



DECISION OF THE COLLEGE OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE OF 15 MAY 2024

AMENDING THE DECISION ON THE FUNCTIONS AND PROCEDURES OF THE PERMANENT CHAMBERS

The College of the European Public Prosecutor's Office (EPPO),

Having regard to Council Regulation (EU) 1939/2017 of 12 October 2017¹, implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('EPPO'), hereinafter "the constituent act", and in particular Articles 9, 10, 12, 13, 26-28, 31, 34-36, 39, 40, 46, 91, 104 thereof,

Having regard to the Internal Rules of Procedure of the EPPO, adopted by the College on 12 October 2020, and subsequent amendments, and in particular Articles 7(5), 15-24, 32, 41-52, 54-57, 59-61, 69 thereof,

Having regard to the College Decision 15/2020 on the Permanent Chambers,

Having regard to the College Decision 16/2020 on the Composition of the Permanent Chambers and subsequent amendments,

Having regard to the College Decision 23/2020 laying down Guidelines on simplified procedures and on the delegation of powers of the Permanent Chambers respectively, as amended by Decision 03/2024 of 24 January 2024 of the College of the EPPO,

Taking into account the conclusions of the dedicated working group of European Prosecutors,

Considering the need to provide guidance on the activity and functioning of the Permanent Chambers, including their operational procedures concerning the monitoring of cases,

Considering the need to amend the College Decision 027/2022 in line with operational requirements,

Has adopted the following decision:

Article 1

Amendment of College Decision 027/2022 on Functions and Procedures of the Permanent Chambers

¹ OJ L 283, 31.10.2017, p. 1-71.



The Decision 027/2022 of the College of the EPPO of 29 June 2022 on the functions and procedures of the Permanent Chambers is amended as laid down in the Annex, which forms an integral part of this Decision.

Article 2

Entry into force

This Decision shall take effect on the date of its adoption.

Done at Luxembourg on 15 May 2024.

On behalf of the College,

Laura Codruța KÖVESI
European Chief Prosecutor

ANNEX: FUNCTIONS AND PROCEDURES OF THE PERMANENT CHAMBERS

Introduction

The Permanent Chamber (PC), headed by the Chair, is responsible for the monitoring and directing of the EPPO investigations and prosecutions, a task it carries out with the support of the Permanent Chamber Support Officers.

Each PC will have at least one dedicated Legal Support Staff. Administrative Support Staff will also be allocated to the PCs. In exceptional situations, due to the lack of sufficient personnel, the administrative and legal support tasks may be fulfilled by the same person.

The purpose of this document is to describe the activity of the PCs, providing guidance on their functioning, including their operational procedures concerning the monitoring of cases. This guidance further addresses the role and interaction between the members of the PC, the supervising European Prosecutor and the Permanent Chamber Support Officers.

This guidance applies foremost to the European Chief Prosecutor (ECP), the Deputy European Chief Prosecutors (DECPs) and the European Prosecutors (EPs) to the extent they take part in the activities of the PCs as either permanent members or supervising EPs.

The present document will be periodically updated to reflect changes in the operational processes over time.²

I. Meetings of the Permanent Chamber

The PCs generally discuss and adopt their decisions orally during PC meetings. When the legal framework provides for it, PCs can also opt for a written procedure. The following paragraphs describe how PC meetings are scheduled (i), how the agenda is drafted and adopted (ii), the preparation of ordinary/additional/urgent PC meetings (iii), the designation and the role of the rapporteur (iv), the unfolding of PC meetings (v), the follow-up on PC meetings (vi), as well as the written procedure (vii).

1) Scheduling of meetings

The Chair sets the dates of the PC's meetings. Each PC shall, in principle, hold at least two ordinary meetings per calendar month, to be scheduled at least 15 calendar days in advance.

