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**NOTE**

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From: Presidency  
To: CATS

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Subject: Proposal for a Regulation on the establishment of the European Public Prosecutor's Office  
*- State of play and information by the Presidency on the informal Bruges seminar*

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***State of Play***

The Italian Presidency has continued the work to on a consolidated text of the first 33 Articles of the proposal (broadly corresponding to Articles 1-36 in the Commission proposal). There has been important progress on the text, but there is still a number of issues that need further examination. In particular, the issue of how the Office will operate in practice in cross-border cases raises a number of substantial and technical issues that will need further analysis.

It was in the context of the ongoing negotiations that an informal seminar on issues regarding the EPPO was organised at the College of Europe in Bruges on 5 November 2014, with participation from Member States, the European Parliament, the Commission, the General secretariat of the Council and the College of Europe.

## *The Bruges Seminar*

The main purpose of the seminar was to organise an informal exchange of views (Chatham House rule) on a few issues of principle linked to the text currently negotiated. With regard to the informal character of the discussions, the Presidency would summarize the discussions as follows:

### I) Cross-border cooperation within the Office:

Participants were asked to indicate how they thought that investigations conducted by the Office in multiple jurisdictions should be organised, in particular regarding requests for undertaking investigation measures by European Delegated Prosecutors based in different Member States. They were also asked to reflect on what regime should be applicable to the surrender of suspects.

A lively exchange of views on different aspects of the questions raised followed. In particular were discussed:

- The consequences in practice of the generally agreed concept that the Office will operate as one Single Office;
- The arguments for and against the use of instruments of mutual recognition in the cooperation in cross-border cases between European Delegated Prosecutors based in different Member States, as well as alternative manners to organise the cooperation;
- How to reach the agreed objective to ensure that the rights of suspects - including an effective and independent judicial control of the actions of the EPPO - are respected also in cross-border investigations within the Office.

## II) Division of work in the Office and the status of the European Prosecutors

In the second part of the seminar, participants were asked to reflect on how the potentially uneven distribution of work in the Office, which would follow from its collegial organisation, can be addressed and managed. Further, they were asked to indicate what status the European Prosecutors acting within the foreseen collegial structure of the Office should be given.

Again, a vivid discussion followed, from which in particular the following can be reported:

- It was generally acknowledged that the issue of a possible uneven distribution of work within the Office will need to be addressed, as the Collegial structure may indeed imply a risk for important differences in the workload of the European Prosecutors. It was left open whether this issue needs to be addressed directly in the Regulation or if it could be left to the Rules of Procedure and/or the College to organise itself in a manner that will ensure an even workload.
- On the status of the European Prosecutors (i.e. the Members of College) , most agreed that those must be given a European status similar to the one originally proposed by the Commission for the European Public Prosecutor. Others however noted that arguments related in particular to the need to ensure functional links with national judicial authorities would support the idea that the European Prosecutors should hold on to their national judicial status. It was generally held that the issue of the status of the European Prosecutors raises a number of potentially technical questions linked to, *inter alia*, their nomination and possible budgetary limitations. These questions will have to be analysed further.