

aansprakelijkheid voor schade, van welke aard ook, die verband houdt met risico's verbonden aan het elektronisch verzenden van berichten.

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Van: 10.2.e - BD/DRC/FO
Aan: 10.2.e @belastingdienst.nl
Cc: 10.2.e - BD/DRC/FO
Onderwerp: RE:
Datum: dinsdag 25 februari 2020 10:38:03

Ha 10.2.e, in de spreektekst staat dat er enig begrip is voor mevrouw Kövesi's geldzorgen, maar dat we nu in eindfase MFK-besprekingen zijn, 11.1

Groeten, 10.2.e

Verzonden met BlackBerry Work
(www.blackberry.com)

Van: 10.2.e @belastingdienst.nl 10.2.e @belastingdienst.nl>
Datum: dinsdag 25 feb. 2020 10:26
Aan: 10.2.e - BD/DRC/FO <10.2.e @minjenv.nl>, 10.2.e@belastingdienst.nl
<10.2.e@belastingdienst.nl>
Kopie: 10.2.e @belastingdienst.nl <10.2.e @belastingdienst.nl>, 10.2.e @belastingdienst.nl <10.2.e @belastingdienst.nl>
Onderwerp:

Hoi 10.2.e ,

Zie bericht NRC van 22/2. Is er in het licht van de ontmoeting tussen 10.2.e en Kovesie volgende week woensdag nog iets van nieuws te melden vanuit jou wat aan 10.2.e mee gegeven kan worden.

groet

10.2.e

Reeds openbaar. "Europa doet alles half. Altijd" NRC.nl 22-2-2020

Er zijn toch 29 medewerkers?, vroeg een parlementariër. Ja, antwoordde Kovesi, maar 25 daarvan zetten de IT en de administratie op.

De vier overige moeten alle zaken analyseren. Dossiers die ontvankelijk worden verklaard, worden doorgestuurd naar nationale aanklagers. Alle 22 lidstaten die aan EPPO meedoen, hebben beloofd twee aanklagers beschikbaar te stellen. Deze 44 aanklagers moeten, in gemengde groepjes, achter Europese corruptiezaken aan. Maar sommige landen maken niemand vrij. Andere leveren alleen parttimers, die het Europese werk erbij doen. Van de 44 aanklagers heeft ze er nu 32 en een kwart. Ja: een kwart.

Dan hebben alle deelnemende lidstaten een bestuurslid bij EPPO. Zo houden ze greep op Europese instellingen. Alleen Malta benoemt niemand. Zonder voltallig bestuur kan EPPO niet beginnen.

De hele zitting staat op video. Hier zie je hét grote probleem van Europa in een notendop: lidstaten besluiten constant om allerlei dingen Europees te doen die ze zelf niet kunnen (zoals miljardenfraudes met BTW opsporen) en vervolgens verdommen ze het om het benodigde geld en middelen beschikbaar te stellen. Alles moet op een koopje, altijd. Daarom doet de EU altijd alles half. Het is alsof lidstaten Europa geen succes gunnen.

Europa moet 'geopolitiek' denken, zegt Rutte steeds. Toch schrapt de Europese buitenlandse dienst, mede door zijn vrekigheid, elk jaar banen. Europa moet internetgiganten aanpakken, roept iedereen. Maar voor enorme zaken tegen Google heeft de EU vier, vijf man, terwijl Google zo tachtig advocaten inhuurt. Lidstaten willen dat Frontex tienduizend grenswachten krijgt om de buitengrenzen te beschermen – de burger wil immers veiligheid. Maar in de kostenraming daarvoor hebben ze 43 procent gesneden. In de ontwerpbegroting voor EPPO is 30 procent gehakt. Ook Eurojust en Europol krijgen extra taken, maar te weinig geld om die naar behoren uit te voeren.

Dit is de tragiek van Europa: nationale regeringen nemen geen verantwoordelijkheid voor een project dat zeventig jaar vrede en voorspoed heeft gebracht. Met hun vrekigheid helpen ze het naar de knoppen. Een ondermaats presterend EPPO wordt een lachertje voor fraudeurs en schurken: grote woorden, nul daden. Geen wonder dat burgers eurosceptisch worden en denken: het zal wel.

Als je wilt dat Europa floreert en burgers de toegevoegde waarde zien, moet je het omgekeerde doen: die aanklagers een paar miljoen meer sturen, zodat ze miljarden kunnen binnenhalen.'

[Caroline de Gruyter schrijft wekelijks over politiek en Europa.]

<https://www.nrc.nl/nieuws/2020/02/22/europa-doet-alles-half-altijd-a3991343>

10.2.e

Fiscale inlichtingen en opsporingsdienst

10.2.e

projectleider Europees Openbaar Ministerie

Rijksgebouw De Knoop| Croeselaan 14| 3521 CA| Utrecht

Mobile: 0031610.2.e

10.2.e @belastingdienst.nl

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A041

Van: 10.2.e - BD/DRC/FO
Aan: 10.2.e - BD/DEIA/EU 10.2.e - BD/DEIA/EU; 10.2.e @minbuza.nl;
10.2.e @minbuza.nl; 10.2.e @om.nl
Cc: 10.2.e - BD/DEIA/EU; 10.2.e - BD/DRC/FO; 10.2.e - BD/DRC/FO
Onderwerp: Annotatie bezoek mevrouw Kövesi 04032020 def
Datum: maandag 24 februari 2020 18:06:06
Bijlagen: Annotatie bezoek mevrouw Kövesi 04032020 def.doc

Met dank aan de 10.2.e voor de finetuning op MFK-gebied, gaat hierbij de definitieve annotatie voor de ontmoeting tussen de Minister en mevrouw Kövesi op 4 maart a.s.. Ik zal deze versie via Digijust aan de Minister voorleggen.

Groeten,

10.2.e



Nadere kennismaking met Laura Kövesi

Gesprekspartner(s): idem

Gelegenheid: bezoek aan Den Haag

Datum: 4 maart 2020

Directie:

Turfmarkt 147
2511 DP Den Haag
Postbus 20301
2500 EH Den Haag
www.rijksoverheid.nl/jenv

Contactpersoon
10.2.e

M 06 **10.2.e**
E **10.2.e** @minjenv.nl

Datum

24 februari 2020

1. Essentie boodschap

- NL is blij met de benoeming van mevrouw Kövesi tot Europees Hoofdaanklager en wenst haar veel succes in deze lastige functie
- NL wil graag actief bijdragen aan het welslagen van het EOM en aan de voorbereidingen om het zo snel mogelijk van start te laten gaan

Buiten reikwijdte verzoek

- NL deelt het standpunt van mevrouw Kövesi dat iedere lidstaat ten minste twee full-time gedelegeerde Europese aanklagers zou moeten hebben. U kunt daarvoor verwijzen naar uw brief van 13 december jl.
- NL hoort graag hoe mevrouw Kövesi aankijkt tegen de betrokkenheid van lidstaten wanneer het College voor hen ingrijpende besluiten neemt, zoals ten aanzien van

Buiten reikwijdte verzoek
de begroting **Buiten reikwijdte verzoek**
Buiten reikwijdte verzoek

- NL is benieuwd naar de wijze waarop mevrouw Kövesi nationale parlementen bij het werk van het EOM wil gaan betrekken. Ter vergelijking, het Nederlandse parlement kan de Minister aanspreken op zaken bij het OM die niet goed gaan
- Ten overvloede, NL is niet voor uitbreiding van het mandaat van het EOM tot terrorismebestrijding. Hoe staat mevrouw Kövesi daar zelf tegenover?

- **11.1** de zorgen die mevrouw Kövesi heeft uitgesproken over de beperkte omvang van de EOM-begroting. Dit punt dient echter te worden gezien in de bredere context van de besprekingen over het nieuwe meerjarig financieel kader. Deze zijn inmiddels in de eindfase beland, **11.1**

2. Spreekpunten in Engels, tenzij anders aangegeven

- NL **welcomes the appointment** of Ms Kövesi as European Chief Prosecutor and wishes her every success in this challenging position
- NL would like to continue to **actively contribute** to the success of the EPPO and to the preparations to get it started as soon as possible

Buiten reikwijdte verzoek

- NL shares the opinion of Ms Kövesi that each Member State should have **at least two full-time European Delegated Prosecutors** or EDPs (*zie uw brief van 13 december jl. aan mevrouw Kövesi*)

- NL would like to hear how Ms Kövesi looks at **the involvement of Member States** when the College takes far-reaching decisions for them, such as concerning Buiten reikw

he budget **Buiten reikwijdte verzoek** **Buiten reikwijdte verzoek**

- NL is curious about the way in which Ms Kövesi will **involve national parliaments** in the work of the EPPO. By comparison, the Dutch parliament can hold the Minister to account for issues at the Public Prosecution Service or police that are not going well

- Needless to say, NL is **not in favour of extending the EPPO's mandate to combating terrorism**. What is Ms Kövesi's take on that perspective?

11.1 the concerns that Ms Kövesi has expressed in relation to the limited size of the EPPO budget. This issue should, however, be considered

in the broader context of **the ongoing discussions** on the new multiannual financial framework

3. Krachtenveld

N.v.t.

4. Achtergrond

Mevrouw Kövesi bezoekt van 4-6 maart a.s. Den Haag in het kader van een toer langs de hoofdsteden van de aan het EOM deelnemende lidstaten. Op 4 maart spreekt zij naast u, de Voorzitter van het College van procureurs-generaal, het Hoofd van het Functioneel Parket, de Directeur van de FIOD en de beoogde Nederlandse Europees aanklager, **10.2.e**. Op 5 maart a.s. bezoekt zij Eurojust en op 6 maart a.s. Europol.

Buiten reikwijdte verzoek

De inhoudelijke spreekpunten hierboven sluiten in belangrijke mate aan bij de brief die u op 13 december jl. aan mevrouw Kövesi heeft gestuurd naar aanleiding van haar vraag naar statistische gegevens over EU-fraude zaken in Nederland. De brief is ter informatie bijgevoegd. **11.1**

11.1

Mevrouw Kövesi zal zelf vermoedelijk - na de JBZ-Raad en LIBE - opnieuw aandacht vragen voor de begroting van het EOM, die in haar ogen veel te krap is. **11.1**

11.1

U zult bij het gesprek ambtelijk worden bijgestaan door **10.2.e** PVEU,
10.2.e DEIA en **10.2.e** DRC.

5. Afgestemd met

DEIA/**10.2.e** en PVEU/**10.2.e**

Van: 10.2.e - BD/DEIA/EU
 Aan: 10.2.e - BD/DRC/FO
 Onderwerp: RE: Nieuwe negotiating box Raad
 Datum: vrijdag 14 februari 2020 17:37:11

Dat heb ik niet in de negobox gezien.

Met vriendelijke groet, | With kind regards,

10.2.e

Team Fondsen | European Funds Unit
 Directie Europese en Internationale Aangelegenheden | European and International Affairs Department

Ministerie van Justitie en Veiligheid | Ministry of Justice and Security

Turfmarkt 147 | 2511 DP | Den Haag
 Postbus 20301 | P.O. Box 20301 | 2500 EH | Den Haag | The Netherlands

M +31 (0)6 10.2.e
 10.2.e @minjenv.nl
www.rijksoverheid.nl/venj

Van: 10.2.e - BD/DRC/FO 10.2.e @minjenv.nl>
 Verzonden: vrijdag 14 februari 2020 17:33
 Aan: 10.2.e @minbuza.nl; 10.2.e - BD/DEIA/EU <10.2.e @minjenv.nl>
 CC: 10.2.e - BD/DEIA/EU 10.2.e @minjenv.nl; 10.2.e @minbuza.nl;
 10.2.e - BD/DEIA/EU <10.2.e @minjenv.nl>; 10.2.e - BD/DRC/GC
 <10.2.e @minjenv.nl>; 10.2.e - BD/DRC/GC <10.2.e @minjenv.nl>
 Onderwerp: RE: Nieuwe negotiating box Raad

p.s.: krijgt het EOM eigenlijk niets extra's ondanks de lobby van Kövesi??

