

Hon. Lorenzo Cesa

Member of the European Parliament

Vice-Chairman of the Group of the European People's Party and European Democrats

Following my election to the European Parliament and arrival in Brussels, I was appointed as a Member of the Committee on Budgetary Control. I soon became curious and intrigued by the debate on the role of the Community's investigative body, OLAF, a debate that, to put it mildly, does not enjoy a high profile in Italy.

With my experience of Italy it did not take me long to realise that OLAF was and still is in danger of being used in political power struggles and battles, although to say political is to insult the nobler calling that I personally have always considered the true nature of politics.

This experience has marked an important and not entirely painless period in Italy's history and has taught me that the loss of independence is the beginning of the end for any investigative body (judicial, administrative, or administrative and quasi-judicial, as is OLAF). Independence is not an abstract, philosophical concept; it is a core principle that must underlie any important institutional activity. Independence means independence from everyone. Or, to put it another way, independence entails total respect for such sacrosanct principles as legality and the rule of law and for the rights and democratic values on which the European Union is based. In other words, when we abandon our cherished principle of justice – and justice has nothing to do with investigations media circuses, or with trials by kangaroo court or by newspaper before cases are properly tried in courts of justice - investigations can become merely pawns in political power games; and they can also be used by criminal gangs.

This was the first and in some ways disconcerting impression I had when I arrived in Brussels and, I confess, listened to some debates and discussions in the corridors of Parliament.

I tried to find out more. I gathered evidence. And it did not take me long to notice that many people were demanding that OLAF be independent, and had been for some time. But I have the impression that some of those voices crying out have not always wanted or really wanted the Community's investigation service to be truly independent or to act solely in the service of the supreme and unchallengeable values of justice (administrative, civil or criminal) and the rule of law. In fact, I have had the impression that some people want OLAF to be independent simply "of the others," and these others are basically their opponents, be they political or institutional, be they obstacles to their careers or anything that could harm their image. It was also my first impression – and I say this with the modesty befitting a new Member who found

himself taking on important institutional duties within the Parliament – that some people (perhaps more at a personal than a political level, and for a variety of reasons) seemed to want OLAF to be under their control. I am very suspicious of anyone - politicians, other people involved in politics, careerists or strivers for personal prestige - who seem more interested in how OLAF's investigations, news of OLAF's investigations, or perhaps even speculation about future OLAF investigations can be used for their own ends, perhaps through the not terribly original system of leaks. I will keep a lookout for such people throughout my term of office.

I want to stop here and turn to the subject of this round table, which fits in nicely with the impressions of a newly-elected Member of Parliament.

Communication as a tool for fraud prevention. Communication and prevention are two interesting concepts that inform the principles of modern enforcement. We must communicate because the institutions have the right and, above all, the duty, to explain themselves to their citizens and let them know what they are doing, why they are doing it and how they are doing it. This means not only why they are acting in the citizens' interests (let's hope this is always the case) but also (and we know this is true) why they are doing it with the taxpayer's money. The Community institutions really do need to communicate, most probably more than national institutions. They need to be even closer to the people. It is not by chance that the Barroso Commission has created the position of Vice-President with the specific function of dealing with communication.

Prevention. I like this word. Because in a democratic system based on the principles of freedom and the rule of law, before we enforce we must try to prevent.

I understand, for example, that when the police are conducting investigations they must work in secrecy, if they are to safeguard the values of the rule of law and security of our democratic systems. As a private individual, I also like to see uniformed police officers on the beat. It gives me a sense of security and - I hope - it makes any potential criminal feel less secure. I also like the idea that traffic controls should be announced and publicised in advance. After all, the main objective is not to increase the number of offences; it is to reduce the number of accidents and loss of human life. The uniform and the announcements, to mention two examples, are preventive measures. This prevention results from two types of communication: the sight of the uniform and the announcement in the media that the checks will be conducted. But is it possible to explain the activities of a young Community investigative body like OLAF to the general public in a way people can understand and, by so doing, prevent crime

from being committed? Is it possible to explain to people that, in the final analysis, the real victims of apparently ‘victimless crimes’ such as fraud at the expense of the Community budget are the people themselves? Before sending in this contribution, rather than just listening to the raised voices in Parliament’s debating chamber, reading the demands in certain newspapers or listening to rumours in corridors, I did what I always do and set about finding out for myself.

I visited the website and, after scrolling through the publications and audiovisual tools developed by OLAF’s Communications Unit, I came to the conclusion that it is possible. Let me give you an example: the development of the OLAF Anti-Fraud Communicators Network is, I believe, extremely valuable.¹ It is essential if we are to set about satisfying the demands of the people of Europe, who recent surveys have shown want information about ongoing collaboration and successful investigations conducted by the investigative services in the Member States; they do not want simply to be bombarded by continual, almost routine scandal-mongering.² This is an important point because we all know that statements like “they’re all corrupt” or “they’re all fraudsters” are quickly interpreted as meaning “no one is corrupt” and “there’s no such thing as fraud”. Giving the idea that defrauding is easier than it actually is (where there is also the risk of being caught up in the web of international collaboration OLAF is developing) may encourage other potential fraudsters. This warning goes out to everyone, including my colleagues in Parliament.

I then looked through OLAF’s publications for the general public, economic operators and its operational partners.³ I found them to be highly professional, providing clear explanations of questions, organisations, structures and procedures that are often hard to understand, even for those working in the field.

