Investigations by the European Anti-Fraud Office (OLAF): cooperation with the European Public Prosecutor's Office and the effectiveness of OLAF investigations

2018/0170(COD) - 17/12/2020 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a legislative resolution approving the Council's position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council amending Regulation (EU, Euratom) No 883/2013 as regards cooperation with the European Public Prosecutor's Office and the effectiveness of the European Anti-Fraud Office investigations.

The aims of the proposed regulation are as follows:

- to adapt the functioning of the investigations of the European Anti-Fraud Office (OLAF) to the creation of the European Public Prosecutor's Office to ensure maximum complementarity, and

- to enhance the effectiveness of OLAF's investigative function in relation to specific issues, including on-the-spot checks, inspections, and assistance to national authorities, information on bank accounts, the admissibility of evidence gathered by OLAF, anti-fraud services and co-ordination activities.

The adaptation of Regulation (EU, Euratom) No 883/2013 should ensure the maximum level of protection of the EU's financial interests through synergies between the two bodies, while ensuring close cooperation, exchange of information, complementarity and avoiding duplication.

The amending regulation:

- allows OLAF, in the course of its investigations, to have access to privately owned devices used for work purposes, if the Office has good reason to believe that their content could be important for the purposes of the investigation;

- reinforces OLAF's investigative powers by allowing the Office to request information on bank accounts;

- creates the function of a controller of procedural guarantees, administratively attached to the Supervisory Committee and appointed by the Commission after consultation of the European Parliament and the Council;

- provides for the possibility for the data subject to request access to the final report from OLAF subject to the consent of the competent national authorities in charge of national procedures;

- reinforces the admissibility of OLAF reports as evidence in administrative proceedings and communication with OLAF on admissibility issues;

- provides for an improvement to order to allow OLAF to better monitor its cases and identify shortcomings.