judicial authority of the issuing Member State which is competent to issue a European arrest warrant by virtue of the law of that State.

3. Each Member State shall inform the General Secretariat of the Council of the competent judicial authority under its law.

In accordance with Article 6(3) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, Finland, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority as defined in Article 6(1) of Council Framework Decision 2002/584/JHA.

IX. FRANCE

[Translation provided by the General Secretariat of the Council - Original text in French]

Notifications concerning the European Public Prosecutor's Office as a judicial authority with the power to use the instruments of EU law

As regards Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders

The French authorities have already made the relevant notifications in a note from the French authorities dated 18 December 2020 and forwarded to the European Commission via the Permanent Representation of France to the European Union.

As regards Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States

In accordance with Article 6(3) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, France, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority as defined in Article 6(1) of Council Framework Decision 2002/584/JHA.

As regards Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention

In accordance with Article 6(1) of Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention, France, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority in accordance with Framework Decision 2009/829/JHA.

As regards the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 including the Protocol thereto of 16 October 2001, the notifications are being prepared and will be forwarded to the Commission as soon as possible.

As regards Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings

In accordance with Article 4(2) of Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings, France, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is a 'competent authority' as defined in Article 3, point (b), of Framework Decision 2009/948/JHA.

Notifications required under Article 105 of the Regulation establishing the EPPO

As regards the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 including the Protocol thereto of 16 October 2001

1. In accordance with Article 24(1) of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 ('the Convention'), the declaration made to the Council of Europe by France on 1 June 2021 in respect of the 1959 European Convention on Mutual Assistance in Criminal Matters and its Protocols also applies to this Convention.
2. In accordance with Article 24(1) of the Convention, France declares that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to issue requests in accordance with Article 18 of the Convention and to act as competent authority in accordance with Article 19(2) and Article 20(1) to (5) of the Convention.
3. Requests addressed to the EPPO as requested authority should be transmitted to the Central Office of the EPPO. In urgent cases they may be transmitted directly to a European Delegated Prosecutor in France. In this case a copy should be sent to the Central Office of the EPPO.

X. GERMANY

[Translation provided by the General Secretariat of the Council - Original text in German]

- I. Statement by Germany on the notification of the EPPO as the competent judicial authority under Article 105(3) of the EPPO Regulation in relation to Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States

In accordance with Article 6(3) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, the Federal Republic of Germany, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority as defined in Article 6(1) of Council Framework Decision 2002/584/JHA.

- II. Statement by Germany on the notification of the EPPO as the competent judicial authority under Article 105(3) of the EPPO Regulation in relation to Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence

With regard to Article 4:

The Federal Republic of Germany, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that:

the European Public Prosecutor's Office ('EPPO'), within the scope of its competence under Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to issue freezing orders and the 'Certificate provided for in Article 9' as set out in the Annex to Framework Decision 2003/577/JHA, in the capacity of the 'judicial authority which issued' the freezing order within the meaning of Article 4(1) of Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence.

The Federal Republic of Germany also gives notification of the fact that the issuing authorities in the Federal Republic of Germany – depending on how the Land (federal state) in question has assigned competence – may include any public prosecutors' office, particularly the Federal Prosecutor General at the Federal Court of Justice, public prosecutor's offices, prosecutor-general's offices, the Central Office in Ludwigsburg, and also any court with jurisdiction in criminal matters, particularly the Federal Court of Justice, Higher Regional Courts, Regional Courts and Local Courts.

The main customs offices, tax offices, the Federal Central Tax Office and child benefits disbursement offices may also be issuing authorities in accordance with domestic German law (section 386(1), second sentence, of the Fiscal Code). Revenue authorities have jurisdiction under certain conditions, set out in detail in German domestic law, to carry out investigations independently (section 386(2) of the Fiscal Code). In such cases, they exercise the rights and obligations that the public prosecutor's office has in a criminal investigation (section 399(1) of the Fiscal Code in conjunction with section 77(1) of the Act on International Mutual Assistance in Criminal Matters) and are therefore the issuing authority for freezing orders under Article 4(1) of Framework Decision 2003/577/JHA.

Public prosecutor's offices responsible for the execution of criminal penalties – particularly the Federal Prosecutor General at the Federal Court of Justice and the public prosecutor's offices – are the authorities competent for enforcement.

- III. Declaration by Germany on the notification of the EPPO as the competent judicial authority under Article 105(3) of the EPPO Regulation in relation to Article 3 of Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention

In accordance with Article 6(1) of Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention, the Federal Republic of Germany, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority in accordance with Framework Decision 2009/829/JHA.

