

Working Arrangement
on the cooperation between the European Public Prosecutor's Office (EPPO)
and the General Prosecutor's Office of the Principality of Andorra

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The European Public Prosecutor's Office ('EPPO'), hereinafter referred to as "the EPPO", and the General Prosecutor's Office of the Principality of Andorra, hereinafter referred to as "the GPOPA", together referred to as "the Participants",

Having regard the provisions of the Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ("the EPPO"), hereinafter referred to as "the EPPO Regulation", and in particular the Articles 99 and 104 thereof,

Acknowledging that, in accordance with Article 99(3) of the EPPO Regulation, this working arrangement concluded by the EPPO may not form the legal basis for allowing the exchange of personal data, nor have legally binding effects on the European Union, its Member States or the Principality of Andorra,

Considering the will of the Participants to establish a close cooperation with a view of protecting by investigative and prosecutorial means the financial interests of the European Union and the Principality of Andorra,

Aiming to facilitate cooperation and exchange of information between them in order to ensure effective investigation and prosecution, in full respect of the Charter of Fundamental Rights of the European Union, and to bring to justice without undue delay all persons who are suspect or accused of committing crimes against the EU budget, especially related to money laundering and other associated crimes,

HAVE AGREED THIS WORKING ARRANGEMENT:

Section I.-Purpose

The purpose of this Working Arrangement (hereinafter referred as "the Working Arrangement") is to facilitate cooperation between the Participants in investigations and prosecutions within their competences, with respect to the exchange of strategic and operational information and other forms of cooperation, in accordance with their respective legal frameworks, including bilateral and multilateral instruments, as appropriate.

Section II.- Scope

The Participants cooperate in all areas referred to in this arrangement within the scope of their respective legal frameworks, with a particular focus in financial crimes.

Section III.- Definitions

For the purposes of this Working Arrangement:

- a) “European Prosecutor” means the EPPO post-holders referred to in Articles 16 and 96(1) of the EPPO Regulation;
- b) “European Delegated Prosecutor” means the EPPO post-holders referred to in Articles 17 and 96(6) of the EPPO Regulation;
- c) “EPPO staff” means the staff and other persons referred to in Article 2 (4) and Article 98 of the EPPO Regulation;

Section IV.- Cooperation on gathering evidence

The Participants provide each other with the widest extent of cooperation for gathering evidence or operational information, in accordance with their applicable legal frameworks and the applicable international legal instruments, in particular the European Convention on mutual assistance in criminal matters, Strasbourg, 20 April 1959, to which the Principality of Andorra and the EPPO participating Member States are Parties.

Section V.- Freezing and confiscation of assets

The Participants shall cooperate in the area of freezing, seizing and confiscating of assets in accordance with their applicable legal frameworks and multilateral legal instruments.

Section VI.- Joint investigation teams

The Participants cooperate on setting up joint investigation teams in cases that would fall under their competences in accordance with their applicable legal frameworks and multilateral legal instrument. For the setting up of a joint investigation team, the Participants shall conclude specific agreements.

Section VII.- Extradition

The Participants acknowledge that where it is necessary for the EPPO to request the extradition of a person sought, the handling European Delegated Prosecutor may request the competent authority of his/her Member State to issue an extradition request in accordance with the European Convention on extradition, Paris, 13 December 1957, to which the Principality of Andorra and the EPPO participating Member States are Parties.

Section VIII.- Other ways of cooperation

The Participants may:

- (a) exchange any strategic and other non-operational information in areas within their competence. This information shall not contain personal data;
- (b) cooperate in carrying out training sessions on matters of common interest;
- (c) organising training sessions on matters of common interest;
- (d) invite each other to seminars, workshops, conferences, and other similar activities that are mutually relevant;
- (e) provide logistical, technical, or other support, expertise or other cooperation, to each other in such manner as they may decide between them; and
- (f) participate in such additional cooperation or activities as may be decided between them.

Section IX.- Contact Points

1. For purposes of facilitating cooperation under this Working Arrangement, the GPOPA point of contact is the following:

Secretaria de la Fiscalia General
Fiscalia General
Baixada del Molí, 2-4, planta 6, Seu de la Justícia
CP AD500
Andorra la Vella – Principat d'Andorra
Tel. +376 870 720
e-mail: fiscalia@justicia.ad

2. For purposes of facilitating cooperation under this Working Arrangement, the EPPO points of contact are the following:

For case-specific communications: Operations Unit, IBOA and Operational Cooperation Team,
11 Avenue John F. Kennedy, L-1855, Luxembourg,
e-mail: eppo-international-cooperation@eppo.europa.eu

For other communications: Counsellor to the European Chief Prosecutor for international relations, e-mail: eppo-executiveoffice@eppo.europa.eu.

Section X.- Means and channels of communication

1. The Participants may communicate by any means whereby a written record can be produced, including through secured means of electronic communication.
2. At operational level, the Participants shall cooperate in accordance with their applicable legal frameworks.
3. Communications between Participants shall be conducted in French, Spanish or Catalan.

Section XI.- Data protection

1. Transfer of personal data between the Participants shall not take place under this Working Arrangement and shall be subject to their respective legal frameworks, including relevant international agreements where applicable.
2. Any other exchanged information shall be subject to their respective legal frameworks, including relevant international agreements where applicable.
3. Exchanged information shall only be used for the purpose for which it was provided and must not be included in any judicial or administrative proceeding without the prior written authorisation of the other Participant.

Section XII.- Consultations

The Participants shall consult each other regarding any matters that may lead to different interpretations of this Working Arrangement.

Section XIII.- Expenses

Unless otherwise stipulated, the Participants shall bear their own expenses that arise in the course of implementation of this Working Arrangement.

Section XIV.- Amendments

This Working Arrangement may be amended in writing at any time by mutual consent between the Participants.

Section XV.- Termination of the Working Arrangement

1. This Working Arrangement may be terminated in writing by either Participant with three months' notice.
2. In case of termination, the Participants shall reach agreement on the continued use and storage of the information that has already been communicated between them.
3. Without prejudice to paragraph 1, the termination of the arrangement shall not have any effect on the acts conducted under its validity.

Section XVI.- Entry into force

This Working Arrangement shall enter into force on the date of the last signature.

Done at Luxemburg and at Andorra la Vella on November 28th, 2024, in two originals in English and Catalan languages, all texts being equally authentic.

For the European Public Prosecutor's
Office,

Laura Codruta KÖVESI
European Chief Prosecutor

For the General Prosecutor's Office of
the Principality of Andorra,

Xavier SOPENA GONZÁLEZ
General Prosecutor of the
Principality of Andorra