

OLAF's reply to the Supervisory Committee Opinion No 3/2021 on *Supervision of internal investigations: Strategic conclusions and best practices*

1. Background

- 1.** In November 2018, OLAF granted to the Supervisory Committee (SC) access to the case files of four OLAF internal investigations, for the purpose of the SC's monitoring activities.
- 2.** In February 2021, the SC provided the Director-General with a copy of its draft Opinion on '*Supervision of internal investigations: Strategic conclusions and best practices*', in which the SC outlined its findings, conclusions and recommendations, based on the comparative analysis of the four above-mentioned internal investigations.
- 3.** In May and June 2021, the Director-General of OLAF and the SC have discussed the SC's findings, conclusions and recommendations, as well as OLAF's preliminary views on the SC's draft Opinion.
- 4.** In August 2021, the Director-General outlined, in a letter addressed to the SC's Chairman, the measures that he took or intended to take to implement the SC's recommendations set out in its draft Opinion.
- 5.** In October 2021, the SC adopted its final Opinion No 3/2021.

2. Preliminary remarks

- 6.** OLAF takes note of the SC's Opinion No 3/2021 on *Supervision of internal investigations: Strategic conclusions and best practices*. OLAF is fully committed to implement, to the best extent possible, the Committee's recommendations, in order to ensure that OLAF's internal investigations are conducted in full independence and with the highest standard of quality.
- 7.** OLAF would like to emphasize, from the outset, that the four investigations analysed by the SC for the purpose of this opinion have been opened and conducted between 2014 and 2017. Therefore, the SC's findings and factual observations relate to these investigations and to OLAF's procedures and practices applied during the above-mentioned period.
- 8.** Since then, OLAF has done considerable changes in its organisation and its investigative procedures.
- 9.** Following the discussions held during 2021 between the Director-General and the SC on the SC's findings in relation to the four investigations, and on the recommendations that the SC was considering to adopt, OLAF has already started to implement some of them and to reflect on how it could implement others. By doing so, OLAF has showed its willingness to take the necessary measures to implement, even before the adoption of the Opinion, some of the recommendations, and it also expressed its commitment to further consider other recommendations.



EUROPEAN ANTI-FRAUD OFFICE

10. OLAF would also like to highlight that it has conducted many investigations concerning members or officials of EU institutions and achieved significant results¹.

11. In the last years, whenever OLAF's investigative practices and its impartial and objective conduct of internal investigations were challenged before the EU Courts², the latter did not find breaches by OLAF of its investigation procedures.

12. That said, OLAF is fully committed to improve, where necessary, its investigative practices and reiterates its commitment to continue its work on implementing, to the best extent possible, the SC's recommendations aimed at strengthening OLAF's independence through learning lessons from the past investigative experience.

13. In light of the above considerations, OLAF considers it necessary to highlight from the outset the measures it has already taken, or is considering to take, in order to implement the SC's recommendations, before providing further comments on the SC's conclusions and recommendations outlined in the SC's Opinion No 3/2021.

3. Measures to implement the SC's recommendations

14. The discussions held during 2021 between the Director-General and the SC in relation to this Opinion allowed OLAF to identify and take quickly a set of measures aimed at implementing already, at an early stage, some of the SC's recommendations and addressing the most serious concerns raised by the SC. In sum, the Director-General:

- (i) has reinforced the independence of the review function by separating it from the selection function and assigning it, as of 16 June 2021, to a newly created Review Team, placed under the responsibility of the Deputy Director-General;
- (ii) has introduced, with effect from 11 October 2021, specific provisions in the revised *OLAF Guidelines on Investigation Procedures (GIP)*³ aimed at addressing some of the SC's recommendations, and also at reflecting the new workflow and processes involving the Review Team;
- (iii) has taken measures to grant full electronic access to the SC and its Secretariat to specific categories of OLAF's cases and/or case-related information, following the entering into force, on 21 October 2021, of the Working Arrangements between OLAF and the SC.