- IV. Declaration by Germany on the notification of the EPPO as the competent judicial authority under Article 105(3) of the EPPO Regulation in relation to the Convention established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of the European Union

1. In accordance with Article 24(1) of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 ('the Convention'), the declaration made by the Federal Republic of Germany to the Council of Europe on 19 March 2021 with regard to the European Convention on Mutual Assistance in Criminal Matters of 1959 and its Protocols also applies to this Convention.

2. In accordance with Article 24(1) of the Convention, the Federal Republic of Germany declares that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to issue requests in accordance with Article 18 of the Convention and to act as competent authority in accordance with Article 19(2) and Article 20(1) to (5) of the Convention.
 3. Requests addressed to the EPPO as requested authority should be transmitted to the Central Office of the EPPO. In urgent cases, they may be transmitted directly to a Delegated European Prosecutor in the Federal Republic of Germany. In this case a copy should be sent to the Central Office of the EPPO.
- V. Declaration by Germany on the notification of the EPPO as the competent judicial authority under Article 105(3) of the EPPO Regulation in relation to the Council Framework Decision of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings

In accordance with Article 4(2) of Council Framework Decision 2009/948/JHA of 30 October 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings, the Federal Republic of Germany, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is a 'competent authority' as defined in point (b) of Article 3 of Framework Decision 2009/948/JHA.

VI. Statement by Germany on the notification of the EPPO as the competent judicial authority under Article 105(3) of the EPPO Regulation in relation to Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters

1. In accordance with Article 33 of Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters ('the EIO Directive'), the Federal Republic of Germany, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby notifies the European Commission that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority within the meaning of Article 2(c)(i) of the EIO Directive. The EPPO furthermore is competent to act as executing authority within the meaning of Article 2(d) of the EIO Directive for the purpose of providing information or evidence which the EPPO has obtained already or may obtain following the initiation of an investigation within its competence.
2. Where an EIO is addressed to the EPPO as executing authority, it should be transmitted to the Central Office of the EPPO. In urgent cases, it may be transmitted directly to a Delegated European Prosecutor in the Federal Republic of Germany. In this case a copy should be sent to the Central Office of the EPPO.

VII. Notification in accordance with Article 24(1) and (2), Article 4(2) and Article 14(2), and Article 6(3) and Article 17(3) of Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders (OJ L 303, 28.11.2018, p. 1 - ‘Freezing and Confiscation Regulation’):

Re Article 24(1) and (2) of the Freezing and Confiscation Regulation:

The issuing authorities in the Federal Republic of Germany – depending on how the Land (federal state) in question has assigned competence – may include **any public prosecutors’ office**, particularly the Federal Prosecutor General at the Federal Court of Justice, public prosecutor’s offices, prosecutor-general’s offices, the Central Office in Ludwigsburg, and also any court with jurisdiction in criminal matters, particularly the Federal Court of Justice, Higher Regional Courts, Regional Courts and Local Courts.

In accordance with Article 24(1) of Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders, the Federal Republic of Germany, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor’s Office (‘EPPO’), hereby notifies the European Commission that the **European Public Prosecutor’s Office (EPPO)**, in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority as defined in Article 2(8) of Regulation (EU) 2018/1805 for the purpose of issuing freezing orders and freezing certificates as defined in that Regulation.

Issuing authorities may also include the main customs offices, tax offices, the Federal Central Tax Office and child benefits disbursement offices as **revenue authorities** in accordance with domestic German law (section 386(1), second sentence, of the Fiscal Code). Revenue authorities have jurisdiction under certain conditions, set out in detail in German domestic law, to carry out investigations independently (section 386(2) of the Fiscal Code). In such cases, they exercise the rights and obligations that the public prosecutor's office has in a criminal investigation (section 399(1) of the Fiscal Code in conjunction with section 77(1) of the Act on International Mutual Assistance in Criminal Matters) and are therefore the issuing authority for freezing orders under Article 2(8), point (a)(i) of the Freezing and Confiscation Regulation. Requests from German revenue authorities which are conducting a criminal investigation independently therefore do not require validation by a judge, court or public prosecutor.

Finally, issuing authorities may include **administrative authorities** which are competent to prosecute and punish administrative offences under the law of the Federal Republic of Germany. In accordance with Article 2(8), point (a)(ii) of the Freezing and Confiscation Regulation, requests sent by German administrative authorities to another Member State of the European Union must be submitted to the competent public prosecutor's office for validation before they are transmitted to the requested Member State. Territorial jurisdiction lies with the public prosecutor's office of the regional court in the jurisdiction of which the administrative authority has its seat. By way of derogation, the *Länder* may assign competence for validation to a court, or otherwise determine the territorial jurisdiction of the validating public prosecutor's office (section 96e(2) of the Act on International Assistance in Legal Matters).

