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NOTE

From: Presidency
To: Delegations

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Subject: Proposal for a Regulation on the establishment of the European Public Prosecutor's Office
- Relations with partners (Art 56, 57(1) and (2) and 58)
- Financial and staff provisions (Articles 48-55)

The Presidency intends to focus the discussions at the meeting of the Friends of Presidency on 4 February 2015 on Articles 56, 57 (1) and (2) and 58 in the draft Regulation. Following the preliminary discussions in COPEN on 11-12 January and with account taken of the written comments received from delegations (see compilation in WK 18/2016), the said Articles have been tentatively redrafted (**Annex I** to this note). The Presidency proposes to base the discussion on this redraft. Modifications in relation to the original Commission proposal are indicated in underlined or ~~overstruck~~. Please note that the corresponding Article 41 in the text of the draft Eurojust Regulation in the general approach version¹ (which was put between square brackets there) is reproduced in **Annex II** for easy reference

¹ Doc 6643/15 EUROJUST 59 EPPO 20 CATS 37 COPEN 67 CODEC 266 CSC 49

The Presidency will also, depending on available time, undertake a preliminary examination of Articles 48-55 (financial and staff provisions) in the proposal. The Presidency would in this context in particular ask delegations to reflect on how the financial functions foreseen in the Commission proposal for the European Public Prosecutor (Art 48 (1), 50 (7) ...) or the Deputy designated by the European Public Prosecutor (Art 48 (2), 50 (1) ...) should be fulfilled in the current collegial structure of the Office, in accordance with the Financial Regulation². In other words, should the European Chief Prosecutor, a Deputy Chief Prosecutor or a newly created Administrative Director fulfill one or several of these functions? And, do delegations agree with a role for the College in this respect?

To facilitate the discussions on the financial and staff provisions, delegations are invited to consult the first part of the comparative table covering Articles 48-55 (**Annex III** to this note), in which the said provisions are presented in parallel with corresponding provisions in the draft Eurojust and Europol regulations. In the fourth column of the table a few potential modifications in the relevant articles of the EPPO Regulation have been suggested. These suggestions have the mere aim of illustrating how the text could be brought closer to similar provisions in the draft Europol and Eurojust Regulations.

² Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 and Commission Delegated Regulation 1271/2013 of 30 september 2013

Article 56

Common provisions

1. In so far as necessary for the performance of its tasks, the European Public Prosecutor's Office may establish and maintain cooperative relations with Union bodies or agencies in accordance with the objectives of those bodies or agencies, the ~~competent~~ authorities of third countries ~~and~~, international organisations ~~and the International Criminal Police Organisation (Interpol)~~.

2. In so far as relevant to the performance of its tasks, the European Public Prosecutor's Office may, in accordance with Article ~~674~~, directly exchange all information, with the exception of personal data, with the entities referred to in paragraph 1.

2a. For the purposes set out in paragraphs 1 and 2, the European Public Prosecutor's Office may conclude working arrangements³ with entities referred to in paragraph 1. Those working arrangements shall not form the basis for allowing the exchange of personal data and shall not bind the Union or its Member States.

3. The European Public Prosecutor's Office may receive, ~~in accordance with Article 4 of Regulation (EC) No 45/2001~~, and process personal data received from the entities referred to in paragraph 1 in so far as necessary for the performance of its tasks and subject to the provisions of Section 3.

4. Personal data shall only be transferred by the European Public Prosecutor's Office to Union bodies, third countries ~~and~~, international organisations, ~~and Interpol~~ if this is necessary and proportionate for the preventing and combating offences that fall under the competence of the European Public Prosecutor's Office performance of its tasks and in accordance with this Regulation and if the recipient gives an undertaking that the data will be processed only for the purpose for which they were transferred.

³ It should be clarified in the text or in a recitals should clarify that those working arrangements should be of a technical and/or operational nature, which in particular should aim at facilitating the cooperation and the exchange of information between the parties thereto, and that they should not create additional legal obligations for the Office.

4a. If the data to be transferred have been initially processed and provided by a Member State to the European Public Prosecutor's Office and not become data over which that Office has the responsibility⁴, the European Public Prosecutor's Office shall obtain the consent of the relevant competent authority in that Member State, unless the Member State has granted its prior authorisation to such onward transfer, either in general terms or subject to specific conditions. Such consent may be withdrawn any moment.

5. Onward transfers to third parties of personal data received from and under the responsibility of the European Public Prosecutor's Office by Member States, Union bodies or agencies, third countries and international organisations ~~or Interpol~~ shall be prohibited unless the European Public Prosecutor's Office has given its prior explicit consent authorisation after considering the circumstances of the case at hand, for a specific purpose that is not incompatible with the purpose for which the data was transmitted.

5a. Paragraph 5 of this Article shall not apply to cases that have been referred to competent national authorities in accordance with Article 28a,

Article 57

Relations with Eurojust

1. The European Public Prosecutor's Office shall establish and maintain a ~~close~~special relationship with Eurojust based on ~~mutual~~close cooperation and the development of operational, administrative and management links between them as defined below.

2. In operational matters, the European Public Prosecutor's Office may associate Eurojust with its activities concerning cross-border or complex cases by:

a) sharing information, including personal data, on its investigations, ~~in particular where they reveal elements which may fall outside the material or territorial competence of the European Public Prosecutor's Office;~~

⁴ Rules on when EPPO has the responsibility of data may be needed; see Article 38 in the new Europol regulation.

~~[b]—requesting Eurojust or its competent national member(s) to participate in the coordination of specific acts of investigation regarding specific aspects which may fall outside the material or territorial competence of the European Public Prosecutor’s Office;]~~

~~[c]—facilitating the agreement between the European Public Prosecutor’s Office and the Member State(s) concerned on ancillary competence in accordance with Article 17(2)3 without prejudice to a possible settlement by the judicial authority of the Member State concerned and competent to decide on the matter;]~~

~~[d]—requesting Eurojust or its competent national member(s) to use the powers attributed to them by Union legislation or national law regarding specific acts of investigation which may fall outside the material or territorial competence of the European Public Prosecutor’s Office;]~~

~~[e]—sharing information with Eurojust or its competent national member(s) on prosecution decisions referred to at Articles 30, 33 and 34 27, 28 and 29 before their submission to the European Public Prosecutor where Eurojust competences may be affected and this is appropriate in the light of Eurojust’s previous involvement in the case;]~~

f) inviting ~~requesting~~ Eurojust or its competent national member(s) to provide support in the transmission of its decisions or requests for mutual legal assistance to, and execution in, States members of Eurojust but not taking part in the establishment of the European Public Prosecutor’s Office or third countries.

[3⁵. The European Public Prosecutor’s Office shall have [indirect] access [on the basis of a hit/no-hit system to information *OR* to a mechanism for automatic cross-checking of data] in Eurojust’s Case Management System. Whenever a match is found between data entered into the Case Management System by the European Public Prosecutor’s Office and data entered by Eurojust, the fact that there is a match will be communicated to both Eurojust and the European Public Prosecutor’s Office, as well as the Member State which provided the data to Eurojust. In cases where the data was provided by a third country, Eurojust⁶ will only inform that third country of the match found with the consent of the European Public Prosecutor’s Office.

⁵ Paragraphs 3-6 will be discussed at a later stage, but written suggestions received from delegations in relation to them have already been incorporated.

⁶ Obligations of Eurojust will be addressed in the context of the Eurojust Regulation.

4. The cooperation established in accordance with paragraph 1 shall entail the exchange of information, including personal data. Any data thus exchanged shall only be used for the purposes for which it was provided. Any other usage of the data shall only be allowed in as far as such usage falls within the mandate of the body receiving the data, and subject to the prior authorisation of the body which provided the data.

5. The European Public Prosecutor shall designate the staff members authorised to have access to the results of the cross-checking mechanism and inform Eurojust thereof.

6. The European Public Prosecutor's Office may/shall rely on the support and resources of the administration of Eurojust. The details of this arrangement shall be regulated by an Agreement. Eurojust shall provide the following services to the European Public Prosecutor's Office⁷:

- a) technical support in the preparation of the annual budget, the programming document containing the annual and multi-annual programming, and the management plan;
- b) technical support in staff recruitment and career-management;
- c) security services;
- d) Information Technology services;
- e) financial management, accounting and audit services;
- f) any other services of common interest.]

⁷ AT has suggested to replace "shall" in the first sentence by "may" and to replace the last phrase with the following "The European Public Prosecutor's Office may in particular make use of the following services:" FR has suggested that Eurojust shall provide "services of common interest" to EPPO, and that provision shall provide that "The details of this arrangement shall be regulated by an Agreement"

Article 58

Relations with Union institutions, agencies and other bodies

1. The European Public Prosecutor's Office shall develop a close special relationship with Europol.

To this end, they shall conclude an agreement setting out the modalities of their cooperation.

2 The cooperation established in accordance with paragraph 1 shall entail the exchange of information, including personal data⁸. Any data thus exchanged shall only be used for the purposes for which it was provided. Any other usage of the data shall only be allowed in as far as such usage falls within the mandate of the body receiving the data, and subject to the prior authorisation of the body which provided the data.

3. The European Public Prosecutor's Office shall cooperate with the Commission, ~~including OLAF~~, for the purpose of implementing the obligations under Article 325(3) of the Treaty.

To this end, they shall conclude a working arrangement~~agreement~~ setting out the modalities of their cooperation.

[3a. The European Public Prosecutor's Office shall maintain a close relationship with OLAF, the details of which shall be laid down in a working arrangement.]²

4. The European Public Prosecutor's Office ~~may shall~~ establish and maintain cooperative relations with other Union institutions, bodies, offices and agencies.

[...]

⁸ An amendment of Article 27 in the Europol Regulation may need to be considered in order to ensure reciprocity in the data exchange.

⁹ The provision may need to be redrafted following

DRAFT EUROJUST REGULATION

[Article 41

Relations with the European Public Prosecutor's Office

1. Eurojust shall establish and maintain a special relationship with the European Public Prosecutor's Office based on close cooperation and the development of operational, administrative and management links between them as defined below. To this end, the European Public Prosecutor and the President of Eurojust shall meet on a regular basis to discuss issues of common concern.
2. Eurojust shall treat any request for support emanating from the European Public Prosecutor's Office without undue delay, and shall deal with such requests, where appropriate, as if they had been received from a national authority competent for judicial cooperation.
3. Whenever necessary, Eurojust shall make use of the Eurojust National Coordination Systems established in accordance with Article 20, as well as the relations it has established with third countries, including its liaison magistrates, in order to support the cooperation established in accordance with paragraph 1.
4. The cooperation established in accordance with paragraph 1 shall entail the exchange of information, including personal data. Any data thus exchanged shall only be used for the purposes for which it was provided. Any other usage of the data shall only be allowed in as far as such usage falls within the mandate of the body receiving the data, and subject to the prior authorisation of the body which provided the data.