15. Furthermore, the Director-General has assured the SC of OLAF's willingness to implement other recommendations by means of introducing relevant provisions in the context of a further, more in-depth revision of the GIP, that OLAF intends to undertake in the near future. That said, not all the SC's recommendations require modifying the GIP. Recommendations of a more general nature can be addressed through the existing procedures and by ensuring appropriate and regular management of cases. Therefore, while OLAF accepts such recommendations of a general nature, it considers that they can be implemented without adopting specific rules or procedures, in addition to those that are already currently in place.

¹ See OLAF's annual reports (https://ec.europa.eu/anti-fraud/about-us/reports/olaf-report_en).

² See, amongst the most recent cases, *ECA v Pinxten*, case C-130/19; *Dalli v Commission*, case T-399/17 (first instance) and C-651/19 P (appeal); *KN v EESC*, cases T-377/20 (first instance) and C-673/21 P (appeal, ongoing); *Le Pen v Parliament*, cases T-161/17 and C-38/19 P; *Panzeri v Parliament*, case T-166/16.

³ OLAF's Guidelines on Investigation procedures adopted in 2013 have been revised and replaced by a new version adopted on 11 October 2021.

16. Finally, other of the SC's recommendations can be implemented only in specific cases, either because the nature of the cases so require or because OLAF's limited resources do not allow it to implement the actions recommended by the SC in each and every case.

17. OLAF's comments below outline in detail OLAF's views on the SC's conclusions and recommendations.

4. OLAF's comments on the Supervisory Committee's conclusions and recommendations

18. Having in mind that the SC's opinions should aim at triggering future improvements in OLAF's investigative procedures and practices, OLAF's comments focus on the SC's conclusions and recommendations set out in Opinion No 3/2021, and follow their structure.

Main conclusions, best practices and equal treatment - conclusions (i) to (iv)

19. In carrying out its investigative work, OLAF endeavours to apply and interpret in a consistent manner the rules governing the conduct of its investigations, while taking also into account the specificity of each case. OLAF is fully committed to abide by the applicable rules and procedures in all investigations, regardless the status of the persons concerned. OLAF agrees that it is essential to avoid any perception in the eyes of the public of biased or unequal treatment or external interference, in particular in cases concerning members or senior staff members of the EU institutions, bodies, offices and agencies. OLAF also agrees that possible issues that may arise during such investigations should provide the occasion to identify appropriate solutions.

20. While acknowledging that there had been, to a certain extent, differences in how it had carried out certain selection or investigation activities in the four cases analysed by the SC, OLAF underlines that it has conducted them in accordance with the relevant rules, laid down in Regulation 883/2013 and in the GIP, governing the conduct of its selection and investigation activities, and also in compliance with the principles of impartiality and equal treatment. Each investigation has a specific combination of circumstances, which may justify following different approaches that are adapted to these circumstances.

21. That said, OLAF is fully committed to continuously improve its investigative practices, based on the lessons learnt from the analysis of these cases and on the SC's conclusions and recommendations.

I – Independence of the investigations and the decision-making process

I.1. Criteria for opening an investigation - conclusions (v) to (viii)

The "sufficient suspicion" requirement

22. The requirement to establish a "sufficient suspicion" (of serious wrongdoing) acts, as emphasized by the SC, as a safeguard against the risk that an opening decision could be perceived as biased.

23. Regulation 883/2013 does not impose an obligation to carry out, during the selection stage, specific selection activities in order to establish whether there is "sufficient suspicion" to open an investigation. Article 5 of the GIP does not impose an obligation to carry out all the selection activities listed therein either. This list is indicative and meant to provide guidance to the selectors. The fact that the EU legislator did not impose to OLAF a list of mandatory activities to be carried out in the selection stage is a true acknowledgement of the flexibility needed at this stage.

24. As a rule, the selectors assess, on a case-by-case basis, which verification activities are necessary during the selection process. The fact that certain verification activities have been carried out in one selection case does not mean that the exact same activities will need to be carried out in the framework of another selection case, even when there are common traits between the cases. The assessment depends on the factual circumstances of each case.

