



The revision of the OLAF Regulation in light of the future cooperation with the EPPO

- Presentation at the CONT workshop –

*Margarete Hofmann, Director, OLAF D
Brussels, 11 October 2018*

European
Anti-Fraud
Office



The future role of OLAF in the EU anti-fraud landscape

I. Define OLAF's future relations with the EPPO

- To ensure full complementarity between OLAF and EPPO

II. Enhance the effectiveness of OLAF's investigations

- To ensure a strong OLAF for effective anti-fraud action



A **targeted** proposal

European
Anti-Fraud
Office

2

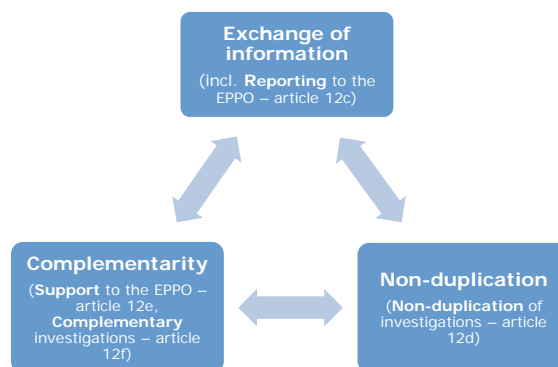
Full complementarity OLAF-EPPO

Key principles of the proposal

- **Distinct focus of activity** (EPPO – criminal investigations with the aim of bringing perpetrators to justice, OLAF – financial recovery and administrative measures), **but a common goal**
- **Demarcation EPPO/OLAF necessary, but a rigid demarcation would be counter-productive to the complementarity**
- **Safeguard for criminal investigations:** OLAF's complementary activity not to prejudice the EPPO's criminal investigations

Full complementarity OLAF-EPPO

Close cooperation



A strong OLAF for effective anti-fraud action

- **Continued important role for OLAF**
 - **As a close and dependable partner for EPPO** in the Member States participating in the EPPO (to complement EPPO's action, as an important source of information for the EPPO, and to support EPPO's investigations)
 - OLAF to fulfil its mandate as today as regards irregularities of a **non-criminal nature**
 - OLAF to fulfil its mandate as today in the Member States **not participating in the EPPO**
- **Targeted changes to enhance OLAF's investigative function**
 - **Limited, but essential** changes to clarify and strengthen the legal framework applicable to OLAF's investigations

Enhancing the effectiveness of OLAF's investigations

Coherence of OLAF's action throughout the EU

- Clarified **application of EU law** and of national law in the conduct of on-the-spot checks and inspections
- **Procedural guarantees** applicable to on-the-spot checks and inspections

Better cooperation with Member States

- **Duty to cooperate** of national authorities "unless prevented by national law"
- Assistance to OLAF for access to **bank account information**
- Exchange of information with **Eurofisc** in VAT-related fraud
- Role and duties of **AFCOS**

Admissibility of evidence collected by OLAF

Conclusion

- The proposal strikes a **good balance** between
 - ✓ The need to adapt OLAF's operation to the establishment of the **EPPO** and ensure their cooperation for the comprehensive protection of the EU budget
 - ✓ The need to address certain **shortcomings** in the framework for investigations
 - ✓ The need to have in place a **revised legal framework as quickly as possible**, by the time the EPPO becomes operational
- Other important issues will need to take into account the experience of the future OLAF-EPPO cooperation, and could be addressed more effectively in a more comprehensive revision at a later stage

Thank you!

Margarete Hofmann

Director, Policy Directorate
European Anti-Fraud Office