5. For the purpose of identifying whether information available at Eurojust matches with information processed by the European Public Prosecutor's Office, Eurojust shall put in place a mechanism for automatic cross-checking of data entered into its Case Management System. Whenever a match is found between data entered into the Case Management System by the European Public Prosecutor's Office and data entered by Eurojust, the fact that there is a match will be communicated to both Eurojust and the European Public Prosecutor's Office, as well as the Member State which provided the data to Eurojust. In cases where the data was provided by a third party, Eurojust shall only inform that third party of the match found with the consent of the European Public Prosecutor's Office.
6. Eurojust shall designate and inform the European Public Prosecutor's Office which staff members shall be authorised to have access to the results of the cross-checking mechanism.
7. Eurojust shall support the functioning of the European Public Prosecutor's Office through services to be supplied by its staff. Such support shall in any case include:
- a) technical support in the preparation of the annual budget, the programming document containing the annual and multiannual programming and the management plan;
 - b) technical support in staff recruitment and career-management;
 - c) security services;
 - d) Information Technology services;
 - e) financial management, accounting and audit services;
 - f) any other services of common interest.

The details of the services to be provided shall be laid down in an agreement between Eurojust and the European Public Prosecutor's Office. 8. The European Public Prosecutor may address written opinions to the College, to which the College shall respond in writing without undue delay. Such written opinions shall in any case be presented whenever the College adopts the annual budget and work programme.]

EPPO REGULATION	EUROJUST REGULATION	EUROPOL REGULATION	EPPO REGULATION - SUGGESTED MODIFICATIONS
<p style="text-align: center;">CHAPTER VII</p> <p style="text-align: center;">FINANCIAL AND STAFF PROVISIONS</p> <p style="text-align: center;">SECTION 1</p> <p style="text-align: center;">FINANCIAL PROVISIONS</p> <p style="text-align: center;"><i>Article 48</i></p> <p style="text-align: center;">Financial actors</p> <p>1. The European Public Prosecutor shall be responsible for taking decisions on financial and budgetary matters.</p> <p>2. The Deputy designated by the European Public Prosecutor in</p>	<p>n/A</p>	<p>n/A</p>	<p style="text-align: center;">CHAPTER VII</p> <p style="text-align: center;">FINANCIAL AND STAFF PROVISIONS</p> <p style="text-align: center;">SECTION 1</p> <p style="text-align: center;">FINANCIAL PROVISIONS¹⁰</p> <p style="text-align: center;"><i>Article 48</i></p> <p style="text-align: center;">Financial actors</p> <p>1. The European Chief Public Prosecutor shall be responsible for taking decisions on financial and budgetary matters.</p> <p>2. The Deputy designated by the European Chief Public Prosecutor in accordance with Article 6(3) shall</p>

¹⁰ Depending on how the financial functions foreseen in the Commission proposal for the European Public Prosecutor or the Deputy designated by the European Public Prosecutor should be fulfilled in the current collegial structure of the Office, parts of this Chapter will need to be redrafted.

<p>accordance with Article 6(3) shall be responsible for the implementation of the budget of the European Public Prosecutor's Office as authorising officer.</p>			<p>be responsible for the implementation of the budget of the European Public Prosecutor's Office as authorising officer.</p>
<p style="text-align: center;"><i>Article 49</i></p> <p style="text-align: center;">Budget</p> <p>1. Estimates of all the revenue and expenditure of the European Public Prosecutor's Office shall be prepared for each financial year, corresponding to the calendar year, and shall be shown in its budget.</p> <p>2. The budget of the European Public Prosecutor's Office shall be balanced in terms of revenue and of expenditure.</p> <p>3. Without prejudice to other resources, the revenue of the European Public Prosecutor's Office shall comprise:</p> <p>a) a contribution from the Union entered in the general budget of the Union;</p> <p>b) charges for publications and any service provided by the European</p>	<p style="text-align: center;"><i>Article 48</i></p> <p style="text-align: center;">Budget</p> <p>1. Estimates of all the revenue and expenditure of Eurojust shall be prepared for each financial year, corresponding to the calendar year, and shall be shown in Eurojust's budget.</p> <p>2. Eurojust's budget shall be balanced in terms of revenue and of expenditure.</p> <p>3. Without prejudice to other resources, Eurojust's revenue shall comprise:</p> <ul style="list-style-type: none"> - a contribution from the Union entered in the general budget of the European Union; - any voluntary financial contribution from the Member States; - charges for publications and any 	<p style="text-align: center;"><i>Article 59</i></p> <p style="text-align: center;">Budget</p> <p>1. Estimates of all revenue and expenditure for Europol shall be prepared each financial year, corresponding to the calendar year, and shall be shown in Europol's budget.</p> <p>2. Europol's budget shall be balanced in terms of revenue and of expenditure.</p> <p>3. Without prejudice to other resources, Europol's revenue shall comprise a contribution from the Union entered in the general budget of the European Union.</p> <p>4. Europol may benefit from Union funding in the form of delegation agreements or ad-hoc and exceptional grants in accordance with <i>its financial rules referred</i></p>	<p style="text-align: center;"><i>Article 49</i></p> <p style="text-align: center;">Budget</p> <p>1. Estimates of all the revenue and expenditure of the European Public Prosecutor's Office shall be prepared for each financial year, corresponding to the calendar year, and shall be shown in its budget.</p> <p>2. The budget of the European Public Prosecutor's Office shall be balanced in terms of revenue and of expenditure.</p> <p>3. Without prejudice to other resources, the revenue of the European Public Prosecutor's Office shall comprise:</p> <p>a) a contribution from the Union entered in the general budget of the Union;</p> <p>b) charges for publications and any service provided by the European</p>

<p>Public Prosecutor's Office.</p> <p>4. The expenditure of the European Public Prosecutor's Office shall include staff remuneration, administrative and infrastructure expenses, and operating costs.</p> <p>5. Where European Delegated Prosecutors act within the framework of the tasks of the European Public Prosecutor's Office, the relevant expenditure related to these activities shall be regarded as operational expenditure.</p>	<p>service provided by Eurojust;</p> <p>- ad-hoc grants.</p> <p>5. The expenditure of Eurojust shall include staff remuneration, administrative and infrastructure expenses, operating costs including funding for Joint Investigation Teams.</p>	<p><i>to in Article 63 and</i> the provisions of the relevant instruments supporting the policies of the Union.</p> <p>5. The expenditure of Europol shall include staff remuneration, administrative and infrastructure expenses, and operating costs.</p> <p>6. Budgetary commitments for actions relating to large scale projects extending over more than one financial year may be broken down over several years into annual instalments.</p>	<p>Public Prosecutor's Office;</p> <p><u>c) ad-hoc grants.</u></p> <p>4. The expenditure of the European Public Prosecutor's Office shall include staff remuneration, administrative and infrastructure expenses, and operating costs.</p> <p>5. Where European Delegated Prosecutors act within the framework of the tasks of the European Public Prosecutor's Office, the relevant expenditure related to these activities shall be regarded as operational expenditure.</p>
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<p style="text-align: center;"><i>Article 50</i></p> <p style="text-align: center;">Establishment of the budget</p> <p>1. Each year the Deputy of the European Public Prosecutor referred to in Article 48 shall draw up a provisional draft estimate of the revenue and expenditure of the European Public Prosecutor's Office for the following financial year. The European Public Prosecutor shall, on the basis of that draft, produce a provisional draft estimate of the revenue and expenditure of the European Public Prosecutor's Office for the following financial year.</p> <p>2. The provisional draft estimate of the revenue and expenditure of the European Public Prosecutor's Office shall be sent to the Commission no later than 31 January each year. The European Public Prosecutor shall send a final draft estimate, which shall include a draft establishment plan, to the Commission by 31 March.</p> <p>3. The Commission shall send the statement of estimates to the</p>	<p style="text-align: center;"><i>Article 49</i></p> <p style="text-align: center;">Establishment of the budget</p> <p>1. Each year the Administrative Director shall draw up a draft statement of estimates of Eurojust's revenue and expenditure together, for the following financial year, including the establishment plan, and send it to the College Executive Board. [The European Public Prosecutor's Office,¹¹] the European Judicial Network and other networks referred to in Article 39 shall be informed on the parts related to their activities in due time before forwarding the estimate to the Commission.</p> <p>2. The College Executive Board shall, on the basis of that draft, produce prepare a provisional draft estimate of Eurojust's revenue and expenditure for the following financial year which shall be forwarded to the College for adoption.</p>	<p style="text-align: center;"><i>Article 60</i></p> <p style="text-align: center;">Establishment of the budget</p> <p>1. Each year the Executive Director shall draw up a draft statement of estimates of Europol's revenue and expenditure for the following financial year, including the establishment plan, and send it to the Management Board.</p> <p>2. The Management Board shall, on the basis of that draft, produce adopt a provisional draft estimate of Europol's revenue and expenditure for the following financial year. The provisional draft estimate of Europol's revenue and expenditure shall be sent to the Commission each year by [date set out in the framework Financial Regulation] 31 January. The Management Board shall send a final draft estimate, which shall include a draft establishment plan, to the Commission, the European Parliament and the Council by 31 March.</p>	<p style="text-align: center;"><i>Article 50</i></p> <p style="text-align: center;">Establishment of the budget</p> <p>1. Each year the Deputy of the European Public Prosecutor Chief Public Prosecutor referred to in Article 48 shall draw up a provisional draft estimate of the revenue and expenditure of the European Public Prosecutor's Office for the following financial year. The European Public Prosecutor Chief Public Prosecutor shall, on the basis of that draft produce a provisional draft estimate of the revenue and expenditure of the European Public Prosecutor's Office for the following financial year, <u>which shall be forwarded to the College for adoption.</u></p> <p>2. The provisional draft estimate of the revenue and expenditure of the European Public Prosecutor's Office shall be sent to the Commission no later than 31 January each year. The European Public Prosecutor Chief Prosecutor shall send a final draft estimate, which shall include a draft establishment plan, to the Commission by 31 March.</p>
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¹¹ The reference to the EPPO is in square brackets as it is outside the scope of the general approach.

