



**EUROPEAN COMMISSION**

**PRESS RELEASE**

Brussels, 11 June 2014

## **Commission proposes final step in OLAF reform process**

Today the Commission has proposed measures to further safeguard procedural guarantees in OLAF investigations, in order to complete the already comprehensive reform of the EU's anti-fraud office. The proposal foresees the creation of a new Controller of Procedural Guarantees, who would have two main functions. First, he would be responsible for reviewing and providing recommendations on complaints that might be lodged by anyone implicated in an OLAF investigation. Second, OLAF will have to get authorisation from the Controller before inspecting the offices of members of EU institutions, or taking any documents or data from these offices. Today's proposal is another step to ensure that OLAF can continue to work efficiently and independently in protecting EU financial interests, while also guaranteeing the effective protection of fundamental rights. It complements the proposal for the European Public Prosecutor's Office (IP/19/709) and the overall improvement of the EU anti-fraud framework in recent years.

Algirdas Šemeta, EU Commissioner for Anti-Fraud, said: *"We are already seeing positive effects from the recent reform of OLAF, both in terms of the Office's efficiency and the cooperation with other bodies and institutions. Today's proposal is the finishing touch in this reform. It should ensure full confidence that all procedural rights are effectively protected while OLAF works independently and successfully to protect EU taxpayers' money."*

A fundamental reform of OLAF was implemented in 2012 and 2013, bringing substantial improvements to OLAF's organisation and investigative activities. As part of that reform, procedural guarantees were formally enshrined in the legislation that governs OLAF's work, and an internal procedure to monitor the protection of fundamental rights throughout each investigation was established in the Office. Today's proposal goes even further in these safeguards, taking inspiration from those foreseen for the proposed European Public Prosecutor's Office.

Under the Controller of Procedural Guarantees, there will be a formal procedure for those concerned by OLAF investigations to lodge complaints if they want to. The aim is to ensure that these complaints are handled quickly, efficiently and transparently by a person independent of OLAF and the EU institutions. The Controller will allow both the complainant and OLAF to state their case before drawing conclusions and making a recommendation. If the Director-General does not follow the Controller's recommendation, he will have to clearly explain his reasons in the final case report. Ultimate judgement on any questions related to fundamental rights will rest with the Courts, as is currently the case.

The Controller will also be in charge of authorising any OLAF inspection of offices belonging to members of the EU institutions. This carries a dual benefit. On one hand, it recognises the elected or appointed position of these members, their particular responsibilities and their statutory independence. On the other hand, it will ensure that

OLAF can refer to the mandate given to it by the independent Controller, if it were to encounter resistance to such inspections.

The Controller of Procedural Guarantees will be recruited from outside the EU institutions and will be entirely independent in his work. He will be appointed by the Commission, European Parliament and Council, for a 5 year, non-renewable mandate.

### **For more information**

See OLAF website :

[http://ec.europa.eu/commission\\_2010-2014/semeta/index\\_en.htm](http://ec.europa.eu/commission_2010-2014/semeta/index_en.htm)

[http://ec.europa.eu/anti\\_fraud/about-us/legal-framework/index\\_en.htm](http://ec.europa.eu/anti_fraud/about-us/legal-framework/index_en.htm)

[MEMO/14/409](#)

Homepage of Commissioner Šemeta:

[http://ec.europa.eu/commission\\_2010-2014/semeta/index\\_en.htm](http://ec.europa.eu/commission_2010-2014/semeta/index_en.htm)

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