

Brussels

**NOTE FOR THE ATTENTION OF MR JOHAN DENOLF,  
CHAIRMAN OF THE OLAF SUPERVISORY COMMITTEE**

Via the Secretariat of the Supervisory Committee

**Subject: Response to the Supervisory Committee's Opinion 2/2013 on "Establishing an Internal OLAF procedure for Complaints" of 29 January 2014 and the consequent note of 10 February 2014**

I thank you for your Opinion No 2/2013 on "Establishing an Internal OLAF procedure for Complaints" of 29 January 2014 and for your note of 10 February on the matter.

I fully share your views on the importance of having an efficient complaints procedure within OLAF. Thank you for having drawn my attention (during our meeting of 18 December 2013) to the fact that the procedure was not published on OLAF's website, a matter that I have addressed meanwhile.

I would like to stress that OLAF always had such a procedure in place. Any natural or legal person has the possibility to submit a complaint in whatever form to OLAF, at any stage of an investigation. As you correctly point out, a reference to this procedure was mentioned in the Instructions to Staff on Investigative Procedures, of 1 February 2012. After careful consideration, I decided not to keep the reference in the new Guidelines on Investigation Procedures (GIP) that were adopted at the time of the entry into force of Regulation (EC) No 883/2013. The reason is that the GIP are *internal guidelines to staff on investigative activities*. The procedures on complaints are no such guidelines and not addressed to the investigators. Deleting this reference did not mean abolishing the procedure.

I would like to take this opportunity also to clarify that OLAF's complaints mechanism encompasses several procedures, as is evident from our website. It includes the following:

- Complaints concerning procedural guarantees in the context of investigations;
- Complaints under article 90a of the Staff Regulations<sup>1</sup>;
- Complaints concerning data protection<sup>2</sup>;
- Complaints concerning public access to documents or files under Regulation 1049/2001<sup>3</sup>.

<sup>1</sup> Staff Regulations of officials and the Conditions of Employment of other servants of the European Union

<sup>2</sup> Pursuant to article 18 of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data

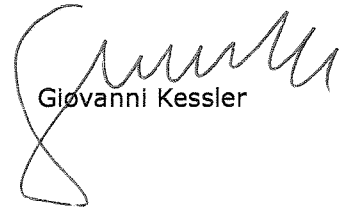
<sup>3</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents



For the first case (complaints concerning procedural guarantees in the context of investigations) I have formalised the existing, internal procedure, reflecting the structure and attribution of tasks of the Office, and published it on OLAF's website. This did not require a written decision from me. The other procedures derive from different regulations and do not require, nor leave any space for a decision from my side.

Finally, I understand that you wish to be consulted on the complaints procedure and I am ready to do so for any future changes. Concerning the regular reporting on the complaints received and the way they have been treated, I will reflect on how to best comply with OLAF's obligations in relation to the Supervisory Committee, in line with the Regulation (EC) No 883/2013 and the recently agreed Working Arrangements.

Let me assure you of my commitment in supporting the Supervisory Committee in the effective fulfillment of its mandate.



Giovanni Kessler