<p>European Parliament and the Council (the budgetary authority) together with the draft general budget of the Union.</p> <p>4. On the basis of the statement of estimates, the Commission shall enter in the draft general budget of the Union the estimates it considers necessary for the establishment plan and the amount of the contribution to be charged to the general budget, which it shall submit to the budgetary authority in accordance with Articles 313 and 314 of the Treaty.</p> <p>5. The budgetary authority shall authorise the appropriations for the contribution of the European Public Prosecutor's Office.</p> <p>6. The budgetary authority shall adopt the establishment plan of the European Public Prosecutor's Office.</p> <p>7. The European Public Prosecutor shall adopt the budget of the European Public Prosecutor's Office. It shall become final following final adoption of the</p>	<p>3. The provisional draft estimate of Eurojust's revenue and expenditure shall be sent to the European Commission by no later than 31 January each year. Eurojust Eurojust The College shall send a final draft estimate, which shall include a draft establishment plan, to the Commission by 31 March.</p> <p>4. The Commission shall send the statement of estimates to the European Parliament and the Council (the budgetary authority) together with the draft general budget of the European Union.</p> <p>5. On the basis of the statement of estimates, the Commission shall enter in the draft general budget of the European Union the estimates it considers necessary for the establishment plan and the amount of the contribution to be charged to the general budget, which it shall place before the budgetary authority in accordance with Articles 313 and 314 of the Treaty.</p>	<p>3. The Commission shall send the statement of estimates to the European Parliament and the Council (the budgetary authority) together with the draft general budget of the European Union.</p> <p>4. On the basis of the statement of estimates, the Commission shall enter in the draft general budget of the European Union the estimates it considers necessary for the establishment plan and the amount of the contribution to be charged to the general budget, which it shall place before the budgetary authority in accordance with Articles 313 and 314 of the Treaty.</p> <p>5. The budgetary authority shall authorise the appropriations for <i>the contribution to</i> Europol's contribution.</p> <p>6. The budgetary authority shall adopt Europol's establishment plan.</p> <p>7. Europol's budget shall be adopted by the Management Board. It shall become final</p>	<p>3. The Commission shall send the statement of estimates to the European Parliament and the Council (the budgetary authority) together with the draft general budget of the Union.</p> <p>4. On the basis of the statement of estimates, the Commission shall enter in the draft general budget of the Union the estimates it considers necessary for the establishment plan and the amount of the contribution to be charged to the general budget, which it shall submit to the budgetary authority in accordance with Articles 313 and 314 of the Treaty.</p> <p>5. The budgetary authority shall authorise the appropriations for the contribution <u>from the European Union to</u> of the European Public Prosecutor's Office.</p> <p>6. The budgetary authority shall adopt the establishment plan of the European Public Prosecutor's Office.</p> <p>7. The College <u>European Public Prosecutor</u> shall adopt the budget of</p>
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<p>general budget of the Union. Where necessary, it shall be adjusted accordingly.</p> <p>8. For any building project likely to have significant implications for the budget the European Public Prosecutor's Office shall inform the European Parliament and the Council as early as possible in accordance with the provisions of Article 203 of Regulation (EU, Euratom) No 966/2012. 9. Except in cases of force majeure referred to in Article 203 of Regulation (EU, Euratom) No 966/2012 shall deliberate upon the building project within four weeks of its receipt by both institutions. The building project shall be deemed approved at the expiry of this four-week period, unless the European Parliament or the Council take a decision contrary to the proposal within that period of time. If the European Parliament or the Council raise duly justified concerns within that four-week period, that period shall be</p>	<p>6. The budgetary authority shall authorise the appropriations for the contribution from the European Union to Eurojust's contribution.</p> <p>7. The budgetary authority shall adopt Eurojust's establishment plan.</p> <p>8. Eurojust's budget shall be adopted by the College. It shall become final following final adoption of the general budget of the European Union. Where necessary, it shall be adjusted by Eurojust/the Administrative Director- the College accordingly.</p> <p>9. For any building project likely to have significant implications for the Eurojust's budget Article 88 of Regulation (EU) No 1271/2013 shall apply. Eurojust shall inform the European Parliament and the Council as</p>	<p>following final adoption of the general budget of the Union. Where necessary, it shall be adjusted accordingly.</p> <p>8. For any project, in particular building projects likely to have significant implications for the Europol's budget, the provisions of [the framework Financial Regulation] Commission Delegated Regulation (EU) No 1271/2013¹² shall apply.</p>	<p>the European Public Prosecutor's Office. It shall become final following final adoption of the general budget of the Union. Where necessary, it shall be adjusted <u>by the College</u> accordingly.</p> <p>8. For any building project likely to have significant implications for the budget the European Public Prosecutor's Office, shall inform the European Parliament and the Council as early as possible in accordance with Article 88 of Commission Delegated Article 203 of Regulation (EU, Euratom) No 966/2012 <u>1271/2013 shall apply.</u></p> <p>9. Except in cases of force majeure referred to in Article 203 of Regulation (EU, Euratom) No 966/2012 shall deliberate upon the building project within four weeks of its receipt by both institutions. The building project shall be deemed approved at the expiry of this four week period, unless the European Parliament or the Council</p>
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¹² *Commission Delegated Regulation (EU) No 1271/2013 of 30.9.2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council (OJ L 328, 7.12.2013, p. 42).*

<p>extended once by two weeks. If the European Parliament or the Council take a decision contrary to the building project, the European Public Prosecutor's Office shall withdraw its proposal and may submit a new one.</p> <p>10. The European Public Prosecutor's Office may finance a budget acquisition project through a loan subject to prior approval of the budgetary authority in accordance with Article 203(8) of Regulation (EU, Euratom) No 966/2012.</p>	<p>early as possible in accordance with the provisions of Article 203 of Regulation (EU, EURATOM) No 966/2012.</p> <p>10. ——— Except in cases of force majeure referred to in Article 203 of Regulation (EU, EURATOM) No 966/2012 the European Parliament and the Council shall deliberate upon the building project within four weeks of its receipt by both institutions.</p> <p>— The building project shall be deemed approved at the expiry of this four week period, unless the European Parliament or the Council take a decision contrary to the proposal within that — period of time.</p> <p>If the European Parliament or the Council raise duly justified concerns within that four week period, that period shall be extended once by two weeks.</p> <p>If the European Parliament or the Council take a decision contrary to the building project, Eurojust shall withdraw its proposal and</p>		<p>take a decision contrary to the proposal within that period of time. If the European Parliament or the Council raise duly justified concerns within that four week period, that period shall be extended once by two weeks. If the European Parliament or the Council take a decision contrary to the building project, the European Public Prosecutor's Office shall withdraw its proposal and may submit a new one.</p> <p>10. The European Public Prosecutor's Office may finance a budget acquisition project through a loan subject to prior approval of the budgetary authority in accordance with Article 203(8) of Regulation (EU, Euratom) No 966/2012.</p>
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	<p>may submit a new one.</p> <p>11. Eurojust may finance a budget acquisition project through a loan subject to prior approval of the budgetary authority in accordance with Article 203 of Regulation (EU, EURATOM) No 966/2012.</p>		
<p><i>Article 51</i></p> <p>Implementation of the budget</p> <p>1. The Deputy of the European Public Prosecutor referred to in Article 48, acting as the authorising officer of the European Public Prosecutor's Office, shall implement its budget under his or her own responsibility and within the limits authorised in budget.</p> <p>2. Each year the Deputy of the European Public Prosecutor referred to in Article 48 shall send to the budgetary authority all information relevant to the findings of the evaluation procedures.</p>	<p><i>Article 50</i></p> <p>Implementation of the budget</p> <p>The Administrative Director shall act as the authorising officer of Eurojust and shall implement Eurojust's budget under his or her own responsibility and within the limits authorised in the budget.</p>	<p><i>Article 61</i></p> <p>Implementation of the budget</p> <p>1. The Executive Director shall implement Europol's budget.</p> <p>2. Each year the Executive Director shall send to the budgetary authority all information relevant to the findings of <i>any</i> evaluation procedures.</p>	<p><i>Article 51</i></p> <p>Implementation of the budget</p> <p>1. The Deputy of the European Public Chief Prosecutor referred to in Article 48, acting as the authorising officer of the European Public Prosecutor's Office, shall implement its budget under his or her own responsibility and within the limits authorised in <u>the</u> budget.</p> <p>2. Each year the <u>European Chief Prosecutor</u>Deputy of the European Public Prosecutor referred to in Article 48 shall send to the budgetary authority all information relevant to the findings of <u>any</u> the evaluation procedures.</p>

<p style="text-align: center;"><i>Article 52</i></p> <p style="text-align: center;">Presentation of accounts and discharge</p> <p>1. The accounting officer of Eurojust shall act as the accounting officer of the European Public Prosecutor's Office in the implementation of its budget. The necessary arrangements so as to avoid any conflict of interest shall be made.</p> <p>2. By 1 March following each financial year, the accounting officer of the European Public Prosecutor's Office shall send the provisional accounts to the Commission's Accounting Officer and the Court of Auditors.</p> <p>3. The European Public Prosecutor's Office shall send the report on the budgetary and financial management to the European Parliament, the Council and the Court of Auditors, by 31 March of the following financial year.</p> <p>4. By 31 March following each financial year, the Commission's</p>	<p style="text-align: center;"><i>Article 51</i></p> <p style="text-align: center;">Presentation of accounts and discharge</p> <p>1. By 1 March following each financial year, Eurojust's Accounting Officer shall send the provisional accounts to the Commission's Accounting Officer and the Court of Auditors.</p> <p>2. Eurojust shall send the report on the budgetary and financial management to the European Parliament, the Council and the Court of Auditors, by 31 March of the following financial year.</p> <p>3. By 31 March following each financial year, the Commission's Accounting Officer shall send Eurojust's provisional accounts consolidated with the Commission's accounts to the Court of Auditors.</p> <p>4. In accordance with Article 148(1) of Regulation (EU, EURATOM) No 966/2012, the Court of Auditors shall, by 1 June of the following year at the latest, make its observations</p>	<p style="text-align: center;"><i>Article 62</i></p> <p style="text-align: center;">Presentation of accounts and discharge</p> <p>1. By 1 March following each financial year, Europol's accounting officer shall communicate the provisional accounts to the Commission's Aaccounting Officer and to the Court of Auditors.</p> <p>2. Europol shall send the report on the budgetary and financial management to the European Parliament, the Council and the Court of Auditors by 31 March of the following financial year.</p> <p>3. By 31 March following each financial year, the Commission's accounting officer shall send Europol's provisional accounts consolidated with the Commission's accounts to the Court of Auditors.</p> <p>4. On receipt of the Court of Auditors' observations on Europol's provisional accounts pursuant to Article 148 of the Financial Regulation, the</p>	<p style="text-align: center;"><i>Article 52</i></p> <p style="text-align: center;">Presentation of accounts and discharge</p> <p>1. The accounting officer of Eurojust shall act as the accounting officer of the European Public Prosecutor's Office in the implementation of its budget. The necessary arrangements so as to avoid any conflict of interest shall be made.</p> <p>2. By 31 March following each financial year, the accounting officer of the European Public Prosecutor's Office shall send the provisional accounts to the Commission's Accounting Officer and the Court of Auditors.</p> <p>3. The European Public Prosecutor's Office shall send the report on the budgetary and financial management to the European Parliament, the Council and the Court of Auditors, by 31 March of the following financial year.</p> <p>4. By 31 March following each financial year, the Commission's</p>
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<p>accounting officer shall send the provisional accounts of the European Public Prosecutor's Office consolidated with the Commission's accounts to the Court of Auditors.</p> <p>5. In accordance with Article 148(1) of Regulation (EU, Euratom) No 966/2012, the Court of Auditors shall, by 1 June of the following year at the latest, make its observations on the provisional accounts of the European Public Prosecutor's Office.</p> <p>6. On receipt of the Court of Auditors' observations on the provisional accounts of the European Public Prosecutor's Office pursuant to Article 148 of Regulation (EU, Euratom) No 966/2012, the accounting officer of the European Public Prosecutor's Office shall draw up its final accounts under his/her own responsibility.</p> <p>7. The accounting officer of the European Public Prosecutor's Office shall, by 1 July following each financial year, send the final accounts to the European</p>	<p>on the provisional accounts of Eurojust.</p> <p>5. On receipt of the Court of Auditors' observations on Eurojust's provisional accounts pursuant to Article 148 of Regulation (EU, Euratom) No 966/2012, the Administrative Director shall draw up Eurojust's final accounts under his or her own responsibility and submit them to the College/Executive Board for an opinion.</p> <p>6. The College/Executive Board shall deliver an opinion on Eurojust's final accounts.</p> <p>7. The Accounting Officer of Eurojust Administrative Director shall, by 1 July following each financial year, send the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the College Executive Board's opinion.</p> <p>8. The final accounts of Eurojust shall be published in the Official</p>	<p><i>Europol's</i> accounting officer shall draw up Europol's final accounts. The Executive Director shall submit them to the Management Board for an opinion.</p> <p>5. The Management Board shall deliver an opinion on Europol's final accounts.</p> <p>6. The Executive Director <i>Europol's accounting officer</i> shall, by 1 July following each financial year, send the final accounts to the European Parliament, the Council, the Commission, the Court of Auditors and national Parliaments, together with the Management Board's opinion.</p> <p>7. The final accounts shall be published <i>in the Official Journal of the European Union by 15 November of the following year.</i></p> <p>8. The Executive Director shall send <i>to</i> the Court of Auditors a reply to the observations made in its annual report by [date set out in the framework Financial</p>	<p>Accounting Officer shall send the provisional accounts of the European Public Prosecutor's Office consolidated with the Commission's accounts to the Court of Auditors.</p> <p>5. In accordance with Article 148(1) of Regulation (EU, Euratom) No 966/2012, the Court of Auditors shall, by 1 June of the following year at the latest, make its observations on the provisional accounts of the European Public Prosecutor's Office.</p> <p>6. On receipt of the Court of Auditors' observations on the provisional accounts of the European Public Prosecutor's Office pursuant to Article 148 of Regulation (EU, Euratom) No 966/2012, the accounting officer of the European Public Prosecutor's Office shall draw up its final accounts under his/her own responsibility <u>and submit to the European Chief Prosecutor for an opinion.</u></p> <p>7. The accounting officer of the European Public Prosecutor's Office shall, by 1 July following</p>
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<p>Parliament, the Council, the Commission and the Court of Auditors.</p> <p>8. The final accounts of the European Public Prosecutor's Office shall be published in the Official Journal of the European Union by 15 November of the following year.</p> <p>9. The deputy of the European Public Prosecutor referred to in Article 48 shall send the Court of Auditors a reply to its observations by 30 September of the following year at the latest. The replies of the European Public Prosecutor's Office shall be sent to the Commission at the same time.</p> <p>10. The Deputy of the European Public Prosecutor referred to in Article 48 shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question in accordance with Article 165(3) of Regulation (EU, Euratom) No</p>	<p>Journal of the European Union by 15 November of the year following the respective financial year.</p> <p>9. The Administrative Director shall send the Court of Auditors a reply to its observations by 30 September of the following year at the latest. The Administrative Director shall also send this reply to the College Executive Board and to the Commission.</p> <p>10. The Administrative Director shall report to the European Parliament on the performance of his/her duties when invited to do so. The Council may invite the Administrative Director to report on the performance of his/her duties.¹³</p> <p>11. The Administrative Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge</p>	<p>Regulation] 30 September of the following year at the latest. He/she shall also send the reply to the Management Board.</p> <p>9. The Executive Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question, as laid down in Article 165(3) of the Financial Regulation Article 109(3) of Commission Delegated Regulation (EU) No 1271/2013.</p> <p>10. On a recommendation from the Council acting by a qualified majority, the European Parliament shall, before 15 May of year N + 2, give a discharge to the Executive Director in respect of the implementation of the budget for year N.</p>	<p>each financial year, send the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors <u>together with the opinion of the European Chief Prosecutor.</u></p> <p>8. The final accounts of the European Public Prosecutor's Office shall be published in the Official Journal of the European Union by 15 November of the <u>following year following the respective financial year.</u></p> <p>9. The deputy of the European Chief Public Prosecutor referred to in Article 48 shall send the Court of Auditors a reply to its observations by 30 September of the following year at the latest. The <u>European Chief Prosecutor shall also send this reply to the Commission.</u> replies of the European Public Prosecutor's Office shall be sent to the Commission at the same time.</p> <p>10. The Deputy of the European Public Chief Prosecutor referred to in Article 48 shall submit to the</p>
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¹³ The second sentence of 55(10) has been moved to 18(5).

