Investigations by the European Anti-Fraud Office (OLAF)

2006/0084(COD) - 11/09/2013 - Final act

PURPOSE: to reform the European Anti-Fraud Office (OLAF) in order to strengthen the independence of OLAF, make the Office's investigative activities more effective, and improve cooperation and exchange of information between the different institutions and bodies that participate in its investigations.

LEGISLATIVE ACT : Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999

CONTENT: the Regulation aims to strengthen the procedural rights of persons concerned in OLAF investigations and to increase the efficacy of these investigations, as well as to improve cooperation with OLAF's partners (Union institutions and bodies, Member States, international organisations.) It also aims to define better the role of OLAF's Supervisory Committee and to establish an exchange of views at political level relating to the strategic priorities for the Office's investigation policies.

The main changes made in relation to the current rules are as follows:

Investigation procedures: the new Regulation clarifies the tasks and functions of the different actors involved in the opening, the carrying-out and the closing of OLAF investigations. The text provides that the Director-General of OLAF will put in place an internal advisory and control procedure, including a legality check.

Role of the Director-General of OLAF: the tasks, functions and scope of the Director-General's work are set out in a more explicit manner. In order to strengthen OLAF's independence, its Director-General will henceforth be **appointed for a non-renewable term of seven years,** rather than a term of five years, which is renewable once, as in the present rules.

If an investigation cannot be closed within 12 months after it has been opened, the Director-General shall, at the expiry of that 12-month period and every six months thereafter, report to the Supervisory Committee, indicating the reasons and the remedial measures envisaged with a view to speeding up the investigation.

The application of procedural guarantees: in accordance with the Charter of Fundamental Rights, the Regulation sets out and **strengthens the procedural guarantees and rights of persons concerned** or witnesses, in relation to current EU practices.

A person concerned by an investigation will have the right to make observations before conclusions referring by name to the person concerned are drawn up.

The person shall have the right to be assisted by a person of his choice during an interview, be entitled to use any of the official languages of the institutions of the Union, be given a record of the interview for approval or additional observations.

Supervisory Committee: the Supervisory Committee's main task is to reinforce the Office's **independence.** In addition to its current functions, it will ensure the application of procedural guarantees.

Strengthening cooperation: the Regulation allows faster and more efficient exchange of information between OLAF and EU institutions and bodies, as well as with competent authorities of Member States, during the various stages of an investigation.

Member States must designate a service (**the anti-fraud coordination service**) to facilitate effective cooperation and exchange of information with the Office.

Furthermore, OLAF will be able to conclude **administrative arrangements** with Eurojust, Europol and the competent authorities in third countries and international organisations.

An **exchange of views** should take place once a year between the European Parliament, the Council and the Commission. Such exchange of views should cover, inter alia, the strategic priorities for investigation policies and the effectiveness of the work of the Office with regard to the performance of its mandate, without in any way interfering with the independence of the Office in the conduct of its investigations.

ENTRY INTO FORCE: 01/10/2013.