² This guidance is in line with the following sources: the EPPO Regulation, in particular recitals 21, 25-28, 30, 34-37, 68, 78, 79, 82, 112, 115 and Articles 9, 10, 12, 13, 26-28, 31, 34-36, 39, 40, 46, 91, 104; the EPPO Internal Rules of Procedures ('IRP'), in particular Articles 7.5, 15-24 (Chapter II), 32, 41-52, 54-57, 59-61, 69; College Decision 15/2020 on the Permanent Chambers; College Decision 16/2020 on the Composition of the Permanent Chambers; College Decision 23/2020 Laying down Guidelines on simplified procedures and on the delegation of powers of the Permanent Chambers respectively; the Explanatory note to the decision on the organisation of the support to the Permanent Chambers, discussed by the College on 18 December 2020. The present note takes also into consideration the applicable legislative and regulatory framework governing data protection and the processing of operational personal data.

The Chair may call additional meetings whenever necessary, setting the date at least 5 days in advance. In urgent situations, meetings may be convened as soon as the permanent members and relevant supervising EP are available, but no later than within three days.

The scheduling should take into account the calendar of the supervising EPs who are supposed to attend the meetings as well as the College meetings. The Support Staff will assist in scheduling the meetings.

Depending on the availability of participants, PC meetings will be held in an in-person, virtual or hybrid mode.

2) Agenda

The Support Staff shall prepare a draft meeting agenda with the cases to discuss, based on the deadlines prescribed for adopting specific decisions, as well as according to the periodical monitoring of cases. The Support Staff shall propose to the Chair by email the list of cases to be included on the agenda timely before each PC meeting, for his/her approval.

The supervising EPs shall attend only the part of the PC meeting concerning the cases they supervise. The Support Staff shall check availabilities and calendars of supervising EPs who are required to attend the meeting. The supervising EPs shall be given "time-windows" (instead of precise timeslots) during which they should be available to discuss their respective cases, as it may not be entirely predictable how long the discussion on each single case will take. Wherever possible the agenda shall group the cases to be dealt with during the meeting in such a way that those supervised by the same EP(s) can be discussed consecutively.

Once the Chair approves the draft agenda,³ it shall be circulated by the Administrative Support Staff to all the permanent members of the PC, as well as to the staff tasked with providing legal support. The supervising EPs will receive an invitation with their cases scheduled for discussion. The permanent members of the PC may send comments on the provisional agenda and request to add further topics for discussion during the meeting.

The provisional agenda of an ordinary meeting should be circulated at least 5 days before the meeting, while the agenda of an additional or urgent meeting should be circulated within a timeframe that allows the permanent members, the supervising EPs and Support Staff to duly prepare for the meeting. The main source of information ahead of the meeting is the CMS with the EPPO case file.

3) Preparation of meetings

Once the provisional agenda has been adopted and circulated, the Legal Support Staff shall carry out a brief review of the issues to be considered during the PC meeting so that he/she can introduce the discussion per item as need be. Upon specific request by the chair, the Legal Support Staff may prepare written reports and briefings provisions, which may be uploaded into the CMS within the deadline set by the Chair and may be shared, where appropriate, with the supervising EP.

³ Upon approval by the Chair, the draft agenda becomes the provisional agenda.

4) Rapporteur

The Chair of the PC may designate a rapporteur from among the permanent members of the PC. A rapporteur who would add a supranational element and who would be able to report a different perspective than the national one (represented by the supervising EP) may be useful/appropriate when a case is particularly complex and it is expected that the PC will have to deal repeatedly with it. However, it is recommended that in simple cases no rapporteur be designated to avoid an “over-engineering” of the PC’s case monitoring process. The decision whether to designate a rapporteur or not should be left to the Chair of the PC.

A specific role may be created in further release of the CMS, in order to facilitate to the EPs keeping track and monitoring specifically the cases where they were designated as rapporteurs.

5) Meetings

The Chair heads the discussion and either introduces the case him-/herself, or asks the supervising EP, the rapporteur (if designated) or the Legal Support Staff to introduce the case and the relevant issues. Then, the supervising EP shall be asked for his/her opinion. On request of the Chair the Legal Support Staff will provide advice setting out the specific elements to be assessed when taking the specific decision. When requested by the chairperson, the Legal Support Staff shall also present any results of analytical and research tasks and, where appropriate, to further propose actions to be taken by the PC.