<p>966/2012.</p> <p>11. On a recommendation from the Council acting by a qualified majority, the European Parliament, shall, before 15 May of year N + 2, give a discharge to the deputy of the European Public Prosecutor referred to in Article 48 in respect of the implementation of the budget for year N.</p>	<p>procedure for the financial year in question in accordance with Article 165(3) of Regulation (EU, EURATOM) N° 966/2012.</p> <p>12. On a recommendation from the Council acting by a qualified majority, the European Parliament, shall, before 15 May of year N + 2, give a discharge to the Administrative Director in respect of the implementation of the budget for year N.</p>		<p>European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question <u>as laid down in Article 109(3) of Commission Delegated Regulation (EU) no 1271/2013</u> in accordance with Article 165(3) of Regulation (EU, Euratom) No 966/2012.</p> <p>11. On a recommendation from the Council acting by a qualified majority, the European Parliament, shall, before 15 May of year N + 2, give a discharge to the deputy of the European <u>Chief Public Prosecutor referred to in Article 48</u> in respect of the implementation of the budget for year N.</p>
<p><i>Article 53</i></p> <p>Financial rules</p> <p>The financial rules applicable to the European Public Prosecutor's Office shall be adopted by the European Public Prosecutor in accordance with [Regulation 2343/2002 of 23 December 2002 on the framework Financial Regulation for the bodies referred to in Article</p>	<p><i>Article 52</i></p> <p>Financial Rules</p> <p>1. The financial rules applicable to Eurojust shall be adopted by the Executive Board/College in accordance with Commission delegated [Regulation 2343/2002 No. 1271/2013 of 23 December 2002 30 September 2013 on the framework financial regulation for</p>	<p><i>Article 63</i></p> <p>Financial rules</p> <p>1. The financial rules applicable to Europol shall be adopted by the Management Board after consultation with the Commission. They shall not depart from [the framework Financial Regulation] Commission Delegated</p>	<p><i>Article 53</i></p> <p>Financial rules</p> <p>The financial rules applicable to the European Public Prosecutor's Office shall be adopted by the <u>College after consultation with the Commission. They shall not depart from Commission Delegated Regulation (EU) No</u> European Public Prosecutor in accordance</p>

<p>185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities] and after consultation with the Commission. They shall not depart from [Regulation 2343/2002] unless such departure is specifically required for the operation of the European Public Prosecutor's Office and the Commission has given its prior consent.</p>	<p>the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities 208 of Regulation 966/2012 and [after consultation with the Commission]. They shall not depart from [Regulation No. 2343/2002 1271/2013 unless such departure is specifically required for Eurojust's operation and the Commission has given its prior consent.</p> <p>2. Eurojust may award grants related to the fulfillment of its tasks referred to under Article 4(1). Grants provided for tasks under 4(1)(e) may be awarded without a call for proposals to the Member States.</p> <p>3. In respect of the financial support to joint investigation teams activities, Eurojust shall establish in cooperation with Europol the rules and conditions upon which the</p>	<p>Regulation (EU) No 1271/2013 unless such a departure is specifically required for Europol's operation and the Commission has given its prior consent.</p> <p>[...]</p>	<p>with Regulation 1271/2013 of 30 September 2013 2343/2002 of 23 December 2002 on the framework Financial Regulation for the bodies referred to in Article 208 185 of Council Regulation 966/2012 (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities] and after consultation with the Commission. They shall not depart from [Regulation 2343/2002] unless such departure is specifically required for the operation of the European Public Prosecutor's Office and the Commission has given its prior consent.</p>
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	applications shall be processed.¹⁴		
SECTION 2 STAFF PROVISIONS <i>Article 54</i> General provisions 1. The Staff Regulations of the European Union and the Conditions of Employment of Other Servants of the European Union and the rules adopted by agreement between the institutions of the European Union for giving effect to those Staff Regulations and those Conditions of Employment of Other Servants shall apply to the European Public Prosecutor, the Deputies and the staff of the European Public Prosecutor's Office, unless otherwise stipulated in this Section. 2. The powers conferred on the appointing authority by the Staff Regulations and by the Conditions of Employment of Other Servants to conclude Contracts of	CHAPTER VII STAFF PROVISIONS <i>Article 53</i> General provisions 1. The Staff Regulations of the European Union and the Conditions of Employment of Other Servants of the European Union and the rules adopted by agreement between the institutions of the European Union for giving effect to those Staff Regulations and those Conditions of Employment of Other Servants shall apply to the staff of Eurojust. 2. Eurojust staff shall consist of staff recruited according to the rules and regulations applicable to officials and other servants of the European Union, taking into account all the criteria referred to in Article 27 of the Staff Regulations of Officials of the European Union laid down by Regulation (EEC, Euratom, ECSC) No 259/68, including their	Chapter X STAFF <i>Article 55</i> General provisions 1. The Staff Regulations and the Conditions of Employment of Other Servants and the rules adopted by agreement between the institutions of the Union for giving effect to those Staff Regulations and the conditions of Employment of other Servants shall apply to the staff of Europol with the exception of staff who at the date of application of this Regulation are under contracts concluded by Europol as established by the Europol Convention <i>without prejudice to Article 75(5). Notwithstanding Article 77(1), such contracts shall continue to be governed by Council Act 1999/C 26/07 of 3 December</i>	SECTION 2 STAFF PROVISIONS <i>Article 54</i> General provisions 1. The Staff Regulations of the European Union ⁹ and the Conditions of Employment of Other Servants of the European Union and the rules adopted by agreement between the institutions of the European Union for giving effect to those Staff Regulations and those Conditions of Employment of Other Servants shall apply to the <u>members of the College European Public Prosecutor, the Deputies</u> and the staff of the European Public Prosecutor's Office, unless otherwise stipulated in this Section. <u>1a. The staff of the European Public Prosecutor's Office shall be recruited according to the rules and regulations applicable to officials</u>

¹⁴ This provision should be mirrored in the Europol Regulation.

<p>Employment shall be exercised by the European Public Prosecutor with respect to the staff of the European Public Prosecutor's Office.</p> <p>3. The European Public Prosecutor shall adopt appropriate implementing rules to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations. The European Public Prosecutor shall also adopt staff resource programming as part of the programming document.</p> <p>4. The Protocol on the Privileges and Immunities of the European Union shall apply to the European Public Prosecutor's Office and its staff.</p> <p>5. European Delegated Prosecutors shall be engaged as Special Advisors in accordance with Articles 5, 123 and 124 of the Conditions of Employment of Other Servants of the European Union. The competent national authorities shall facilitate the exercise of the functions of European Delegated Prosecutors under this Regulation</p>	<p>geographical distribution. They shall have the status of permanent staff, temporary staff or local staff.</p> <p style="text-align: center;"><i>Article 16</i> Functioning of the Executive Board</p> <p style="text-align: center;">[...]</p> <p>2. The Executive Board shall also</p> <p style="text-align: center;">[...]</p> <p>c) adopt appropriate implementing rules to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;</p> <p style="text-align: center;"><i>Article 57</i> Privileges and Immunities</p> <p>The Protocol on the Privileges and</p>	<p><i>1998.</i></p> <p>2. Europol staff shall consist of temporary staff and/or contract staff. <i>The Management Board shall be informed on a yearly basis in so far as the Director grants contracts of indefinite duration.</i> The Management Board shall decide which temporary posts provided for in the establishment plan can be filled only by staff engaged from the competent authorities of the Member States. Staff recruited to occupy such posts shall be temporary agents and may be awarded only fixed-term contracts renewable once for a fixed period.</p> <p style="text-align: center;"><i>Article 14</i> Functions of the Management Board</p> <p>1. The Management Board shall:</p>	<p><u>and other servants of the European Union, taking into account all the criteria referred to in Article 27 of the Staff Regulations of Officials of the European Union laid down by Regulation (EEC, Euratom, ECSC) No 259/68, including their geographical distribution.</u></p> <p>2. The powers conferred on the appointing authority by the Staff Regulations and by the Conditions of Employment of Other Servants to conclude Contracts of Employment shall be exercised by the European Chief Public Prosecutor with respect to the staff of the European Public Prosecutor's Office.</p> <p>3. The College European Public Prosecutor shall adopt appropriate implementing rules to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations. The College European Public Prosecutor shall also adopt staff resource programming as part of the programming document.</p> <p>4. The Protocol on the Privileges</p>
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<p>and refrain from any action or policy which may adversely affect their career and status in the national prosecution system. In particular, the competent national authorities shall provide the European Delegated Prosecutors with the resources and equipment necessary to exercise their functions under this Regulation, and ensure that they are fully integrated into their national prosecution services.</p>	<p>Immunities of the European Union shall apply to Eurojust and its staff.</p>	<p>[...]</p> <p>(j) adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;</p> <p><i>Article 65</i></p> <p>Privileges and immunity</p> <p>1. The Protocol on the Privileges and Immunities of the European Union shall apply to Europol and its staff.</p>	<p>and Immunities of the European Union shall apply to the European Public Prosecutor's Office and its staff.</p> <p>5. European Delegated Prosecutors shall be engaged as Special Advisors in accordance with Articles 5, 123 and 124 of the Conditions of Employment of Other Servants of the European Union. The competent national authorities shall facilitate the exercise of the functions of European Delegated Prosecutors under this Regulation and refrain from any action or policy which may adversely affect their career and status in the national prosecution system. In particular, the competent national authorities shall provide the European Delegated Prosecutors with the resources and equipment necessary to exercise their functions under this Regulation, and ensure that they are fully integrated into their national prosecution services¹⁵.</p>
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¹⁵. See footnote 60 in doc 15100/15, which states that the term of office of EDP's according to Article 15(1) shall be discussed in this context.

