

# Cooperation between the European Anti-Fraud Office and the European Public Prosecutor's Office

The establishment of the European Public Prosecutor's Office (EPPO) with the entry into force of the EPPO Regulation of 12 October 2017 requires the regulation governing investigations by the European Anti-Fraud Office (OLAF) to be adapted. In 2018, the Commission adopted a proposal to revise the OLAF Regulation as regards cooperation with the EPPO and the effectiveness of OLAF investigations. The European Parliament is expected to vote in December on the early second-reading agreement reached in trilogue negotiations.

## Background

The EPPO will change the EU institutional anti-fraud landscape significantly, and clear rules on the cooperation and division of tasks between OLAF and EPPO are needed. EPPO is currently being set up, with the [aim](#) of becoming operational as of the end of 2020.

## European Commission proposal

On 23 May 2018, the Commission adopted a [proposal](#) for a regulation amending Regulation (EU, Euratom) No 883/2013 concerning investigations conducted by OLAF, as regards cooperation with EPPO and the effectiveness of OLAF investigations. Provisions regulating the relationship between the EPPO and OLAF already exist in the EPPO Regulation; they are based on the principles of close cooperation, exchange of information, complementarity and non-duplication. These rules need to be mirrored and complemented in the amended [Regulation No 883/2013](#) concerning OLAF.

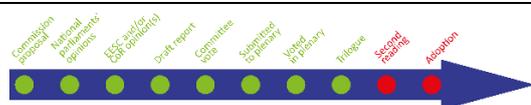
## Compromise agreement

On 19 April 2019, Parliament adopted its [first-reading position](#). Interinstitutional negotiations on the proposal started in October 2019 and led to a [compromise](#) agreement which was [approved](#) by the Committee on Budgetary Control (CONT) on 15 October 2020.

The modified article 3 states that OLAF can carry out on-the-spot checks and inspections in the Member States upon production of written authorisation. During an on-the-spot check and inspection, the economic operator concerned would have the right not to make self-incriminating statements and to be assisted by a person of their choice. Where a Member State does not cooperate with OLAF, the Commission could apply EU law in order to recover the funds related to the on-the-spot check or inspection in question. During an external investigation, OLAF would have access to relevant information and data, irrespective of the medium on which it is stored, held by the institutions, bodies, offices and agencies, connected with the matter. OLAF would be empowered to inspect the accounts of the institutions, bodies, offices and agencies. A controller of procedural guarantees would be appointed by the Commission. A complaints mechanism is also envisaged. Member States would designate 'anti-fraud coordination services' to facilitate effective cooperation and exchange of information. OLAF would report to the EPPO without undue delay any criminal conduct within EPPO competences. Article 12d aims at ensuring non-duplication of investigations. Working arrangements and exchange of information with the EPPO are laid down in the new article 12g.

The Council [adopted](#) its first-reading position, by written procedure, on 4 December 2020. Parliament is expected to vote on final adoption of the text during the December plenary session, based on the CONT committee's recommendation on second reading due to be voted on 14 December.

Recommendation for second reading: [2018/0170\(COD\)](#);  
Committee responsible: CONT; Rapporteur: Marian-Jean Marinescu (EPP, Romania).



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