Fight against fraud: investigations by the European Anti-Fraud Office OLAF

1998/0329(COD) - 01/12/1998 - Legislative proposal

PURPOSE: to establish a European Fraud Investigation Office. CONTENT: Following the European Parliament's adoption of the Bosch report on UCLAF on 7th October, the Commission has made this proposal in line with its undertaking to do so by the beginning of December: - It is proposed that, once a seat has been designated, this Office be created as an autonomous body, independent of the Commission with its own legal personality. - Its main task will be to carry out internal (within the European institutions) and external (within Member States) fraud investigations, and also to make available its expertise to help the fight against fraud. - With regard to external investigations, the Commission may ask the Office to open an investigation, at the request of a Member State, the Office itself, or on its own initiative. Once started, the Commission may have no influence on an investigation. Following the Office's final report, follow up action will be taken by the Commission. - In the case of internal investigations, an institution may request the Office to conduct an investigation. The Office's final report will then be transmitted to that institution, in order for it to take appropriate follow-up action. - The Office's powers do not impinge on the Commission's rights of legislative initiative, coordination of anti-fraud activities, and the launching of investigations, or any other powers conferred on it by Treaty. - The Office will be headed by a Director, who will act as its legal representative, and appointing authority, and will implement its budget. The Director will be proposed by the Commission, and appointed by a Board of Management, comprising six independent experts (three designated by the EP, three by the Council), two Commission representatives, and one Court of Auditors representative. This Board will have disciplinary authority over the Director - The Commission and Member States will be required to provide the Office with any information relevant to a current investigation, while the Office is required to respect EU and national provisions on data protection and professional secrecy. - The Office's final report will have legal weight at an EU and national level. - Persons implicated by Office investigations will have the same right of appeal to the European Court of Justice as they currently do against the Commission. - During the third year of the Office's existence, the Commission will transmit to the EP and the Council a progress report on its activities containing, if necessary, proposals for the modification of its tasks.