<p style="text-align: center;"><i>Article 55</i></p> <p style="text-align: center;">Seconded national experts and other staff</p> <p>1. The European Public Prosecutor's Office may make use of Seconded national experts or other persons not employed by it. The Seconded national experts shall be subject to the authority of the European Public Prosecutor in the exercise of tasks related to the functions of the European Public Prosecutor's Office.</p> <p>2. The European Public Prosecutor shall adopt a decision laying down rules on the secondment of national experts to the European Public Prosecutor's Office and further implementing provisions as may be necessary.</p>	<p style="text-align: center;"><i>Article 54</i></p> <p style="text-align: center;">Seconded national experts and other staff</p> <p>1. Eurojust may make use, in addition to its own staff, of seconded national experts or other staff not employed by Eurojust.</p> <p>2. The College shall adopt a decision laying down rules on the secondment of national experts to Eurojust.</p>	<p style="text-align: center;"><i>Article 58</i></p> <p style="text-align: center;">Seconded national experts and other staff</p> <p>1. Europol may make use of seconded national experts or other staff not employed by the agency.</p> <p>2. The Management Board shall adopt a decision laying down rules on the secondment of national experts to Europol.</p>	<p style="text-align: center;"><i>Article 55</i></p> <p style="text-align: center;">Seconded national experts and other staff</p> <p>1. The European Public Prosecutor's Office may make use, <u>in addition to its own staff</u>, of Seconded national experts or other persons not employed by it. The Seconded national experts shall be subject to the authority of the European Public Prosecutor in the exercise of tasks related to the functions of the European Public Prosecutor's Office.</p> <p>2. The College European Public Prosecutor shall adopt a decision laying down rules on the secondment of national experts to the European Public Prosecutor's Office [.]</p>
<p style="text-align: center;">CHAPTER IX</p> <p style="text-align: center;">GENERAL PROVISIONS</p>	<p style="text-align: center;"><i>Article 1</i></p> <p style="text-align: center;">The European Union Agency for Criminal Justice Cooperation</p>	<p style="text-align: center;"><i>Article 64</i></p> <p style="text-align: center;">Legal status</p>	<p style="text-align: center;">CHAPTER IX</p> <p style="text-align: center;">GENERAL PROVISIONS</p>

<p style="text-align: center;"><i>Article 62</i></p> <p style="text-align: center;">Legal status and operating conditions</p> <p>1. In each of the Member States the European Public Prosecutor's Office shall enjoy the most extensive legal capacity accorded to legal persons under their laws. It may, in particular, acquire and dispose of movable and immovable property and be party to legal proceedings.</p> <p>2. The necessary arrangements concerning the accommodation provided for the European Public Prosecutor's Office and the facilities made available by the host Member State together with the specific rules applicable in that Member State to the European Public Prosecutor, his/her Deputies and their staff, and members of their families, shall be laid down in a Headquarters Agreement concluded between the European Public Prosecutor's Office and the host Member State no later than [2 years after the entry into force of this regulation].</p>	<p style="text-align: center;">[...]</p> <p>1. In each of the Member States, Eurojust shall have legal personality enjoy the most extensive legal capacity accorded to legal persons under their laws. It may, in particular, acquire and dispose of movable and immovable property and be party to legal proceedings.</p>	<p>1. Europol shall be a body an agency of the Union. It shall have legal personality.</p> <p>2. In each of the Member States Europol shall enjoy the most extensive legal capacity accorded to legal persons under their laws. Europol may, in particular, acquire and dispose of movable and immovable property and be a party to legal proceedings.</p> <p>3. <i>In accordance with Protocol N° 6 on the location of the seats of the institutions and of certain bodies, agencies and departments of the European Union, annexed to the Treaties,</i> The seat of Europol shall be <i>have its seat</i> in The Hague, in the Netherlands.</p>	<p style="text-align: center;"><i>Article 62</i></p> <p style="text-align: center;">Legal status and operating conditions</p> <p>1. In each of the Member States the European Public Prosecutor's Office shall have legal capacity accorded to legal persons under their laws.</p> <p>2. The necessary arrangements concerning the accommodation provided for the European Public Prosecutor's Office and the facilities made available by the host Member State together with the specific rules applicable in that Member State to the European Public Prosecutor, his/her Deputies and their staff, and members of their families, shall be laid down in a Headquarters Agreement concluded between the European Public Prosecutor's Office and the host Member State no later than [2 years after the entry into force of this regulation].</p>
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<p>3. The host Member State of the European Public Prosecutor's Office shall provide the best possible conditions to ensure the functioning of the European Public Prosecutor's Office, including multilingual, European-oriented schooling and appropriate transport connections.</p>			
<p style="text-align: center;"><i>Article 63</i></p> <p style="text-align: center;">Language arrangements</p> <p>1. Regulation No 110 shall apply to the acts provided in Articles 7 and 72.</p> <p>2. The translation services required for the functioning of the European Public Prosecutor's Office shall be provided by the Translation Centre of the bodies of the European Union.</p>	<p style="text-align: center;"><i>Article 58</i></p> <p style="text-align: center;">Language arrangements</p> <p>1. Regulation No 1¹⁶ shall apply to Eurojust.</p> <p>1(a) The College shall decide by a two-thirds majority of its members on the internal language arrangements of Eurojust.</p> <p>The translation services required for the functioning of Eurojust shall be provided by the Translation Centre of the bodies of the European</p>	<p style="text-align: center;"><i>Article 66</i></p> <p style="text-align: center;">Language arrangements</p> <p>1. The provisions laid down in Regulation No 1¹⁷ shall apply to Europol.</p> <p><i>1a. The Management Board shall decide by a majority of two-thirds of its members on the internal language arrangements of Europol.</i></p> <p>2. The translation services required for the functioning of Europol shall be provided by the</p>	<p style="text-align: center;"><i>Article 63</i></p> <p style="text-align: center;">Language arrangements</p> <p>1. Regulation No 1 shall apply to the acts provided in Articles 167 and 72.</p> <p><u>1(a) The College shall decide by a two-thirds majority of its members on the internal language arrangements of the European Public Prosecutor's Office.</u></p> <p>2. The translation services required for the functioning of the European Public Prosecutor's Office shall be</p>

¹⁶ OJ L 17, 6.10.1958, p.385.

¹⁷ OJ 17, 6.10.1958, p. 385/58.

	Union unless the urgency of the matter requires another solution.	Translation Centre of the bodies of the European Union.	provided by the Translation Centre of the bodies of the European Union, <u>unless the urgency of the matter requires another solution.</u>
<p><i>Article 64</i></p> <p>Confidentiality</p> <p>1. The European Public Prosecutor, the Deputies and the staff, European Delegated Prosecutors and their national staff shall be bound by an obligation of confidentiality with respect to any information which has come to their knowledge in the course of the performance of their tasks.</p> <p>2. The obligation of confidentiality shall apply to all persons and to all bodies called upon to work with the European Public Prosecutor's Office.</p> <p>3. The obligation of confidentiality</p>	<p><i>Article 59</i></p> <p>Confidentiality</p> <p>1. The national members, their deputies and their Assistants referred to in Article 7, Eurojust staff, national correspondents and, seconded national experts, and the Data Protection Officer and the staff of the European Data Protection Supervisor shall be bound by an obligation of confidentiality with respect to any information which has come to their knowledge in the course of the performance of their tasks.</p> <p>2. The obligation of confidentiality shall apply to all persons and to all bodies called upon to work with</p>	<p><i>Article 74</i></p> <p>Transitional arrangements concerning the Management Board</p> <p>[...]</p> <p>3. The Management Board as established on the basis of Article 37 of Decision 2009/371/JHA shall within the period between [...]</p> <p>(b) prepare the adoption of the rules <i>for applying Regulation (EC) No 1049/2001 with regard to Europol documents referred to in Article 67 of</i></p>	<p><i>Article 64</i></p> <p>Confidentiality¹⁸</p> <p>1. The members of the College European Public Prosecutor, the Deputies and the staff <u>of the European Public Prosecutor's Office, seconded national experts</u>, European Delegated Prosecutors and their national staff shall be bound by an obligation of confidentiality with respect to any information which has come to their knowledge in the course of the performance of their tasks.</p> <p>2. The obligation of confidentiality shall apply to all persons and to all bodies called upon to work with the European Public Prosecutor's</p>

¹⁸ See the current Article 23(5): "*Investigations carried out under the authority of the European Public Prosecutor's Office shall be protected by the rules concerning professional secrecy under the applicable Union legislation. Any person participating or assisting in carrying out the functions of the European Public Prosecutor's Office shall be bound to respect professional secrecy as provided under the applicable law*"; according to doc 15100/15, this provision shall be included in Article 64.