In addition to the Permanent Members, the European Prosecutor who is supervising an investigation or a prosecution in accordance with Article 12(1) EPPO shall participate in the deliberations of the PC.

After discussing a case, the Chair and the other permanent members shall proceed with the vote on the PC decision to be taken. The supervising EP shall participate in the vote if provided for in Article 10(9) EPPO Regulation.

The supervising EP shall have a right to vote, except as regards the PC’s decisions on:

- delegation or withdrawal of delegation in accordance with Article 10(7) EPPO Regulation,
- instructing an EDP to initiate an investigation, if the deliberation includes the question whether to allocate the case to the same EDP of the same Member State to which the information was assigned for verification, or to another EDP of another Member State,
- reallocation of a case to an EDP in another Member State, also as a consequence of a possible decision on merging or splitting,
- bringing a case to judgment in accordance with Article 36(3) EPPO Regulation, where more than one Member State has jurisdiction for the case,
- review of assisting measures in cross-border investigations under Article 31(8) EPPO Regulation.

Except for the Support Staff, all participants in the deliberations who do not have a right to vote shall not be present during the vote.

The supervising EP shall inform the PC during the meeting if there are specific requirements for the translation, if it is needed urgently or if he/she would like to verify the quality of the translation before it is considered final.

The PC, assisted by the Support staff, shall monitor that the reporting obligations under the EPPO Regulation with regard to IBOAs are duly addressed, with the support of Central Office staff, in line with the corresponding Working Arrangements/Agreements. If the PC decides to report a case to an IBOA, the Support Staff shall prepare a draft notification, which shall be reviewed by the handling EDP and signed by the Chair.

6) Follow-up on PC meetings

Within three working days after the meeting, the Administrative Support Staff shall submit to the Chair the minutes of the meeting in relation to each item of the agenda, separately for each case, indicating the attendance to the meeting and the outcome of the discussions per agenda item. The Administrative Support Staff shall ensure that the minutes are uploaded in the CMS before finalization by the Chair. In exceptional urgent cases, the Chair may shorten the deadline for preparing the draft minutes.

Whenever the PC has adopted a decision which is not based on a draft proposed by the EDP, the rapporteur or the Legal Support Staff shall prepare a draft and upload it in the CMS within 5 days from the approval of the minutes. In exceptional urgent cases, the Chair may shorten the deadline for preparing the draft. The Chair and the other permanent members as well as the supervising EP participating in the vote shall revise the draft in the CMS within the deadline set by the Chair.

The instruction or decision shall state the reasons on which it is based and, once approved, it shall be signed by the Chair. The date of the decision shall always refer to the date when the decision was adopted (the date of the vote), rather than the date when the decision has been signed. The Support Staff shall create or complete any corresponding CMS task(s), where appropriate.

When the decision shall become part of the case file, the Administrative Support Staff shall ensure that the decision is also available in the national language(s) of the proceedings. To that effect, the Administrative Support Staff shall ensure its translation in the national language(s) of the proceedings by the Centre des Traductions. The Administrative Support Staff will then upload in the CMS the decision in the national language(s) of the proceedings, which shall include a translation of the Chair's signature. After the handling EDP – or, if necessary, the supervising EP or staff member – has reviewed the translation, the Chair shall finalise the decision. The procedure for translating PC decisions may be revised later to explore ways of allowing the use of translators at national level.

The Support Staff shall monitor the deadlines for the execution of decisions and of instructions issued to EDPs, as well as the deadlines concerning the referral of a case to the national authorities under Article 34 EPPO Regulation and Article 57 IRP. Whenever the deadlines determined by the PC are not duly observed, the Chair shall be notified.