25. In addition, the selection process is not an exercise intended to lead to a full overview of the matters and/or to the verification of all possible aspects. The purpose of the selection is to collect and assess the necessary information in view of deciding, within a short timeframe⁴, whether an investigation should be opened or not, while the full overview and the collection of all possible relevant information is done during the investigation stage. The selection should not go beyond what is necessary to assess the sufficient suspicion and the other selection criteria. Going too far in the selection could also bear the risk of disrespecting procedural guarantees that are specific for the investigation stage, but also to jeopardize possible activities at the investigation stage by unnecessarily alerting too early the persons or entities from which information is sought.

26. Therefore, while there are indeed factual differences between the selection processes carried out in the four cases analysed by the SC, they are inherent to the different factual background of each case.

27. As regards the legal analysis carried out at the selection stage and the assessment of the "sufficient suspicion", OLAF welcomes the SC's recognition that the "suspicion" was well founded and the assessment carried out by OLAF was accurate in some of the cases analysed. As regards the cases where the SC took the view that this assessment was not always accurate and complete, OLAF reiterates that the selection process is done on a case-by-case basis. Furthermore, OLAF is not required, at the stage of the selection, to make a detailed assessment of the information received, but must examine all the elements at issue, and in particular the reliability of the source and the credibility of the allegations, in order to determine whether that information was sufficient to justify the opening of an investigation⁵. OLAF considers that it has done so in the cases examined by the SC and also explained, where needed, why it was more appropriate to examine certain aspects at the investigation stage. While the selections have been carried out in compliance with the relevant rules, OLAF also acknowledges that there is further room for improvement and will continue to pay close attention to this matter.

28. Finally, OLAF agrees that, when assessing the "sufficient suspicion" requirement for opening an investigation, it needs to gather all necessary information from the EU institutions, bodies, offices or agencies concerned. That said, the SC's recommendation in that regard is of a general nature and does not require a specific measure that OLAF should take, such as revising the GIP. OLAF will implement this recommendation by consistently using its investigative tools and by ensuring proper management of the investigative activities.

Putting in place strict internal procedures for handling sensitive cases

29. OLAF has already in place appropriate procedures for handling its investigations, that is, the GIP. In line with the principle of equal treatment, OLAF applies these procedures irrespective whether a case is deemed sensitive or not. In addition, OLAF is bound by the specific provisions concerning members and staff members of EU institutions, which are included in the internal decisions adopted by these institutions, based on the 1999

⁴ See Opinion of the Supervisory Committee No 1/2020, paragraph 35.

⁵ As confirmed by the Court of Justice in its judgment of 25 February 2021, *Dalli v Commission*, Case C-615/19 P, ECLI:EU:C:2021:133, paragraphs 82 – 87.



EUROPEAN ANTI-FRAUD OFFICE

Interinstitutional Agreement. That said, OLAF agrees that it is important to make full use of the practical arrangements it has agreed with the EU institutions, bodies, offices and agencies, in particular as regards investigations concerning their members. OLAF always pays great attention to such cases, due to the reputational risks and the threats to the (financial or other) interests of the Union. OLAF will continue to do so, in particular bearing in mind the SC's findings and conclusions, as set out in this Opinion. Therefore, OLAF will implement this recommendation through regular and adequate management of the cases.

Involving the Intelligence and Operational Analysis Unit in the selection process

30. In principle, and as suggested by the SC, the Intelligence and Operational Analysis Unit may be involved in the selection process for the analysis of information coming from anonymous sources. However, such involvement is decided on a case-by-case basis and depends on the actual needs of each selection case, on the workload of the unit and the complexity of the analysis to be carried out. Due to very objective reasons – such as the limited analytical capacity and the limited duration of the selection process – it is not possible to rely on the expertise of this unit in every selection case. Therefore, OLAF will implement the SC's recommendation, but on a case-by-case basis.