<p>shall also apply after leaving office or employment or after the termination of the activities of the persons referred to in paragraphs 1 and 2.</p> <p>4. The obligation of confidentiality shall apply to all information received by the European Public Prosecutor's Office, unless that information has already been made public or is accessible to the public.</p> <p>5. Members and the staff of the European Data Protection Supervisor shall be subject to the obligation of confidentiality with respect to any information which has come to their knowledge in the course of the performance of their tasks.</p>	<p>Eurojust.</p> <p>3 The obligation of confidentiality shall also apply after leaving office or employment or after the termination of the activities of the persons referred to in paragraphs 1 and 2.</p> <p>4. The obligation of confidentiality shall apply to all information received by Eurojust, unless that information has already lawfully been made public <u>or is accessible to the public</u>.</p> <p>5. Members and the staff of the European Data Protection Supervisor shall be subject to the obligation of confidentiality with respect to any information which has come to their knowledge in the course of the performance of their tasks.</p>	<p><i>this Regulation and</i> on the obligations of confidentiality and discretion, and the protection of <i>sensitive and</i> EU classified information referred to in Article 69 of this Regulation;</p> <p style="text-align: center;"><i>Article 44</i></p> <p style="text-align: center;">Data Protection Officer</p> <p style="text-align: center;">[...]</p> <p><i>12. The Data Protection Officer and his/her staff shall be bound by the obligation of confidentiality in accordance with Article 69.</i></p>	<p>Office.</p> <p>3. The obligation of confidentiality shall also apply after leaving office or employment or after the termination of the activities of the persons referred to in paragraphs 1 and 2.</p> <p>4. The obligation of confidentiality shall apply to all information received by the European Public Prosecutor's Office, unless that information has already <u>lawfully</u> been made public or is accessible to the public.</p> <p>5. Members and the staff of the European Data Protection Supervisor shall be subject to the obligation of confidentiality with respect to any information which has come to their knowledge in the course of the performance of their tasks.</p>
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<p style="text-align: center;"><i>Article 65</i></p> <p style="text-align: center;">Transparency</p> <p>1. Regulation (EC) No 1049/2001 shall apply to documents which relate to the administrative tasks of the European Public Prosecutor's Office.</p> <p>2. The European Public Prosecutor shall, within six months of the date of its establishment, adopt the detailed rules for applying Regulation (EC) No 1049/2001.</p> <p>3. Decisions taken by the European Public Prosecutor's Office under Article 8 of Regulation (EC) No 1049/2001 may form the subject of a complaint to the Ombudsman or of an action before the Court of Justice of the European Union, under the conditions laid down in Articles 228 and 263 of the Treaty respectively.</p>	<p style="text-align: center;"><i>Article 60¹⁹</i></p> <p style="text-align: center;">Transparency</p> <p>1. Regulation (EC) No 1049/2001 shall apply to documents which relate to Eurojust's administrative tasks.</p> <p>2. The College Executive Board shall, within six months of the date of its first meeting, adopt prepare the detailed rules for applying Regulation (EC) No 1049/2001 for adoption by the College.</p> <p>3. Decisions taken by Eurojust under Article 8 of Regulation (EC) No 1049/2001 may form the subject of a complaint to the Ombudsman or of an action before the Court of Justice of the European Union, under the conditions laid down in Articles 228 and 263 of the Treaty respectively.</p>	<p style="text-align: center;"><i>Article 67</i></p> <p style="text-align: center;">Transparency</p> <p>1. Regulation (EC) No 1049/2001²⁰ shall apply to documents held by Europol.</p> <p>2. On the basis of a proposal by the Executive Director, and bBy six months after the entry into force of this Regulation at the latest, the Management Board shall adopt the detailed rules for applying Regulation (EC) No 1049/2001 with regard to Europol documents.</p> <p>3. Decisions taken by Europol under Article 8 of Regulation (EC) No 1049/2001 may form the subject of a complaint to the Ombudsman or of an action before the Court of Justice of the European Union, under the conditions laid down in Articles 228 and 263 of the Treaty respectively.</p> <p><u>3a. Europol shall publish on its</u></p>	<p style="text-align: center;"><i>Article 65</i></p> <p style="text-align: center;">Transparency</p> <p>1. Regulation (EC) No 1049/2001 shall apply to documents which relate to the administrative tasks of the European Public Prosecutor's Office.</p> <p>2. The European Chief Public Prosecutor shall, within six months of the date of its establishment, prepare-adopt the detailed rules for applying Regulation (EC) No 1049/2001, <u>for adoption by the College</u>.</p> <p>3. Decisions taken by the European Public Prosecutor's Office under Article 8 of Regulation (EC) No 1049/2001 may form the subject of a complaint to the Ombudsman or of an action before the Court of Justice of the European Union, under the conditions laid down in Articles 228 and 263 of the Treaty respectively.</p>
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¹⁹ SE and FI reservation. SE and FI entered a declaration to the minutes of the Council doc 17046/14.

²⁰ OJ L 145, 31.5.2001, p. 43.

		<p><u>website a list of its Management Board members and the summaries of the outcome of the meetings of the Management Board. The publication of those summaries shall be temporary or permanently omitted or restricted if such publication would risk jeopardising the performance of Europol's tasks, taking into account its obligations of discretion and confidentiality and the operational character of the agency.</u></p>	
<p><i>Article 66</i></p> <p>OLAF and the European Court of Auditors</p> <p>1. In order to facilitate combating fraud, corruption and other unlawful activities under Regulation (EC) No 1073/1999 of the European Parliament and of the Council¹¹, within six months from the day the European Public Prosecutor's Office becomes operational, it shall accede to the Interinstitutional Agreement of 25</p>	<p><i>Article 61</i></p> <p>OLAF and the European Court of Auditors</p> <p>1. In order to facilitate combating fraud, corruption and other unlawful activities under Regulation (EC) No 1073/1999 883/2013, within six months from the entry into force of this Regulation, Eurojust it shall accede to the Interinstitutional Agreement of 25 May 1999 concerning internal investigations</p>	<p><i>Article 68</i></p> <p>Combating fraud</p> <p>1. In order to facilitate combating fraud, corruption and other unlawful activities under Regulation (EC) No 1073/1999 (EU) No 883/2013, within six months from ... [the day Europol becomes operational date of application of this Regulation], it Europol shall accede to the Interinstitutional Agreement of 25 May 1999 concerning internal</p>	<p><i>Article 66</i></p> <p>OLAF and the European Court of Auditors</p> <p>1. In order to facilitate combating fraud, corruption and other unlawful activities under Regulation (EC) No 1073/1999 883/2013 of the European Parliament and of the Council¹¹, within six months from the <u>date of application of this Regulation</u> day the European Public Prosecutor's Office becomes operational, the</p>

<p>May 1999 concerning internal investigations by OLAF and adopt the appropriate provisions applicable to all the employees of the European Public Prosecutor's Office using the template set out in the Annex to that Agreement.</p> <p>2. The European Court of Auditors shall have the power of audit, on the basis of documents and on the spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds from the European Public Prosecutor's Office.</p> <p>3. OLAF may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EC) No 1073/1999 with a view to establishing whether there have been any irregularities affecting the financial interests of the Union in connection with expenditure funded by the European Public Prosecutor's Office.</p>	<p>by the European Anti-fraud Office (OLAF) and adopt the appropriate provisions applicable to all the employees of staff national members, their deputies and Assistants, seconded national experts and Eurojust staff using the template set out in the Annex to that Agreement.</p> <p>2. The European Court of Auditors shall have the power of audit, on the basis of documents and on the spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds from Eurojust.</p> <p>3. OLAF may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EC) No 883/2013 and Council Regulation (Euratom, EC) No 2185/96²¹ with a view to establishing whether there have been any irregularities affecting the</p>	<p>investigations by the European Anti-Fraud Office (OLAF)²² and adopt appropriate provisions applicable to all employees of Europol using the template set out in the Annex to that agreement.</p> <p>2. The European Court of Auditors shall have the power of audit, on the basis of documents and on the spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds from Europol.</p> <p>3. OLAF may carry out investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract funded by Europol, in accordance with the provisions and procedures laid down in Regulation (EC) No 1073/1999 of the European</p>	<p><u>European Public Prosecutor's Office</u> shall accede to the Interinstitutional Agreement of 25 May 1999 concerning internal investigations by <u>the European Anti-Fraud Office (OLAF)</u> and adopt the appropriate provisions applicable to all the employees the members of the College European Public Prosecutor, the Deputies and the staff of <u>the European Public Prosecutor's Office, seconded national experts</u>, European Delegated Prosecutors and their national staff using the template set out in the Annex to that Agreement.</p> <p>2. The European Court of Auditors shall have the power of audit, on the basis of documents and on the spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds from the European Public Prosecutor's Office</p> <p>3. OLAF may carry out investigations, including on-the-spot checks and inspections, in</p>
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²¹ OJ L 292, 15.11.1996, p. 2.

²² OJ L 136, 31.5.1999, p. 15.

<p>4. Without prejudice to paragraphs 1, 2 and 3, working arrangements with third countries and international organisations or Interpol, contracts, grant agreements and grant decisions of the European Public Prosecutor's Office shall contain provisions expressly empowering the European Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.</p>	<p>financial interests of the Union in connection with expenditure funded by Eurojust.</p> <p>4. Without prejudice to paragraphs 1, 2 and 3, working arrangements with third countries, international organisations and Interpol, contracts, grant agreements and grant decisions of Eurojust shall contain provisions expressly empowering the European Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.</p>	<p>Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) (EU) No 883/2013 and Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities.²³</p> <p>4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements<i>working arrangements</i> with <i>Union bodies, authorities of</i> third countries, and international organisations <i>and private parties</i>, contracts, grant agreements and grant decisions of Europol shall contain provisions expressly empowering the European Court of Auditors and OLAF to conduct such audits and investigations, according to their</p>	<p>accordance with the provisions and procedures laid down in Regulation (EC) No 883/2013 and Council Regulation (Euratom, EC) No 2185/9612 with a view to establishing whether there have been any irregularities affecting the financial interests of the Union in connection with expenditure funded by the European Public Prosecutor's Office.</p> <p>4. Without prejudice to paragraphs 1, 2 and 3, working arrangements with <u>Union bodies, authorities of</u> third countries and international organisations, contracts, grant agreements and grant decisions of the European Public Prosecutor's Office shall contain provisions expressly empowering the European Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.</p>
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²³ OJ L 292, 15.11.1996, p. 2.

		respective competences.	
<p><i>Article 67</i></p> <p>Security rules on the protection of classified information</p> <p>The European Public Prosecutor's Office shall apply the security principles contained in the Commission's security rules for protecting European Union Classified Information (EUCI) and sensitive non-classified information, as set out in the annex to Commission Decision 2001/844/EC, ECSC, Euratom¹³. This shall cover, inter alia, provisions for the exchange, processing and storage of such information.</p>	<p><i>Article 62</i></p> <p>Rules on the protection of sensitive non-classified and of classified information</p> <p>1. Eurojust shall establish internal rules on the protection of sensitive non-classified information, including the creation and processing of such information at or by Eurojust.</p> <p>2. Eurojust shall establish internal rules on the protection of the European Union classified information which shall be consistent with Council Decision 2013/488/EU in order to ensure an equivalent level of protection for such information. apply the security principles contained</p>	<p><i>Article 69</i></p> <p>Security Rules on the protection of sensitive non-classified and of classified information</p> <p>1. Europol shall establish its own rules on the obligations of discretion and confidentiality; and on the protection of European Union classified information and sensitive non-classified information, taking into account.</p> <p>2. Europol shall establish rules on the protection of European Union classified information which shall be consistent with the basic principles and minimum standards of Council Decision 2011/292/EU 2013/488/EU in order to ensure an equivalent level of protection for such information. This shall cover, inter alia, provisions for</p>	<p><i>Article 67</i></p> <p>Security Rules on the protection of classified information</p> <p>1. The European Public Prosecutor's Office²⁵ shall <u>establish internal rules on the protection of sensitive non-classified information, including the creation and processing of such information at the European Public Prosecutor's Office.</u></p> <p>2. The European Public Prosecutor's Office²⁶ shall <u>establish internal rules on the protection of the European Union classified information which shall be consistent with Council Decision 2013/488/EU in order to ensure an equivalent level of protection for such information.</u> apply the security principles contained in the Commission's security rules for protecting European Union</p>

²⁵ Who will decide: the College?