7) Written procedure

When the Chair decides that the PC is to adopt a decision by way of a written procedure, he/she may request the Support Staff to initiate the procedure by notifying via email the other permanent members and the supervising EP and indicating the case number, the file name of the draft decision and the deadline for objections determined by the Chair. If no draft decision has been proposed by the EDP, the Chair may ask the Legal Support Staff to prepare a draft decision and to upload it to the CMS.

Once the deadline for objections has expired, the decision shall be deemed to be adopted and the Support Staff will present the outcome of the procedure to the Chair.

If one of the permanent members or the supervising EP wants to lodge an objection to the written procedure he/she should notify the other members of the PC and the Support Staff via email, which shall subsequently be recorded in the CMS. The email should not contain any operational personal data, but only the case number and the grounds for the objection, if relevant.

The Chair shall organise a meeting or initiate another written procedure taking into account the objection(s) received.

II. Language to be used in the interaction between the Permanent Chambers and the European Delegated Prosecutors

1) Language of documents prepared by the EDP for the PC

All reports, proposals, observations prepared by the EDPs for the PC should be drafted in English, in accordance with the decision of the College on internal language arrangements.

However, the specific legal nature and the complexity of the documents prepared in relation to the termination of the investigation, justify a specific derogation to the general use of the working language in drafting EPPO documents.

According to Article 35(1) of EPPO Regulation, upon termination of the investigation the EDPs draft a report containing a summary of the case, along with a draft decision to prosecute, to dismiss or to apply a simplified prosecution procedure.

The summary of the case should be drafted in English. When drafting, use can be made of the e-translation tool. It should always contain a summary of the facts, their legal qualification under the national law, a description of the investigative acts carried out and their evidentiary results. When the EDP proposes to prosecute or to apply a simplified prosecution procedure, a draft of the indictment, or a draft of the proposal or decision, prepared in the language of the proceedings, should also be added.⁴ The draft indictment, or proposal/decision for the simplified prosecution procedure, should comply with all the formal requirements of the national procedural law for the respective type of decision.

⁴ Translation into English can be provided through the CMS, the translation portal or the *Centre des Traductions*.

2) Review of the EDP report on termination of the investigation

The PC will review the proposal based on the EDP report, containing a summary of the case, and, where prosecution or a simplified prosecution procedure is proposed, the attached draft indictment, or proposal/decision respectively.

If the PC agrees with the proposal, it will adopt the decision as proposed, making a reference within it to the summary of the EDP. The legal effects of the PC decision in the national legal order will be analysed separately by the College.

If the PC disagrees with the proposal, it will instruct the EDP to draft another report including the proposal and/or, where applicable, the draft indictment or proposal/decision for a simplified prosecution procedure, indicating the changes to be made.

3) Language of PC decisions

All decisions of the PC shall be drafted and adopted in English. When the decision needs to become part of the case file, a version of it in the national language of the proceedings shall be produced (see also point I. vi.).

III. The decision-making process

This section provides an overview of the main procedures the PC carries out when monitoring and directing investigations and prosecutions. Already during the verification phase, the EDP, EP and PC may consult each other on the basis of the information received. Once the verification is completed, the following procedures are particularly relevant: the review of the consideration not to exercise EPPO's competence (i); the monitoring of investigations (ii); the adoption of decisions during the investigation (iii); the conclusion of cases (iv); the referral of cases to the national authorities (v); the monitoring court proceedings (vi); the reopening of an investigation (vii).

1) Review of the consideration not to exercise EPPO's competence (Article 27 (6) EPPO Regulation)

Where an EDP registers in the CMS a consideration not to exercise EPPO's competence, by not evoking a case or not initiating an investigation, the system automatically creates the task *Review non-exercise consideration* for the PC, displaying also the indicative deadline.

Once the task is created, the Support Staff shall monitor the legal deadline for its completion, based on the date when the information was received by the EPPO and on the type of registration case (evocation or initiation of investigation).

The date when the deadline for evocation starts, is to be determined based on Art 27(1) of the EPPO Regulation, which makes reference to the moment when the EPPO has received all relevant information.⁵

⁵ The handling EDP shall record the date when the information reported to the EPPO is deemed complete in the CMS.

