

## Basic information

**2016/0064(COD)**

COD - Ordinary legislative procedure (ex-codecision procedure)  
Regulation

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

Amending Regulation (EU, Euratom) No 883/2013 [2006/0084\(COD\)](#)

### Subject

8.70.04 Protecting financial interests of the EU against fraud

Procedure completed

## Key players

European Parliament	<b>Committee responsible</b>		<b>Rapporteur</b>	<b>Appointed</b>
	<b>CONT</b> Budgetary Control		GRÄSSLE Ingeborg (PPE)	04/04/2016
			Shadow rapporteur	
			AYALA SENDER Inés (S&D) CZARNECKI Ryszard (ECR) DLABAJOVÁ Martina (ALDE) DE JONG Dennis (GUE /NGL) STAES Bart (Verts/ALE) VALLI Marco (EFDD) ALLOT Louis (ENF)	
<b>Committee for opinion</b>		<b>Rapporteur for opinion</b>	<b>Appointed</b>	
<b>JURI</b> Legal Affairs		The committee decided not to give an opinion.		
Council of the European Union				
European Commission	<b>Commission DG</b>		<b>Commissioner</b>	
	Budget		GEORGIEVA Kristalina	
European Court of Auditors				

## Key events

Date	Event	Reference	Summary
04/03/2016	Legislative proposal published	COM(2016)0113 	Summary
10/03/2016	Committee referral announced in Parliament, 1st reading		
24/05/2016	Vote in committee, 1st reading		
24/05/2016	Committee decision to open interinstitutional negotiations with report adopted in committee		
27/05/2016	Committee report tabled for plenary, 1st reading	A8-0188/2016	Summary
14/06/2016	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/T/(2016)007407	
05/07/2016	Debate in Parliament		
06/07/2016	Decision by Parliament, 1st reading	T8-0308/2016	Summary
06/07/2016	Results of vote in Parliament		
19/10/2016	Act adopted by Council after Parliament's 1st reading		
26/10/2016	Final act signed		
26/10/2016	End of procedure in Parliament		
23/11/2016	Final act published in Official Journal		

Technical information	
Procedure reference	2016/0064(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EU, Euratom) No 883/2013 <a href="#">2006/0084(COD)</a>
Legal basis	Euratom Treaty A 106a-pa Treaty on the Functioning of the European Union TFEU 325-p4
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	<a href="#">European Court of Auditors</a>
Stage reached in procedure	Procedure completed
Committee dossier	CONT/8/05965

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		<a href="#">PE580.677</a>	27/04/2016	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A8-0188/2016</a>	27/05/2016	Summary

Text adopted by Parliament, 1st reading/single reading		<a href="#">T8-0308/2016</a>	06/07/2016	<a href="#">Summary</a>
<b>Council of the EU</b>				
<b>Document type</b>		<b>Reference</b>	<b>Date</b>	<b>Summary</b>
Coreper letter confirming interinstitutional agreement		<a href="#">GEDA/T/(2016)007407</a>	10/06/2016	
Draft final act		<a href="#">00025/2016/LEX</a>	26/10/2016	
<b>European Commission</b>				
<b>Document type</b>		<b>Reference</b>	<b>Date</b>	<b>Summary</b>
Legislative proposal		<a href="#">COM(2016)0113</a> 	04/03/2016	<a href="#">Summary</a>
Commission response to text adopted in plenary		<a href="#">SP(2016)657</a>	12/10/2016	
<b>Other institutions and bodies</b>				
<b>Institution/body</b>	<b>Document type</b>	<b>Reference</b>	<b>Date</b>	<b>Summary</b>
CofA	Court of Auditors: opinion, report	<a href="#">N8-0028/2016</a> <a href="#">OJ C 150 27.04.2016, p. 0001</a>	05/04/2016	<a href="#">Summary</a>

<b>Additional information</b>		
<b>Source</b>	<b>Document</b>	<b>Date</b>
European Commission	<a href="#">EUR-Lex</a>	

<b>Final act</b>
<a href="#">Regulation 2016/2030</a> <a href="#">OJ L 317 23.11.2016, p. 0001</a> <span style="float: right;"><a href="#">Summary</a></span>

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

2016/0064(COD) - 06/07/2016 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 670 vote to 34, with 6 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU, Euratom) No 883/2013, as regards the secretariat of the Supervisory Committee of the European Anti-Fraud Office (OLAF).

To recall, the proposal aims to strengthen the independence of the OLAF Supervisory Committee's Secretariat, thus providing for a more effective functioning of the Supervisory Committee.

Under the new proposed Regulation, the secretariat of the Supervisory Committee will be provided by the Commission, and no longer by OLAF.

The European Parliament's position, adopted at first reading under the ordinary legislative procedure, amended the Commission as follows:

**Confidentiality and data protection:** Parliament stated that the staff of the Office and the staff of the secretariat of the Supervisory Committee shall refrain from any unauthorised disclosure of information received in the exercise of their functions, unless that information has already been **lawfully** made public or is accessible to the public.

