SUPERVISORY COMMITTEE

OLAF

ACTIVITY REPORT 2022

May 2023

Mr Jan MULDER
Committee member from 23 January 2017 until 22 September 2022
Chair from 1 March 2017 until 22 September 2022

Former Member of the European Parliament, the Netherlands.

Ms Maria Helena FAZENDA
Committee member from 23 January 2017 until 22 September 2022

Judge of the Supreme Court of Justice, Portugal.

Ms Grażyna STRONIKOWSKA
Committee member from 13 July 2016 until 27 March 2022

National Prosecutor's Office, Warsaw, Poland.
Public prosecutor.

Mr Rafael MUÑOZ LÓPEZ-CARMONA
Committee member from 1 December 2017 until 27 March 2022

Former Chief of the General State Comptroller's Support Unit at the Special Prosecutor's Office Against Corruption and Organised Crime, Spain.
Auditor, lawyer, economist.

Ms Dobrinka MIHAYLOVA
Committee member from 18 November 2020 until 22 September 2022

Audit of European Union Funds Executive Agency, Bulgaria.
Director of Audit of Regional Policy Funds Directorate.

Mr Carsten ZATSCHLER
Committee member from 28 March 2022 until 14 August 2022

Senior Counsel (SC) at the Bar of Ireland.

Current Committee members

Mr Dušan Sterle
Chair of the OLAF Supervisory Committee
Committee member from 28 March 2022

Former Director of the Budget Supervision Office of the Republic of Slovenia, Ministry of Finance.

Ms Teresa Anjinho
Committee member since 23 September 2022

Former Deputy Ombudsman and Independent Human Rights Expert, Portugal.

Ms Marita Salgrāve
Committee member since 23 September 2022

Former Council Member and Audit Director, Supreme Audit Institution, Latvia
Former Executive Director of the Central Finance and Contracting Agency (ESIF Intermediate Body), Ministry of Finance, Latvia.

Mr Angelo Maria Quaglini
Committee member since 23 September 2022

Judge of the Court of Auditors, Italy.

Mr Thierry Cretin
Committee member since 9 September 2022

Former French member of the judiciary (investigating judge, deputy public prosecutor, chief prosecutor). Former director for both DG Justice and Consumers and DG Migration and Home Affairs of the European Commission.

Foreword

- The year 2022 was marked by a number of important changes as the Supervisory Committee was completely renewed in two stages, following the Decision of 28 March 2022 of the European Parliament, the Council and the Commission appointing the new members of the Supervisory Committee of OLAF. The first two members took office on 28 March, and the remaining three on 23 September. The resignation in August of one of the first two newly appointed member also meant the appointment of a new member in accordance with the procedure laid down in Article 15, paragraph 2 of the OLAF Regulation. These changes affected the work of the Committee which could only start in September when the Committee was finally convened in its new composition.

- At the same time, in May, the Commission proceeded to the appointment of the first Controller of procedural guarantees. This is a completely new function established by the amended OLAF Regulation. The Controller examines in full independence complaints submitted by 'persons concerned' regarding OLAF's compliance with the procedural guarantees, fundamental rights and rules applicable to investigations, and to do so the Controller relies on the legal and administrative support provided by the Secretariat of the Supervisory Committee.

- The Committee welcomes the appointment of the new Controller of procedural guarantees as this will further increase transparency and accountability of OLAF. That said, the Committee also believes that there is now more than ever a pressing need for an increase of the human resources for the Secretariat given the additional administrative and legal support tasks entrusted on it.

- Despite the effects that the renewal of the Committee has had on its activities, the Committee focused its attention on the work plan for the coming year, and on the forthcoming review by OLAF of its Guidelines on Investigation Procedures (GIPs) for which the Committee will have to issue in 2023 an Opinion. This is a very important issue as it touches at the heart of OLAF's working and investigative methods.