Public prosecutor's offices responsible for the enforcement of criminal penalties – particularly the Federal Prosecutor General at the Federal Court of Justice and the public prosecutor's offices – may be the **authorities competent for enforcement**.

Re Article 4(2) and Article 14(2) of the Freezing and Confiscation Regulation:

The Federal Republic of Germany does not require the issuing authority to transmit the original freezing or confiscation order or a certified copy thereof together with the freezing or confiscation certificate when a freezing or confiscation certificate is transmitted to them with a view to the recognition and execution of a freezing or confiscation order.

Re Article 6(3) and Article 17(3) of the Freezing and Confiscation Regulation:

The Federal Republic of Germany accepts incoming freezing or confiscation certificates under the Freezing and Confiscation Regulation **in German** only.

XI. GREECE

[Translation provided by the General Secretariat of the Council - Original text in Greek]

REGULATION (EU) 2018/1805 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 14 NOVEMBER 2018 ON THE MUTUAL RECOGNITION OF FREEZING ORDERS AND CONFISCATION ORDERS

Conclusion: In their notifications to be made to the Commission in accordance with Article 24(1) of Regulation (EU) 2018/1805, participating Member States should include the following text (or update a notification already made accordingly):

1. ‘In accordance with Article 24(1) of Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders, the Hellenic Republic, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor’s Office (‘EPPO’), hereby notifies the European Commission that the European Public Prosecutor’s Office, in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority as defined in Article 2(8) of Regulation (EU) 2018/1805 for the purpose of issuing freezing orders or freezing certificates as defined in that Regulation.’

**COUNCIL FRAMEWORK DECISION 2002/584/JHA OF 13 JUNE 2002 ON THE
EUROPEAN ARREST WARRANT AND THE SURRENDER PROCEDURES BETWEEN
MEMBER STATES**

Conclusion: Where the national law of a participating Member State allows prosecutors to issue European arrest warrants (EAWs) (or where the national law specifically provides that their European delegated prosecutors are competent to do so), the Member State should update its notification to the General Secretariat of the Council in accordance with Article 6(1) of the Framework Decision as follows:

1. ‘In accordance with Article 6(3) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, the Hellenic Republic, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor’s Office (‘EPPO’), hereby notifies the General Secretariat of the Council that the European Public Prosecutor’s Office, in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority as defined in Article 6(1) of Council Framework Decision 2002/584/JHA.’
2. ‘The designation made in accordance with Article 7(2) of Council Framework Decision 2002/584/JHA, requiring European Arrest Warrants to be transmitted via the Central Authority shall not apply to European Arrest Warrants issued by the EPPO.’

COUNCIL FRAMEWORK DECISION 2009/829/JHA OF 23 OCTOBER 2009 ON THE APPLICATION, BETWEEN MEMBER STATES OF THE EUROPEAN UNION, OF THE PRINCIPLE OF MUTUAL RECOGNITION TO DECISIONS ON SUPERVISION MEASURES AS AN ALTERNATIVE TO PROVISIONAL DETENTION

Conclusion: Participating Member States should update their notification made to the General Secretariat of the Council in accordance with Article 6(1) of the Council Framework Decision as follows:

1. ‘In accordance with Article 6(1) of Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention, the Hellenic Republic, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor’s Office (‘EPPO’), hereby notifies the General Secretariat of the Council that the European Public Prosecutor’s Office, in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority in accordance with Council Framework Decision 2009/829/JHA.’
2. ‘The designation made in accordance with Article 7(2) of Council Framework Decision 2009/829/JHA, requiring supervision orders to be transmitted via the Central Authority, shall not apply to supervision orders issued by the EPPO.’

**COUNCIL FRAMEWORK DECISION 2009/948/JHA OF 30 NOVEMBER 2009 ON
PREVENTION AND SETTLEMENT OF CONFLICTS OF EXERCISE OF JURISDICTION
IN CRIMINAL PROCEEDINGS**

Conclusion: Participating Member States should update their notification made to the General Secretariat of the Council in accordance with Article 4(2) of the Council Framework Decision as follows:

1. ‘In accordance with Article 4(2) of Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings, the Hellenic Republic, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor’s Office (‘EPPO’), hereby notifies the General Secretariat of the Council that the European Public Prosecutor’s Office, in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is the ‘competent authority’ as defined in Article 3, point (b) of Council Framework Decision 2009/948/JHA.’

XII. ITALY

Declarations pursuant to Art. 105(3) of Regulation (EU) 2017/1939 concerning the notification of the EPPO as a competent authority in relation to EU legal instruments for the purpose of cooperation with Member States which do not participate in the enhanced cooperation on the establishment of the EPPO.

Regulation (EU) 2018/1805 of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders.

