

The Director-General

Brussels,

**NOTE FOR THE ATTENTION OF MR JAN MULDER,
CHAIRMAN OF THE OLAF SUPERVISORY COMMITTEE**

Subject: OLAF-EPPO Working Arrangement

Dear Mr Mulder,

I am pleased to share with you the final version of the Working Arrangement between OLAF and the European Public Prosecutor's Office (EPPO), ahead of the formal signature planned for 5 July 2021.

In addition, enclosed you will find an overview of the changes made to the draft Working Arrangement after the Opinion of the OLAF Supervisory Committee issued on 31 May 2021.

Yours sincerely,

Ville ITÄLÄ

Encl: OLAF-EPPO WA
Overview of the changes made to the draft WA after the SC Opinion

Copy: L. Papadias (SC Secretariat)



Overview of the changes made to the draft OLAF-EPPO Working Arrangement after the Opinion of the OLAF Supervisory Committee issued on 31 May 2021

The Director-General of OLAF transmitted to OLAF's Supervisory Committee for its opinion the draft OLAF-EPPO Working Arrangement agreed between the two bodies in December 2020 (Ares(2020)7310265), as provided for in the amended OLAF Regulation (Article 12g Regulation 883/2013 as amended).

OLAF's Supervisory Committee delivered its Opinion on 31 May 2021, with several points for consideration regarding the provisions of the draft Working Arrangement.

In order to accommodate the points raised in the above mentioned Opinion, OLAF and the EPPO agreed to modify the draft as follows:

- **Article 4.2:** now includes the possibility for the templates agreed to between OLAF-EPPO to be reviewed where necessary;
- **Article 6.1.1 (d):** language has been modified to "*the facilitation of coordination of specific actions of national administrative authorities and bodies of the union*" to be fully aligned with the language in Article 101(3) of the EPPO Regulation, clarifying that there is no extension of OLAF's competence beyond the facilitation of coordination activities;
- **Article 6.4** (on EPPO's support to OLAF): this provision has been modified in order to clarify in which instances the EPPO could support OLAF and to ensure this support is done in accordance with EPPO's mandate. To this end, "*in accordance with EPPO's mandate, and provided OLAF is acting in support or complementarity in accordance with Articles 12e and 12f of the OLAF Regulation.*" has been added at the end of the provision;
- **Article 14:** now includes the possibility for the Parties to monitor the arrangement and the possibility to amend it. To this end, "*The Parties will monitor the good functioning of this arrangement on a continuous basis. One year after the start of the application of this Agreement and at least once a year after that, the Parties will meet to discuss its application and the need for amending it.*" has been included in the provision.

Regarding other points made in the Opinion:

- Supervisory Committee considered that the Working Arrangement could "*clarify the minimum kind of information to be shared between the two bodies*". OLAF and the EPPO agreed that at this point and given the investigative nature of the information exchange, it would not be possible to provide an exhaustive list of the type of information expected to be exchanged;
- Supervisory Committee considered that the EPPO should adhere to the Inter-institutional Agreement of 25 May 1999. OLAF and the EPPO agree to this, but as this accession is already provided for in Article 110 Council Regulation (EU) 2017/1939 it is outside of the scope of the Working Arrangement;
- Supervisory Committee considered that the *criteria, modalities and other aspects of the indirect access to OLAF and EPPO's case management systems ("hit/no-hit") should be further clarified*. OLAF and the EPPO agree, and this will be addressed in a separate annex (mentioned in Article 4.6 of the OLAF-EPPO WA) which deals exclusively with this access;
- Supervisory Committee considered the Working Arrangement *should reflect the different circumstances and modus operandi regarding case transfers*. OLAF and the EPPO consider that at this point in time, it is not possible to define such practice in detail as the modalities and technological aspects of the transfer are still being developed on both sides.

Overall, the Opinion of the OLAF Supervisory Committee stressed valuable practical points for consideration, which were taken into account in the new draft of the OLAF-EPPO Working Arrangement, and which were subsequently endorsed by the EPPO College on 9 June 2021. The formal signature of the OLAF-EPPO Working Arrangement is envisaged for 5 July 2021.