Van: 10.2.e - BD/DRC/FO
 Verzonden: vrijdag 14 februari 2020 17:32
 Aan: 10.2.e @minbuza.nl; 10.2.e - BD/DEIA/EU 10.2.e @minjenv.nl>
 CC: 10.2.e - BD/DEIA/EU 10.2.e @minjenv.nl; 10.2.e @minbuza.nl;
 10.2.e - BD/DEIA/EU 10.2.e @minjenv.nl; 10.2.e - BD/DRC/GC
 10.2.e @minjenv.nl; 10.2.e - BD/DRC/GC 10.2.e @minjenv.nl>
 Onderwerp: RE: Nieuwe negotiating box Raad

Buiten reikwijdte verzoek

10.2.e

Van: 10.2.e @minbuza.nl>
 Verzonden: vrijdag 14 februari 2020 17:31
 Aan: 10.2.e - BD/DRC/FO <10.2.e @minjenv.nl>; 10.2.e - BD/DEIA/EU
 <10.2.e @minjenv.nl>
 CC: 10.2.e - BD/DEIA/EU 10.2.e @minjenv.nl; 10.2.e @minbuza.nl;
 10.2.e - BD/DEIA/EU 10.2.e @minjenv.nl; 10.2.e - BD/DRC/GC
 10.2.e @minjenv.nl; 10.2.e - BD/DRC/GC <10.2.e @minjenv.nl>
 Onderwerp: RE: Nieuwe negotiating box Raad

Buiten reikwijdte verzoek

Buiten reikwijdte verzoek

From: 10.2.e . - BD/DRC/FO 10.2.e @minjenv.nl>
Sent: vrijdag 14 februari 2020 17:26
To: 10.2.e @minbuza.nl>; 10.2.e - BD/DEIA/EU 10.2.e @minjenv.nl>
Cc: 10.2.e - BD/DEIA/EU <10.2.e @minjenv.nl>; 10.2.e <10.2.e @minbuza.nl>; 10.2.e . - BD/DEIA/EU <10.2.e @minjenv.nl>; 10.2.e - BD/DRC/GC <10.2.e @minjenv.nl>; 10.2.e - BD/DRC/GC <10.2.e @minjenv.nl>
Subject: RE: Nieuwe negotiating box Raad

Buiten reikwijdte verzoek

Van: 10.2.e @minbuza.nl>
Verzonden: vrijdag 14 februari 2020 16:01
Aan: 10.2.e - BD/DEIA/EU <10.2.e @minjenv.nl>; 10.2.e . - BD/DRC/FO <10.2.e @minjenv.nl>
CC: 10.2.e . - BD/DEIA/EU 10.2.e @minjenv.nl>; 10.2.e @minbuza.nl
Onderwerp: FW: Nieuwe negotiating box Raad

Buiten reikwijdte verzoek

From: 10.2.e
Sent: vrijdag 14 februari 2020 15:50
To: 10.2.e @minjenv.nl) 10.2.e @minjenv.nl>; 10.2.e @minjenv.nl) <10.2.e @minjenv.nl>; 10.2.e @minjenv.nl) 10.2.e @minjenv.nl>; 10.2.e @minjenv.nl) <10.2.e @minjenv.nl>; 10.2.e @minjenv.nl) 10.2.e @minjenv.nl>
Subject: Nieuwe negotiating box Raad

Beste allen,

Buiten reikwijdte verzoek

Met vriendelijke groet,

10.2.e
10.2.e @minbuza.nl
+32 10.2.e

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Ministerie van Justitie en Veiligheid

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Ministry of Justice and Security

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A043

Van: 10.2.e
Aan: 10.2.e BD/DRC/FO
Onderwerp: New EU public prosecutor has four staff for 3,000 cases
Datum: vrijdag 7 februari 2020 08:23:59

<https://euobserver.com/justice/147386>

Verstuurd vanaf mijn iPhone

Van: 10.2.e - BD/DRC/FO
Aan: 10.2.e (FP Rotterdam)"
Cc: 10.2.e - BD/DRC/FO
Onderwerp: RE: kort verslag expert meeting EOM (27 januari 2020)
Datum: donderdag 30 januari 2020 13:29:32

Ha 10.2.e zegt dat de assistent van Kövesi naar cijfers van de lidstaten verwees in antwoord op deze vraag. Groeten, 10.2.e

Van: 10.2.e - BD/DRC/FO 10.2.e @minjenv.nl>
Verzonden: donderdag 30 januari 2020 11:16
Aan: 10.2.e (FP Rotterdam)' 10.2.e @om.nl>
CC: 10.2.e BD/DRC/FO <10.2.e @minjenv.nl>
Onderwerp: RE: kort verslag expert meeting EOM (27 januari 2020)

Niet dat ik weet, maar het verslag is 11.1 , zoals je ziet. Ik zal het nog een keer navragen voor je. Groeten, 10.2.e

Van: 10.2.e (FP Rotterdam) <10.2.e @om.nl>
Verzonden: donderdag 30 januari 2020 11:08
Aan: 10.2.e BD/DRC/FO 10.2.e @minjenv.nl>
CC: 10.2.e @om.nl
Onderwerp: RE: kort verslag expert meeting EOM (27 januari 2020)

Hoi 10.2.e ,
 Dank. Ik vroeg me nog af of er nog gesproken is over de door Kovesi in 1 van de agendastukken genoemde grote (voor ons nieuwe) aantallen zaken (2000-3000) en hoe deze cijfers tot stand zijn gekomen?
 Grt 10.2.e

Van: 10.2.e - BD/DRC/FO [10.2.e @minjenv.nl]
Verzonden: donderdag 30 januari 2020 9:51
Aan: 10.2.e (PaG Den Haag); 10.2.e (FP Rotterdam); 10.2.e
 10.2.e (CIU-office)
Onderwerp: FW: kort verslag expert meeting EOM (27 januari 2020)

Ter info, 10.2.e

p.s.: Buiten reikwijdte verzoek
 Groeten, 10.2.e

Van: 10.2.e @minbuza.nl>
Verzonden: maandag 27 januari 2020 17:38
Aan: 10.2.e BD/DRC/FO <10.2.e @minjenv.nl>
CC: 10.2.e @minbuza.nl; 10.2.e @minbuza.nl>
Onderwerp: kort verslag expert meeting EOM (27 januari 2020)

Besproken onderwerpen:

- Buiten reikwijdte verzoek

Buiten reikwijdte verzoek

- presentatie van het EOM programma, ^{Buiten reikwijdte verzoek} alsmede het budget van 2020 en 2021; **Buiten reikwijdte verzoek**

er was begrip voor het verzoek
om budgetverhoging maar voorwaarde was **11.1**

daarnaast loopt ook nog de MFK-discussie (bedragen onder heading 2 onderscheidenlijk heading 7 zullen verschillend zijn, zo ook de rol van de CIE); over de registratie- en verificatie-eenheid waren ook diverse opmerkingen gemaakt (aantal fte's, de rol en de taak); in de budgetdiscussie zijn ook vragen gesteld over indiensttreding personeel, in verband met voorbereiding;

Buiten reikwijdte verzoek

Buiten reikwijdte verzoek

Volgende expert meeting 26 februari aanstaande, waarbij met name wordt ingegaan op implementatie.

Groeten,

10.2.e

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Ministerie van Justitie en Veiligheid

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Ministry of Justice and Security

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Openbaar Ministerie

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Netherlands Public Prosecution Service

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 Cc: 10.2.e BD/DRC/FO; 10.2.e @minbuza.nl; 10.2.e @om.nl; 10.2.e @om.nl";
 10.2.e (FP Rotterdam); 10.2.e@minbuza.nl
 Onderwerp: RE: Instructie EOM expertgroep 27 januari 2020
 Datum: zondag 26 januari 2020 23:09:25

10.2.e, na nadere reflectie nog 2 aanvullende vragen:

@1) is het EOM budget voor 2019 opgemaakt en, zo nee, is het dan inzetbaar voor 2020?

Buiten reikwijdte verzoek

Groet, 10.2.e

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Van: 10.2.e BD/DRC/FO 10.2.e @minjenv.nl>
 Datum: zondag 26 jan. 2020 16:50
 Aan: 10.2.e @minbuza.nl <10.2.e @minbuza.nl>
 Kopie: 10.2.e BD/DRC/FO <10.2.e @minjenv.nl>, 10.2.e @minbuza.nl
 <10.2.e @minbuza.nl>, 10.2.e @om.nl <10.2.e @om.nl>, 10.2.e@om.nl' 10.2.e @om.nl>,
 10.2.e (FP Rotterdam)' <10.2.e @om.nl>, 10.2.e@minbuza.nl
 <10.2.e@minbuza.nl>
 Onderwerp: Instructie EOM expertgroep 27 januari 2020

Ha 10.2.e, ik heb al enige input gekregen van het OM op basis van de beschikbare stukken voor de vergadering morgen. Zie de mail hieronder. In de kern staan twee thema's centraal: 1) het verwachte zaaksaanbod bij de start van het EOM in combinatie met de gewenste verhoging van het aantal EDP's, inclusief aanvullende claim Buiten reikwijdte verzoek

@1)

Het EOM gaat kennelijk uit van 3000 in de lidstaten lopende strafrechtelijke onderzoeken waarover het kort na zijn start moet besluiten of het deze overneemt via het recht van evocatie of niet. Een aantal vragen daarbij:

1. waar komen deze zaken concreet vandaan en hoe zijn ze over de lidstaten verdeeld?
2. hoe is de te verwachten verdeling van de 1000 zaken waarin het EOM het recht van evocatie denkt te gaan uitoefenen en aan de hand van welke criteria gebeurt de selectie binnen het EOM (Nb: het EOM opereert in beginsel op basis van het legaliteitsbeginsel)? Klopt de veronderstelling dat de 2000 overige zaken dan worden overgelaten aan de lidstaten? Is een prognose van het aantal zaken per lidstaat binnen dat aantal van 2000 beschikbaar?
3. hoe is het EOM tot een inschatting van de noodzaak tot 90 EDP's in plaats van 32,25 EDP's gekomen? Hoe wordt de verdeling van de EDP's per lidstaat (NB: NL heeft in de brief aan mevrouw Kovesi van 13 december jl. gevraagd om ten minste 2 full-time EDP's.

11.1

4. er is in de stukken sprake van 22 fte voor de "registry and verification" unit. Waar is dat aantal fte op gebaseerd? Is men ervan uitgegaan dat de registratie en verificatie allemaal op centraal niveau plaatsvinden en bijvoorbeeld niet in de regel bij de EDP op decentraal

niveau? De EDP is namelijk degene die beslist over uitoefening van het recht op evocatie (artikel 27, EOM).

5. wat wordt er bedoeld met “the relevant part of the existing OLAF caseload”?

