

Discussion paper

- Considering Art. 45 and 46 EPPO-Reg, Data to EPPO investigation cases are held in two systems: National case file system and EPPO-Content Management Case System (EPPO-CMS).
- National case file contains all necessary information for establishing necessary evidence in order to charge or discharge a person suspected having committed PIF-offences.
- Access to National case files is provided according to the national law of the European Delegated Prosecutor in charge with investigations (handling EDP). That means, that all access rights – not only for the suspected person but also for third persons and parties – are granted according to the national procedural regulations (s. Art. 45 (2) EPPO-Reg.).
- EPPO-CMS mirrors the national case file (Art. 45 (3) EPPO-Reg) insofar as it is necessary to carry out supervision functions of the central level.
- Furthermore EPPO-CMS contains all internal communication between EDPs and central level as well as in crossborder cases according to Art. 31 EPPO-Reg.
- Access to EPPO-CMS data is provided exclusively according to EPPO-Reg (and not national criminal procedural law): Art. 46 EPPO-Reg. for internal communication (s. also Art. 61 Internal Rules of Procedure (IRP)), Art. 58, 59 EPPO-Reg for the person concerned.
- However: In case of conflict regarding the access to EPPO-CMS for the person concerned between national procedural law and EPPO-Reg, national regulations prevails – as exception to Art. 5 (3) EPPO-Reg (arg. Art. 59 (3) and 60 (1) EPPO-Reg).