1. In accordance with Article 24(1) of Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders, the Italian Republic, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby notifies the European Commission that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority as defined in point (8) of Article 2 of Regulation (EU) 2018/1805 for the purpose of issuing freezing orders and freezing certificates as defined in that Regulation.
2. The notification made in accordance with Article 24(2) of Regulation (EU) 2018/1805, requiring freezing certificates to be transmitted via the Central Authority, does not apply to freezing certificates issued by the EPPO.

Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedures between Member States.

No declaration or notification.

Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention.

1. In accordance with Article 6(1) of Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention, the Italian Republic, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority in accordance with Framework Decision 2009/829/JHA.
2. The designation made in accordance with Article 7(2) of Council Framework Decision 2009/928/JHA, requiring supervision orders to be transmitted via the Central Authority, shall not apply to Supervision Orders issued by the EPPO.

Convention on mutual assistance in criminal matters between the Member States of the European Union of 29 May 2000 including the Protocol thereto of 16 October 2001.

1. In accordance with Article 24(1) of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 ("the Convention"), the declaration made to the Council of Europe by the Italian Republic on 12th April 2021 in respect of the 1959 European Convention on Mutual Assistance in Criminal Matters and its Protocols also applies to this Convention.

2. In accordance with Article 24(1) of the Convention, the Italian Republic declares that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to issue requests in accordance with Article 18 of the Convention and to act as competent authority in accordance with Article 19(2) and Article 20(1) to (5) of the Convention.
3. Requests addressed to the EPPO as requested authority, should be transmitted to the Central Office of the EPPO. In urgent cases they may be transmitted directly to a Delegated European Prosecutor in the Italian Republic. In such cases a copy should be sent to the Central Office of the EPPO. The notification made in accordance with Article 24(1)(b) of the Convention, requiring requests or communications to be transmitted via the Central Authority, shall not apply to requests or communications issued by or addressed to the EPPO.

Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings.

1. In accordance with Article 4(2) of Council Framework Decision 2009/948/JHA of 30 October 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings, the Italian Republic, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is a 'competent authority' as defined in point (b) of Article 3 of Framework Decision 2009/948/JHA.

XIII. LATVIA

[Translation provided by the General Secretariat of the Council - Original text in Latvian]

Declaration referred to in Article 6(1) of Council Framework Decision 2009/829/JHA

In accordance with Article 6(1) of Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention ('Framework Decision 2009/829/JHA'), the Republic of Latvia, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council of the European Union that the European Public Prosecutor's Office, in the exercise of its competences as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO'), is competent to act as issuing authority in accordance with Framework Decision 2009/829/JHA.

The notification submitted pursuant to Article 7(2) of Framework Decision 2009/829/JHA, stating that supervision decisions are to be transmitted via the central authority, does not apply to supervision decisions issued by the EPPO.

Declaration referred to in Article 4(2) of Council Framework Decision 2009/948/JHA

In accordance with Article 4(2) of Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings, the Republic of Latvia, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council of the European Union that the European Public Prosecutor's Office, in the exercise of its competences as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO'), is considered a 'competent authority' as defined in point (b) of Article 3 of Framework Decision 2009/948/JHA.

Declaration referred to in Article 24(1) of Regulation (EU) 2018/1805

In accordance with Article 24(1) of Regulation (EU) 2018/1805 of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders ('Regulation (EU) 2018/1805'), the Republic of Latvia, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the European Commission that the European Public Prosecutor's Office, in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Regulation (EU) 2017/1939, is competent to act as issuing authority as defined in Article 2(8) of Regulation (EU) 2018/1805 and may issue freezing orders and freezing certificates in accordance with the provisions of Regulation (EU) 2018/1805.

The notification submitted pursuant to Article 24(2) of Regulation (EU) 2018/1805, stating the need to submit freezing certificates by way of a central authority, does not apply to freezing certificates issued by the European Public Prosecutor's Office.

XIV. LITHUANIA¹

I. DIRECTIVE 2014/41/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 3 APRIL 2014 REGARDING THE EUROPEAN INVESTIGATION ORDER IN CRIMINAL MATTERS

1. In accordance with Article 33 of Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters ('the EIO Directive'), the Republic of Lithuania, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby notifies the European Commission that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority as defined in Article 2(c)(i) of the EIO Directive. The EPPO furthermore is competent to act as executing authority as defined in Article 2(d) EIO Directive for the purpose of providing information or evidence which the EPPO has obtained already or may obtain following the initiation of an investigation within its competence.

2. Where a European Investigation Order is addressed to the EPPO as executing authority, it should be transmitted to the Central Office of the EPPO. In urgent cases it may be transmitted directly to a Delegated European Prosecutor in the Republic of Lithuania. In this case a copy should be sent to the Central Office of the EPPO.