Buiten reikwijdte verzoek

Het EOM vraagt op grond van zijn nieuwe berekeningen nu aanzienlijk meer middelen dan vooralsnog zijn voorzien. Ervan uitgaande dat deze claim uiteindelijk goed onderbouwd is,

11.1

11.1

Tot slot, dit is een aanvullende claim voor 2021. Zijn er voor de jaren daarna nog nieuwe claims te verwachten of blijft het hier voorlopig bij?

@2)

Buiten reikwijdte verzoek

3. zijn er nu voldoende middelen voor de ontwikkeling van het CMS binnen de EOM-begroting (NB: er lijkt namelijk geen extra geld voor te worden geclaimd)? Valt dit misschien onder titel 3 (operational expenditure)?

Buiten reikwijdte verzoek

Ik hoop dat alles duidelijk is. Anders bel je me nog even, neem ik aan. Succes en groeten,
10.2.e

Verzonden met BlackBerry Work
(www.blackberry.com)

Van: 10.2.e (FP Rotterdam) <10.2.e@om.nl>
Datum: vrijdag 24 jan. 2020 5:42 PM
Aan: 10.2.e BD/DRC/FO 10.2.e @minjenv.nl>
Kopie: 10.2.e@om.nl <10.2.e@om.nl>
Onderwerp: input ivm overleg as maandag

Hoi 10.2.e ,

Onze input tbv het overleg as maandag:

Buiten reikwijdte verzoek

- Tav blz 1 en 2 van het document "Note for Dab..."
 - Mbt de cijfers over het aantal zaken waarmee EOM in het eerste jaar wil starten; ^{11.1}
de grote aantallen nieuwe en te evoceren zaken, hoe luiden de cijfers van de andere landen? Voorts hoe ziet men het voor zich dat al deze zaken worden afgedaan door de edp-ers in de Is gelet ook o.a. op wat dit de Is gaat kosten aan ondersteunend personeel?
 - In het stuk staat op blz 1 dat EOM ook 'has to deal with the relevant part of the existing caseload of Olaf'. Wat wordt hier precies mee bedoeld? Betreffen dit de administratieve onderzoeken van Olaf waarin onregelmatigheden zijn gesignaleerd en die normaal gesproken indien er mogelijk aanleiding bestaat voor een strafrechtelijk onderzoek, aan de nationale vervolgingsinstanties in de Is worden doorgegeven?
- ^{11.1} dat Nederland op zijn minst 2 volledige fte aan Edp-er wil?

Buiten reikwijdte verzoek

Grt 10.2.e

mr. 10.2.e

10.2.e

Openbaar Ministerie
Functioneel Parket
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3072 AG Rotterdam
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Openbaar Ministerie

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Netherlands Public Prosecution Service

Subject: EPPO's request for a revised Budget 2020 & Budget 2021

As a follow up to the letter of European Chief Prosecutor (ECP) Kövesi to Vice President Jourova and Commissioners Reynders and Hahn of 19 December 2019, this document aims to present the rationale and detailed estimates for the necessary revision of EPPO's financial resources for this year and for 2021, in line with the objective for the EPPO to start operations in November 2020.

Background

The Legislative Financial Statement accompanying the EPPO regulation from 2017 (LFS 2017) is based on the assumption that the EPPO should start with the resources that it has in November 2020 (52 staff)¹ and reach "cruising speed" in 2023, and that at "cruising speed" the EPPO would be able to open (i.e. investigate with a view to prosecute) 982 new cases each year.

The LFS 2017 does not provide a realistic estimate of the total EPPO's workload for 3 main reasons:

1) The EPPO cannot operate as a regulatory agency: start small and gradually increase its level of activity depending on the policy objectives assigned and means made available to it. The EPPO is a prosecution office with a clearly defined competence: it has a legal obligation to act in line with its founding regulation and the criminal procedural laws in the respective participating Member States. Failure to do so would endanger fundamental rights of EU citizens and disrupt the administration of justice in the EU. The first challenge therefore is to properly estimate the likely caseload of the EPPO in the first year of its operations. Based on this, we can define the minimum necessary resources for the EPPO to be able to start its operations.

2) Every prosecution office receives a considerable amount of information (leads and denunciations), from a variety of public and private sources, which needs to be registered, verified and analysed, before the decision can be taken as to whether a criminal investigation should be opened. Concretely, in order to be able to open a given amount of cases in a year, the EPPO will have to lawfully process a considerably higher amount of such information. This difference, though hard to estimate, can have a notable impact on the needs for human resources (their number but also profiles and skills), for the design of the whole organisation and its workflows as well as on key parameters of the EPPO Case Management System. The second challenge therefore is to factor this in the decision on the EPPO's resources for its operational start.

3) Once operational, the EPPO will not only have to deal with the incoming information from individuals and private entities, information potentially leading to cases, but it will also have to deal with the relevant part of the existing caseload of OLAF. In addition, it will have to lawfully process all the criminal cases falling within the material scope of competence of the EPPO, opened by the participating Member States' prosecution services after the entry into force of the EPPO regulation. In order to comply with article 27 of the EPPO regulation (right of evocation) the EPPO will have to process these cases within a maximum of 10 days. The third challenge therefore is to consider this additional difficulty when deciding on the EPPO's resources for its operational start.

¹ The 52 staff (47 TAs+ 5 CAs) foreseen for November 2020 when EPPO will start operations are: 1 European Chief Prosecutor, 22 European Prosecutors and 29 administrative/operational staff (this includes the 5 supplementary posts resulting from the Budget 2020 conciliation). In addition, 32.25 European Delegated Prosecutors would also work for the EPPO at decentralised level.

Taking into account these three challenges when reviewing LFS 2017, ECP Kövesi sent a letter on 4 November 2019 requesting from the participating Member States an overview of the cases opened each of the last 4 years, which would fall unequivocally within the material scope of competence of the EPPO.

The objective of this request was twofold:

- First: to estimate a yearly average of new cases opened (the so-called “*influx*”), which can be interpreted as the current level of intensity of investigations and prosecutions within the scope of the material competence of the EPPO in the participating Member States – the level under which we should not fall in order not to be accused of decreasing the level of protection of the financial interests of the EU;
- Second: to estimate the pending caseload falling within the scope of the material competence of the EPPO (the so-called “*stock*”), which is the extraordinary workload that the EPPO will need to have the capacity to absorb at the moment of its operational start, in order to safeguard the legality of the criminal proceedings in the Member States and the fundamental rights of the people involved in them. We therefore make the conservative estimate that the EPPO will have to generate 2000 new cases in the first year of its operations.

Assuming that, on average, national prosecution services succeed in closing a maximum of 50% of the cases opened in a given year in that same year, we make the conservative estimate that the EPPO will have to absorb at least 3000 pending cases at the start of its operations.

In other words: instead of preparing the EPPO to be able to investigate 1000 cases in 2023, the EPPO has to be prepared to decide on whether to evocate or not at least 3000 existing cases in November 2020, and to start, simultaneously, to handle information potentially leading to investigations and prosecutions, which will materialize into at least 2000 new cases opened in the first year of its operations.

Assuming that in the first year of EPPO operations the intensity of PIF fraud investigations should remain at a comparable level as before the EPPO creation (and that in any case it should not decrease), our recommendation is to allow the EPPO to pay enough European Delegated Prosecutors to be able to process information and reporting under article 24 of the EPPO regulation, leading to opening investigations into 2000 new cases and to evocate 1000 cases from the existing caseload.

Using the main assumption underlying the methodology from LFS 2017², and before taking into account the organisation of the national prosecution systems (recital 44 of the EPPO regulation), this amount of work could be covered by 75 FTE European Delegated Prosecutors. However, using a more detailed methodology, this amount of work should be covered by at least 90 FTE European Delegated Prosecutors.

A key argument in favour of the EPPO starting operations with at least 90 FTE European Delegated Prosecutors (instead of 32.25 at 'cruising speed', as currently foreseen) is that in the first year of operations, the EPPO has to rely on European Delegated Prosecutors to also process the estimated 3000 pending cases, in application of articles 27, 45 and 46 of the EPPO regulation.

² A European Delegated Prosecutor can handle on average up to 40 new cases each year.

Budgetary Estimates

The revised budgetary estimates for 2020 (that are consistently mirrored in 2021) have been calculated based on the following high additional costs which were not included in the LFS 2017:

1. **Staff costs** – 76 extra staff (43 Temporary Agents & 33 Contractual Agents), to be recruited by 1 October 2020 at the very latest in order to enable EPPO to start operations in November 2020. This increase reflects the likely workflow in the EPPO central office, inspired by the OLAF benchmark, as well as the particular work intensity of the start-up phase. This corresponds to an **additional 5 million euros in 2020** compared to the 4 million of approved staff budget in 2020 and to a total of **19 million euros in 2021**.
2. **Translation costs** - in the range of **2 million euros in 2021 (a realistic estimate still ongoing)**. Translation costs for EPPO cases have been underestimated in earlier calculations. For most of EPPO proceedings, translation will be mandatory in order to bring full legal security (for instance documents necessary for obtaining the judicial authorisation in cross-border investigations or the indictment decisions to be then submitted in front of national courts.)
3. **Security (Close Protection Services)** - The sensitive nature of EPPO's work requires close protection services for the European Chief Prosecutor (and potentially also for European prosecutors who could be supervising or handling highly sensitive cases in the future). **1.2 million euros needed for 2020** were not initially foreseen. The basic physical protection of the future building (*gardiennage*) has also been under calculated in the early estimates.
4. The necessity to build a fully independent and highly secured **Data centre** to host the IT case management system; only the development costs had been anticipated, but not the one off set up costs.
5. **European Delegated Prosecutors** - The salaries of the EDPs at the range of **1 million euros in 2020 and of 6 million in 2021 for 90 EDPs**. The LFS 2017 only had a provision of 2 million euros for 2021 (and nothing for 2020) for 32.25 EDPs instead of the current need for 90 EDPs.

	Adopted Budget 2020 (€)	EPPOs needs for Budget 2020 (€)	Budget 2021 (as foreseen in the LFS/MFF)	EPPOs needs for Budget 2021(€)
Title 1 - Staff expenditure	4.331.000	9.047.194	7.658.000	19.490.552
Title 2 - Infrastructure	2.141.000	2.580.600	1.479.000	3.151.508
Title 3 - Operational Expenditure	1.900.000	3.500.000	4.063.000	3.924.000
+ 90 EDPs (from Nov 2020)		1.029.492		6.176.956

TOTAL	8.372.000	16.157.287	13.200.000	32.743.017
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This is a decisive moment in the establishment of the EPPO. Only a timely provision of all the necessary resources will allow the EPPO to become fully operational by November 2020.

ANNEX (FOR INFO ONLY):**EPPO Budget 2021-27 (MFF Commission proposal – Fiche 32)**

Year	2021	2022	2023	2024	2025	2026	2027	2021-2027
Amount (mil. €)	13.2	15.6	18.7	19.1	32.2	32.2	32.2	163.2

EPPOs Budget 2019-23 – LFS 2017

EPPO			2018	2019	2020	2021	2022	2023	TOTAL 2018-2023
Title 1 ⁵	Commitments	(1)	0	2.254	3.294	7.658	9.252	11.328	33.786
	Payments	(2)	0	2.254	3.294	7.658	9.252	11.328	33.786
Title 2 ⁶	Commitments	(1a)	0	0.690	0.986	1.479	1.676	1.972	6.803
	Payments	(2a)	0	0.690	0.986	1.479	1.676	1.972	6.803

Title 3 ⁷	Commitments	(3a)	0	1.964	1.964	4.063	4.649	5.377	18.019
	Payments	(3b)	0	1.967	1.967	4.063	4.649	5.377	18.022
TOTAL appropriations for EPPO	Commitments	=1+1a+3a	0	4.911	6.247	13.200	15.577	18.677	58.612

⁵ A gradual recruitment has been foreseen, from 2018 to 2023.

