

Fight against fraud: investigations by the European Anti-Fraud Office OLAF

1998/0329(COD) - 02/04/2003 - Follow-up document

In accordance with Article 15 of Parliament and Council Regulation 1073/1999/EC and Council Regulation (and Euratom) 1074/1999/EC on investigations carried out by the European Antifraud Office, the Commission shall transmit to the European Parliament and the Council a progress report on the Office's activities, accompanied by the Supervisory Committee's opinion, together, where appropriate, with proposals to modify or extend the Office's tasks. The object of the evaluation exercise is to come to an overall assessment of the Office's activities, supplementing the analyses conducted by the Office itself and the Supervisory Committee, by examining its functions, the means available and the difficulties encountered. Account is taken of the impact of anti-fraud activities on the protection of the Communities' interests, sound implementation of the budget and healthy and rigorous financial management. The exercise takes account of the impact of the reform on prevention, cooperation and deterrence/enforcement. There is also reference to the subsidiarity and proportionality principles, respect for fundamental human rights, transparency, and the costeffectiveness ratio (economies of scale). The interinstitutional dimension of the Office's activities (credibility of the institutions and of European integration) was also taken into account. This overall assessment should provide a means of weighing up the pros and cons of the structure that emerged from the 1999 reform. The recommendations contained in this report are proposals that have been put forward with a view to optimising the Office's work. Some of these proposals are for improvements to secondary legislation; others relate to OLAF's working practices and the arrangements for cooperation between it and its different partners, particularly at national level. The fact remains that, irrespective of the progress made in attaining the objectives of the reform, and of the benefits derived, the difficulties identified should not be underestimated. They centre mainly on the question of the Commission's political and legal responsibility vis--vis the Office and its operational activities, in conjunction with the Office's functional independence in the exercise of its activities, and the choices to be made regarding its budget and staffing policy. They also concern the view taken in some quarters that there is a risk of interference, based on possible suspicion of meddling by the Commission in the Office's internal investigation activities. Many of these difficulties also spring from the fact that the reform was set in motion immediately, from the duration of the transitional period and from the necessary re-assignment of the staff of the Office. The development of its operational activities, particularly with regard to internal investigations, may also have aggravated the difficulties. Several factors militate in favour of retaining the overall consistency of the system devised in 1999. Furthermore, the overall assessment of the Office's activities, three years on, suggests that the difficulties encountered in this transition period are gradually diminishing. In the current situation, the consolidation of the Office is therefore a priority. Work on the Corpus Juris and the follow-up to it, the preparation of the Green Paper of the protection of the Community's financial interests and the Commission's proposals for the establishment of a European Prosecutor are a good example of the synergy offered by the proximity of work on the ground and preparation and negotiation of Commission initiatives. Internal reform initiatives, in the legislative sphere and elsewhere, and the contributions to the Convention on the future of the European Union are all visible proof of the benefits to the Commission of capitalising on these synergies within it.