¹ The Republic of Lithuania is not making an updated notification in accordance with Article 6(1) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States because Lithuanian national law does not specifically provide that European Delegated Prosecutors are competent to issue European arrest warrants. Updated notifications on the competence of the European Public Prosecutor's Office in accordance with the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union, including the Protocol of 16 October 2001 thereto, will be made at a later date, once the requisite national legislation has been adopted and declarations have been made to the Council of Europe in respect of the 1959 European Convention on Mutual Assistance in Criminal Matters and the protocols thereto.

II. REGULATION (EU) 2018/1805 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 14 NOVEMBER 2018 ON THE MUTUAL RECOGNITION OF FREEZING ORDERS AND CONFISCATION ORDERS

In accordance with Article 24(1) of Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders, the Republic of Lithuania, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby notifies the European Commission that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority as defined in point (8) of Article 2 of Regulation (EU) 2018/1805 for the purpose of issuing freezing orders and freezing certificates as defined in that Regulation.

III. COUNCIL FRAMEWORK DECISION 2009/829/JHA OF 23 OCTOBER 2009 ON THE APPLICATION, BETWEEN MEMBER STATES OF THE EUROPEAN UNION, OF THE PRINCIPLE OF MUTUAL RECOGNITION TO DECISIONS ON SUPERVISION MEASURES AS AN ALTERNATIVE TO PROVISIONAL DETENTION

In accordance with Article 6(1) of Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention, the Republic of Lithuania, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office ('EPPO'), hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office, in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority in accordance with Framework Decision 2009/829/JHA.

IV. COUNCIL FRAMEWORK DECISION 2009/948/JHA OF 30 NOVEMBER 2009 ON PREVENTION AND SETTLEMENT OF CONFLICTS OF EXERCISE OF JURISDICTION IN CRIMINAL PROCEEDINGS

In accordance with Article 4(2) of Council Framework Decision 2009/948/JHA of 30 October 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings, the Republic of Lithuania, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is a 'competent authority' as defined in point (b) of Article 3 of Framework Decision 2009/948/JHA.

XV. LUXEMBOURG

[Translation provided by the General Secretariat of the Council - Original text in French]

Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention

Supplementary to its notification made on 16 September 2016 and in accordance with Article 6(1) of the abovementioned Framework Decision, Luxembourg hereby notifies the General Secretariat of the Council as follows:

In accordance with Article 6(1) of Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention, the Grand Duchy of Luxembourg, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office (EPPO), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority in accordance with Framework Decision 2009/829/JHA.

Notifications to the General Secretariat of the Council/EPPO as competent authority under the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 including the Protocol thereto of 16 October 2001

In accordance with Article 24(1) of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 ('the Convention'), the declaration made to the Council of Europe by Luxembourg on 22 March 2021 in respect of the 1959 European Convention on Mutual Assistance in Criminal Matters and its Protocols also applies to this Convention.

In accordance with Article 24(1) of the Convention, Luxembourg declares that the European Public Prosecutor's Office (EPPO), in the exercise of its competences, as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to issue requests in accordance with Article 18 of the Convention and to act as competent authority in accordance with Article 19(2) and Article 20(1) to (5) of the Convention.

Requests addressed to the EPPO as requested authority should be transmitted to the Central Office of the EPPO. In urgent cases they may be transmitted directly to a European Delegated Prosecutor in Luxembourg. In such cases a copy should be sent to the Central Office of the EPPO. The notification made in accordance with Article 24(1), point (b), of the Convention, requiring requests or communications to be transmitted via the central authority, shall not apply to requests or communications issued by or addressed to the EPPO.

XVI. MALTA

21.05.2021
MT declaration

Article 105(3) of the EPPO Regulation

➤ **European Investigation Order Directive (Directive 2014/41/EU)**

In accordance with Article 33 of Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters ('the EIO Directive') the Republic of Malta, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby notifies the European Commission that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority as defined in Article 2(c)(i) of the EIO Directive. The EPPO furthermore is competent to act as executing authority as defined in Article 2(d) EIO Directive for the purpose of providing information or evidence which the EPPO has obtained already or may obtain following the initiation of an investigation within its competence.

Where a European Investigation Order is addressed to the EPPO as executing authority, it should be transmitted to the Central Office of the EPPO. In urgent cases it may be transmitted directly to a Delegated European Prosecutor in the Republic of Malta. In this case a copy should be sent to the Central Office of the EPPO. The notification made in accordance with Article 33(1)(c) of the EIO Directive, requiring European Investigation Orders to be transmitted via the Central Authority, shall not apply to European Investigation Orders issued by or addressed to the EPPO.