⁶ The host Member State, Luxembourg, offers a building and ensures the first fitting of the building with all office, IT and security equipment. Purely utility costs and ICT costs per square meter have been included here.

⁷ This title is calculated based on the experience of OLAF in investigative work. In addition, the costs for the EDPs (32.25 FTE European Delegated Prosecutors at 80 % of an AD 9 salary, adjusted to take into account the correction coefficients, plus the estimated pension contribution by the Office), the building of the case management system, the cost of exceptionally expensive investigation measures and the cost of translations are included. The EDPs will take up their positions at the moment when the EPPO begins operations, while the development of the case management system will require financing from 2019.

EPPOs Human Resources – LFS 2017

Human resources	2018	2019	2020	2021	2022	2023
Establishment plan posts (FTE)	0	32	5	23	8	12
- <i>Of which AD</i>	0	26	3	14	4	4
- <i>Of which AST</i>	0	6	2	9	4	8
External personnel (FTE)	0	0	5	17	7	6
- <i>Of which contract agents</i>	0	0	5	17	7	6
- <i>Of which Seconded National Experts (SNE)</i>	0	0	0	0	0	0
Total staff (per year)	0	32	10	40	15	18
Total staff (cumulative)	0	32	42	82	97	115

A047



Kingdom of the Netherlands

Ms. Laura Kővesi
European Chief Prosecutor
Bâtiment Hemicycle
1, Rue Fort Thüngen
L-1499 Luxembourg

Kortenberglaan 4-10
1040 Brussel
Belgium
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Date December 19, 2019

Dear madam Prosecutor

I have the honour to enclose a letter from Mr Ferd Grapperhaus, Minister Justice and Security of the Kingdom of the Netherlands.

The original will be forwarded directly upon receipt.

Please accept the assurances of my highest consideration.

10.2.e

Robert de Groot
Permanent Representative of the Kingdom of the Netherlands
to the European Union



MINISTER VAN JUSTITIE EN VEILIGHEID

To Ms Laura Kövesi, European Chief Prosecutor
European Public Prosecutor's Office

Bâtiment Hemicycle

1, rue Fort Thüngen

L-1499 Luxembourg

Den Haag, 13 December 2019

Dear Mrs Kövesi, your excellency

Thank you very much for your letter of 4 November 2019. Let me first of all take this opportunity to congratulate you wholeheartedly on your recent appointment as the first European Chief Prosecutor. I would also like to wish you good luck for the huge responsibility that you have taken upon you to turn the Office you are now heading into an effective tool in the fight against EU fraud and for the various challenges that you may face on the way. Even though the Netherlands may have come on board a little later than most other Member States, it is nevertheless keen to play a constructive role in assisting you in setting up the EPPO, as indeed we have played in the expert group under article 20(4) of the EPPO Regulation. We would like to reiterate here that we remain of the opinion that the EPPO should first and foremost focus on its current mandate. In other words, we are not in favour of extending that mandate to, e.g., terrorism.

In your letter, you have asked us to provide you with statistical data on the number of PIF cases initiated between 2016 and 2019. Unfortunately, it is not possible to retrieve the data that you have asked for from the case management system of the Dutch public prosecution office, the reason being that the specific types of cases that are mentioned in the table annexed to your letter are not as such registered in that case management system.



We can, however, provide you with some information on the number of criminal investigations undertaken by the Fiscal Intelligence and Investigation Service (FIOD) that operates under the responsibility of the Minister of Finance. FIOD now deals with an average of 5 criminal investigations in PIF cases for which the EPPO could be competent per year: one case concerning subsidy-related fraud, one customs case and 3 VAT fraud cases. In its impact assessment for the implementation of the EPPO Regulation and assuming a scenario of a total of 20 cases a year, FIOD estimates the number of criminal investigations to grow to 4 subsidy-related cases, 10 customs cases and 5 VAT-fraud cases. In this scenario, the Netherlands Food and Consumer Product Safety Authority (NVWA) is expected to investigate a subsidy-related case too.

That said, allow me perhaps to make some observations as to the intended use of any available statistical data for the purpose of determining the adequate number of European delegated prosecutors (EDPs) in the Netherlands or indeed other Member States. In so far as such data are in fact available, they could undeniably play a role as one of the factors in determining the number of EDPs needed for each individual Member State. It is obvious that we cannot really predict how many cases the EPPO will actually have to deal with in practice at this stage. Only time will tell. In fact, the mere start of the EPPO could in itself cause an increase in the number of detected and subsequently reported PIF cases that the EPPO may be competent for. At the same time, I would warn against solely focusing on the number of PIF cases. In my opinion, other important factors will need to be taken into account too. If the EPPO is to primarily deal with large and complex, cross-border fraud cases such as relating to VAT carousel fraud, as we assume given its relatively limited resources, we are still talking about a very labour intensive workload. If we then apply the Commission's calculation that two 0.25 fte EDPs will be sufficient for the Netherlands, a single VAT fraud case may well take up to 6 months of work on the file for the EDP concerned (on a one day a week basis in the situation of a 4 days working week), not including the additional time needed to lead the investigation, keeping in contact with the investigation services involved and so on.

Moreover, such big cases may take anywhere between 5 and 10 years to come to a final decision. The EDP will nevertheless remain in charge during all the stages of the criminal procedure.

The problem in this context is, however, that the EDPs will have many other tasks besides dealing with their individual caseload. For instance, EDPs are responsible for overseeing the reporting under article 24 of the EPPO Regulation and assessing the



MINISTER VAN JUSTITIE EN VEILIGHEID

relevance of any information thus reported to the EPPO and its CMS. Furthermore, EDPs appear to have very little room to delegate their tasks to national supporting staff, which implies a huge administrative burden for them. To illustrate this, according to the Commission only EDPs have direct access to the CMS under Article 46 of the EPPO Regulation. By contrast, in the Dutch criminal justice system, legal assistants currently fulfil many of such relatively easy tasks under the responsibility of a prosecutor. EDPs may also have to frequently assist their colleagues during investigations in other Member States concerning cross-border cases under article 31 of the EPPO Regulation, which again is a very time-consuming activity. EDPs will need to meet with national authorities, including investigation services, on a regular basis. That, after all, is the only way in which they will manage to build up and maintain an effective working relationship. At last, EDPs may have to travel to the Central Office or to other Member States in the course of their activities, during which time they will not be available to effectively perform their duties in the Netherlands.

In conclusion, looking at the considerable workload for EDPs in combination with the need to enable the EPPO to operate in an effective manner, I would urge you to reconsider the initial number of EDPs available for the Netherlands as estimated by the Commission and to ensure instead that there will be at least two full-time EDPs, which, incidentally, would appear to be more in line with the purpose of article 13(2) of the EPPO Regulation anyway. After consulting the Dutch public prosecution service, I would like to note that we are in favour of keeping maximum flexibility concerning the functional and territorial division of the competences between the EDPs, taking into consideration their specific knowledge.

I look forward to maintaining a fruitful dialogue with you, particularly regarding future decisions by the College on issues that might potentially have a major impact on Member States such as decisions on the EPPO's budget, **Buiten reikwijdte verzoek**. **Buiten reikwijdte verzoek** I believe that only though working closely together as a team as you formulated it in the expert group on 18 November, whilst fully respecting the EPPO's independence in individual cases, will we be able to create an EPPO that will offer genuine added value to all of us.



MINISTER VAN JUSTITIE EN VEILIGHEID

Finally, let me once again underline that you can rely on our full support to make the EPPO a successful instrument for the protection of the financial interests of the EU. I wish you lots of wisdom, inspiration and good fortune in the process.

*Kind regards
Fred Rappenhans*

10.2.e

Van: 10.2.e
Aan: 10.2.e @minbuza.nl; 10.2.e BD/DRC/FO
Onderwerp: RE: spreekpunten gesprek Kovesi 25-11-2019
Datum: maandag 25 november 2019 10:44:28

Hoi, het is nu duidelijk. De 8.4 mln voor 2020 is inderdaad correct.

De +10 mln is verzocht maar het budget is uiteindelijk niet aangepast n.a.v. de 'conciliation' procedure op 19 november. De enige wijziging is dus de plus 5 staff.

From: 10.2.e
Sent: maandag 25 november 2019 10:28
To: 10.2.e @minbuza.nl; 10.2.e - BD/DRC/FO
10.2.e @minjenv.nl>
Subject: RE: spreekpunten gesprek Kovesi 25-11-2019

De +10 mln voor 2020 vind ik 11.1 . Is het +10 mln bovenop het bedrag wat in de LFS is gepresenteerd (6.247 mln) of in de agency statement (9.3 mln)? 11.1

Betekent dit dan ook dat het totale budget van 2019-2023 met 10 mln omhoog is gegaan of komt deze 10 mln uit een ander jaar? Ik kan kijken of ik hier voor de vergadering nog meer informatie over kan vinden.

From: 10.2.e @minbuza.nl>
Sent: maandag 25 november 2019 09:56
To: 10.2.e - BD/DRC/FC 10.2.e @minjenv.nl; 10.2.e
10.2.e @minbuza.nl>
Subject: FW: spreekpunten gesprek Kovesi 25-11-2019

Veel dank voor jullie inspanningen!

From: 10.2.e
Sent: maandag 25 november 2019 09:54
To: BRE-CDP <bre-cdp@minbuza.nl>; 10.2.e @minbuza.nl; 10.2.e
10.2.e @minbuza.nl>
Cc: 10.2.e @minbuza.nl; '10.2.e @minbuza.nl' 10.2.e
@minbuza.nl; 10.2.e @minbuza.nl>
Subject: spreekpunten gesprek Kovesi 25-11-2019

Dag 10.2.e ,

Hierbij de spreekpunten voor 10.2.e met achtergrondinformatie.

Ik hoor wel als er nog meer nodig is.

Groet,

10.2.e

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Gesprek met Hoofdaanklager EOM mevrouw Kövesi (25 november 2019, 13.00 uur):

Andere aanwezigen bij het gesprek: **10.2.e**
verhinderd) en medewerker van mevrouw Kövesi **10.2.e**

zijn helaas

Doel gesprek

- Mevrouw Kövesi, de nieuwe benoemde Europese Hoofdaanklager voor het Europees Openbaar Ministerie (EOM), heeft gevraagd om een kennismakingsgesprek met u;
- Zij wil tevens over het budget van het EOM over praten;
- *"ECP Kövesi would like to meet his Excellency Mr de Groot, for an introductory meeting. During this first, general exchange of views, as a follow up to her intervention at the expert group this week, she would particularly like to hear Mr de Groot's views on the MFF 2021-2027 negotiations timing and EPPO prospects."*

Onzerzijds

- onzerzijds kan het gesprek dienen om:
 - mevrouw Kövesi te feliciteren met haar benoeming en succes te wensen bij deze belangrijke opdracht;
 - **11.1**

Buiten reikwijdte verzoek

11.1

Achtergrond:

De begroting en de kosten

11.1

Voor 2019 is het budget 6.3 miljoen euro en voor 2020 is het 8.4 miljoen euro.

Er zijn voor het budget 2020 in afwijking van het oorspronkelijk CIE voorstel additioneel vijf posten toegekend in plaats de 10 posten die het EP heeft gevraagd.