- At the same time, having received at the end of September from the Controller her draft implementing provisions for the handling of complaints for the purposes of the consultation phase provided for by Article 9b(11) of the OLAF Regulation, the Committee examined in detail these new provisions and by the end of October, it provided the Controller with its observations and remarks. These were taken into account and reflected in the implementing provisions that were adopted by the Controller on 16 November 2022.

- In November, the Committee also adopted its Opinion 1/2022 on OLAF's preliminary draft budget ('PDB') for 2023. As in the previous years, the Committee express its ongoing concerns regarding OLAF's diminishing human resources. For the Committee, the significant cuts in OLAF's staff may well deprive OLAF of continuing to hire highly qualified and specialised staff necessary for carrying out its tasks, including the need to establish and provide appropriate control mechanisms in relation to the use of the Recovery and Resilience Facility funds.

- As a final remark, I would like, on behalf of the members, to thank the Director-General of OLAF for his open and constructive approach and exchanges with the Committee, and also acknowledge the valuable support the members of the Secretariat, acting under the management of its Head, provided to the Committee.

Dušan STERLE

Chair of the Supervisory Committee

Table of Contents

1. The Committee in a nutshell

1. The Supervisory Committee of the European Anti-Fraud Office (OLAF) ('the Committee') is an independent body established by Regulation 883/2013[1] (the 'OLAF Regulation') to reinforce and guarantee OLAF's independence by regularly monitoring the implementation of OLAF's investigative function.

2. The Committee is composed of five independent outside experts ('the members'), appointed by common agreement of the European Parliament, the Council and the European Commission for 5 years[2]. The members perform their role in complete independence and may neither seek nor take instructions from any government or EU institution, body, office or agency. The Committee is supported in its work by a Secretariat, working on a permanent basis under the Committee's direct authority, independently from the Commission, OLAF or any other body. The Secretariat plays a key role in facilitating and contributing to the Committee's monitoring tasks.

3. Given the nature of OLAF investigations, no recourse before the EU Courts is possible against the decision of the OLAF Director-General to open or close an inquiry. This *de facto* makes the Committee the only entity that can supervise OLAF and scrutinise the way investigations are conducted. Thus, the Committee enjoys a privileged position, as it provides the EU institutions with an insight into OLAF's functioning based on its monitoring role, and provides an assurance that OLAF is acting within the limits of legality and in compliance with the applicable procedural guarantees.

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1 Article 15(2) of Regulation (EU) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.09.2013, p. 1–22) as amended by Regulation (EU, EURATOM) 2016/2030 and Regulation (EU, EURATOM) 2020/2223. Also available at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02013R0883-20210117

2 To preserve the experience built up in the Committee, the members are replaced on an alternating basis, in accordance with Regulation 883/2013.

4. Under the OLAF Regulation the Committee is entrusted with a threefold role: regular monitoring of OLAF's investigatory function, assisting OLAF's Director-General in discharging his responsibilities, and reporting to the EU institutions.

5. More particularly, by regularly monitoring OLAF's investigations the Committee seeks to ensure that:

   (i) there is no external interference in OLAF's investigative function;

   (ii) all relevant decisions of the DG are adopted according to the principles of legality and impartiality and are in compliance with the Charter of Fundamental Rights of the European Union and the procedural guarantees[3].

6. In performing its tasks the Committee (i) addresses to the Director-General of OLAF **opinions** and, where appropriate, **recommendations** on OLAF's investigative activities, the duration of its investigations and the resources needed by OLAF to carry out those investigations, and also (ii) formulates **observations** on OLAF's draft guidelines for investigation procedures ('GIPs'). In issuing its opinions and recommendations the Committee never interferes with the conduct of ongoing investigations.

2. A year full of changes

2.1. New composition of the Supervisory Committee

7. Article 15(2) of the OLAF Regulation provides that the Supervisory Committee of the European Anti-Fraud Office is composed of five independent members who are appointed by common agreement of the European Parliament, the Council and the Commission. According to Article 15(3) of the OLAF Regulation, the term of office of the members of the Supervisory Committee is 5 years and is not renewable. Three and two members are replaced alternately in order to preserve the Supervisory Committee's expertise.