²⁶ See previous footnote.

	<p>in the Council's security rules for protecting European Union Classified Information (EUCI) as set out in the annex to Commission Decision 2001/844/EC, ECSC, Euratom²⁴.</p>	<p>the exchange, processing and storage of such information.</p>	<p>Classified Information (EUCI) and sensitive non-classified information, as set out in the annex to Commission Decision 2001/844/EC, ECSC, Euratom¹³. This shall cover, inter alia, provisions for the exchange, processing and storage of such information.</p>
<p><i>Article 68</i></p> <p>Administrative inquiries</p> <p>The administrative activities of the European Public Prosecutor's Office shall be subject to the inquiries of the European Ombudsman in accordance with Article 228 of the Treaty.</p>	<p>Article 63</p> <p>Administrative inquiries</p> <p>The administrative activities of Eurojust shall be subject to the inquiries of the European Ombudsman in accordance with Article 228 of the Treaty.</p>	<p><i>Article 71</i></p> <p>Administrative inquiries</p> <p>The activities of Europol shall be subject to the controls inquiries of the European Ombudsman in accordance with Article 228 of the Treaty.</p>	<p><i>Article 68</i></p> <p>Administrative inquiries</p> <p>The administrative activities of the European Public Prosecutor's Office shall be subject to the inquiries of the European Ombudsman in accordance with Article 228 of the Treaty.</p>

²⁴ OJ L 317, 3.12.2001, p. 1.

<p style="text-align: center;"><i>Article 69</i></p> <p style="text-align: center;">General regime of liability</p> <p>1. The contractual liability of the European Public Prosecutor's Office shall be governed by the law applicable to the contract in question.</p> <p>2. The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by the European Public Prosecutor's Office.</p> <p>3. In the case of non-contractual liability, the European Public Prosecutor's Office shall, in accordance with the general principles common to the laws of the Member States and independently of any liability under Article 47, make good any damage caused by the European Public Prosecutor's Office or its staff in the performance of their duties in so far as it may be imputed to them.</p>	<p style="text-align: center;"><i>Article 64</i></p> <p style="text-align: center;">Liability other than liability for unauthorised or incorrect processing of data</p> <p>1. Eurojust's contractual liability shall be governed by the law applicable to the contract in question.</p> <p>2. The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by Eurojust.</p> <p>3. In the case of non-contractual liability, Eurojust shall, in accordance with the general principles common to the laws of the Member States and independently of any liability under Article 37, make good any damage caused by the College or the staff of Eurojust in the performance of their duties.</p> <p>4. Paragraph 3 shall also apply to damage caused through the fault of</p>	<p style="text-align: center;"><i>Article 51</i></p> <p style="text-align: center;">General provisions on liability and the right to compensation</p> <p>1. Europol's contractual liability shall be governed by the law applicable to the contract in question.</p> <p>2. The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause in a contract concluded by Europol.</p> <p>3. Without prejudice to Article 52, in the case of non-contractual liability, Europol shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its departments or by its staff in the performance of their duties.</p> <p>4. The Court of Justice of the European Union shall have jurisdiction in disputes over</p>	<p style="text-align: center;"><i>Article 69</i></p> <p style="text-align: center;">General regime of liability</p> <p>1. The contractual liability of the European Public Prosecutor's Office shall be governed by the law applicable to the contract in question.</p> <p>2. The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by the European Public Prosecutor's Office.</p> <p>3. In the case of non-contractual liability, the European Public Prosecutor's Office shall, in accordance with the general principles common to the laws of the Member States and independently of any liability under Article 47, make good any damage caused by the European Public Prosecutor's Office or its staff in the performance of their duties in so far as it may be imputed to them.</p>
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<p>4. Paragraph 3 shall also apply to damage caused through the fault of a European Delegated Prosecutor in the performance of his duties.</p> <p>5. The Court of Justice of the European Union shall have jurisdiction in disputes over compensation for damages referred to in paragraph 3.</p> <p>6. The national courts of the Member States competent to deal with disputes involving the liability of the European Public Prosecutor's Office as referred to in this Article shall be determined by reference to Council Regulation (EC) No 44/2001.</p> <p>7. The personal liability of its staff towards the European Public Prosecutor's Office shall be governed by the provisions laid down in the Staff Regulations or Conditions of Employment applicable to them.</p>	<p>a national member, a deputy or an Assistant in the performance of their duties. However, when he or she is acting on the basis of the powers granted to him or her pursuant to Article 8, his or her Member State of origin shall reimburse Eurojust the sums which Eurojust has paid to make good such damage.</p> <p>5. The Court of Justice of the European Union shall have jurisdiction in disputes over compensation for damages referred to in paragraph 3.</p> <p>6. The national courts of the Member States competent to deal with disputes involving Eurojust's liability as referred to in this Article shall be determined by reference to Council Regulation (EC) No 44/2001²⁷.</p> <p>7. The personal liability of its staff towards Eurojust shall be governed by the provisions laid down in the Staff Regulations or Conditions of Employment applicable to them.</p>	<p>compensation for damages referred to in paragraph 3.</p> <p>5. The personal liability of Europol staff towards Europol shall be governed by the provisions laid down in the Staff Regulations or Conditions of Employment applicable to them.</p>	<p>4. Paragraph 3 shall also apply to damage caused through the fault of a European Delegated Prosecutor in the performance of his duties.</p> <p>5. The Court of Justice of the European Union shall have jurisdiction in disputes over compensation for damages referred to in paragraph 3.</p> <p>6. The national courts of the Member States competent to deal with disputes involving the liability of the European Public Prosecutor's Office as referred to in this Article shall be determined by reference to Council Regulation (EC) No 44/2001</p> <p>7. The personal liability of its staff towards the European Public Prosecutor's Office shall be governed by the provisions laid down in the Staff Regulations or Conditions of Employment applicable to them.</p>
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²⁷ OJ L 12, 16.1.2001, p. 1. Regulation (EC) No 44/2001 is replaced by Regulation (EU) No 1215/2012 from 10 January 2015.

<p style="text-align: center;"><i>Article 70</i></p> <p style="text-align: center;">Reporting</p> <p>1. The European Public Prosecutor's Office shall issue an Annual Report on its general activities. It shall transmit this report to the European Parliament and to national Parliaments, as well as to the Council and the Commission.</p> <p>2. The European Public Prosecutor shall appear once a year before the European Parliament and the Council to give account of the general activities of the European Public Prosecutor's Office, taking into account the obligation of discretion and confidentiality. Upon request, he/she shall also appear before the Commission.</p> <p>3. National Parliaments may invite the European Public Prosecutor or European Delegated Prosecutors to participate in an exchange of views in relation to the general activities of the European Public Prosecutor's</p>	<p style="text-align: center;"><i>Article 55</i></p> <p style="text-align: center;">Involvement of the European Parliament Institutions and national Parliaments</p> <p>1. Eurojust shall transmit its Annual Report to the European Parliament, the Council and national Parliaments, which may present observations and conclusions.</p> <p>2. The President of the College shall appear before the European Parliament or the Council, at their request, to discuss matters relating to Eurojust, and in particular to present its Annual Reports, taking into account the obligations of discretion and confidentiality. Discussions shall not refer directly or indirectly to concrete actions in relation with specific operational cases.</p> <p>3. In addition to the other obligations of information and consultation set out in this regulation, Eurojust shall transmit to the European</p>	<p style="text-align: center;"><i>Article 7</i></p> <p style="text-align: center;">Member States' Cooperation with Europol</p> <p style="text-align: center;"><i>Europol National Units</i></p> <p style="text-align: center;">[...]</p> <p>10. Each year Europol shall draw up <i>an annual</i> report on the quantity and quality of information provided by each Member State pursuant to paragraph 5(a) and on the performance of its National Unit <i>on the basis of the quantitative and qualitative evaluation criteria defined by the Management Board</i>. The annual report shall be sent to the European Parliament, the Council, the Commission and national pParliaments.</p>	<p style="text-align: center;"><i>Article 70²⁸</i></p> <p style="text-align: center;">Reporting</p> <p>1. The European Public Prosecutor's Office shall issue an Annual Report on its general activities. It shall transmit this report to the European Parliament and to national Parliaments, as well as to the Council and the Commission.</p> <p>2. The European Public Prosecutor shall appear once a year before the European Parliament and the Council to give account of the general activities of the European Public Prosecutor's Office, taking into account the obligation of discretion and confidentiality. Upon request, he/she shall also appear before the Commission.</p> <p>3. National Parliaments may invite the European Public Prosecutor or European Delegated Prosecutors to participate in an exchange of views in relation to the general activities of the European Public Prosecutor's</p>
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²⁸ See Art 6a.

Office.	<p>Parliament and to national Parliaments in the respective official languages for information:</p> <p>a) the results of studies and strategic projects elaborated or commissioned by Eurojust;</p> <p>b) working arrangements concluded with third parties;</p> <p>c) the annual report of the European Data Protection Supervisor.</p> <p>2. Eurojust shall transmit its Annual Report to the national Parliaments. Eurojust shall also transmit to the national Parliaments the documents referred to in paragraph 3.</p>		Office.
<p><i>Article 71</i></p> <p>Transitional provisions</p> <p>1. Before exercising its tasks the European Public Prosecutor shall take any measures necessary for the setting up of the European Public Prosecutor's Office.</p>	n/A	n/A	<p><i>Article 71</i></p> <p>Transitional provisions</p> <p>1. Before exercising its tasks the European Public <u>Chief Public</u>-Prosecutor shall take any measures necessary for the setting up of the European Public Prosecutor's Office.</p>

<p>2. Without prejudice to Article 9, the first appointment of two of the Deputies to the European Public Prosecutor, to be chosen by lot, shall be made for a period of 6 years.</p> <p>3. Member States shall remain competent until the date on which the European Public Prosecutor's Office has been set up and assumed its tasks in accordance with Article 75(2). The European Public Prosecutor's Office shall exercise its competence with regard to any offence within its competence committed after that date. The European Public Prosecutor's Office may also exercise its competence with regard to any offence within its competence committed before that date if no competent national authority is already investigating or prosecuting it.</p>			<p>2. Without prejudice to Article 9, the first appointment of two of the Deputies to the European Public Prosecutor, to be chosen by lot, shall be made for a period of 6 years.</p> <p>3. Member States shall remain competent until the date on which the European Public Prosecutor's Office has been set up and assumed its tasks in accordance with Article 75(2).</p> <p>The European Public Prosecutor's Office shall exercise its competence with regard to any offence within its competence committed after that date. The European Public Prosecutor's Office may also exercise its competence with regard to any offence within its competence committed before that date if no competent national authority is already investigating or prosecuting it.</p>
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<p style="text-align: center;"><i>Article 72</i></p> <p style="text-align: center;">Administrative rules and programme documents</p> <p>The European Public Prosecutor shall:</p> <p>a) adopt each year the programming document containing annual and multi-annual programming of the European Public Prosecutor’s Office;</p> <p>b) adopt an anti-fraud strategy, which is proportionate to the fraud risks having regard to the cost-benefit of the measures to be implemented;</p> <p>c) adopt rules for the prevention and management of conflicts of interest in respect of the European Delegated Prosecutors;</p> <p>d) adopt rules on the status, performance criteria, rights and obligations of the Deputies and the European Delegated Prosecutors, as well as the rotation of European</p>	<p style="text-align: center;"><i>Article 16a²⁹</i></p> <p style="text-align: center;">Annual and multi-annual programming</p> <p>1. By [30 November each year] the College shall adopt a programming document containing a multi-annual and annual work programme, based on a draft put forward by the Administrative Director and approved by the Executive Board. It shall forward it to the European Parliament, the Council and the Commission. The work programme shall become definitive after final adoption of the general budget and if necessary shall be adjusted accordingly.</p> <p>2. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the</p>	<p style="text-align: center;"><i>Article 15</i></p> <p style="text-align: center;">Annual work programme and multi-annual work programme programming</p> <p>1. The Management Board shall adopt <i>the programming document containing the multiannual programming and the annual work programme</i> the latest by 30 November each year, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission <i>and in relation to the multiannual programming after consulting the European Parliament and national Parliaments</i>. It shall forward it <i>The programming document shall be forwarded</i> to the European Parliament, the Council, the Commission and national pParliaments.</p> <p>2. The annual work programme shall comprise detailed objectives and expected results</p>	<p style="text-align: center;"><i>Article 72³⁰</i></p> <p style="text-align: center;">Administrative rules and programme documents</p> <p>The College <u>European Public Prosecutor</u> shall:</p> <p>a) adopt each year the programming document containing annual and multi-annual programming of the European Public Prosecutor’s Office;</p> <p>b) adopt an anti-fraud strategy, which is proportionate to the fraud risks having regard to the cost-benefit of the measures to be implemented;</p> <p>c) adopt rules for the prevention and management of conflicts of interest in respect of the European Delegated Prosecutors;</p> <p>d) adopt rules on the status, performance criteria, rights and obligations of the <u>Members of College Deputies</u> and the European Delegated Prosecutors, as well as</p>
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²⁹ Formerly Article 15 of the Commission proposal.

