

Background Briefing

OLAF

<p><u>Framework:</u></p> <p>What is the purpose of the policy? Why is it important for the EU to be active on this matter?</p> <p>What does the EPP want to achieve?</p>	<p>OLAF is the EU anti-fraud body. It investigates fraud against the EU budget, corruption and serious misconduct within the European institutions and develops anti-fraud policy for the European Commission.</p> <p>The 1999 OLAF regulation said nothing about the protection of personal rights. Consequently, the European Court of Justice was kept busy handling issues on the right of defense, the right to be heard, the right of access to the file, the right to an impartial investigation, the presumption of innocence and the reasonable-time requirement.</p> <p>EPP wants to make OLAF more effective in combating fraud.</p>
<p><u>Political message:</u></p> <p>Why was the position the right one or the more balanced one? What are the concrete advantages for the citizens?</p>	<p>The revised regulation gives OLAF more effective tools to combat fraud by improving the ways OLAF can conduct investigations. It changes the legal framework in which OLAF has to operate, especially when cooperating with third countries and international organisations. The new regulation strengthens the procedural guarantees, and the fundamental rights of the persons concerned will be better protected. The role of the Parliament will be strengthened through an annual exchange of views of OLAF with the EU institutions.</p>
<p><u>State of play:</u></p> <p>What has been achieved during the legislative period?</p>	<p>Following six years of intensive discussions, and one year of difficult trilogue negotiations, the institutions last year managed to reach a political agreement on a compromise text which will improve OLAF's legal framework considerably.</p>
<p><u>Reports adopted:</u></p> <p>Why is it an EPP success?</p> <p><u>OR</u></p> <p>Why is this not far-reaching enough? Why is the EPP against or reluctant?</p>	<p>Add a link to the report: http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A7-2013-0225+0+DOC+XML+V0//EN&language=en</p> <p>Specify: Rapporteurs, Coordinators and adviser responsible</p> <p>Rapporteur, Coordinator: Ingeborg GRÄSSLE</p>
<p><u>EPP position on key aspects:</u></p> <p>What makes the difference with other political groups?</p>	<p>EPP set the agenda, and the other Groups only tried to follow.</p>
<p><u>How to reply to criticism?</u></p> <p>Possible counter-arguments</p>	<p>The case of former Health Commissioner John Dalli, who lost his office in October 2012 after allegations of corruption and an ensuing OLAF investigation, provides the most vivid example of OLAF's tough investigative methods. The OLAF Supervisory Committee's report clearly describes interferences with fundamental rights, going against both the Charter and the European Convention on Human Rights. Since the Lisbon Treaty</p>

	<p>took effect in 2009, the Charter of Fundamental Rights of the EU, which declares these rights to be unalienable, has become binding.</p>
<p><u>EPP objectives for the next legislative period</u></p> <p>What are the EPP main targets or steps to be taken?</p>	<p>The reinforcement of the fundamental rights of persons concerned has to continue. The remaining loopholes in the legal remedies have to be closed.</p> <p>OLAF's role will also change with the establishment of the European Public Prosecutor's Office. It will remain responsible for administrative investigations in areas which don't fall under the competence of the European Public Prosecutor. These include irregularities affecting the EU's financial interests, and serious misconduct or crimes committed by EU staff without a financial impact.</p>