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[3] At https://www.europarl.europa.eu/charter/pdf/text_en.pdf.

8. The mandate of two members of the Supervisory Committee, Ms Grażyna Stronikowska and Mr Rafael Muñoz López-Carmona, ended on 12 July 2021, and the mandate of the remaining three members, Mr Jan Mulder, Ms Maria Helena Pereira Loureiro Correia Fazenda and Ms Dobrinka Mihaylova, ended on 22 January 2022[4].

9. These members remained in office after the expiry of their term of office, in accordance with Article 15(4) of the OLAF Regulation, pending completion of the process of appointment of the new members of the Supervisory Committee[5].

10. On 28 March 2022 the European Parliament, the Council and the Commission issued a Decision appointing the new members of the Supervisory Committee of OLAF[6].

11. As from the day of entry into force of that decision (28 March 2022), Mr Dušan Sterle and Mr Carsten Zatschler were appointed as members of the Supervisory Committee in replacement of the two members whose mandate ended in July 2021. Ms Teresa Anjinho, Ms Marita Salgrāve and Mr Angelo Maria Quaglini were appointed as members of the Committee as from 23 September 2022, in replacement of the members whose mandate ended in January 2022.

12. The decision also included a reserve list of potential members to replace members of the Supervisory Committee for the remainder of their term of office in the event of the resignation, death or permanent incapacity of one or more of those members. Following the resignation of Mr Carsten Zatschler on 12 August 2022, Mr Thierry Cretin was appointed as member of the Committee for the remainder of Mr Zatschler's mandate.

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4 According to Article 1 of Decision (EU, Euratom) 2016/1201 of the European Parliament, the Council and the Commission of 13 July 2016 appointing the members of the Supervisory Committee of OLAF.

5 Article 15(4) of Regulation 883/2013 states: 'On expiry of their term office, members of the Supervisory Committee shall remain in office until they are replaced.'

6 Decision (EU, Euratom) 2022/521 of the European Parliament, the Council and the Commission of 28 March 2022 appointing the members of the Supervisory Committee of the European Anti-Fraud Office (OLAF).

2.2. New Controller of procedural guarantees

13. The Controller of procedural guarantees is a function established by the amended OLAF Regulation[7] to protect the procedural guarantees and fundamental rights of the persons concerned by investigations carried out by OLAF. The Controller examines complaints submitted by persons concerned regarding OLAF's compliance with the procedural guarantees and rules applicable to investigations, in particular procedural requirements and fundamental rights. The Controller carries out her tasks in complete independence and does not take instructions from anyone in the performance of her duties.

14. On 3 May 2022, the European Commission appointed Dr Julia Laffranque as the first Controller for a non-renewable term of 5 years. Dr. Laffranque, a judge at the Supreme Court of Estonia and former judge at the European Court of Human Rights, took up office in September 2022. The Secretariat of the Supervisory Committee provides the Controller with all necessary administrative and legal support.

15. The Committee welcomes the appointment of Ms Laffranque as the new Controller of procedural guarantees.

2.2.1 Consultation of the SUPCOM on the implementing provisions adopted by the Controller of procedural guarantees

16. Article 9b(11) of the OLAF Regulation empowers the Controller to adopt implementing provisions for the handling of complaints. Before the Controller adopts those provisions, the Supervisory Committee has to be consulted.

17. On 29 September 2022, the Controller forwarded to the Committee her draft implementing provisions for the handling of complaints for the purposes of the consultation phase provided for by Article 9b(11) of the OLAF Regulation. The draft implementing rules were examined in detail and discussed in a plenary meeting on 26 October 2022. The Committee provided the Controller with observations and remarks on 28 October 2022. The Committee is pleased to note that those observations and

[7] Article 9a of Regulation 883/2013.

remarks were taken into account and reflected in the implementing provisions adopted by the Controller on 16 November 2022[8].

18. Having in place clear and meaningful implementing provisions increases administrative transparency and reinforces well-established principles of good administration, thus contributing to building the trust of EU citizens in the newly created function of Controller of procedural guarantees.

