

Resolution on the Council's approach to revision of the OLAF Regulation

2008/2690(RSP) - 18/12/2008 - Text adopted by Parliament, single reading

Following the debate which took place during the sitting of 17 December 2008, the European Parliament adopted by 567 votes in favour to 7 against with 9 abstentions a resolution on the Council's approach to the revision of the OLAF Regulation. The resolution had been tabled for consideration in plenary by the EPP-ED, PES, ALDE, UEN, Greens/EFA and GUE/NGL groups.

Parliament recalls that it concluded its first reading concerning amendment of Regulation (EC) No 1073/1999 ("the OLAF Regulation") by a large majority on 20 November 2008, and states that the two branches of the EU legislative authority should closely cooperate under the codecision procedure in order to adapt the regulatory framework of the fight against fraud to current needs.

Members consider that there is an urgent need to **clarify the regulatory framework of OLAF** in order to improve the efficiency of anti-fraud investigations and to ensure the necessary independence of OLAF, taking full account of the experiences gained since OLAF was established to replace UCLAF in 1999. They remind the Council that Parliament's position of 20 November 2008 will lead to considerable improvement in the efficiency and quality of OLAF investigations through the strengthening of procedural guarantees, the role of the Supervisory Committee, the presumption of innocence, the right of defence of those under investigation and the rights of informers, the adoption of clear and transparent investigative rules and the improvement of cooperation with the competent national authorities and the EU institutions.

Parliament urges the French and Czech Presidencies to submit a calendar for negotiations with Parliament, based on Regulation (EC) No 1073/1999, thus confirming that they are making every possible effort to ensure the prompt adoption of a common position by the Council and to avoid any further unjustified delays.

The resolution states that the Council's position in favour of a simple consolidation of the three existing legal bases for OLAF investigations is not a valid argument for not immediately opening negotiations on Regulation (EC) No 1073/1999. Simple consolidation will not improve the legal framework for OLAF's anti-fraud investigations and it therefore constitutes a considerable loss of time in efforts to step up the fight against fraud. Accordingly, Parliament opts for a **recasting of EU anti-fraud legislation**, including Regulation (EC) No 1073/1999, Regulation (Euratom, EC) No 2185/1996 and Regulation (EC, Euratom) No 2988/1995, which should be based on a revised Regulation (EC) No 1073/1999.