Moreover, the **members of the Supervisory Committee shall be bound by the same obligation of professional secrecy** in the exercise of their functions, and shall continue to be bound by that obligation after the end of their mandate.

**Guarantee the independence of the Supervisory Committee:** before the appointment of any staff to the secretariat, the Supervisory Committee shall be consulted and its views shall be taken into account. The secretariat shall act on the instructions of the Supervisory Committee and independently from the Commission. Without prejudice to its control over the budget of the Supervisory Committee and its secretariat, **the Commission shall not interfere with the monitoring functions of the Supervisory Committee.**

An amendment also stipulated that officials assigned to the secretariat of the Supervisory Committee shall neither seek nor take instructions from any government or any institution, body, office or agency relating to the exercise of the monitoring functions of the Supervisory Committee.

Parliament took note of the **Commission statement** annexed to the resolution in which the Commission is committed to ensure the independent functioning of the Secretariat of the OLAF Supervisory Committee. This attachment will be of a purely administrative nature, with a view to facilitating certain organisational and budgetary aspects.

The Commission will consider, after consulting the Supervisory Committee, putting in place appropriate internal rules on mobility limiting the duration of the postings of the Secretariat, while ensuring continuity in order to render their independence effective, and avoid risks of conflicts of interests or of revolving doors issues with OLAF.

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

2016/0064(COD) - 27/05/2016 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Budgetary Control adopted the report by Ingeborg GRÄSSLE (EPP, DE) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU, Euratom) No 883/2013, as regards the secretariat of the Supervisory Committee of the European Anti-Fraud Office (OLAF).

The committee recommended that the European Parliament's position adopted at first reading following the ordinary legislative procedure should adopt its position at first reading, **taking over the Commission proposal.**

To recall, the proposal aims to strengthen the independence of the OLAF Supervisory Committee's Secretariat, thus providing for a more effective functioning of the Supervisory Committee.

In the past the European Parliament called several times on the Commission to take measures to reinforce the independent functioning of the OLAF Supervisory Committee's secretariat, for example in its [report on the discharge procedure for 2013](#) or in its [resolution](#) on the OLAF Supervisory Committee's annual report 2014.

Under the new proposed Regulation, the secretariat of the Supervisory Committee will be provided by the Commission, and no longer by OLAF.

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

2016/0064(COD) - 26/10/2016 - Final act

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

**LEGISLATIVE ACT:** Regulation (EU, Euratom) 2016/2030 of the European Parliament and of the Council amending Regulation (EU, Euratom) No 883/2013, as regards the secretariat of the Supervisory Committee of the European Anti-Fraud Office (OLAF).

**CONTENT:** in accordance with [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.

This Regulation amends Regulation (EU, Euratom) No 883/2013 so as to enable the **framework for the implementation of the budgetary appropriations relating to the members of the Supervisory Committee** to be set up in a way that avoids any appearance of a possible interference of the Office in their duties, while guaranteeing the same transparency of the appropriations for the operation of the Supervisory Committee as before.

In order to ensure that the Supervisory Committee functions effectively and efficiently, its **secretariat should be provided directly by the Commission, independently from the Office**, and the Commission should provide the secretariat with appropriate means to fulfil its function. In order to safeguard the Supervisory Committee's independence, **the Commission should refrain from interfering** with the monitoring functions of the Supervisory Committee.

The staff of the Office and the staff of the secretariat of the Supervisory Committee shall **refrain from any unauthorised disclosure of information** received in the exercise of their functions, unless that information has already been lawfully made public or is accessible to the public, and shall continue to be bound by that obligation after leaving the service.

The members of the Supervisory Committee shall be bound by the same obligation of **professional secrecy** in the exercise of their functions, and shall continue to be bound by that obligation after the end of their mandate.

ENTRY INTO FORCE: 24.11.2016.

APPLICATION: from 1.1.2017.

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

2016/0064(COD) - 05/04/2016 - Court of Auditors: opinion, report

**COURT OF AUDITORS OPINION No 1/2016 concerning a proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU, Euratom) No 883/2013, as regards the secretariat of the Supervisory Committee of the European Anti-Fraud Office (OLAF).**

The Court welcomed the proposal that the secretariat of the Supervisory Committee should no longer be provided by OLAF. However, the new provisions could be completed in order to clarify that **the secretariat must act independently not only of OLAF but also of the Commission and that it is under the authority of the Supervisory Committee.**

The Court noted that the upcoming overall evaluation of the OLAF Regulation in 2017 will be an opportunity to examine and, if necessary, overhaul the governance of OLAF including its supervisory arrangements. However, the Court suggested not to wait for this overall evaluation to **clarify the procedure for lifting the immunity of the Director-General of OLAF or of any other member of OLAF staff at the request of a national judicial authority.**

The Court therefore recommended that Article 17 of the OLAF Regulation should be completed by a provision that the Commission has to inform the Supervisory Committee of any such request in a timely manner and has to consult the Committee before taking a decision.

## 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 2013/4 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.