19. Since the newly created function of Controller of procedural guarantees constitutes a new and important component of the overall architecture of OLAF's investigative activities, the Committee welcomes the Controller's commitment to reviewing the implementing provision when sufficient first-hand experience has been gained in dealing with complaints.

3. Monitoring activities of the Supervisory Committee

3.1. Monitoring OLAF's budget and resources: Opinion 1/2022 on OLAF's Preliminary Draft Budget for 2023

20. Every year, the OLAF Supervisory Committee adopts an opinion on OLAF's preliminary draft budget ('PDB') to give assurance to the EU institutions that the draft budget takes into account the independence of OLAF's investigative function. The opinion further provides assurance that OLAF has sufficient resources to provide an effective and efficient inter-institutional fraud-fighting service. The Director-General of OLAF can then use this opinion with respect to the budgetary and the discharge authorities of the EU.

21. On 22 November 2022 the Committee issued Opinion 1/2022 on OLAF's preliminary draft budget for 2023. Its analysis focused particularly on OLAF's human resources strategy, taking also into account the impact of the establishment of EPPO and the additional tasks carried out by OLAF as of the end of 2021.

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[8] Decision of the Controller of procedural guarantees adopting implementing provisions for the handling of complaints available at https://supervisory-committee-olaf.europa.eu/system/files/2022-11/Implementing%20rules%20final.pdf.

22. As a general remark, the Committee notes that, as in previous years, the Commission's draft budget was subject to saving measures. In that regard, the Committee reiterates its view that this reduction should not adversely affect the fight against fraud or irregular activities causing prejudice to the EU's financial interests.

23. The Committee finds that the situation of OLAF's human resources continues to raise concerns. The Committee is in particular concerned that significant cuts in OLAF's staff may deprive OLAF of continuing to hire highly qualified and specialised staff in the field of investigations. In particular, as the Committee highlighted in its last year's opinion on the PDB for 2022, it is important that OLAF has sufficient human resources at its disposal so that it can maintain a high level of performance. This is especially true with regard to the new tasks that OLAF has started to carry out in relation to a number of strategic initiatives for the European Commission, such as investigations and operational support to Member States concerning the Recovery and Resilience Facility ('RRF'), the 'Rule of Law Conditionality Mechanism', and to the operational cooperation with the EPPO.

24. In that respect, the Committee's position remains unchanged: OLAF must remain independent in three main areas: administrative, financial, and investigative. Administrative independence and financial independence mean that OLAF's Director-General must have at its disposal the necessary human and financial resources to investigate fraud against the EU budget, corruption and serious misconduct within the European institutions, and develop a meaningful and deterrent anti-fraud policy for the European Commission.

25. In its opinion, the Committee considered that OLAF's PDB for 2023 is in line with the resources needed to conduct investigations efficiently. That said, the Committee fully supported OLAF's request for additional posts. The Committee found it somehow counterproductive to assign new responsibilities and tasks to OLAF every year but to at the same time gradually reduce its human and financial resources. The Committee also agreed with OLAF that any further reduction by 20% of its budget for missions could jeopardise its ability to carry out its investigative function.

3.2. Monitoring of duration of OLAF's investigation

26. Article 7(8) of the OLAF Regulation requires the Committee to carry out a case-by-case analysis of each inquiry which is older than 12 months, to ensure that OLAF´s investigations are conducted continuously and over a period proportionate to their circumstances and complexity.

27. By regularly monitoring the duration of OLAF's investigations and the reasons for any undue delays, the Committee is seeking to verify that no

external or internal interference in the impartial conduct of an investigation has taken place. A lengthy investigation that cannot be justified may have serious negative consequences for: (i) the rights of defence of the persons concerned, and/or (ii) the follow-up to the investigation. By monitoring the length of investigations, the Committee also verifies that the human and financial resources allocated to OLAF have been used efficiently.

