



EUROPEAN ANTI-FRAUD OFFICE

PRESS RELEASE No 11/2014

30 June 2014

Italian Court upholds OLAF findings

The Court of Appeal of Brescia, Italy, has recently upheld a first instance ruling of the Court of Cremona of 2013 and sentenced a defendant to a term of one year imprisonment. The Italian judicial authorities relied on OLAF evidence and the testimony of an OLAF expert in the course of the national judicial proceedings. This new ruling – at an appeal level - confirms the added-value that OLAF can bring in cases concerning transnational fraud affecting the financial interests of the EU.

In November 2009, OLAF opened an investigation concerning an Italian trading company suspected of irregularities related to the supply of equipment for the construction of water networks in third countries. The company's contracts involved European Development Funds (EDF) and were worth around EUR 1.95 million.

OLAF on-the-spot checks revealed that the company had supplied goods from China worth more than EUR 400,000, declaring their origin as Italian. In OLAF's view, the evidence gathered suggested that the company under investigation had been aware of the real origin of the goods, but had made fraudulent statements to obtain certificates that showed that the goods originated from the EU.

OLAF closed its investigation in April 2011 with recommendations for administrative, financial and judicial follow-up. The final OLAF report was sent to the Italian Prosecutor of Cremona who indicted the company's legal representative. On the basis of this same evidence and on the testimony of the OLAF official who carried out the investigation, the Italian Court of Cremona found the defendant guilty of fraud against the EU (decision of 11 March 2013).

The Court of Appeal of Brescia has now upheld the ruling of the Court of Cremona and sentenced the defendant to a term of one year imprisonment and the payment of a fine.

The ruling, which became definitive and cannot be subject to any further appeal, confirms the outstanding role that OLAF can play in cross-border investigations, and in particular in swiftly gathering reliable evidence. The first instance ruling already confirmed the legal value of the OLAF final case report, as stipulated in the regulation governing OLAF's activities ([Regulation \[EU, Euratom\] 883/2013](#)).

See related press release no. 3/2013: ["Italian Court uses OLAF investigative evidence in Italian criminal proceedings"](#)

OLAF

The mission of the European Anti-Fraud Office (OLAF) is threefold: it protects the financial interests of the European Union by investigating fraud, corruption and any other illegal activities; it detects and investigates serious matters relating to the discharge of professional duties by members and staff of the EU institutions and bodies that could result in disciplinary or criminal proceedings; and it supports the EU institutions, in particular the European Commission, in the development and implementation of anti-fraud legislation and policies.

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