If necessary, the Support Staff shall propose to the Chair to organize an additional/urgent meeting or to ask the ECP for an extension of the deadline (by creating the task *Extend review deadline* upon the request of the Chair).⁶

The Legal Support Staff shall review the information in the registration case, including the grounds of the consideration and the relevant provisions of the EPPO Regulation, the IRP, and the relevant guidelines adopted by the College.

The review of the PC shall be based as a principle on the information reported by the national authorities via the ECR, taking into account, as appropriate, any complementary information provided by the handling EDP and/or by the supervising EP. If the national authorities have also attached additional information deemed essential for the assessment of EPPO's competence, the review may also take it into consideration.

During the PC meeting, the supervising EP elaborates his/her opinion on the proposed non-exercise consideration and the Legal support staff may, upon request by the Chair of the PC, complement the discussion on the relevant elements of the EPPO Regulation, the IRP and other guidelines adopted by the College.

If the PC follows the consideration of the EDP not to exercise the EPPO competence, no written version of the decision needs to be prepared (Art 10(4)(a) and (b) Regulation)⁷ and the EDP's considerations become final. In such cases, it is sufficient that the task of the PC is marked as complete in the CMS.

When the PC decides to exercise the EPPO competence, the Legal Support Staff shall draft the decision based on the deliberations of the PC within the deadline set by the Chair, upload it in the CMS and notify all members of the PC accordingly. The Chair shall set a deadline for the permanent members to review the draft in the CMS.

After approval by the members of the PC, the Support Staff shall ensure that the Chair signs the PC decision and, subsequently completes the Review non-exercise consideration task accordingly. If appropriate, the Chair may invite the supervising EP to provide comments on the draft decision. The EDP informs the competent national authorities according to Article 27(7) EPPO Regulation.

In addition, Article 27(8) EPPO Regulation, complemented by the College's 'Operational Guidelines on Investigation, Evocation Policy and Referral of Cases', allows the handling EDP, with reference to the degree of the seriousness of the offence or the complexity of the proceedings in the individual case, not to evoke a case if the damage to the Union's financial interests is of less than EUR 100 000. Where a handling EDP decides not to evoke a case based on the above guidelines, the CMS automatically creates the task Review non-exercise consideration to inform the competent PC. The PC subsequently confirms the EDP's decision not to evoke the case if the criteria of the Operational Guidelines are met or, otherwise, instructs the EDP to exercise the right of evocation.

⁶ It should be recalled that according to the IRP also the EDP may ask the ECP directly for an extension of the deadline.

⁷ From Art 10(4)(a) and (b) it can be deduced that in cases where the PC is called to review the EDP's consideration not to exercise the EPPO's competence, the PC should take decisions only when necessary to instruct the EDP to initiate an investigation or to exercise the right of evocation.

2) Monitoring of investigations (Articles 10(2), 12(1), 26 and 28(1) EPPO)

When the EDP decides to exercise the EPPO's competence, a new investigation case is created in the CMS. The system automatically creates the task *Monitor investigation*.

After the Legal Support Staff has verified that the EPPO's competence has been correctly exercised, and without prejudice to the provisions of Article 28(1) of the EPPO Regulation and Article 45(4) of the IRP, the Administrative Support Staff shall request the handling EDP by email, keeping the supervising EP in copy, to submit a first progress report within four months from the initiation of the investigation or the evocation of the case. The Administrative Support Staff shall also create a corresponding ad hoc request for the handling EDP in the CMS.

The Support Staff shall liaise with the Chair for the inclusion of the case on the PC agenda for its periodical review. Notwithstanding the provisions of Art 28(1) of the EPPO Regulation and Art 45(4) of IRP, in ordinary situations the regular review interval should be of 6 months, unless the specific case requires shorter review intervals.