28. The Committee has paid particular attention over the years to the continuity' and 'duration of OLAF's investigations. It has in recent years raised concerns about the lack of clear and detailed provisions in the GIPs relating to managing the length of OLAF's investigations. Such rules strengthen legal certainty and their absence can be detrimental to ensuring OLAF's procedures are transparent, especially to the persons concerned.

29. To properly carry out the monitoring tasks conferred upon it by the OLAF Regulation, the Committee must have access to meaningful, comprehensive, sufficient and timely information. The new Article 15(1) of the Regulation 883/2013[9] provides that the Committee should be granted access to all of OLAF's information and documents that it considers necessary to carry out its monitoring and supervisory tasks.

30. The current working arrangements agreed between OLAF and the Committee[10] provide the Committee with partial direct access to case-related information available and registered in OLAF's case management system (OCM). In particular, according to Article 13(2) of the working arrangements, the Committee must have full access to open investigations lasting for longer than 12 months.

31. In that regard, as every year, the Committee received information from OLAF on investigations lasting more than 12 months. To better understand why certain investigations last a long time, the Committee focused its attention on OLAF investigations lasting more than 36 months.

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9 As modified by Regulation (EU, Euratom) 2020/2223.

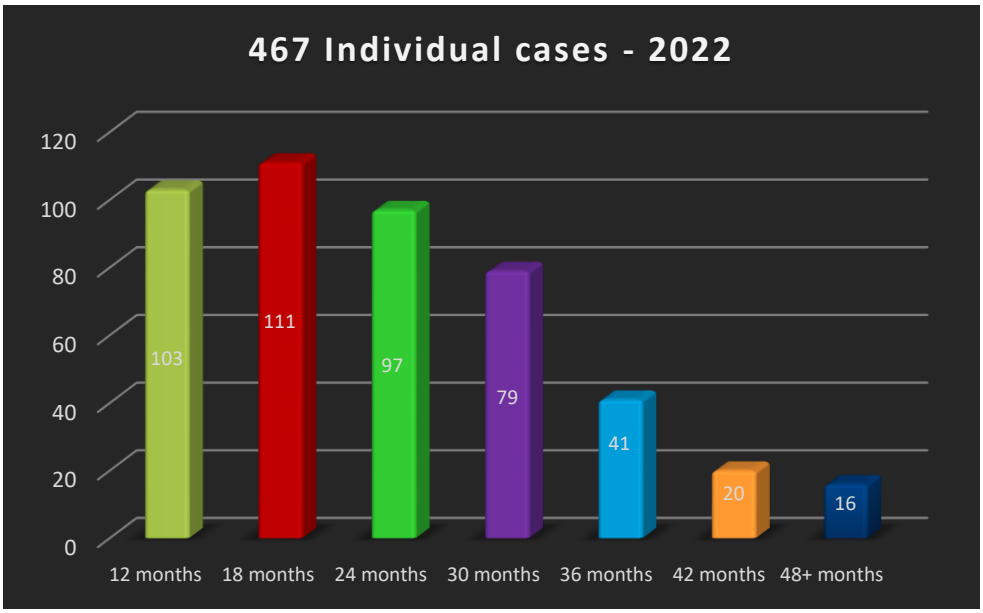
10 The working arrangements between OLAF and the Supervisory Committee of OLAF are available at https://supervisory-committee-olaf.europa.eu/system/files/2021-10/OLAF%20SC%20WA%20signed.pdf.pdf

3.2.1 Reports of investigations lasting over 12 months received by the Committee in 2022

32. If an investigation cannot be closed within 12 months after its opening, Article 7(8) of the OLAF Regulation[11] requires the Director-General of OLAF to formally report to the Committee 12 months after the investigation has opened and every 6 months thereafter. In these reports, OLAF sets out the reasons for the investigation remaining open and, where appropriate[12], the remedial measures to be taken to speed up the investigation and the expected timeframe for completion.

33. In 2022, the Committee received 751 reports from OLAF relating to 467 ongoing individual investigations lasting over 12 months. 54.17% of the reported cases exceeded 24 months (Figure 1). The sectoral breakdown of OLAF investigations is provided in Figure 2.

