



Working Arrangement between Eurojust and the Prosecutor General's Office of the Republic of Ecuador



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The European Union Agency for Criminal Justice Cooperation (hereinafter referred to as 'Eurojust'), represented for the purposes of this Working Arrangement by Ladislav Hamran, President of Eurojust; and

The Prosecutor General's Office, on behalf of the competent authorities of the Republic of Ecuador (hereinafter referred to as Ecuador) and represented for the purposes of this Working Arrangement by Diana Salazar Méndez, Prosecutor General,

hereinafter collectively referred to as the 'Parties', or individually as the "Party",

Having regard to Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA¹ (hereinafter referred to as the "Eurojust Regulation"), and in particular Article 47(1) and (3), as well as Article 52 (1) and (2) thereof,

Having regard to the Constitution of the Republic of Ecuador, and in particular its Articles 194 and 195, which establishes that the Prosecutor General's Office directs the pre-procedural and criminal procedural investigation subject to the principles of opportunity and minimal criminal intervention²,

Considering that the Executive Board of Eurojust was consulted on Eurojust's intention to conclude a Working Arrangement with the Prosecutor General's Office of Ecuador on 13 May 2024 and gave a favourable opinion, and that the College approved its conclusion on 9 July 2024,

Considering the interests of both the Prosecutor General's Office of Ecuador and Eurojust in developing close and dynamic cooperation to meet the present and future challenges posed by serious crime, particularly organised crime and terrorism,

Considering the goal to conclude an international agreement between the European Union and the Republic of Ecuador on cooperation in criminal matters between Eurojust and the competent authorities of Ecuador,

Respecting the fundamental rights and principles as reflected in the Charter of Fundamental Rights of the European Union and other international human rights instruments.

HAVE AGREED AS FOLLOWS:

¹ OJ L 295, 21.11.2018, p.138. This Regulation has been amended by Regulation (EU) 2022/838 of the European Parliament and of the Council of 30 May 2022 (OJ L 148, 31.5.2022, p. 1–5) and by Regulation (EU) 2023/2131 of the European Parliament and of the Council of 4 October 2023 (PE/74/2022).

² Art. 194 and 195 of the Constitution of the Republic of Ecuador, R.O 449 10-20-2008, page. 39 - Amended by: Amendment s/n (R.O. 653-S, 21-XII-2015); Resolution s/n (R.O. 181-S, 15-II-2018); Amendment s/n (R.O. 377-3S, 1-25-2021); Amendment s/n (R.O. 568-3S, 30-V-2024).

CHAPTER I - GENERAL PROVISIONS

Article 1 Purpose and scope

1. The purpose of this Working Arrangement (hereinafter referred to as 'Arrangement') is to encourage and develop strategic cooperation between the Parties in combatting organised crime and terrorism. This Arrangement does not constitute a legal basis for the exchange of personal data.
2. Cooperation between the Parties shall take place within the mandate of Eurojust. It may, in particular, include:
 - (a) The exchange of legal, strategic and technical information, including results of analyses, information concerning substantive and procedural criminal legislation and practices, practical difficulties, best practices and lessons learned in judicial cooperation in criminal matters.
 - (b) Inviting each other to awareness raising and knowledge building events on issues related to their respective mandates and competences.
 - (c) Improving judicial cooperation in the field of criminal justice by facilitating the communication between the competent authorities of the Member States of the European Union and Ecuador.
 - (d) Ensuring mutual understanding and familiarisation with the requirements in cooperation in relation to serious and organised crime and terrorism, including with regard to the conclusion of an international agreement between the European Union and the Republic of Ecuador, allowing the systematic exchange of operational personal data.
 - (e) Exchanging best practices in fighting the most severe forms of crimes.

Article 2 Relation to other international instruments

This Arrangement shall be without prejudice to any other obligations incurred under the terms of any bilateral or multilateral agreement between Ecuador and the European Union or any of its Member States that contains provisions governing judicial cooperation in criminal matters.

CHAPTER II - MODE OF COOPERATION

Article 3 Contact Point(s)

1. The Prosecutor General's Office of Ecuador shall appoint one or more Contact Points to coordinate cooperation with Eurojust and ensure that information is promptly shared with the relevant national authorities of Ecuador.
2. This appointment shall be duly notified to Eurojust in writing in accordance with its internal procedures. Ecuador shall inform Eurojust without delay of any change regarding this appointment.
3. Eurojust shall establish suitable mechanisms to ensure that the Contact Point(s) have efficient means to communicate with the Agency on operational and strategic matters.