Including the notion of "sufficient suspicion" in the revised GIP

31. OLAF considers that the requirement, in the 2013 version of the GIP - to consider the reliability of the source and the credibility of the allegations - indicated clearly the criteria to evaluate whether the information is sufficient to justify the opening of an investigation. These criteria have been maintained in the 2021 version of the GIP. While it may not be indispensable to define a notion, the boundaries of which depend, in fact, on the factual circumstances of each case, OLAF will consider how to implement this suggestion, in the context of a further revision of the GIP.

Informing the SC of sensitive investigations, including those lasting less than 12 months

32. OLAF can inform the SC of the opening of sensitive investigations where the reputation of the EU or of its institutions could be at stake only within the framework of its reporting obligations as set out in Regulation 883/2013 and in line with the confidentiality and data protection requirements binding upon it, as laid down in that Regulation.

1.2. The scope of the investigation - conclusion (ix)

33. OLAF agrees that the scope of investigations should be formulated in the most comprehensive and precise way possible in the opening decision and that the reasons for extending the scope in the course of an investigation should be duly recorded in the case file. That said, a broad formulation of the scope of an investigation is not a tendency within OLAF, but it may sometimes be necessary in certain cases and it is also intended to give OLAF a certain flexibility, where the specific circumstances of a case warrant such broader formulation.

34. OLAF takes note of the SC's view on the possible risks associated to defining a very broad scope of investigation and is committed to take the necessary measures to mitigate such risks. OLAF has already in place mechanisms for managerial supervision of its investigations. Based on the lessons learnt from the analysis of these four cases, OLAF will continue to ensure that these mechanisms work properly in all investigations, and that the relevant rules set out in the GIP and the practices on defining or extending the scope of investigations are consistently applied throughout the Office. Therefore, the SC's recommendation in that regard can be implemented through regular and adequate management of the cases.



35. Finally, OLAF would point out that it has already taken a first step to implement the SC's recommendation. To this end, it has introduced, in Article 27.2 of the 2021 version of the GIP, the requirement that the Review Team checks whether the Final Report corresponds to the scope of the investigation and the proposed Recommendations, and that case closure decisions are justified in line with the findings of the investigation or coordination case.

1.3. Investigations opened at the OLAF Director-General's own initiative – conclusions (x) to (xii)

36. OLAF agrees that investigations opened at the initiative of the Director-General, as a characteristic of OLAF's independence, offer it the opportunity to establish the investigation strategy at the earliest stage and to exploit all means at OLAF's disposal in order to achieve a successful outcome of an investigation. OLAF is committed to make full use of all necessary investigative means in all investigations, irrespective who is the source of information triggering the opening of an investigation.

37. OLAF takes note of the SC's view that, in the investigation that was opened at the initiative of the Director-General, OLAF did not appear to have used all the means at its disposal to carry out a thorough investigation and to complete the investigative work in line with the initially defined scope of the opening decision. The SC also took the view that there was a lack of consistency between the scope of the investigation as defined in the opening decision and the decision closing the investigation.

38. OLAF acknowledges that, following a preliminary assessment carried out in the initial stage of the investigation in question, it did not consider it necessary to carry out certain investigative activities. Following that preliminary assessment, OLAF had a different interpretation of the rules allegedly breached by the person concerned, in the light of which it had considered that these rules did not warrant pursuing, in its entirety, the three-fold scope of the investigation, as initially set out in the opening decision.

39. The reasons for this change, and for not investigating all the initial allegations, were exposed in the final report on the investigation and also during the meetings with the SC's rapporteurs. OLAF notes that the SC considers the explanations provided in the final report as insufficient. OLAF is committed to build upon the experience in this case in order to improve its practice in the future, notably by better justifying the investigative choices it makes.

