# European Anti-Fraud Office (OLAF): secretariat of the Supervisory Committee

2016/0064(COD) - 04/03/2016 - Legislative proposal

PURPOSE: to amend Regulation (EU, EURATOM) No 883/2013, as regards the secretariat of the Supervisory Committee of the European Anti-Fraud Office (OLAF).

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: in accordance with the new OLAF Regulation (Regulation 883/2013), the **Supervisory Committee of the European Anti-Fraud Office** is tasked with regularly monitoring the implementation by the Office of its investigative function, in order to reinforce its independence, and in particular to monitor developments concerning the application of procedural guarantees and the duration of investigations in the light of the information supplied by the Director General.

However, in the recent past some concerns have been voiced about **possible conflicts of interest** and calls have been made for a strengthened legal independence as regards the management of the Committee's budget and secretariat. Thus, in its Annual Activity Reports of 2013 and 2014, the Supervisory Committee underlined the importance of its independent and effective functioning which requires an independent and adequately staffed secretariat.

The European Parliament called several times on the Commission to take measures to reinforce the independent functioning of OLAF's Supervisory Committee secretariat, such as in its report on the discharge procedure for 20134 or in its resolution on the OLAF Supervisory Committee's annual report 2014.

On 18 December 2015, the Commission adopted an amendment to its Decision 1999/352 in order to move the responsibility for the implementation of the budgetary appropriations for the Members from the Director-General of OLAF to the Commission. The Commission subsequently delegated this responsibility to the Director of its Payments Office (PMO). This decision applied as from 1 January 2016.

The framework for the implementation of the budgetary appropriations relating to the Members of the Supervisory Committee should be set up in a way which **avoids any appearance of a possible interference of the Office in their duties**. The secretariat of the Supervisory Committee should be provided directly by the Commission, independently from the Office. The Commission should refrain from interfering with the functions of the Supervisory Committee.

CONTENT: in order to separate the management of the Committee's secretariat from the management of the Office and to avoid any impression that OLAF can impair the functioning of the support to the Committee's Members, the Commission proposes to modify Regulation 883/2013 to foresee that the **secretariat of the Supervisory Committee will be provided directly by the Commission, and no longer by OLAF**.

Lastly, the proposal seeks to amend the wording of Regulation so that the **competence of OLAF's Data Protection Officer** (DPO) will continue to cover the processing of data by the secretariat. Also, the secretariat's staff will continue to be subject to the **same confidentiality** rules as before.

BUDGETARY IMPLICATIONS: the proposed Regulation will not require any new human or administrative resources and will have no financial impact. It will only **transfer the management of the budgetary appropriations** concerning the secretariat of OLAF's Supervisory Committee within the Commission.