³⁰ The list below will be completed later.

<p>Delegated Prosecutors for the purpose of implementing Article 7;</p> <p>e) adopt rules on the handling of transactions made in accordance with Article 29 and the modalities to calculate the amounts of the fine to be paid;</p> <p>f) adopt rules on the modalities of giving feedback to persons or entities which have provided information to the European Public Prosecutor's Office;</p> <p>g) adopt detailed rules concerning the application of Regulation (EC) No 1049/2001 in its activities;</p> <p>h) implementing rules referred to in Article 24(8) of Regulation (EC) No 45/2001.</p>	<p>financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be coherent with the multi-annual work programme referred to in paragraph 4. It shall clearly indicate which tasks have been added, changed or deleted in comparison with the previous financial year.</p> <p>3. The Executive Board shall amend the adopted annual work programme when a new task is given to Eurojust. Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Executive Board may delegate to the Administrative Director the power to make non-substantial amendments to the annual work programme, while keeping the Executive Board informed of any such amendment.</p> <p>4. The multi-annual work programme shall set out overall</p>	<p>including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be coherent with the multi-annual work programme programming referred to in paragraphs 4-1 and 1a. It shall clearly indicate tasks that have been added, changed or deleted in comparison with the previous financial year.</p> <p>3. The Management Board shall amend the adopted annual work programme if a new task is given to Europol.</p> <p>Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Management Board may delegate the power to make non-substantial amendments to the annual work programme to the Executive</p>	<p>the rotation of European Delegated Prosecutors for the purpose of implementing Article 7;</p> <p>[e) adopt rules on the handling of transactions made in accordance with Article 3329 and the modalities to calculate the amounts of the fine to be paid;]</p> <p>f) adopt rules on the modalities of giving feedback to persons or entities which have provided information to the European Public Prosecutor's Office <u>as foreseen in...</u>;</p> <p>g) adopt detailed rules concerning the application of Regulation (EC) No 1049/2001 in its activities;</p> <p>h) implementing rules referred to in Article 24(8) of Regulation (EC) No 45/2001.</p>
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	<p>strategic programming including objectives, expected results and performance indicators. It shall also set out resource programming including multi-annual budget and staff. The resource programming shall be updated annually. The strategic programming shall be updated where appropriate, and in particular to address the outcome of the evaluation referred to in Article 56.</p>	<p>Director.</p> <p>4.1.a. The Management Board shall also adopt the multi-annual work programme and update it by 30 November each year, taking into account the opinion of the Commission and after consulting the European Parliament and national parliaments.</p> <p>The adopted multi-annual work programme shall be forwarded to the European Parliament, the Council, the Commission and national Parliaments.</p> <p>The multi-annual work programme programming shall set out overall strategic programming including objectives, and expected results including and performance indicators. It shall also contain an indication of the amount and staff allocated to each objective, in line with the multiannual financial framework and the multi-annual staff policy plan set</p>	
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		<p><i>out resource planning including multi-annual budget and staff.</i> It shall include the strategy for relations with third countries or international organisations referred to in Article 29.</p> <p>The multi-annual programme <i>programming</i> shall be implemented through annual work programmes and shall, where appropriate, be updated following the outcome of external and internal evaluations. The conclusion of these evaluations shall also be reflected, where appropriate, in the annual work programme for the following year.</p>	
<p><i>Article 73</i></p> <p>Notifications</p> <p>Each Member State shall designate the authorities which are competent</p>	n/A	n/A	<p><i>Article 73</i></p> <p>Notifications³¹</p> <p>Each Member State shall designate the authorities which are competent</p>

³¹ See Footnote 60 in doch 15100/15, according to which the current rule in Article 17(3) on notification of substantive law provisions should be further developed and moved to the final provisions.

<p>for the purposes of Articles 6(6), 13(3), 17(2) and 26(4). Information on the designated authorities, as well as on any subsequent change, shall be notified simultaneously to the European Public Prosecutor, the Council and the Commission.</p>			<p>for the purposes of Articles <u>12, 18, 20, 21a, 23, 27 and 29</u>³² 13(3), 17(2) and 26(4). Information on the designated authorities, as well as on any subsequent change, shall be notified simultaneously to the European <u>Chief Public</u>-Prosecutor, the Council and the Commission.</p>
<p style="text-align: center;"><i>Article 74</i></p> <p style="text-align: center;">Review clause</p> <p>1. By [<i>five years after the start of application of this Regulation</i>] at the latest the Commission shall present its evaluation report to the European Parliament and the Council on the implementation of this Regulation, which may be accompanied by any legislative proposals.</p> <p>The report shall contain its findings on the feasibility and advisability of extending the competence of the European Public Prosecutor's Office to other criminal offences in accordance with Article 86(4) of</p>	<p style="text-align: center;"><i>Article 56</i></p> <p style="text-align: center;">Evaluation and review</p> <p>1. By [<i>5 years after the entry into force of this Regulation</i>] at the latest, and every 5 years thereafter, the Commission shall commission an evaluation of the implementation and impact of this Regulation, as well as the effectiveness and efficiency of Eurojust and its working practices. The evaluation shall, in particular, address the possible need to modify the mandate of Eurojust, and the financial implications of any such modification. The evaluation report shall be forwarded to the College for its observations. The</p>	<p style="text-align: center;"><i>Article 70</i></p> <p style="text-align: center;">Evaluation and review</p> <p>1. No later than five years after ... [the date of application of this Regulation], and every five years thereafter, the Commission shall commission an evaluation to assess particularly the impact, effectiveness and efficiency of Europol and its working practices. The evaluation shall may, in particular, address the possible need to modify the objectives structure, operation, field of action and tasks of Europol, and the financial implications of any such</p>	<p style="text-align: center;"><i>Article 74</i></p> <p style="text-align: center;">Review clause</p> <p>1. By [<i>five years after the start of application of this Regulation</i>] at the latest, and every 5 years thereafter, the Commission shall commission an evaluation of the implementation and impact of this Regulation, as well as the effectiveness and efficiency of the European Public Prosecutor's Office and its working practices</p>

³² To be completed.

<p>the Treaty.</p> <p>2. The Commission shall submit legislative proposals to the European Parliament and the Council if it concludes that more detailed rules on the setting up of the European Public Prosecutor's Office, its functions or the procedure applicable to its activities are necessary. It may recommend to the European Council the extension of the competence of the European Public Prosecutor's Office in accordance with Article 86(4) of the Treaty.</p>	<p>College shall be involved in the evaluation.</p> <p>2. The Commission shall forward the evaluation report together with its conclusions to the European Parliament and national Parliaments, the Council and the College. The findings of the evaluation shall be made public.</p> <p>3. On the occasion of every second evaluation, the Commission shall also assess the results achieved by Eurojust having regard to its objectives, mandate and tasks.</p>	<p>modification.</p> <p>2. The Commission shall forward the evaluation report together with its conclusions to the Management Board, which shall provide its observations on the report within three months from its receipt. The Commission shall forward the final evaluation report with its conclusions, together with the observations of the Management Board in an Annex, to the European Parliament, the Council, the national pParliaments and the Management Board. Where appropriate, the main findings of the evaluation shall be made public.</p> <p>3. On the occasion of every second evaluation, the Commission shall also assess the results achieved by Europol having regard to its objective, mandate and tasks. If the Commission considers that the continuation of Europol is no longer justified with regard to its</p>	<p>2. The Commission shall forward the evaluation report together with its conclusions to the European Parliament and national Parliaments and the Council. The findings of the evaluation shall be made public.</p> <p>[The report shall contain its findings on the feasibility and advisability of extending the competence of the European Public Prosecutor's Office to other criminal offences in accordance with Article 86(4) of the Treaty.]</p> <p>2. The Commission shall submit legislative proposals to the European Parliament and the Council if it concludes that more detailed rules on the setting up of the European Public Prosecutor's Office, its functions or the procedure applicable to its activities are necessary. It may recommend to the European Council the extension of the competence of the European Public Prosecutor's Office in accordance with Article 86(4) of the Treaty.]</p>
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		assigned objectives and tasks, it may propose that this Regulation be amended accordingly or repealed.	
<p><i>Article 75</i></p> <p>Entry into force</p> <p>1. This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i>.</p> <p>2. The European Public Prosecutor's Office shall assume the investigative and prosecutorial tasks conferred on it by this Regulation on a date to be determined by a decision of the Commission on a proposal of the European Public Prosecutor once the European Public Prosecutor's Office is set up. The decision of the Commission shall be published in the Official Journal of the European</p>	<p><i>Article 68</i></p> <p>Entry into force</p> <p>1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.</p> <p>This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.</p> <p>2. It shall apply from XXX³³.</p>	<p><i>Article 79</i></p> <p>Entry into force and application</p> <p>1. This Regulation shall enter into force on the 20th day following that of its publication in the <i>Official Journal of the European Union</i>.</p> <p>2. It shall apply from ... <u>[date of application]</u> <u>1 July 2017</u>.</p>	<p><i>Article 75</i></p> <p>Entry into force</p> <p>1. This Regulation shall enter into force on the twentieth day ³⁴ following that of its publication in the <i>Official Journal of the European Union</i>.</p> <p>2. The European Public Prosecutor's Office shall assume the investigative and prosecutorial tasks conferred on it by this Regulation on a date to be determined by a decision of the Commission on a proposal of the European Chief Public <u>Public</u> Prosecutor once the European Public Prosecutor's Office is set up. The decision of the Commission shall be published in the Official Journal</p>

³³ 20 days?

³⁴ Relation to entry into force of PIF Directive?

<p>Union.</p> <p>This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.</p>			<p>of the European Union.</p> <p>This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties. <u>It shall apply from xxx</u>³⁵</p>
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³⁵ X years after entry into force.