De salariskosten en een aantal operationele kosten worden door de LS gedragen vanuit het EU-budget (de LS die niet meedoen, krijgen een vergoeding via het compensatiemechanisme uit het VWEU).

11.1

Buiten reikwijdte verzoek

De hoofdaanklager, de Europese aanklagers en de gedelegeerde Europese aanklagers van het EOM

Mevrouw Laura Codruta Kövesi (15 mei 1973) is op 14 oktober 2019 benoemd tot eerste Europese Hoofdaanklager van het EOM. **Buiten reikwijdte verzoek**

Buiten reikwijdte verzoek

Als hoofdaanklager organiseert zij het werk van respectievelijk geeft zij leiding aan het EOM, neemt zij besluiten op basis van de EOM-verordening en vertegenwoordigt zij het EOM bij de EU-instellingen, de LS en derden. Er zijn op dit moment 22 LS aangesloten bij het EOM, waaronder NL.

De hoofdaanklager is ook verantwoordelijk voor het opstellen van het budget en het voorleggen daarvan aan het college van Europese aanklagers.

De Europese aanklagers houden toezicht op de onderzoeken en strafvervolgingen waarvoor de gedelegeerde Europese aanklagers in hun lidstaat van herkomst verantwoordelijk zijn.

Buiten reikwijdte verzoek

De gedelegeerde Europese aanklagers treden namens het EOM op in hun lidstaat, met dezelfde bevoegdheden als de nationale aanklagers (inclusief de zaak voor de rechter brengen). Voor Nederland heeft CIE het aantal gedelegeerde aanklagers begroot op 2 x 0,25 fte. **11.1**

en zal dit ook aangeven in de brief in antwoord op het recente verzoek van mevrouw Kövesi aan de lidstaten om statistische gegevens met betrekking tot EU-fraude zaken aan te leveren vóór 2 december a.s.

Mevrouw Kövesi zal overigens ook tijdens de komende JBZ-Raad aanwezig zijn om haar plannen en visie toe te lichten.

Van: 10.2.e
Aan: 10.2.e [BD/DEJA/EU; 10.2.e](#) - [BD/DRC/FO](#)
Cc: 10.2.e [BD/DEJA/EU; 10.2.e](#) [@minbuza.nl; 10.2.e](#)
Onderwerp: FW: The European Public Prosecutor's Office Letter to the Minister of Justice - NL
Datum: dinsdag 5 november 2019 09:50:01
Bijlagen: [EPPQ letter NL.pdf](#)
[Table PIF cases initiated \(2016-2019\)M1 REV.docx](#)

Dag 10.2.e en 10.2.e ,

Buiten reikwijdte verzoek

, zet ik deze mail even door.

Willen jullie bijgevoegde brief, die Robert de Groot gisteren via mail ontving van de CIE, doorgeleiden naar de minister? Vast dank! En deadline voor reactie op de brief is 2 december.

Groeten, 10.2.e



10.2.e
10.2.e

Permanent Representation of the Kingdom of the Netherlands to the EU
Kortenberglaan 4-10 | 1040 Brussels | Belgium

Tel: +32 2 10.2.e / +32 4 10.2.e

Mail: 10.2.e [@minbuza.nl](#)

From: Groot, Robert-de

Sent: dinsdag 5 november 2019 09:09

To: 10.2.e

Cc: BRE-CDP

Subject: FW: The European Public Prosecutor's Office Letter to the Minister of Justice - NL

10.2.e kunnen jullie bijgaande brief vast doorgeleiden?

10.2.e kan jij een formele doorgeleiding opstellen?

Robert

Verzonden met BlackBerry Work

(www.blackberry.com)

Van: 10.2.e [@ext.ec.europa.eu](#) 10.2.e [@ext.ec.europa.eu](#)

Datum: maandag 04 nov. 2019 6:13 PM

Aan: Groot, Robert-de 10.2.e [@minbuza.nl](#)

Kopie: 10.2.e [@ec.europa.eu](#) 10.2.e [@ec.europa.eu](#), 10.2.e [@ec.europa.eu](#)

10.2.e [@ec.europa.eu](#)

Onderwerp: The European Public Prosecutor's Office Letter to the Minister of Justice - NL

Your excellency,

Mr Ambassador,

You will find attached a signed by the European Chief Prosecutor letter that, we will be grateful if your services would forward to the Minister of Justice.

Thank you for your assistance.

Yours sincerely,

On behalf of

10.2.e

Rue Montoyer 59 Office 4/75, Bruxelles

Tel: +32 2 10.2.e

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The European Public Prosecutor's Office

Mr Ferd GRAPPERHAUS
Minister of Justice and Security

10.2.e @minbuza.nl

By e-mail only

Brussels, 04 November 2019

Dear Mr GRAPPERHAUS,

In line with article 13(2) of Council regulation (EU) 2017/1939 of 12 October 2017, implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO regulation'), I would like to start the consultations with the relevant authorities of the Member States with a view to reaching an agreement on the number of European Delegated Prosecutors, as well as the functional and territorial division of competences between the European Delegated Prosecutors within each Member State.

The Legislative and Financial Statement accompanying the EPPO regulation was based on a projected caseload for the EPPO, and the assumption that the EPPO will assume the investigative and prosecutorial tasks conferred on it by the EPPO regulation gradually, to reach its "cruising speed" in 2023. However, considering article 120(2) as well as article 24(1)-(2) of the EPPO regulation, I believe it is necessary to revisit those preliminary estimates and to prepare the conditions for the EPPO to be able to exercise its competence fully as soon as it becomes operational.

As a first step, I would therefore kindly ask you to communicate to me by 2 December 2019 the number of criminal investigations opened in your Member State between 2016 and 2019 concerning offences which would fall within the main material competence of the EPPO, i.e. those offences referred to in Article 22(1)-(2) of the EPPO Regulation, and thus excluding the ancillary offences referred to in Article 22(3).

Although part of the criminal proceedings opened in this time interval falls outside the temporal scope of the EPPO's competence, as defined by Article 120(2) of the EPPO regulation, my request is intended to allow the EPPO to usefully identify trends in the number of incoming criminal proceedings on these matters, and to update the projections for the future workload of an operational EPPO. You will find in the Annex a table which is intended to help you identify the relevant criminal proceedings and to facilitate the communication and comparison of this data.

I thank you in advance for your collaboration and look forward to constructive discussions on these matters.

10.2.e

Yours sincerely,

Laura KÖVESI - European Chief Prosecutor

European Public Prosecutor's Office

A050b

Number of EPPO PIF Cases initiated between 2016 and 2019
[Member State – .. December 2019]

Number of PIF cases initiated <u>per type of offence</u>:	2016	2017	2018	2019 (year to date)
Fraud Article 3(2) points (a-c) of Directive (EU) 2017/1371, if the damage to the Union's financial interests is more than EUR 10 000				
VAT fraud Article 3(2) point (d) of Directive (EU) 2017/1371, if the acts are connected with the territory of two or more MS and the total damage is at least EUR 10 million				
Money laundering Article 4(1) of Directive (EU) 2017/1371, money laundering involving property derived from the criminal offences covered by this Directive				
Corruption Article 4(2) of Directive (EU) 2017/1371, active and passive corruption which damages or is likely to damage the Union's financial interests				
Misappropriation Article 4(3) of Directive (EU) 2017/1371, misappropriation which damages or is likely to damage the Union's financial interests				
<u>Total</u>				

Van: JUST-EPPO@ec.europa.eu

Aan:

10.2.e Mailadressen van geadresseerde lidstaten

Cc:

10.2.e @rpro.eu"; 10.2.e @ec.europa.eu; 10.2.e @ec.europa.eu;
 10.2.e @ec.europa.eu; 10.2.e @ec.europa.eu; 10.2.e @ec.europa.eu;
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 10.2.e @consilium.europa.eu; 10.2.e @ext.ec.europa.eu;
 10.2.e @ext.ec.europa.eu; 10.2.e @ext.ec.europa.eu;
 10.2.e @europol.europa.eu; 10.2.e @eurojust.europa.eu;
 10.2.e @ext.ec.europa.eu; 10.2.e @ec.europa.eu; 10.2.e @ec.europa.eu;
 JUST-EPPO@ec.europa.eu

Onderwerp: RE: Invitation EPPO Expert Group meeting 21 March 2019

Datum: donderdag 14 maart 2019 18:19:42

Bijlagen: [EPPO_AgencyFinancialStatement_20190321_FINAL.pdf](#)
[EPPO_Revised LFS 2017_20190321.pdf](#)

Dear colleagues,

As announced at the last meeting, the iAD will present the draft budget proposal for 2020 on the 21st of March.

Please find attached the following two documents:

- The draft proposal as submitted to DG BUDGET, and which is still under negotiation.
- As background information, the Legislative Financial Statement which accompanied the original legislative proposal back in 2013.

The presentation will be supported by a Power Point, also covering some HR aspects. The iAD and two budget experts will stand ready to answer all possible questions.

Buiten reikwijdte verzoek

Kind regards,

The EPPO Expert Group secretariat

From: JUST EPPO

Sent: Friday, March 8, 2019 4:18 PM

10.2.e Mailadressen van geadresseerde lidstaten

10.2.e Mailadressen van geadresseerde lidstaten

10.2.e Mailadressen van geadresseerde lidstaten

10.2.e @rpro.eu'; 10.2.e (JUST) 10.2.e (JUST); 10.2.e
(JUST) 10.2.e (JUST) 10.2.e (OLAF) 10.2.e (OLAF);
SALLES Olivier (JUST) 10.2.e (JUST) 10.2.e (COUNCIL) 10.2.e
10.2.e (OLAF-EXT) 10.2.e (JUST-EXT) 10.2.e (JUST-EXT);
10.2.e @europol.europa.eu; 10.2.e (JUST-EXT); 10.2.e
(OLAF) 10.2.e (JUST); JUST EPPO

Subject: Invitation EPPO Expert Group meeting 21 March 2019

Dear colleagues,

As earlier announced, we are pleased to invite you to the next meeting of the EPPO Expert Group, which will take place in Brussels, on 21 March 2019 at 9:30 hrs at the **Albert Borschette Conference Centre**, Room 5B, Rue Froissart 36, Brussels.

Please find attached the invitation and the draft agenda.

We kindly invite you to send us any questions you may have as regards the EPPO's data protection regime.

Buiten reikwijdte verzoek

Should you have any question, please don't hesitate to contact us at just-eppo@ec.europa.eu.

Best regards,
The EPPO Expert Group secretariat

European Public Prosecutor's Office - EPPO

1 Overview

1.1 Creation/modification (legal base)

Decision	Date	Mission / Tasks / Functions
Council Regulation (EU) 2017/1939 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO')	12 October 2017	The EPPO shall be responsible for investigating, prosecuting and bringing to judgment the perpetrators of, and accomplices to, criminal offences affecting the financial interests of the Union which are provided for in Directive (EU) 2017/1371 and determined by this Regulation. In that respect the EPPO shall undertake investigations, and carry out acts of prosecution and exercise the functions of prosecutor in the competent courts of the Member States, until the case has been finally disposed of.