➤ **Regulation on the mutual recognition of freezing orders and confiscation orders (Regulation 2018/1805)**

In accordance with Article 24(1) of Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders, the Republic of Malta, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby notifies the European Commission that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority as defined in point (8) of Article 2 of Regulation (EU) 2018/1805 for the purpose of issuing freezing orders and freezing certificates as defined in that Regulation.

➤ **Council Framework Decision on the European Arrest Warrant and Surrender Procedures between Member States (2002/584/JHA)**

In accordance with Article 6(3) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, the Republic of Malta, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority as defined in Article 6(1) of Council Framework Decision 2002/584/JHA.

The designation made in accordance with Article 7(2) of Council Framework Decision 2002/584/JHA, requiring European Arrest Warrants to be transmitted via the Central Authority shall not apply to European Arrest Warrants issued by the EPPO.

1

➤ **Council Framework Decision on the application between Member States of the EU, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention (2009/829/JHA)**

In accordance with Article 6(1) of Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention, the Republic of Malta, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority in accordance with Framework Decision 2009/829/JHA.

➤ **Convention of Mutual Assistance in Criminal Matters between the Member States of the EU of 29 May 2000 including the Protocol thereto of 16 October 2001**

In accordance with Article 24(1) of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 ("the Convention"), the declaration made to the Council of Europe by the Republic of Malta on 19 May 2021 in respect of the 1959 European Convention on Mutual Assistance in Criminal Matters and its Protocols also applies to this Convention.

In accordance with Article 24(1) of the Convention the Republic of Malta, declares that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to issue requests in accordance with Article 18 of the Convention and to act as competent authority in accordance with Article 19(2) and Article 20(1) to (5) of the Convention.

Requests addressed to the EPPO as requested authority, should be transmitted to the Central Office of the EPPO. In urgent cases they may be transmitted directly to a Delegated European Prosecutor in the Republic of Malta. In such cases a copy should be sent to the Central Office of the EPPO. The notification made in accordance with Article 24(1)(b) of the Convention, requiring requests or communications to be transmitted via the Central Authority, shall not apply to requests or communications issued by or addressed to the EPPO.

➤ **Council Framework Decision on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings (2009/948/JHA)**

In accordance with Article 4(2) of Council Framework Decision 2009/948/JHA of 30 October 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings, the Republic of Malta, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is a 'competent authority' as defined in point (b) of Article 3 of Framework Decision 2009/948/JHA.

The designation made in accordance with Article 4(3) of Council Framework Decision 2009/948/JHA, requiring all communications to go through the Central Authority, shall not apply to investigations conducted by the EPPO.

XVII. NETHERLANDS

[Translation provided by the General Secretariat of the Council - Original text in Dutch]

In accordance with Article 6(1) of Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention, the Netherlands, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority in accordance with Framework Decision 2009/829/JHA.

In accordance with Article 24(1) of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 ('the Convention'), the declaration made to the Council of Europe by the Netherlands on 26 February 2021 in respect of the 1959 European Convention on Mutual Assistance in Criminal Matters and its Protocols also applies to this Convention.

In accordance with Article 24(1) of the Convention, the Netherlands declares that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to issue requests in accordance with Article 18 of the Convention and to act as competent authority in accordance with Article 19(2) and Article 20(1) to (5) of the Convention.

Requests addressed to the EPPO as requested authority, should be transmitted to the Central Office of the EPPO. In urgent cases they may be transmitted directly to a European Delegated Prosecutor in the Netherlands. In such cases a copy should be sent to the Central Office of the EPPO. The notification made in accordance with Article 24(1)(b) of the Convention, requiring requests or communications to be transmitted via the Central Authority, shall not apply to requests or communications issued by or addressed to the EPPO.

In accordance with Article 4(2) of Council Framework Decision 2009/948/JHA of 30 October 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings, the Netherlands, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is a 'competent authority' as defined in point (b) of Article 3 of Framework Decision 2009/948/JHA.

1. In accordance with Article 33 of Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters ('the EIO Directive'), the Netherlands, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby notifies the European Commission that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority as defined in Article 2, point (c)(i) of the EIO Directive. The EPPO furthermore is competent to act as executing authority as defined in Article 2, point (d) of the EIO Directive for the purpose of providing information or evidence which the EPPO has obtained already or may obtain following the initiation of an investigation within its competence.

2. Where a European Investigation Order is addressed to the EPPO as executing authority, it should be transmitted to the Central Office of the EPPO. In urgent cases it may be transmitted directly to a European Delegated Prosecutor in the Netherlands. In this case a copy should be sent to the Central Office of the EPPO.