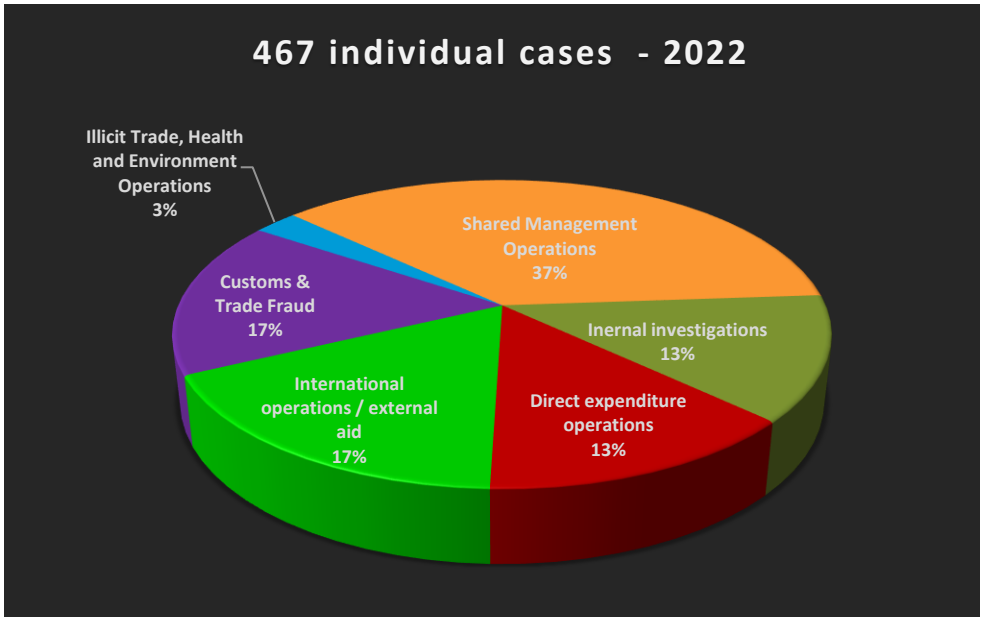
Figure 1



11 Article 7(8) Regulation 883/2013 states: 'If an investigations cannot be closed within 12 months after it has been opened, the Director General shall, at the expiry of the 12-month period and every six months thereafter, report to the Supervisory Committee, indicating the reasons and the remedial measures envisaged with a view to speeding up the investigation.'

12 The wording 'where appropriate' was added to the text of Article 7(8) of the OLAF Regulation by amending Regulation (EU, EURATOM) 2020/2223.

Figure 2



3.2.2 Examination of OLAF's cases lasting more than 36 months

34. In its plenary meeting of July 2022, in accordance with the provisions set in the working arrangements and the accompanying technical annex, the Supervisory Committee decided to analyse OLAF investigations which are currently open and have been open for more than 36 months, in order to assess the reasons for their duration and monitor how the procedural guarantees are being ensured for the persons concerned. Accordingly, the Committee informed OLAF and exercised their right to directly access the relevant case file in OCM, under the conditions of Article 12 of the WA.

35. Monitoring and examination of the selected cases is ongoing. The Committee expects that, in the course of 2023, it will therefore develop a much clearer understanding of the kind of problems and issues that account for the long duration of some OLAF investigations

3.3. Committee monitoring of individual complaints submitted to OLAF

36. As every year, the Committee received biannual reports and relevant documents on individual complaints handled by OLAF. In the first report of 2022, OLAF informed the Committee about all pending complaints and as of September 2022, following the entry into office of the new Controller of procedural guarantees, OLAF informed the Committee only of complaints lodged by persons other than 'persons concerned'. This is in

line with Article 9a and 9b of the OLAF Regulation, which gives the Controller the exclusive mandate to examine complaints submitted by persons concerned regarding OLAF's compliance with procedural guarantees and the rules applicable to investigations, in particular procedural requirements and fundamental rights. Other persons involved in an OLAF investigation, such as informants, whistle-blowers or witnesses, may lodge a complaint concerning procedural guarantees with the Director-General of OLAF.