1.2 Seat

Luxemburg, Grand Duchy of Luxembourg

1.3 Budget Line

33 03 05 : European Public Prosecutor's Office (EPPO)

1.4 Human Resources Overview

Human Resources	2018			2019	2020
	Authorised Budget	Actually filled as of 31/12/2018	Occupancy rate(%)	Authorised Budget	Draft Budget Request
Administrators (AD)				31	34
Assistants (AST)				6	8
Assistants/Secretaries (AST/SC)					
ESTABLISHMENT PLAN POSTS				37	42
Contract Agents (CA)					5
Seconded National Experts (SNE)					2
TOTAL STAFF				37	49

1.5 Financial Resources Overview

1.5.1 Revenues Overview

1.5.1.1 General revenues

REVENUES	2019	2020
	Revenues estimated by the agency	Budget Forecast
EU contribution		9 314 500
Other Revenue		0
TOTAL REVENUES		9 314 500

1.5.1.2 Additional EU funding: ad hoc grants and delegation agreements

REVENUES	2019	2020
	Revenues estimated by the agency	Budget Forecast
Ad hoc grants		p m.
Delegation agreements		p m.

TOTAL REVENUES		p m.
-----------------------	--	-------------

1.5.2 Expenditure Overview

Expenditure	2019		2020	
	Commitment appropriations	Payment appropriations	Commitment appropriations	Payment appropriations
Title 1 - Staff expenditure			5 273 500	5 273 500
Title 2 - Infrastructure and operating expenditure			2 122 000	2 122 000
Title 3 - Operational expenditure			1 919 000	1 919 000
TOTAL EXPENDITURE			9 314 500	9 314 500

2 Human Resources

2.1 Establishment plan posts

Function group and grade	2018				2019		2020			
	Authorised Budget		Actually filled as of 31/12/2018		Authorised Budget		Request of the Agency		Draft Budget Request	
	Permanent posts	Temporary posts	Permanent posts	Temporary posts	Permanent posts	Temporary posts	Permanent posts	Temporary posts	Permanent posts	Temporary posts
AD 16										
AD 15						1		1		1
AD 14										
AD 13						22		22		22
AD 12										
AD 11						1		1		1
AD 10						2		2		2
AD 9						2		2		2
AD 8										
AD 7						3	2	3	2	3
AD 6										
AD 5								1		1
AD TOTAL						31	2	32	2	32
AST 11										
AST 10										
AST 9										
AST 8										
AST 7										
AST 6										
AST 5						3		3		3
AST 4							2		2	
AST 3						3		3		3
AST 2										
AST 1										

Function group and grade	2018				2019		2020			
	Authorised Budget		Actually filled as of 31/12/2018		Authorised Budget		Request of the Agency		Draft Budget Request	
	Permanent posts	Temporary posts	Permanent posts	Temporary posts	Permanent posts	Temporary posts	Permanent posts	Temporary posts	Permanent posts	Temporary posts
AST TOTAL						6	2	6	2	6
AST/SC 6										
AST/SC 5										
AST/SC 4										
AST/SC 3										
AST/SC 2										
AST/SC 1										
AST/SC TOTAL										
TOTAL						37	4	38	4	38
GRAND TOTAL						37		42		42

2.2 External personnel

2.2.1 Contract Agents

Contract agents	Authorised 2018	Recruited as of 31/12/2018	2019 estimate	Draft Budget 2020 estimate
Function Group IV				
Function Group III				
Function Group II				5
Function Group I				
TOTAL				5

2.2.2 Seconded National Experts

Seconded National Experts	Authorised 2018	Recruited as of 31/12/2018	2019 estimate	Draft Budget 2020 estimate
TOTAL				2

3 Financial Resources

3.1 Revenues

3.1.1 General revenues

REVENUES	General revenues				
	Executed Budget 2018	Budget 2019	Draft Budget 2020		VAR 2020/2019 (%)
			Agency request	Budget forecast	
1 REVENUE FROM FEES AND CHARGES					
2 EU CONTRIBUTION			9 314 500	9 314 500	100%
- Of which assigned revenues deriving from previous years' surpluses					
3 THIRD COUNTRIES CONTRIBUTION					

REVENUES	General revenues				
	Executed Budget 2018	Budget 2019	Draft Budget 2020		VAR 2020/2019 (%)
			Agency request	Budget forecast	
(incl. EEA/EFTA and candidate countries)					
- Of which EEA/EFTA (excl. Switzerland)					
- Of which candidate countries					
4 OTHER CONTRIBUTIONS					
5 ADMINISTRATIVE OPERATIONS					
- Of which interest generated by funds paid by the Commission by way of the EU contribution (FFR Art. 58)					
6 REVENUES FROM SERVICES RENDERED AGAINST PAYMENT					
7 CORRECTION OF BUDGETARY IMBALANCES					
TOTAL			9 314 500	9 314 500	100%

3.1.2 Additional EU funding: ad hoc grants and delegation agreements

REVENUES	Additional EU funding: ad hoc grants and delegation agreements				
	Executed Budget 2018	Budget 2019	Draft Budget 2020		VAR 2020/2019 (%)
			Agency request	Budget forecast	
ADDITIONAL EU FUNDING STEMMING FROM AD HOC GRANTS (FFR Art.7)			p m.	p m.	
ADDITIONAL EU FUNDING STEMMING FROM DELEGATION AGREEMENTS (FFR Art.8)			p m.	p m.	
TOTAL			p.m.	p m.	

3.2 Expenditure

3.2.1 Commitment appropriations

EXPENDITURE	Commitment appropriations				
	Executed Budget 2018	Budget 2019	Draft Budget 2020		VAR 2020/2019 (%)
			Agency request	Budget forecast	
Title 1 - Staff expenditure			5 273 500	5 273 500	100%
Salaries & allowances			5 216 500	5 216 500	100%
- Of which establishment plan posts			5 001 500	5 001 500	100%
- Of which external personnel			215 000	215 000	100%
Expenditure relating to Staff recruitment					
Employer's pension contributions					
Mission expenses			31 000	31 000	100%
Socio-medical infrastructure					
Training			26 000	26 000	100%
External Services					
Receptions, events and representation					
Social welfare					
Other Staff related expenditure					
Title 2 - Infrastructure and operating expenditure			2 122 000	2 122 000	100%
Rental of buildings and associated costs			1 007 000	1 007 000	100%

EXPENDITURE	Commitment appropriations				
	Executed Budget 2018	Budget 2019	Draft Budget 2020		VAR 2020/2019 (%)
			Agency request	Budget forecast	
Information, communication technology and data processing			394 000	394 000	100%
Movable property and associated costs			300 000	300 000	100%
Current administrative expenditure					
Postage / Telecommunications			91 000	91 000	100%
Meeting expenses			6 000	6 000	100%
Running costs in connection with operational activities					
Information and publishing					
Studies					
Other infrastructure and operating expenditure			324 000	324 000	100%
Title 3 - Operational expenditure			1 919 000	1 919 000	100%
TOTAL			9 314 500	9 314 500	100%

3.2.2 Payment appropriations

EXPENDITURE	Payment appropriations				
	Executed Budget 2018	Budget 2019	Draft Budget 2020		VAR 2020/2019 (%)
			Agency request	Budget forecast	
Title 1 - Staff expenditure			5 273 500	5 273 500	100%
Salaries & allowances			5 216 500	5 216 500	100%
- Of which establishment plan posts			5 001 500	5 001 500	100%
- Of which external personnel			215 000	215 000	100%
Expenditure relating to Staff recruitment					
Employer's pension contributions					
Mission expenses			31 000	31 000	100%
Socio-medical infrastructure			26 000	26 000	100%
Training					
External Services					
Receptions, events and representation					
Social welfare					
Other Staff related expenditure					
Title 2 - Infrastructure and operating expenditure			2 122 000	2 122 000	100%
Rental of buildings and associated costs			1 007 000	1 007 000	100%
Information, communication technology and data processing			394 000	394 000	100%
Movable property and associated costs			300 000	300 000	100%
Current administrative expenditure					
Postage / Telecommunications			91 000	91 000	100%
Meeting expenses			6 000	6 000	100%
Running costs in connection with operational activities					
Information and publishing					
Studies					
Other infrastructure and operating expenditure			324 000	324 000	100%

EXPENDITURE	Payment appropriations				
	Executed Budget 2018	Budget 2019	Draft Budget 2020		VAR 2020/2019 (%)
			Agency request	Budget forecast	
Title 3 - Operational expenditure			1 919 000	1 919 000	100%
TOTAL			9 314 500	9 314 500	100%

3.3 Budget Outturn

4 Justification of needs

Commission assessment

The requested appropriations are needed to begin setting up the EPPO, an EU body whose establishment is provided for by the Council regulation (EU) 2017/1939 of 12 October 2017.

As put forward by the Council Regulation 217/139 of 12 October 2017, to guarantee the full autonomy and independence the EPPO should be granted an autonomous budget, with revenue coming essentially from a contribution from the budget of the Union.

The financial, budgetary and staff regime of the EPPO follow the relevant Union standards applicable to bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council, with due regard, however, to the fact that the competence of the EPPO to carry out criminal investigations and prosecutions at Union level is unique

The requested appropriations are needed for setting up the EPPO, an EU body whose establishment is provided for by the Council regulation (EU) 2017/1939 of 12 October 2017.

The appropriations reflect the amounts identified in the revised EPPO Legislative Financial Statement (LFS) of 26 September 2017 (WK 10189/2017), taking into consideration an increase to cover:

- 5 new posts in the EPPO establishment plan;
- 5 contract agents;
- 2 Seconded National Experts (SNE) - without budgetary coverage -
- the indexation of prices and the estimated costs for aligning the physical security installation of the building in conformity European Commission standards during the first fitting;
- Special furniture for meeting rooms, archives, cafeteria, etc..

Human Resources

In order to have the EPPO up and running by the end of 2020 and guarantee a smooth and swift setting-up, it was decided during the adoption of the 2019 to add 2 posts following the decision of the Netherlands and Malta to join the EPPO, and to frontload 3 posts from 2021. The total number of establishment plan posts foreseen for EPPO would not be exceeded.

The 37 temporary agent posts foreseen in the establishment plan of 2019 is used as baseline for the 2020 budget estimations. In the same way, the budget adopted for 2019 takes into consideration the time needed for the recruitment process of those 37 posts, the budget estimates for 2020 are based on full FTE's for duration of 6 months. This explains the significant increase of the budget requested for establishment posts between 2019 and 2020.

In compliance with the LFS, the EPPO is entitled to add 5 new posts to its establishment plan (2 AD & 3 AST officials) together with an increase of budget for external staff for the equivalent of 5 contract agents.

Posts	Number of EPPO posts 2019	Increase EPPO posts 2020	Total Posts EPPO 2020	Decrease OLAF posts 2020
-------	---------------------------	--------------------------	-----------------------	--------------------------

Establishment plan	37 ¹	+5	42	-4
External Staff	0	+5	5	-5
SNE	0	+2	2	0

Financial Resources

In order to anticipate the price indexation expected for 2019 and 2020, the amounts requested for 2020 diverge slightly from the amounts put forward by the LFS.

Additionally, appropriations for the following two budget items have been added to cover the costs for:

- Installing and refitting of the security equipment in the EPPO building in Luxembourg in order to meet the European Commission standards, a cost for which a budget of € 800 000 has been estimated;

Acquisition of special furniture for board- and meeting rooms, cafeteria, archives, etc... according to a comprehensive estimate, an additional budget of €300 000 will be needed.

4.1 Human Resources - Agency Request

4.1.1 Number of staff requested

For 2020 the following number of posts is requested:

2 AD posts and 3 AST posts of which:

- 1 AST posts will be new,
- 2 AD posts will be transferred from OLAF's establishment plan
- 2 AST posts will be transferred from OLAF's establishment plan,

Additionally, an increase of budget for external staff is requested for an equivalent of 5 contract agents by means of redeployment between OLAF and the EPPO.