I also discovered that a wealth of audiovisual material has been produced.⁴ Some is available to the press on image banks, while other material is available to the general public or can be used for teaching. I discovered that some photos of the fight against cigarette smuggling that have been circulated all over the world actually came from OLAF’s image banks. They have helped to draw public attention to one of the most dangerous areas of criminal activity, activity that in Italy has cost the lives of several people. Without this international mobilisation, and without the involvement of the media, it would never have been possible to

¹ http://europa.eu.int/comm/anti_fraud/olaf-oafcn/en.html.

² Cf. “Special reports on Attitudes related to defrauding the European Union and its budget”
http://europa.eu.int/comm/anti_fraud/press_room/eurobar/en.html.

³ http://europa.eu.int/comm/anti_fraud/publications/brochure/index_en.html.

⁴ http://europa.eu.int/comm/anti_fraud/publications/a-v/index_en.html.

set about combating this form of crime and the results once thought unattainable would not have been achieved in the last few years. OLAF has played a key role in this area. I don't wish to dwell on this subject any longer, as respected journalists taking part in this round table discussion have already done so.

I found OLAF's website clear. It contains an abundance of information and is multilingual, as are the publications and the videos. I also found out about the information-training visits to OLAF⁵ and many other initiatives to inform the people of Europe and its own partners more effectively about what OLAF does and how it adds value to international collaboration.

Glancing through all this material I had the impression that while there were other possibilities, much had already been done. I wondered how many people were working in this field. Examining the material, comparing it with material issued by a normal press office representing a typical institution or company, and bearing in mind the unavoidable language problems, I concluded there would need to be a whole host of institutional communications specialists. This idea was only reinforced when I read Opinion No 2/03 that accompanied the Commission report entitled "Evaluation of the activities of the European Anti-fraud Office (OLAF)" drawn up by the OLAF Supervisory Committee.⁶ Section IV.3 of the Opinion (Communication) states that "OLAF has set up its own autonomous public relations department and conducts an active policy of communication with the public and the media. However, the Committee feels that, while communication is important, it is none the less secondary and should remain limited in view of the risks it entails for the respect of fundamental rights and the reputation of the institutions and their members, officials, and staff."

I have also heard that some colleagues from the old Budgetary Control Committee have suggested publicly that OLAF should "put a stop to its ridiculous press policy. The office has issued too many press releases... There should be more investigators and fewer press officers."

Understandably surprised, and slightly alarmed, I continued my research, this time on the staffing levels in its "autonomous public relations department" and on the number and content of OLAF press releases.

I was no less surprised when I discovered that OLAF's Communication, Public Relations and Spokesman Unit is one of the smallest, if not the smallest communications and information units in any of the European Commission's Directorates-General. Because OLAF's

⁵ http://europa.eu.int/comm/anti_fraud/rp/visit/en.html.

⁶ http://europa.eu.int/comm/anti_fraud/reports/sup_comm/2003/avis/en.pdf.

investigative function must remain independent, it is also the only unit that has to deal with its own relations with the media, while other Directorates-General can use staff from the pool of spokespersons in Directorate-General Press and Communication. Although a large number of the materials are multilingual, a large number of visits and conferences are organised and hundreds of contacts are maintained with the world's press, the Unit consists of just two Grade A officials, two B Grade officials, an auxiliary, a national expert on secondment and a secretary.

I looked through the press releases published by OLAF on its own site (in at least three languages)⁷ and, quite honestly, I fail to see which of these communications my colleague from the Committee on Budgetary Control was referring to when he said that too many press releases were published.

So I asked myself who stands to gain from such heated criticism. I also asked myself whether behind the much-trumpeted appeals for rights to be safeguarded, for greater independence for OLAF and the need for OLAF to spend less time speaking or even to keep silent, there was not a desire to enable others to speak. And this is how I found out, from a press release published in total transparency in 2002, that OLAF had started investigating itself, launching an inquiry into the leaking of confidential information and possible corruption of a Community official. I was surprised to learn that some people have been commenting publicly on current investigations that are still confidential when there is a sacrosanct duty to protect those presumed innocent (until a court finds otherwise) and safeguard the effectiveness of the investigations. While I applaud the dignified silence maintained by OLAF, I again find myself asking the question "who stands to gain?"

I still do not know. But I will do everything in my power as a Member of the European Parliament to ensure that OLAF is an effective tool of the rule of law because it is the first to respect rights and the rule of law, and I will be merciless in bringing to light any deviations from this course. I will also do everything I can to prevent OLAF from becoming a dangerous toy in the hands of those who want to play games for their own benefit and against the interests of the rule of law and the rights of us all.

Communication as a means of prevention. An excellent idea! My compliments to OLAF for this initiative. I would like to join my fellow MEPs from all parts of the political spectrum in welcoming this round table as well.

For any investigative body communication also means prevention. But communication does not mean just talking to the media, and it definitely does not mean leaking information.

Communicating in the name of the rule of law means acting as transparently as possible in accordance with the values of law and democracy that provide the foundations on which Europe is based and that Parliament safeguards and will increasingly have to protect.

The anti-fraud communication policy pursued by OLAF together with its operational partners deserves encouragement and support. I will therefore do my utmost to ensure that OLAF's right to use modern means of communication to get its message across is never undermined under any pretext.

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