

OLAF position following the disclosure of Opinion 2/2012 by the OLAF Supervisory Committee

- OLAF takes note of the access granted by the OLAF Supervisory Committee to its Opinion 2/2012, which refers to the OLAF investigation concerning Mr Dalli. The access was granted on 4 July 2014 by the Supervisory Committee to Corporate Europe Observatory. The Opinion was disclosed by Corporate Europe Observatory on 6 July.
- It is for the first time that the authentic version of this Opinion drafted by the Supervisory Committee over a year ago is published, following the Committee's agreement. In its letter to Corporate Europe Observatory, the Committee has stated that this disclosure was made *"to counter fraudulent, inaccurate or erroneous statements present in the public domain and concerning the OLAF investigation"*. The Committee confirmed that various persons and parties have made public *"claims concerning the OLAF investigation which are not supported by the findings of the Committee"*. The Committee also noted that there is an overriding public interest to disclose its Opinion, which includes the *"public interest in the defence of OLAF independence"*. Indeed, the OLAF independence has been threatened by the malicious dissemination of false information about the OLAF investigation over the last year.
- OLAF very much hopes that this disclosure will now end all the speculation concerning the contents of this Opinion and restore some truth about it.
- The public will now be able to see that the Supervisory Committee has not found OLAF in breach of any legal provisions.
- The Supervisory Committee is not a body tasked with assessing the legality of the investigative acts of OLAF. By law, OLAF is independent from the Supervisory Committee and any other bodies in carrying-out its investigations. The assessment of the legality of OLAF's investigations lies solely and exclusively with the competent Courts.
- The Supervisory Committee is a body tasked with reinforcing OLAF's independence. It is important to recall that, after analysing the OLAF investigation in detail, the Supervisory Committee has not identified any pressure or influence over OLAF's investigation or any attacks to OLAF's independence during this investigation. OLAF conducted its investigation in full independence.

- The Supervisory Committee also monitors developments concerning the application of procedural guarantees by OLAF and addresses opinions and recommendations to the Director General of OLAF. This Opinion lists a number of recommendations that the Supervisory Committee made in this respect to the OLAF Director-General.
- In a spirit of cooperation, OLAF has swiftly and thoroughly replied to these recommendations last year. Some of the issues raised have also been addressed by the new OLAF Regulation 883/2013 and Guidelines on investigative procedures for OLAF staff, which entered into force on 1 October 2013.

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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