And finally, for swiftly recruitment of the Chief Prosecutor's core team members, 2 SNE posts have been foreseen though without a budgetary coverage

4.1.2 Vacancy rate as of end 2018

Not applicable

4.1.3 Standard abatement ('abatement forfaitaire') applied

During the start-up phase of the EPPO and in order to comply with the timing foreseen in the LFS, all posts should be occupied instantly.

4.1.4 Salary assumption for calculating salary line (% applied)

The 2020 budget forecast for the 37 posts already foreseen in 2019 EPPO establishment plan, relies on the average salaries of a comparable body, in casu OLAF. The average annual salaries paid to OLAF officials in January 2019 was 130 000 EUR.

For the 2020 budget forecast, the proposed amount for the 5 new establishment plan posts and the 5 contract agents posts equals the amount of the decrease of OLAF's budget. Albeit, for the new establishment plan posts, the requested budget covers only 6 months, which is the time needed for the recruitment process.

4.1.5 Correction coefficient used

Not applicable

¹ Budget allocated in 2019 for 37 posts for an average 6 months (recruitment process).

4.1.6 Exchange rate used (if applicable)

Not applicable

4.2 Financial Resources - Agency request

4.2.1 Title 1

In compliance with the LFS, the EPPO is entitled to add to its establishment plan 5 posts (2 AD & 3 AST officials) together with an increase of budget for external staff for the equivalent of 5 contract agents, this increase is offset by a decrease of OLAF's budget for external staff.

Posts	Number of posts 2019	Number of new posts	Average staff costs	Total
Establishment plan	37 ²	+5	130 000	5 001 500
External Staff	0	+5	43 000	215 000
			Total staff costs 2020	5 216 500

Additionally, compared to 2019, the budget foreseen for missions and training of staff has increased slightly to anticipate to the indexation of prices foreseen in 2019 and 2020.

4.2.2 Title 2

An amount of 2 122 000 EUR has been budgeted.

The host Member State, Luxembourg, will offer the building free of charge. Utility costs and ICT costs have been included in title 2 covering the administrative, operating and infrastructure expenditure together with ICT expenditure.

For the alignment of the security equipment in compliance with the European Commission standards should be borne by the EPPO hence an increase of budget is requested for:

- According to the first estimations made by the contractor an amount of €800 000 should be foreseen for Security installation & equipment: e.g. physical access, CCTV, control room etc...
- According to the first estimation of the contractor an amount of €300 000 for special furniture: e.g. meeting rooms, cafeteria, boardrooms, etc...

4.2.3 Title 3

An amount of 1 919 000 EUR has been budgeted.

This title mainly consists of appropriations needed to start the development of the EPPO case management system, including the purchase of related equipment. The amount specified in the LFS was based on a study conducted by an independent contractor on the options available for developing the EPPO CMS and the associated cost. The cheapest option was retained for the purposes of the LFS and it is consequently budgeted for 2019, while the procurement phase is scheduled for mid-2019

4.3 Ad hoc grants and delegation agreements

5 Other information

5.1 Buildings

² Budget allocated in 2019 for 37 posts for an average 6 months (recruitment process).

5.1.1 Current building(s)

#	Building Name and type	Location	SURFACE AREA(in m²)			RENTAL CONTRACT			Host country (grant or support)	Building present value(€)
			Office space	non-office	Total	RENT (€/year)	Duration	Type		
TOTAL										

5.1.2 Current building(s) Other comments

5.1.3 Building projects in the planning phase

The Luxembourg authorities have identified the building which they will make available for the EPPO, which is still occupied by EP services. The detailed requirement for the final installations and security measures have been prepared and agreed between EPPO and the Luxembourg authorities. However, the global planning and the related costs are still being discussed. It is not clear yet what costs will be included in the first fitting of the building, also because the global costs of the building projects might be higher than initially expected. The budget appropriations related to the building will be updated once the information will be available.

5.1.4 Building projects submitted to the European Parliament and the Council

5.2 European Schools

The draft budget does not include any assumptions for needs related to the European Schools. While the European School in Luxembourg will be available to the EPPO staff, it is not possible, at this time, to present an estimate of the needs for 2020.

5.3 Evaluation

5.4 Privileges and immunities

Agency privileges	Privileges granted to staff	
	Protocol of privileges and immunities / diplomatic status	Education / day care

Van: 10.2.e BD/DRC/FO
Aan: 10.2.e @minbuza.nl; 10.2.e - BD/DWJZ/SSR; 10.2.e @om.nl; 10.2.e
BD/DWJZ/SBR
Cc: 10.2.e 10.2.e BD/DRC/FO
Onderwerp: Tweede bijeenkomst grandfather cttee EOM
Datum: dinsdag 29 mei 2018 20:30:27

Samenvatting

Vandaag vond de tweede bijeenkomst plaats van het expertcomité dat COM op basis van artikel 20 (4), EOM adviseert over de implementatie van de EOM-verordening. NL was uitgenodigd als waarnemer, hangende de bevestiging van COM van de NL intentie tot deelname aan de versterkte samenwerking.

Buiten reikwijdte verzoek

Buiten reikwijdte verzoek

Buiten reikwijdte verzoek

Budget 2019

Voorstel COM d.d. 23 mei is 4,9 miljoen €: 35 fte, operationele kosten CMS en 20 EP's
plus ECP (excl NL **Buiten reikwijdte verzoek**)

Buiten reikwijdte verzoek

Buiten reikwijdte verzoek

Buiten reikwijdte verzoek

Groet, 10.2.e

Verzonden met BlackBerry Work
(www.blackberry.com)

Buiten reikwijdte verzoek

Van: 10.2.e BD/DRC/FO
Verzonden: donderdag 18 juni 2020 15:48
Aan: 10.2.e @om.nl; 10.2.e BD/DEIA/EU ; 10.2.e @om.nl
CC: 10.2.e BD/DEIA/EU ; 10.2.e BD/DRC/FO ; 10.2.e
10.2.e @minbuza.nl
Onderwerp: Letter 047-EPPO-2020-NL-TRA (002).pdf

Goede middag,

Ik kreeg net een telefoontje van de assistent van mevrouw Kövesi, die een rondje aan het bellen is langs de deelnemende lidstaten. Hij vroeg me concreet of we schriftelijk willen bevestigen dat we kunnen instemmen met de methodologie die is gebruikt voor de berekening van het benodigde aantal van 140 EDPs en dat we graag 2 full-time EDPs willen hebben. Hij denkt namelijk, afgaande op de laatste besprekingen met COM, dat het EOM daarvoor in 2021 bij nader inzien toch genoeg budget krijgt. We hebben in december 2019 al eens aangedrongen op 2 voltijds EDP's, 11.1

Graag even jullie check voor morgen 12.00. Lukt dat?
Dank en groeten, 10.2.e
Buiten reikwijdte verzoek

Van: 10.2.e BD/DRC/FO
Aan: 10.2.e BD/DEIA/EU; 10.2.e - BD/DEIA/EU
Cc: 10.2.e BD/DEIA/EU 10.2.e @minbuza.nl; 10.2.e @minbuza.nl; 10.2.e BD/DRC/FO
Onderwerp: FW: EPPO DB 2021 request
Datum: vrijdag 29 mei 2020 00:48:16
Bijlagen: EPPO DB 2021 analytical 28.5.2020.docx

Ter info. 10.2.e is de rechterhand van mevrouw Kövesi. 11.1

E.e.a sluit overigens nauw aan bij het voorgestelde spreekpunt in het dossier.

Groeten, 10.2.e

Verzonden met BlackBerry Work
(www.blackberry.com)

Van: 10.2.e @ec.europa.eu 10.2.e @ec.europa.eu
Datum: donderdag 28 mei 2020 23:32
Aan: 10.2.e @minbuza.nl 10.2.e @minbuza.nl; 10.2.e BD/DRC/FO
 10.2.e @minjenv.nl
Onderwerp: EPPO DB 2021 request

Dear 10.2.e, dear 10.2.e,

Please find attached more detailed information on the EPPO budget request.

As you might already know, the Commission is still considering the EPPO to be a JHA agency and, as part of the proposal for agencies under the new MFF, it is proposing 17.7 mio euro and 89 staff for EPPO in 2021. As you will see in the attached file, even if there would be no change to the number of staff and EDPs, 17.7 mio are still 10 mio short from what would be needed just to correct a series of mistakes and omissions by the Commission.

One unintended consequence: by making such a proposal, the Commission is likely to massively delay the start of EPPO operations, in contradiction with its own political declarations. The EPPO now has no other choice but to wait for the outcome of negotiations with the budgetary authority in order to assess whether a start in 2021 is conceivable.

We were hoping that the Commission would hear the EPPO's arguments and integrate at least the proposed EDPs calculation method in its proposal. This would have allowed us to finalize consultations with the national authorities on the number of EDPs swiftly and national authorities to recruit them in the foreseeable future. Unfortunately, and unless there is no major political development in the coming weeks, this will not be the case.

Best regards,
10.2.e

EPPO DB 2021	LFS 2017	Correcting mistakes and omissions in LFS 2017	EPPO request 2021	Comments
Title 1 - Staff Expenditure	7.658.000	13.637.000	30.362.000	<u>LFS 2017</u>
Salaries & allowances	7.658.000	11.810.000	25.430.000	1. The amount of 7.658.000 is <u>only</u> for salaries¹ of 82 central office staff (60 TA and 22 CA) in 2021 as foreseen in the LFS 2017. However, in the 2019 budget, the first 32 TA were estimated to work in 2019 for 6 months only². This was not corrected for the budget of subsequent years so this recurring mistake should be corrected. 2. Nothing foreseen for other Title 1 related expenditure. <u>Correcting mistakes and omissions</u> 1. The amount of 11.810.000 (+4.1 million compared to LFS 2017) is for salaries³ of 89 central office staff (67 TA and 22 CA) in 2021 as agreed in DB 2020. This is + 1 million for the 7 extra TAs compared to LFS and + 1 million for the updated calculation method for salaries using 2020 instead of 2017 prices. It also includes the correction of the recurring mistake made in the LFS explained above (i.e. + 2.1 million). 2. Provisions are also included for 89 central office staff for other Title 1 related expenditure, namely one off recruitment costs, training of staff, missions etc. that were omitted in the LFS 2017 (i.e. + 1.9 million).
- Of which establishment plan posts	6.118.000	10.050.000	16.950.000	
- Of which external personnel	1.540.000	1.760.000	8.480.000	
Expenditure relating to Staff recruitment	-	705.000	3.710.000	
Employer's pension contributions	-	-	-	
Mission expenses	-	200.000	300.000	
Socio-medical infrastructure	-	92.000	92.000	
Training	-	690.000	690.000	
External Services	-	80.000	80.000	
Receptions, events and representation	-	10.000	10.000	
Social welfare	-	-	-	
Other Staff related expenditure	-	50.000	50.000	

¹ DG BUDG 2017 average prices were used - 138.000 per year for TA and 70.000 per year for CA

² To be fully accurate the calculation made was for 31 TA for 6 months and 1 TA for 10 months in 2019

³ DG BUDG 2020 average prices were used - 150.000 per year for TA and 80.000 per year for CA