40. OLAF recognises the merits of having in place a consistent practice to justify and record in the case file any change in the scope of the investigation, in the interests of transparency and the impartial and independent conduct of investigations. In that regard, OLAF would like to point out that several provisions in the 2021 version of the GIP already deal with situations where the scope of investigations may change. For instance, the provisions in the 2013 version of the GIP, that governed the extension of the scope of investigations, exist also in the 2021 version of the GIP. In addition, new provisions have been introduced in relation with other situations where it may be necessary to deal with changes of a scope of an investigation (i.e. Article 15.6 of the 2021 version of the GIP now provides the possibility to split a case where the existing scope of an OLAF investigation is broader than the scope of an ongoing or potential investigation conducted by the European Public Prosecutor's Office). Finally, the newly introduced requirement in Article 27.2 of the 2021 version of the GIP will ensure, as highlighted above, the review of the consistency between the Final Reports and the scope of the investigation.

41. The 2013 version of the GIP provided for the possibility to extend the scope of an investigation, but do not require formalising a decision to reduce the scope in the course of



EUROPEAN ANTI-FRAUD OFFICE

the investigation. OLAF trusts that the further revision of the GIP will also give it the opportunity to explore how to best formalise a procedure for dealing with situations where it is necessary to reduce the initial scope of an investigation.

42. As regards the legality check and review performed by the former Selection, Investigation and Operations Review Unit (Unit 0.1), OLAF wishes to clarify the responsibilities and tasks allocated to the reviewers, who were assigned to that unit. In the course of an investigation, the reviewers provide advice to the Director-General or the Directors who exercise, by delegation, some of the functions of the Director-General⁶ (not to the investigators) when carrying out the *ex-ante* control (legality, necessity, proportionality) of the investigative activities proposed by the investigation units, requiring prior authorisation by the Director-General. However, it is not the role of the reviewers to propose (new) investigative activities to be carried out. The responsibility for establishing an investigative strategy and deciding which investigative activities should be carried out (or not) lies with the investigation units and Directorates.

43. Likewise, the reviewers provide advice to the Director-General (and not to the investigators) when carrying out the final review. During the final review process, the reviewers review the legality of investigative activities undertaken; they also review compliance with the rights and procedural guarantees of the persons concerned, with confidentiality and data protection requirements, with the national law of the Member State; they further check if there has been conflicts of interests, and also the continuity of the investigation; they verify compliance with the information and transmission requirements. As far as consistency is concerned, the reviewers verify whether the conclusions in the final report are consistent with the investigative findings, and with the recommendations.

44. Finally, OLAF wishes to emphasise that it has already implemented the SC's recommendations regarding the review function. As of 16 June 2021, the review function has been assigned to the newly created Review Team, which is placed under the responsibility of the Deputy Director-General. Therefore, the review function is now separated from the selection function, which remains in Unit 0.1. In addition, OLAF has modified the GIP accordingly, and the 2021 version of the GIP reflects the new workflow and processes involving the Review Team. By doing this, OLAF trusts that it has satisfactorily addressed the SC's recommendation that the legality check and the final review – until then performed by Unit 0.1 - be entrusted to another entity in OLAF in order to guarantee an independent legality check and review.

II – Carrying out the investigative function

II.1. Thorough investigation and investigation planning – conclusions (xiii) to (xvi)

Investigation planning

45. OLAF acknowledges the importance of having good investigative work-plans. It agrees that they allow focusing on the objectives set at the outset of the investigation, while also being open to updates, if necessary, while the investigation progresses in time. OLAF welcomes the SC's acknowledgement that it had found examples of good practices in drawing comprehensive investigation work plans, while indeed a formal investigation work plan has not been drawn up in one of the four investigations analysed by the SC.

46. In that regard, OLAF would like to stress that Regulation 883/2013 does not set out a mandatory requirement for OLAF investigators to draw up investigation work plans and that Article 9 of the 2013 version of the GIP only foresaw an obligation to conduct a preliminary

⁶ Article 17(6) of Regulation 883/2013.

examination of the information collected or obtained during the selection process in order to establish what investigative activities are required. While, as a general practice, the outcome of this preliminary examination and considerations as to what investigation activities are required can be laid down in a formal investigation work plan, they can also be included in other types of documents, such as notes to the file reflecting internal discussions on the investigative strategy.