37. In 2022 the Director-General informed the Committee that there was only one complaint lodged by persons other than 'persons concerned' and handled by OLAF. In the complaint, the complainant argued that OLAF did not conduct the investigation within a reasonable period of time. In its reply to the complainant, OLAF argued that there was no breach of the applicable rules and that OLAF conducted the investigation continuously and within a reasonable time-limit. The Committee notes that OLAF did provide sufficient explanations to justify the duration of the investigation to the complainant. In particular, OLAF referred to the complexity of the case, the sensitive nature of the subject matter, the volume of the information gathered and the numerous investigative activities carried out. The Committee further notes that OLAF acted in accordance with its obligation under Article 41(2)(c) of the Charter of Fundamental Rights of the European Union on 'the obligation of the administration to give reasons for its decisions'[13].

3.4. Revision of OLAFs Guidelines on Investigation Procedures (GIPs)

38. Following the review of the OLAF Regulation, OLAF needed to modify the existing GIPs to transpose the new provisions of the OLAF Regulation into new internal guidelines and to establish a clear and coherent framework for all investigation, support and coordination activities. OLAF explained to the Committee that this review process had been carried out in two distinct phases.

39. During the first phase, the review was limited to what was strictly necessary to align the GIPs with Regulation 2020/2223 and the operational start of the EPPO. That phase was finalised and the new GIPs entered into force on 11 October 2021. In its observations to the Director-General of OLAF

[13] Judgement of the General Court of 3 May 2018 in case T-48/16, *Sigma Orionis SA* v *European Commission*, paragraphs 104 and 105 and further case law quoted in paragraph 100.

on the review of the GIPs of 17 August 2022, the Committee made it clear that it would issue an opinion on the revised GIPs only when the second phase of the review process was finally completed[14].

40. OLAF is at the moment undertaking the second phase of the review, a more comprehensive process which will include: issues addressed by other internal OLAF instructions and guidelines; practices established under OLAF's cooperation with the EPPO; the recommendations of OLAF stakeholders; and issues identified by OLAF staff over the years. The second phase is expected to be finalised in the course of 2023.

41. For the Committee, as already stated in previous opinions[15], it is imperative that the new GIPs are based on an in-depth, comprehensive review of all other existing internal OLAF guidelines and instructions, some if not all of which will need to be incorporated into the GIPs. This is important as the GIPs are the only guidelines, instructions or manual the OLAF Regulation requires OLAF to make public[16], thus ensuring the required degree of transparency and legal certainty as regards the persons under investigation.

42. It thus welcomed OLAF's decision to proceed to the second phase of review of the GIPs and expects that this exercise will be finalised during the second semester of 2023.

43. The Committee notes that it already made over the last few years a number of specific recommendations in that respect regarding both the organisation of OLAF and its investigative practices (see for instance Opinion 3/2021 on best practices in internal investigations and Opinion 5/2021 on the duration of OLAF investigations). The Committee takes note of OLAF's commitment to ensure that the Committee's recommendations will be included, where necessary, in the new text of the GIPs.

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14 Article 17(8) last sentence of the OLAF Regulation.

15 Observations of the Committee to the Director-General of OLAF on the revision of the GIPs of 17 August 2021 and Opinion No 2/2017 on the evaluation of the OLAF Regulation.

16 Article 17(8) last sentence of the OLAF Regulation establishes that those guidelines will be 'published for information purposes on the Office's website in the official languages of the institutions of the Union'.

4. Cooperation

4.1. Cooperation with OLAF

44. During 2022 the Committee consolidated its fruitful cooperation with OLAF. In addition to the implementation of the new working arrangements, the Committee maintained an open and meaningful dialogue with OLAF.

