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

1998/0329(COD) - 25/05/1999 - Final act

PURPOSE: laying down of rules concerning investigations conducted by the European Anti-Fraud Office (OLAF) with a view to combating fraud, corruption and all other illegal activites detrimental to the Communities' financial interests. COMMUNITY MEASURE: Regulation 1073/1999/EC of the European Parliament and the Council of Ministers concerning investigations conducted by the European Anti-Fraud Office. CONTENT: The new Fraud Prevention Office introduces the following important innovations: - The Office has its own right of initiative to carry out investigations and will be totally independent from instructions; - investigations can be carried out as well in the Member States as in all bodies, institutions and offices in the Community; - The Office will be strengthened by appointing well-experienced investigators - also from the Member States; - The Office's investigators will have access to all necessary information and will be able to cooperate directly with national justice authorities and Eu authorities; - The Director of OLAF will be nominated by the Commission in agreement with the Council and the European Parliament. His work will be monitored by a Supervisory Committee of 5 independent external personalities of high standing, who will also be appointed jointly by the Council, the European Parliament and the Commission; - The Director will neither take nor seek instructions from any government or any institution, body, office or agency in the performance of his duties with regard to the opening and carrying out of external and internal investigations or to the drafting of reports following such investigations. if the Director considers that a measure taken by the Commission calls his independence into question, he shall be entitled to bring an action against his institution before the Court of Justice; - Internal investigations carried out by OLAF must be conducted in accordance with the Treaty and in particular with the Protocol on the privileges and immunities of the European Communities, while respecting the Staff Regulations of officials and conditions of employment of other servants of the European Communities, and with full respect for human rights and fundamental freedoms, in particular the principle of fairness, for the right of persons involved to exprress their views on the facts concerning them, and for the principle that the conclusions of an investigation may be based solely on elements which have evidential value; - OLAF must be guaranteed access to all premises of the institutions, bodies, offices and agencies and to all information and documents held by them; - the reciprocal exchange of information between the Office, the Member States and the relevant institutions, bodies, offices and agencies muct be organised, subject to rules of confidentiality where information is subject to professional secrecy, while ensuring that it enjoys the proper data protection; - the activities of the Office will be evaluated by the Commission after three years of the Office's operations: thisreport will be transmitted to the European Parliament and the Council, together, where appropriate, with proposals to modify or extend the Office's tasks. ENTRY INTO FORCE: 01/06/1999.