47. Based on the recommendations of the SC in its Opinion no 4/2010, OLAF has already taken, over the time, measures to implement an investigation planning policy throughout the two investigative Directorates. Admittedly, differences regarding the implementation of this policy exist between the two Directorates.

48. Therefore, OLAF has already implemented the SC's recommendation in the context of the recent amendment of the GIP. Article 9.1 of the 2021 version of the GIP includes now the requirement for the investigation units to outline an initial work plan. OLAF trusts that this new provision in the GIP will ensure that this policy is applied consistently throughout the Office and that the outcome of the preliminary examination carried out in the initial stage of investigations is duly recorded in the case file and formalised in an investigation work plan, which needs to remain though a flexible operational tool.

49. OLAF is currently considering the possibility to further develop its internal instructions regarding updating investigation work plans in the context of the second phase of the revision of the GIP.

Conduct of investigations and justification for investigative measures

50. OLAF takes note of the SC's conclusion that it had found certain weaknesses in the investigation practices and methods followed by OLAF. The SC also expressed the view that, in sensitive internal investigations, whenever OLAF makes use of its discretion to decide which investigative measures need to be taken and at what time, OLAF should clearly record in the case file the reasons for doing so and conversely why it chooses not to take a specific investigative measure.

51. OLAF understands this conclusion as referring specifically to one of the four investigations examined, in relation to which the SC considers that OLAF has not carried out all the relevant investigative activities. In that regard, OLAF would point out that every investigative step needs to withstand the test of necessity, legality and proportionality. As to the investigative activities that were not carried out in this specific case, the investigation unit exposed the reasons why it was not deemed necessary to carry out additional activities, both in the final report and in the meetings with the SC.

52. That said, OLAF will endeavour to ensure that key decisions in the course of an investigation (i.e. to carry out, or not, specific investigative activities) are properly recorded in the case files, while bearing in mind that this should not become an overwhelming administrative burden.

53. OLAF also considers that a further step in this direction and one of the measures that will allow OLAF to implement the SC's recommendation is the introduction, in Article 9.1 of the 2021 version of the GIP, of the requirement for the investigation units *to outline* an initial work plan. At this stage, there is no formalised requirement, in this new version of the GIP, *to update* the initial work plans, or to record in the case files the reasons for carrying out (or not) a specific investigative measure. It is the day-to-day role of the management team to ensure that this is done correctly, by verifying, amongst others, whether initial work-plans have been followed, and, if not, why this was so.

54. As such and at this stage, OLAF intends to implement this recommendation through the daily management of investigations. As explained above, OLAF is currently considering taking measures to formalise, in the second phase of the revision of the GIP, the requirement to update investigation work plans, if and when the (initial) plans are revised and/or a new strategy is implemented in the context of an ongoing investigation. This provision would therefore trigger justifying and thus recording in the file the reasons for changes of the investigative strategy in the course of investigations.

II.2. Organisation of case files – conclusion (xvii)

55. OLAF shares the SC's view that it is important to have a rigorous and systematic organisation of the case files, as regards both the indexation and the filing of OLAF documents. A proper and well-organised case file is important for both the investigation, the review and the management teams. As the SC pointed out, this allows OLAF to discharge its obligations and produce accurate and reliable data on its investigative performance. OLAF also takes note of the difficulties the SC states to have experienced with regard to the organisation of the case files and registration of documents in the OLAF Content Management System (OCM).

56. It is however important to note that some of the investigations in question have been opened before the implementation of OCM. Moreover, in the meantime, OLAF has already taken measures to improve OCM. More specifically, a naming convention is embedded in OCM and, as a general matter, documents have standardised and consistent labelling. Likewise, the search functionality in OCM (which allows retrieving documents) has also been implemented and improved. While this allows a better organisation of the case files and registration of documents, this is also a matter that requires continuous work from the investigation units and continuous managerial control. Therefore, OLAF will continue to monitor how documents are labelled, registered, and organised in the case files, in order to improve its practice.