In accordance with Article 24(1) of Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders, the Netherlands, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby notifies the European Commission that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority as defined in Article 2, point (8) of Regulation (EU) 2018/1805 for the purpose of issuing freezing orders and freezing certificates as defined in that Regulation.

XVIII. PORTUGAL

[Translation provided by the General Secretariat of the Council - Original text in Portuguese]

Additional information to be communicated pursuant to the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 and the Protocol thereto of 16 October 2001

Authorities competent to issue decisions on supervision measures as an alternative to provisional detention (additional information)

In accordance with Article 24(1) of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 ('the Convention'), the declaration made to the Council of Europe by the Portuguese Republic in March 2021 in respect of the 1959 European Convention on Mutual Assistance in Criminal Matters and its Protocols applies to this Convention.

In accordance with Article 24(1) of the Convention, the Portuguese Republic, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939 of 12 October 2017, is competent to act as issuing authority in accordance with Article 18 of the Convention and to act as competent authority in accordance with Article 19(2) and Article 20(1) to (5) of the Convention, on the same terms as the Portuguese Public Prosecution Service.

Requests addressed to the EPPO must be transmitted to the Central Office of the EPPO. In urgent cases they may be transmitted directly to the European Delegated Prosecutor in Portugal. In such cases a copy of the request should be sent to the Central Office of the EPPO.

Additional information to be communicated pursuant to Council Framework

Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States

Competent issuing authorities (additional information)

For the purposes of Article 6(3) of Framework Decision 2001/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, Portugal, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939 of 12 October 2017, is competent to act as issuing authority as defined in Article 6(1) of Council Framework Decision 2002/584/JHA, on the same terms as the Portuguese Public Prosecution Service.

Additional information to be communicated pursuant to Council Framework

Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence

Authorities competent to issue an order freezing property (additional information)

For the purposes of Article 2, point (a), of Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence, Portugal, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939 of 12 October 2017, is competent to act as issuing authority for orders freezing property, on the same terms as the Portuguese Public Prosecution Service.

XIX. ROMANIA

Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders

1. 'In accordance with Article 24(1) of Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders, Romania, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby notifies the European Commission that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority as defined in point (8) of Article 2 of Regulation (EU) 2018/1805 for the purpose of issuing freezing orders and freezing certificates as defined in that Regulation.'

Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention

1. 'In accordance with Article 6(1) of Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention, Romania, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority in accordance with Framework Decision 2009/829/JHA.'

2. 'The designation made in accordance with Article 7(2) of Council Framework Decision 2009/928/JHA, requiring supervision orders to be transmitted via the Central Authority, shall not apply to Supervision Orders issued by the EPPO.'

Council Framework Decision 2009/948/JHA of 30 October 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings

1. 'In accordance with Article 4(2) of Council Framework Decision 2009/948/JHA of 30 October 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings, Romania, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is a 'competent authority' as defined in point (b) of Article 3 of Framework Decision 2009/948/JHA.'
2. 'The designation made in accordance with Article 4(3) of Council Framework Decision 2009/948/JHA, requiring all communications to go through the Central Authority, shall not apply to investigations conducted by the EPPO.'

Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 including the protocol thereto of 16 October 2001

1. 'In accordance with Article 24(1) of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 ("the Convention"), the declaration made to the Council of Europe by Romania on 1 April 2021 in respect of the 1959 European Convention on Mutual Assistance in Criminal Matters and its Protocols also applies to this Convention.'
2. 'In accordance with Article 24(1) of the Convention Romania declares that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to issue requests in accordance with Article 18 of the Convention and to act as competent authority in accordance with Article 19(2) and Article 20(1) to (5) of the Convention.'

3. 'Requests addressed to the EPPO as requested authority, should be transmitted to the Central Office of the EPPO. In urgent cases they may be transmitted directly to a Delegated European Prosecutor in Romania. In such cases a copy should be sent to the Central Office of the EPPO.' 'The notification made in accordance with Article 24(1)(b) of the Convention, requiring requests or communications to be transmitted via the Central Authority, shall not apply to requests or communications issued by or addressed to the EPPO.'

Framework Decision 2003/755/JHA on the execution in the European Union of orders freezing property or evidence

1. 'In the application of article 2 (a) of the Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence, Romania, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby notifies the European Commission that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority during investigation and prosecution stage.'

XX. SLOVAKIA

[Translation provided by the General Secretariat of the Council - Original text in Slovak]

Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention

Article 6(1)

In accordance with Article 6(1) of Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention, the Slovak Republic, as a Member State of the European Union participating in enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office, in the exercise of its competences laid down in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority pursuant to Framework Decision 2009/829/JHA.

Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000, including the Protocol thereto of 16 October 2001

Article 24(1)

In accordance with Article 24(1) of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 (hereinafter 'the Convention'), the declaration made to the Council of Europe by the Slovak Republic on 6 April 2021 in respect of the 1959 European Convention on Mutual Assistance in Criminal Matters and its Protocols also applies to this Convention.

In accordance with Article 24(1) of the Convention, the Slovak Republic declares that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences laid down in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to issue requests pursuant to Article 18 of the Convention and to act as competent authority in accordance with Article 19(2) and Article 20(1) to (5) of the Convention.

Requests addressed to the EPPO as requested authority should be transmitted to the Central Office of the EPPO. In urgent cases, they may be transmitted directly to the European Delegated Prosecutor in the Slovak Republic. In this case a copy should be sent to the Central Office of the EPPO.

Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings

Article 4(2)

In accordance with Article 4(2) of Council Framework Decision 2009/948/JHA of 30 October 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings, the Slovak Republic, as a Member State of the European Union participating in enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office, in the exercise of its competences laid down in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is the competent authority pursuant to Article 3, point (b) of Framework Decision 2009/948/JHA.

XXI. SLOVENIA

Notification to the General Secretariat of the Council in accordance with Article 105(3) of the EPPO Regulation and with Article 4(2) of the Framework Decision 2009/948/JHA – Republic of Slovenia

In accordance with Article 4(2) of Council Framework Decision 2009/948/JHA of 30 October 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings, the Republic of Slovenia, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is a 'competent authority' as defined in point (b) of Article 3 of Framework Decision 2009/948/JHA within the competences exercised by State Prosecutors in the national law.

The update of the notification in accordance with Article 24(1) of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 including the Protocol thereto of 16 October 2001 requires the Law on ratification of the said Convention to be amended. Currently the legislative proposal is being drafted and it will have to be adopted by the Parliament before the notification could be made.

The national legislation of the Republic of Slovenia does not give any additional competence to the European Delegates Prosecutors regarding the Council Framework Decision 2002/584/JHA (EAW), Council Framework Decision 2003/577/JHA (freezing orders) and Council Framework Decision 2009/829/JHA (mutual recognition to decisions on supervision measures as an alternative to provisional detention). Therefore, no notification update is necessary in this regard.



REPUBLIC OF SLOVENIA
MINISTRY OF JUSTICE

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Number: 511-8/2018

Date: 11 October 2021

Subject: Notification to the General Secretariat of the Council in accordance with Article 105(3) of the EPPO Regulation and with Article 24(1) of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union – Republic of Slovenia

Dear Sir or Madam,

in addition to the declarations already made in accordance with Article 24 of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000, the Republic of Slovenia declares the following:

In accordance with Article 24(1) of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 ("the Convention"), the declaration made to the Council of Europe by the Republic of Slovenia on 8 October 2021¹ in respect of the 1959 European Convention on Mutual Assistance in Criminal Matters and its Protocols also applies to this Convention.

In accordance with Article 24(1) of the Convention the Republic of Slovenia declares that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences, as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to issue requests in accordance with Article 18 of the Convention and to act as competent authority in accordance with Article 19(2) and Article 20(1) to (5) of the Convention.

Requests addressed to the EPPO as requested authority should be transmitted to the Central Office of the EPPO. In urgent cases they may be transmitted directly to a Delegated European Prosecutor in the Republic of Slovenia. In such cases a copy should be sent to the Central Office of the EPPO.

Yours faithfully,

Marjan Dikaučič
Minister



¹ According to the e-mail by Head of Public International Law Division and Treaty Office at the Council of Europe the declaration will be notified on Friday, 15 October 2021 and published the same day on the Treaty Office website of the CoE.

XXII. SPAIN

[Translation provided by the General Secretariat of the Council - Original text in Spanish]

Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders

In accordance with Article 24(1) of Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders, Spain, as a Member State of the European Union participating in the enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby notifies the European Commission that the European Public Prosecutor's Office ('EPPO'), in the exercise of its competences as provided for in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as issuing authority as defined in Article 2, point (8), of Regulation (EU) 2018/1805 for the purpose of issuing freezing orders and freezing certificates as defined in that Regulation.

Following the entry into force of Organic Law 9/2021 of 1 July 2021 implementing Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office, the following notification should be made in relation to Council Framework Decision 2002/584/JAI of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States:

In accordance with Article 6(3) of Council Framework Decision 2002/584/JAI of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, Spain, as a Member State of the European Union participating in enhanced cooperation on the establishment of the European Public Prosecutor's Office, hereby informs the General Secretariat of the Council that the EPPO, in the exercise of its powers as set out in Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, is competent to act as an issuing authority as defined in Article 6(1) of Council Framework Decision 2002/584/JAI.