				<u>EPPO request 2021:</u> 1. The amount of 25.430.000 000 (+18 million) compared to LFS 2017) is for salaries⁴ of 219 central office staff (113 TA and 106 CA) consistent with the increased caseload of the EPPO and comparable with Eurojust. 2. Provisions are also included for 219 central office staff for other Title 1 related expenditure, namely one off recruitment costs, training of staff, missions etc. that were omitted in the LFS 2017 (i.e. + 5 million).
Title 2 - Infrastructure and operating expenditure	1.479.000	4.927.908	4.927.908	<u>LFS 2017:</u> The calculation in 2017 by the EC was made based on OLAF's building actual costs incurred, assuming 1.971 million at cruising speed in 2023, with a gradual increase of 35% in 2019 and 75% in 2021 which gives the 1.479.000 foreseen according to the LFS for 2021. <u>Correcting mistakes and omissions & EPPO request are the same:</u> Approx. 1.7 million is needed as standard costs for the daily running of the EPPO premises (maintenance of building, furniture, office supplies, IT costs etc.) which is a bit more (+ 0.2 million) to what was estimated in the LFS 2017. The LFS though omitted to include two indispensable security costs: 1. +2.2 million for Close Protection Services for the ECP (which
Rental of buildings and associated costs		3.518.908	3.518.908	
Information, communication technology and data processing		305.000	305.000	
Movable property and associated costs		325.000	325.000	
Current administrative expenditure		115.000	115.000	
Postage / Telecommunications		-	-	
Meeting expenses		340.000	340.000	
Running costs in connection with operational activities		-	-	
Information and publishing		-	-	
Studies		-	-	
Other infrastructure and operating expenditure		324.000	324.000	

⁴ DG BUDG 2020 average prices were used - 150.000 per year for TA and 80.000 per year for CA.

				already will be provided by DG HR DS to the ECP from August 2020 – and a provision has been agreed already in the amending budget of 2020). 2. + 1 million for security measures (gardiennage) of Tower B, the new EPPO building.
Title 3 - Operational expenditure	4.063.000	8.832.418	20.224.296	<u>LFS 2017:</u>
CMS	1.400.000	1.500.000	1.500.000	The main costs in the LFS are the salaries of 32.25 FTE EDPs (2.1 million) and the CMS (1.4 million). <u>Correcting mistakes and omissions:</u> Provisions were undervalued or omitted for <u>translation costs (+4 million)</u>, data centre and art 91.6 investigation costs. <u>EPPO request 2021:</u> Real needs compared to only correcting mistakes and omissions: 1. Costs for the salaries of 140 EDPs (necessary to handle the high caseload of EPPO). An increase of +7.5 million. 2. Translation costs of +4 million following an in depth assessment⁵ of the stipulations of the EPPO regulation by the EPPO legal service.
Translation costs	81.090	4.000.000	8.000.000	
Data Centre	-	320.000	320.000	
Art 91.6 investigation costs	64.664	650.000	650.000	
EDPs	2.133.394	2.212.418	9.604.296	
Other	384.226	150.000	150.000	
TOTAL	13.200.000	27.397.327	55.514.205	

⁵ For most of EPPO proceedings, translation will be mandatory at least for the most important official documents (for instance documents necessary for obtaining the judicial authorisation in cross-border investigations or the indictment decisions to be then submitted in front of national courts.)

Translation costs

The translation costs anticipated by EPPO in its DB 2021 request are very conservative. We have taken into account the following elements:

- A) For communications of the EPPO addressed to the authorities of a Member State: the official language of that Member State shall be used, unless agreed otherwise (N.B. for the purpose of quantifying translation costs, only operational documents are considered).
 - a. Depending on applicable national law, translation required from the EPPO's working language(s) to the official language of the relevant Member State/language of the case file.
 - b. Types of operational documents: all decisions and instructions given by the Permanent Chambers in accordance with Article 10, para. 3, 4, 5 and 7 to be recorded in writing and become part of the case file; any other document that may become part of the case file. With a view to facilitating translations, templates for decisions/instructions could be considered and be made available. In addition, any draft decisions prepared by EDPs which may be overruled by Permanent Chambers and substantially changed at central level, e.g. draft indictments, proposals for applying simplified prosecution procedures, etc.
 - c. Modalities of translation for operational documents: in principle, a certified or sworn translation required if the EPPO's documents are to become part of the case file. Otherwise, a raw translation, with the help of an automatic translation tool such as eTranslation, should be sufficient.
- B) For acts of the criminal investigations handled by EDPs that are essential to allow the Central Office to carry out its tasks: their content, where appropriate in a summary form, must be made available in the EPPO's working language(s).
 - a. In principle, translation required from the language of the case file into the EPPO's working language(s). If required, it should be noted that "all case material shall be accessible upon request to the competent Permanent Chamber for the purpose of preparing decisions" (Article 10, para. 6 in fine EPPO Regulation).
 - b. Types of documents that could be summarised (instead of translating the full document, if accepted by the competent Permanent Chamber): evidence documented such as transcriptions of wiretappings, expert reports, witness statements, etc.
 - c. Types of documents requiring a full translation: draft decisions prepared by the handling EDPs, which are essential for the Permanent Chamber to take decisions, e.g. documents necessary for obtaining the judicial authorisation in an assisting Member State; draft requests for judicial cooperation addressed to non-participating Member States and third countries; draft indictments; draft decisions on the exercise of available remedies at national level; etc.
 - d. Modalities of translation: in principle, a raw translation, with the help of an automatic translation tool such as eTranslation, should be sufficient for most of the documents. In some cases (from 5 to 10%), at the request of Permanent Chambers, certain important documents may require a professional translation by a service provider.

Based on these elements, depending on the actual caseload of the EPPO, the cost for translations can be estimated between 4.8 and 15.1 mio Euro.

Van: 10.2.e BD/DEIA/EU
Aan: 10.2.e BD/DRC/FO
Cc: 10.2.e BD/DEIA/EU; 10.2.e BD/DEIA/EU; 10.2.e@minbuza.nl; 10.2.e BD/DEIA/EU; 10.2.e BD/DRC/GC; 10.2.e BD/DEIA/EU
Onderwerp: FW: vragen over het EOM met relatie tot MFK
Datum: donderdag 7 mei 2020 19:10:34

Ha 10.2.e ,

Bijgaand de met BZ en Financiën afgestemde antwoorden op de MFK-gerelateerde vragen naar aanleiding van het verslag. Met name de hoogte van het aan het EOM toegekende budget voor de MFK periode 2021-2027 bleek wat voeten in de aarde te hebben (met dank aan 10.2.e voor het spuurwerk!), wellicht heb jij daar zelf, via jouw EOM kanalen nog actuelere informatie over. 11.1

Fijne avond!

10.2.e

Van: 10.2.e BD/DRC/FO 10.2.e @minjenv.nl>

Datum: maandag 04 mei 2020 5:13 PM

Aan: 10.2.e BD/DEIA/EU 10.2.e @minjenv.nl>,
 10.2.e BD/DEIA/EU 10.2.e @minjenv.nl>,
 10.2.e BD/DRC/GC 10.2.e @minjenv.nl>

Kopie: 10.2.e BD/DEIA/EU 10.2.e @minjenv.nl>,
 10.2.e BD/DRC/FO 10.2.e @minjenv.nl>

Onderwerp: vragen over het EOM met een relatie tot het MFK en rechtsstaatconditionaliteit

Dag allemaal, ik ben bezig met de beantwoording van vragen in het verslag naar aanleiding van het wetsvoorstel EOM. De onderstaande 5 vragen hebben een relatie met jullie werkterrein, meer in het bijzonder het MFK en de Rule of Law. Zouden jullie mijn conceptantwoorden willen bezien en deze zo nodig kunnen actualiseren/aanvullen? Hoe eerder hoe liever, natuurlijk, maar als het uiterlijk donderdag COB zou lukken, zou ik heel blij zijn, want dan kan ik vrijdag de hele set van 98 vragen (sic) aan DWJZ overdragen. Zeer bedankt alvast. Groeten en fijne Bevrijdingsdag, 10.2.e

51.

De leden van de D66-fractie lazen in het verslag van de JBZ-raad van 23 en 24 januari 2020 dat de Hoofdaanklager aangaf dat het budget voor de hoeveelheid werk, ook op de langere termijn, niet toereikend zal zijn en vroegen de regering hierop te reageren.

52.

Hoe wordt voorzien in een toereikend budget? Wordt dit door Nederland meegenomen als aandachtspunt bij de onderhandelingen voor de meerjarenbegroting (MFK)?

53.

Hoeveel is op dit moment begroot in de laatste zogeheten "negotiation box"?

54.

Is dat volgens de Nederlandse regering voldoende? Wat is hier de inzet van Nederland?

Antwoord op de vragen 51 t/m 54:

11.1

11.1

55.

Daarnaast vragen deze leden ook graag of Nederland lidstaten die nu niet meedoen aan het EOM, zoals Hongarije en Polen, stimuleert dat wel te doen.

Antwoord op vraag 55:

11.1

Dit bericht kan informatie bevatten die niet voor u is bestemd. Indien u niet de geadresseerde bent of dit bericht abusievelijk aan u is toegezonden, wordt u verzocht dat aan de afzender te melden en het bericht te verwijderen. De Staat aanvaardt geen aansprakelijkheid voor schade, van welke aard ook, die verband houdt met risico's verbonden aan het elektronisch verzenden van berichten.

Ministerie van Justitie en Veiligheid

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Ministry of Justice and Security

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Dit bericht kan informatie bevatten die niet voor u is bestemd. Indien u niet de geadresseerde bent of dit bericht abusievelijk aan u is toegezonden, wordt u verzocht dat aan de afzender te melden en het bericht te verwijderen. De Staat aanvaardt geen aansprakelijkheid voor schade, van welke aard ook, die verband houdt met risico's verbonden aan het elektronisch verzenden van berichten.

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 Cc: 10.2.e BD/DEIA/EU; 10.2.e BD/DRC/FO
 Onderwerp: vragen over het EOM met een relatie tot het MFK en rechtsstaatconditionaliteit
 Datum: maandag 4 mei 2020 17:13:07

Dag allemaal, ik ben bezig met de beantwoording van vragen in het verslag naar aanleiding van het wetsvoorstel EOM. De onderstaande 5 vragen hebben een relatie met jullie werkterrein, meer in het bijzonder het MFK en de Rule of Law. Zouden jullie mijn conceptantwoorden willen bezien en deze zo nodig kunnen actualiseren/aanvullen? Hoe eerder hoe liever, natuurlijk, maar als het **uiterlijk donderdag COB** zou lukken, zou ik heel blij zijn, want dan kan ik vrijdag de hele set van 98 vragen (sic) aan DWJZ overdragen. Zeer bedankt alvast. Groeten en fijne Bevrijdingsdag, 10.2.e

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De leden van de D66-fractie lazen in het verslag van de JBZ-raad van 23 en 24 januari 2020 dat de Hoofdaanklager aangaf dat het budget voor de hoeveelheid werk, ook op de langere termijn, niet toereikend zal zijn en vroegen de regering hierop te reageren.

11.1

PM aanvulling DEIA.

52.

Hoe wordt voorzien in een toereikend budget? Wordt dit door Nederland meegenomen als aandachtspunt bij de onderhandelingen voor de meeriarenbegroting (MFK)? 11.1

53.

Hoeveel is op dit moment begroot in de laatste zogeheten "negotiation box"? **PM DEIA/10.2.e**

54.

Is dat volgens de Nederlandse regering voldoende? Wat is hier de inzet van Nederland? 11.1

55.

Daarnaast vragen deze leden ook graag of Nederland lidstaten die nu niet meedoen aan het EOM, zoals Hongarije en Polen, stimuleert dat wel te doen. 11.1

PM aanvulling DEIA