57. More importantly, following the signature, on 21 October 2021, of Working Arrangements between OLAF and the SC, the SC and the members of its Secretariat have received direct access to OCM. OLAF trusts that this direct access will solve any remaining issues concerning the access by the SC to case-related documents and information for the purpose of their monitoring activity.

III – Legality check and control procedures - conclusions (xviii) and (xix)

58. OLAF attaches great importance to the quality of the legality check and review processes, entrusted in the past to Unit 0.1 and, currently, to the newly created Review Team. The reviewers play a key role in ensuring the legality, necessity, proportionality and consistency of OLAF's investigative activities. Therefore, OLAF has paid considerable attention to the SC's findings, conclusions and recommendations in relation to the role of Unit 0.1 and to how the legality check and review processes are carried out.

59. OLAF points out that, in general terms, the legality check is a thorough verification, by the reviewers, of all the aspects of legality, necessity and proportionality of investigative activities in an investigation. Following the GIP, the legality, necessity and proportionality of investigative activities are assessed at the stage of the legality check, during the investigation and before the investigative activities are performed (*ex ante* legal review); at the stage of the final review, the same assessments are not repeated, because the purpose is different, that is to verify if the investigative activities have been carried out in a legal manner (*ex-post* legal review). For this reason, there is no need to repeat, in the opinion on the final report, the considerations previously given in the opinions during the investigation. From this perspective, the opinions provided by reviewers at the stage of the case closure

are listing and assessing, in accordance with the applicable rules, all the performed investigative activities.

60. OLAF has thoroughly reflected upon the SC's views and its recommendation to rebalance the assignment of responsibilities to the different units and Directorates, in order to put in place an effective system of independent and objective controls for the legality check and review. As already emphasised above, as of 16 June 2021, the Director-General decided to place the current reviewers, who are experts in law and investigative procedures⁷, together with their function, under the responsibility of the Deputy Director-General, who has already specific responsibilities for operations and investigations. By doing so, OLAF considers that it has already implemented the SC's recommendation. OLAF trusts that this modification will strengthen the control over the respect of procedural guarantees and the implementation of investigative procedures and will ensure direct advice to the investigative units during the investigations, thus addressing the SC's concerns.

IV – Design of methods of preventing and combating fraud and corruption - conclusions (xx) and (xxi)

61. OLAF shares the SC's view that OLAF can build upon the experience from these cases in order to constantly improve its practices. In fact, OLAF has already put in place structures for sharing lessons learnt and good practices. For instance, OLAF regularly organises training for investigators, focused on specific investigation-related topics, which provide investigators the opportunity to share their experiences and best-practices. In addition, there are regular meetings at the level of the investigative Directorates, where the investigation units meet and discuss concrete situations arising from investigations, and the solutions thereto⁸.

62. Finally, OLAF takes note of the SC's suggestion to consider creating a special service dedicated to the design of methods for investigation of potential corruption involving lobbyists, the revolving door issue, conflicts of interests, and the breach of the duty of integrity and transparency. OLAF will reflect on how to best address this issue, in the context of the recent proposal of the European Parliament to set up an EU Ethics Body for Parliament and the Commission, open to the participation of all EU institutions, bodies offices and agencies⁹.

⁷ As required by Article 17(7) of the amended Regulation 883/2013.

⁸ For the time being, such meetings and trainings can only take place remotely.

⁹ See the Draft Report of the Committee on Constitutional Affairs on Strengthening transparency and integrity in the EU institutions by setting up an independent EU ethics body (2020/2133(INI)) – available here: https://www.europarl.europa.eu/doceo/document/AFCO-PR-663273_EN.pdf and the European Parliament's Resolution of 16 September 2021 on strengthening transparency and integrity in the EU institutions by setting up an independent EU ethics body – available here: https://www.europarl.europa.eu/doceo/document/TA-9-2021-0396_EN.html