After each monitoring, and following the finalisation of the minutes by the Chair, the Administrative Support Staff shall inform the handling EDP by email that the minutes are available in the CMS and communicate the agreed time frame of the next monitoring of the case. Six weeks before the case will be monitored by the PC, the Administrative Support Staff shall request the handling EDP by e-mail to submit a progress report in the CMS, keeping the supervising EP in copy. The Administrative Support Staff shall also create a corresponding ad hoc request for the handling EDP in the CMS. The handling EDP will submit the progress report, using the respective template, at the latest two weeks before the scheduled meeting of the PC, unless the PC sets a shorter deadline.

The supervising EP shall be invited to the meeting and present a summary of the case under his/her supervision. Where a rapporteur has been nominated, the rapporteur shall also be invited to give his/her opinion.

When monitoring the case, the PC should, inter alia, verify whether the criteria establishing EPPO's competence (Article 22 Regulation) and the criteria under which the EPPO can exercise its competence (Article 25(3)(a) and (b) Regulation) are met and ensure that the relevant information is stored in the CMS.

Whenever the EDP updates the progress report, the system notifies the PC members, the supervising EP and the Support Staff. The Legal Support Staff shall review each update and propose the inclusion of the case on the PC agenda, following the regular review intervals or whenever an urgent decision or instruction is required.

Following the PC meeting where the case was reviewed, the Support Staff shall complete the task *Monitor investigations*.

Where appropriate, the Support Staff shall create the task corresponding to the PC decision (e.g. *Give instructions to EDP*, *Ad hoc task*) and, if needed, shall attach the relevant documents signed by the Chair. The PC can create tasks for the supervising EP, for the handling or assisting EDP, or for a Case Support Officer (case analyst, financial investigator).

3) Decisions adopted during the investigation (Article 10(6) EPPO)

Within the framework of a particular investigation, members of the case team (PC members, supervising EP, handling EDP, Support Staff) may create tasks in the CMS in order to initiate the process for the PC to adopt one of the decisions foreseen by the EPPO Regulation or the IRP. Those tasks are as follows: *Reallocate case to EDP (same MS); Reallocate case to EDP (other MS); Reallocate case to PC; Review request to merge case; Review request to split case; Review EP request to conduct investigation; Request to review instruction; Review assisting measure; Review request for financial contribution; Delegate powers to EP; Withdraw delegation from EP.*

Whenever a task entails a PC decision, the Support Staff shall determine the applicable deadline for its completion and, when necessary, liaise with the Chair to put the relevant case on the agenda for the next ordinary PC meeting, to schedule an additional or urgent PC meeting, or to initiate within the limits of Article 24(1) IRP the written procedure.

The Legal Support Staff shall review the information available and analyse possible options of completing the task.

Decisions shall be taken after deliberation in meetings of the PC or in written procedure on the basis, where applicable, of the draft decision proposed by the handling EDP, the supervising EP or one of the PC members.

The European Prosecutors shall present summaries of the cases under their supervision and, where applicable, proposals for decisions to be taken by the PC, on the basis of draft decisions prepared by the European Delegated Prosecutors.

Based on the outcome of the PC meeting, the Support Staff shall complete the task in the CMS and, where appropriate, shall attach the decision signed by the Chair.

4) Termination of the investigation (Article 35(1) EPPO and Article 56 IRP)

When the handling EDP considers the investigation to be completed, he/she shall upload in the CMS a report and a draft decision in accordance with Article 56 IRP whether to prosecute before a national court or to consider a referral of the case, dismissal or simplified prosecution procedure in accordance with Articles 34, 39 or 40 EPPO. The EDP encodes the task *Assess INV. Decision* in the CMS.

Within 10 days, the supervising EP shall forward to the PC in the CMS the case report and the draft decision together with his/her own observations, if deemed necessary.

The Support Staff will monitor the deadline applicable for completing the task and, when necessary, liaise with the Chair to organize an additional or urgent meeting. The Legal Support Staff shall verify whether the report contains all the information required according to Article 56 IRP and whether the proposal is consistent with the EPPO Regulation, the IRP, the relevant College guidelines, and the ECJ case law. The Legal Support Staff should also check whether the summary of the case and, in case prosecution or a simplified prosecution procedure is proposed, the draft indictment or draft proposal/decision, is attached.

