

Debate on Key Features of OLAF and EPPO Relations



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News

After the Commission tabled its evaluation report on OLAF Regulation No. 883/2013 in October 2017 (see details in the special euCRIM issue 4/2017), the Council (in its ECOFIN formation) examined the report (see euCRIM 3/2017, p. 100). The Commission suggested a “two-step approach”, i.e.:

- A light, targeted revision of the OLAF Regulation in the first half of 2018 to address, in particular, the relationship between OLAF and the newly established European Public Prosecutor’s Office (EPPO);
- A more substantial revision of OLAF’s legal basis at a later stage, possibly under the mandate of the new European Parliament and the Commission post-2019.

Subsequently, delegations of the Member States met in working parties within the Council and agreed on several topics that should or should not be covered in its first, light revision. These issues are summarised in an “[outcome of proceedings](#)” document drafted by the General Secretariat of the Council on 16 February 2018. Accordingly, the “light revision” should include provisions on the following topics:

- Clarification of competences, including rules on (1) cooperation with the EPPO during the selection proceedings in order to determine early on which office is competent for handling a specific case; and (2) supporting and complementary administrative investigations;
- Avoidance of duplication of work, including rules on (1) notification procedures; and (2) the practicalities of cooperation, e.g., liaison officers;
- Information exchange;
- Cooperation between OLAF and Member States not participating in the EPPO;
- Cooperation between AFCOS and OLAF in cases in which the EPPO could be implicated.

The paper notes that some delegations put forward, additional issues that should be tackled in the first phase of the reform, e.g.:

- Further provisions in relation to AFCOS;
- Common rules on the preparation and implementation of on-the-spot checks;
- Rules providing for the admissibility of OLAF’s final reports as evidence in national administrative or judicial proceedings;

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- Rules on the admissibility of evidence collected by OLAF and the EPPO for use by the other office.

Generally, delegations requested that any additional administrative burden or additional resources for OLAF should be avoided, while ensuring that OLAF is equipped to continue exercising its mandate.

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