45. The Committee continued the practice of inviting OLAF's Director-General and his staff to its regular monthly meetings to discuss and be informed about any matter relevant for the Committee's and OLAF's work. The members of the Committee and the Secretariat also held formal and informal meetings with OLAF management and staff in the context of the preparation of the Committee's work.

46. The Committee received from OLAF the following reports in line with the provisions of the OLAF Regulation and the established working practices: (i) reports concerning investigations lasting over 12 months; (ii) reports on OLAF recommendations not followed issued since 1 October 2013, for which OLAF received replies from the authorities concerned in the 2021 annual monitoring exercise; (iii) reports on complaints made to OLAF concerning procedural guarantees in the context of ongoing investigations dealt with by OLAF; (iv) reports on cases for which information has been sent to national judicial authorities or to the EPPO; and (v) reports on deferrals under Article 4(6) of the OLAF Regulation.

4.2. Relations with stakeholders

47. The Committee is accountable to the institutions that appointed its members and at the same time it is a dialogue partner of the EU institutions. The Committee reports to the EU institutions on its activities, may issue opinions at their request, produces reports on investigative matters and exchanges views with them at a political level[17].

[17] Article 15(1) of Regulation (EU) No 883/2013: 'The Supervisory Committee shall address to the Director-General opinions, including where appropriate, recommendations on, inter alia, the resources needed to carry out the investigative function of the Office, on the investigative priorities of the Office and on the duration of investigations. Those opinions may be delivered on its own initiative, at the request of the Director-General or at **the**

48. The Committee considers it important to maintain regular contact with the EU institutions and OLAF partners and stakeholders in order to improve the flow of information and obtain feedback about OLAF's performance. The Committee and its Secretariat were in regular contact with Commissioner Hahn, Commissioner for Budget and Human Resources, responsible for OLAF, the Secretary General of the Commission, the Budgetary Control Committee (CONT) of the European Parliament and the Council Working Groups Against Fraud (GAF).

49. The Committee also participated in the yearly inter-institutional exchange of views on OLAF's performance, where it expressed its views on 26 October 2022.

50. The Committee further assisted the Commission in selection procedures for appointing senior officials in OLAF and its members also participated in meetings of the Commission's Consultative Committee on Appointments.

51. At the plenary meeting of November 2022, the Committee invited the Controller to a first exchange of views.

5. Administration and resources

5.1. Supervisory Committee working methods

52. In 2022, the Committee held eleven plenary meetings, either hybrid or entirely online[18]. For every major issue examined, the Committee appointed a rapporteur. The rapporteurs worked with the Secretariat to prepare draft reports for discussion at the plenary meetings. The Chair, the rapporteurs and the members of the Secretariat also met regularly to work on particular issues.

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request of an institution, body, office or agency, without however interfering with the conduct of investigations in progress. […]

[…] The institutions, bodies, offices or agencies shall be provided with a copy of opinions delivered pursuant to the third subparagraph.'

18 From January to December 2022.

5.2. The Secretariat

53. During 2022 the Secretariat continued to support the Committee members in carrying out their duties efficiently, reinforcing OLAF's independence. The Secretariat, like the rest of the Commission, continued during 2022 to operate a mix of presence and an online environment and carried out the work programme as agreed with the Supervisory Committee.

54. The Secretariat continues to be administratively attached (since March 2016) to the Office for the Payment of Individual Entitlements of the European Commission ('PMO'), although it is located in a separate security zone within OLAF's premises. The Supervisory Committee expressed on many occasions in the past its doubts as to whether the 'hybrid' attachment of its Secretariat to the PMO is the most appropriate location.

55. The Committee reiterates its view that, given the daily interactions of the Secretariat with OLAF staff for the purposes of the Committee's ongoing monitoring tasks, a suitable place within OLAF's security zone would enable the Secretariat to work more efficiently.

5.3. Budget matters

56. The Committee's budget for 2022 was EUR 200 000. Organising a number of meetings in a hybrid environment meant that the actual amount disbursed by the end of 2022 was EUR 122 249.89.

57. The authorising officer by sub-delegation responsible for expenditure is the Director of the PMO.