The PC shall decide on the draft decision to bring a case to judgment within 21 days. The PC cannot decide to dismiss the case if a draft decision proposes bringing a case to judgment. Where the PC does not take a decision within the 21-day time limit, the decision proposed by the EDP is deemed to be accepted.

The PC may adopt or amend the decision proposed by the EDP, may adopt a different decision or may instruct the EDP to continue the investigation, indicating the specific activities to be undertaken, in accordance with Article 46 IRP. Where the PC fully agrees with the proposal and the reasoning of the handling EDP, a reference in its decision to the report shall be sufficient. In case of disagreement with the EDP's proposal and/or reasoning, the PC shall duly motivate its decision. Where the PC decides not to adopt a decision, but to give further instructions to the EDP, the Support Staff will create the corresponding task in the CMS. If a decision to dismiss the case has been adopted by the PC, the EDP shall undertake the notification and information required pursuant to Article 39(4) EPPO.

5) Referral of cases to the national authorities (Article 34 EPPO and Article 57 IRP)

Where the EDP, the supervising EP or a member of the PC proposes to refer the case to the national authorities, he/she shall upload the proposed draft decision in the CMS and create the task *Refer case to national authority*. The draft decision shall state the reasons for the referral, in particular where the draft decision deviates from the Guidelines on criteria for referral of cases to the competent national authorities as laid down in the Annex 4 to College Decision 029/2021. The system automatically notifies the other members of the case team.

Upon notification of the proposal, the Legal Support Staff shall review if the requirements set in Article 34(1)-(3) EPPO and the relevant College guidelines are met.

The Chair shall decide whether the PC will adopt its decision by way of written procedure (Article 24(1)(a) IRP) or shall ask the Support Staff to include the case on the agenda of the next meeting.

The CMS automatically communicates any decision to refer a case to national authorities on the basis of Article 34(3) EPPO to the ECP. If the ECP does not intervene within 3 days, the decision shall be deemed final, shall be translated, registered in CMS and sent to the competent national authority. The handling EDP shall be advised to refrain from closing the case until the translated decision is added to the EPPO-Doc library.

Where the competent national authorities do not accept to take over the case in accordance with Article 34(2) or (3) EPPO Regulation within a timeframe of maximum 30 days, the PC shall remain competent to prosecute or dismiss the case. The Support Staff shall monitor the deadlines under Article 34 EPPO Regulation and Article 57 IRP.

6) Monitoring court proceedings (Article 36 EPPO and Article 60 IRP)

When the EDP registers in the CMS a report containing any significant developments on the court proceedings or updates it, in line with Article 60(2) of the IRP, the system will notify the members of the case team. The Support Staff shall liaise with the Chair for including the case on the agenda of a further meeting. Subsequently the Legal Support Staff, when so requested



by the Chair of the PC, shall analyse whether there are grounds for issuing instructions to the EDP or the EP, in accordance with Article 10(5) of the EPPO Regulation.

Where, following a judgment of the court, the EDP, in line with Article 36(7) EPPO, registers in the CMS a draft decision proposing to lodge an appeal, the Administrative Support Staff shall liaise with the Chair for including it on the agenda of a further meeting. On request of the Chair, the Legal Support Staff shall prepare an opinion on whether there are grounds to file an appeal, or, if an appeal has been filed by the EDP, whether to maintain or withdraw the appeal.

7) Reopening an investigation (Article 39(2) EPPO and Article 59 IRP)

After the dismissal of a case, or part of it, if the EDP registers in the CMS a report assessing new facts that were not known at the time of the dismissal decision, and which may warrant further investigations, the system automatically assigns the EDP's report and the corresponding draft decision to the same PC that decided upon the dismissal.

The Administrative Support Staff will liaise with the Chair in order to include the case on the agenda of the next PC meeting. The Legal Support Staff shall review the proposal and draft – if applicable – the PC decision on the reopening of the investigation, in line with the outcome of the PC meeting.