Article 4

Functions of the Contact Points

1. Contact Points and Eurojust shall exchange information within the scope of this Arrangement without delay.
2. Contact Points may in particular be requested to:
 - (a) Ensure general communication, including on such matters as appointments, strategic exchanges, organisation of workshops, as well as of courtesy and study visits;
 - (b) Expedite, facilitate or coordinate the execution of requests for judicial cooperation, and follow-up on the status of specific requests, without prejudice to the transmission channels provided for in bilateral or multilateral instruments applicable between Ecuador and the EU Member States concerned;
 - (c) Enable direct contact with the competent authorities of Ecuador ;
 - (d) Clarify particular provisions of national legislation and provide legal advice related to the legal system of Ecuador;
 - (e) Advise on how to submit requests for judicial cooperation to Ecuador, including in urgent cases;
 - (f) Attend and facilitate the participation of the competent authorities of Ecuador in coordination meetings and coordination centres organised at Eurojust in cases involving Ecuador and EU Member States;
 - (g) Support the setting-up of and facilitate the participation of the competent authorities of Ecuador in joint investigations teams supported by Eurojust;
 - (h) Assist with resolving any issues that might arise in the framework of judicial cooperation between Eurojust and Ecuador.

Article 5

Functions of Eurojust

Eurojust may be called to:

- (a) Facilitate or coordinate the execution of requests for judicial cooperation, and follow-up on the status of specific requests, without prejudice to the transmission channels provided for in bilateral or multilateral instruments applicable between Ecuador and the EU Member State(s) concerned;
- (b) Enable direct contact with competent national authorities;
- (c) Clarify particular provisions of national legislation and provide legal advice related to the legal system of EU Members States;
- (d) Advise on how to submit requests for judicial cooperation to EU Members States, including in urgent cases;
- (e) Facilitate the participation of the competent authorities of Ecuador in coordination meetings and coordination centres organised at Eurojust in cases involving Ecuador;
- (f) Support the setting-up of and facilitate the participation of competent authorities of Ecuador in joint investigations teams supported by Eurojust;
- (g) Assist with resolving any issues that might arise in the framework of judicial cooperation between Eurojust and Ecuador.

CHAPTER III - EXCHANGE OF INFORMATION

Article 6 Purpose and use

1. Exchange of information between the Parties shall only take place for the purpose of this Arrangement as established in Article 1(1) and in accordance with the respective legal frameworks of the Parties.
2. The Parties shall inform each other, at the moment of supply of information or before, of the purpose for which the information is supplied and of any restriction on its use, deletion or destruction, including possible access restrictions in general or specific terms. Where the need for such restrictions becomes apparent after the supply of the information, the Parties shall inform each other of such restrictions as soon as possible.
3. The use of information for a different purpose than that for which the information was transmitted shall be subject to a prior authorisation of the transmitting Party.

Article 7 Confidentiality

The Parties shall be bound by an obligation of confidentiality in respect of information received in the implementation of this Arrangement. Any restriction imposed by the Parties or EU national authorities on the use of the information transmitted shall be respected.

Article 8 Onward transmission

1. Any information received by either Party under this Arrangement may only be transmitted onward to a third party with the prior written consent of the transmitting Party and subject to any conditions or restrictions indicated by that Party.
2. Prior written consent by the transmitting Party does not apply when the information is further shared by Eurojust with Union bodies listed in the Annex to this Arrangement or with authorities responsible in the Member States for investigating and prosecuting serious crime.

CHAPTER IV - FINAL PROVISIONS

Article 9 Amendments

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

Article 10 Expenses

Each Party shall bear their own expenses that may arise in the course of implementation of this Arrangement, unless otherwise agreed on a case-by-case basis.

Article 11

Settlement of disputes

1. All disputes that may emerge in connection with the interpretation or application of this Arrangement shall be settled by means of consultation and negotiation between the Parties with a view to finding an equitable solution.
2. In the event of serious failing of either Party to comply with the provisions of this Arrangement, or if a Party is of the view that such a failing may occur in the near future, either Party may suspend the application of this Arrangement temporarily.

Article 12

Assessment of cooperation

At least once every two years, the Parties shall report to each other on the implementation of this Arrangement and propose methods for improvement.

Article 13

Termination

1. This Arrangement may be terminated by either Party upon three months written notification.
2. In the case of termination, the Parties shall reach agreement under the conditions set out in this Arrangement on the continued use and storage of the information exchanged between them. If no agreement is reached, either Party is entitled to request the deletion of the information transmitted.

Article 14

Entry into force

This Arrangement shall enter into force on the first day following its signature by the Parties. It shall be valid for three years, which may be automatically and tacitly extended, unless one of the Parties communicates to the other its willingness to terminate it in accordance with Article 13.

Done at The Hague, on 10th July 2024 in two copies in English and Spanish, both texts having equal validity.

For the Prosecutor General's Office
of the Republic of Ecuador

For Eurojust

Diana Salazar Méndez
The Prosecutor General

Ladislav Hamran
The President

List of Union Bodies
(Article 8(2) of the Arrangement)

Union bodies that can get access to information (via Eurojust):

- European Central Bank (ECB)
- European Anti-Fraud Office (OLAF)
- European Border and Coast Guard Agency (Frontex)
- European Union Intellectual Property Office (EUIPO)
- Missions or operations established under the Common Security and Defence Policy, limited to law enforcement and judicial activities
- European Union Agency for Law Enforcement Cooperation (Europol)
- European Public Prosecutors Office (EPPO)
- European Union Agency for Law Enforcement Training (CEPOL)