

# EPPO Signs Working Arrangement with U.S. Law Enforcement



Thomas Wahl

## News

On 26 July 2022, the EPPO signed a Memorandum of Understanding (MoU) and Working Arrangement (WA) on cooperation with the United States Department of Justice and the United States Department of Homeland Security. The MoU/WA will facilitate cooperation between the participants in investigations and prosecutions relating to criminal offenses within their respective competences, with respect to the exchange of strategic and operational information and evidence, extradition and other forms of cooperation.

It is stressed that the gathering and provision of information and evidence follows the rules of applicable international agreements or law governing mutual legal assistance, “or through an available arrangement or other police cooperation mechanism”. The U.S. Department of Justice confirms that it “intends to provide mutual legal assistance in response to a request made on behalf of a European Delegated Prosecutor [EDP] handling the matter and transmitted between the appropriate authority of the EU Member State in which the investigation or prosecution is being carried out and the U.S. Central Authority for mutual legal assistance”. The EPPO, in turn, “intends to cooperate (...) in providing evidence needed by the U.S. Department of Justice or Department of Homeland Security for an investigation, prosecution, or related proceeding conducted under their respective authority”.

Moreover, the U.S. side acknowledges that the handling EDP can request the competent authority of its Member State to seek provisional arrest or extradition of persons sought for prosecution the EPPO is conducting, in line with the applicable extradition treaty of the EU Member State and the United States of America.

Other provisions of the MoU/WA address:

- Participation in Joint Investigation Teams;
- Other ways of cooperation, e.g. the exchange of strategic and non-operational information;
- Points of contact and liaison officers;
- Mode and channels of communication;
- Data protection;
- Consultation;
- Expenses;
- Modification of the MoU/WA.

The arrangement became applicable on 26 July 2022.

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