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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Note Verbale to the Council of Europe in relation to the Note Verbale from the Swiss Confederation notified on 1st February 2022 on the notification by the participating Member States of the EPPO as a competent judicial authority under the 1959 European Convention on Mutual Assistance in Criminal Matters – Approval

1. On 17 January 2023 the Commission submitted a draft paper for a Note Verbale, to be submitted from the Permanent Representation of Sweden to the Secretary General of the Council of Europe. This draft Note Verbale relates to the Note Verbale of the Swiss Confederation dated 27 January 2022, registered at the Council of Europe on 1st February 2022. It concerns the implementation 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')¹.

¹ OJ L 283, 31.10.2017, p. 1.

2. The draft Note-Verbale was considered by JHA Counsellors at their meetings on 20 and 24 January 2023. Agreement was reached at technical level through silence procedure².
3. The Permanent Representatives Committee is invited:
 - a) to confirm the agreement on the text of the draft Note Verbale as set out in the Annex to this Note and
 - b) to recommend to the Council to approve the text of the draft Note Verbale and to authorise the Presidency to submit the Note Verbale to the Council of Europe.

² Since the Note Verbale falls within the scope of implementation of enhanced cooperation on the establishment of the European Public Prosecutor's Office in which Denmark, Hungary, Ireland, Poland and Sweden do not take part, those Member States are not taking part in its approval.

**Draft Note Verbale from the Permanent Representation of Sweden to the Council of Europe
addressed to the Secretary General of the Council of Europe in relation to the Note Verbale of
the Swiss Confederation dated 27 January 2022, registered at the Council of Europe on
1st February 2022**

The Permanent Representation of Sweden to the Council of Europe presents its compliments to the Secretary General of the Council of Europe and, with reference to the Declaration contained in the Note Verbale from the Permanent Representation of Switzerland dated 27 January 2022, registered at the Council of Europe on 1 February 2022, has the honour of communicating the following on behalf of the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic and the Republic of Finland.

The Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic and the Republic of Finland:

- jointly welcome the dialogue with the Swiss Confederation concerning the modalities of cooperation between the Swiss authorities and the European Public Prosecutor's Office;

- jointly welcome the adoption on 21 December 2022 of the ‘Ordonnance sur la coopération avec le Parquet européen du Conseil fédéral suisse’;
- jointly welcome the possibility for cooperation between the European Public Prosecutor’s Office and the authorities of the Swiss Confederation;
- jointly take this opportunity to confirm their view on the possibility to designate the European Public Prosecutor’s Office as a competent national authority.

The Permanent Representation of Sweden to the Council of Europe avails itself of this opportunity to renew to the Secretary General of the Council of Europe the assurances of its highest consideration.