



EUROPSKI PARLAMENT

2009 - 2014

Dokument s plenarne sjednice

A7-0225/2013

19.6.2013

*****II**

PREPORUKA ZA DRUGO ČITANJE

o stajalištu Vijeća u prvom čitanju radi donošenja Uredbe Europskog parlamenta i Vijeća o istragama koje provodi Europski ured za borbu protiv prijevara (OLAF) i stavljanju izvan snage Uredbe (EZ) br. 1073/1999 Europskog parlamenta i Vijeća te Uredbe Vijeća (Euratom) br. 1074/1999 (17427/1/2012 – C7-0051/2013 – 2006/0084(COD))

Odbor za proračunski nadzor

Izvjestiteljica: Ingeborg Gräßle

Oznake postupaka

- * Postupak savjetovanja
- *** Postupak suglasnosti
- ***I Redovni zakonodavni postupak (prvo čitanje)
- ***II Redovni zakonodavni postupak (drugo čitanje)
- ***III Redovni zakonodavni postupak (treće čitanje)

(Navedeni se postupak temelji na pravnoj osnovi predloženoj u nacrtu akta.)

Izmjene nacrta akta

U amandmanima Parlamenta izmjene nacrta akta označene su **podebljanim kurzivom**. *Obični kurziv* naznaka je tehničkim službama da se radi o dijelovima nacrta akta za koje se predlaže ispravak prilikom izrade konačnog teksta (na primjer o očitim pogreškama ili izostavcima u danoj jezičnoj verziji). Za predložene ispravke potrebna je suglasnost dotičnih tehničkih službi.

Zaglavljve svakog amandmana na postojeći akt koji se želi izmijeniti nacrtom akta sadrži i treći redak u kojem se navodi postojeći akt te četvrti redak u kojem se navodi odredba akta na koju se izmjena odnosi. Dijelovi teksta odredbe postojećeg akta koju Parlament želi izmijeniti, a koja je u nacrtu akta ostala nepromjenjena, označeni su **podebljanim slovima**. Za moguća brisanja u tim dijelovima teksta koristi se oznaka [...].

SADRŽAJ

	Stranica
NACRT ZAKONODAVNE REZOLUCIJE EUROPSKOG PARLAMENTA	5
PRILOG ZAKONODAVNOJ REZOLUCIJI.....	6
EXPLANATORY STATEMENT	7
POSTUPAK.....	10

NACRT ZAKONODAVNE REZOLUCIJE EUROPSKOG PARLAMENTA

**o stajalištu Vijeća u prvom čitanju radi donošenja Uredbe Europskog parlamenta i Vijeća o istragama koje provodi Europski ured za borbu protiv prijevara (OLAF) i stavljanju izvan snage Uredbe (EZ) br. 1073/1999 Europskog parlamenta i Vijeća te Uredbe Vijeća (Euratom) br. 1074/1999
(17427/1/2012 – C7-0051/2013 – 2006/0084(COD))**

(Redovni zakonodavni postupak: drugo čitanje)

Europski parlament,

- uzimajući u obzir stajalište Vijeća u prvom čitanju (17427/1/2012 – C7-0051/2013),
 - uzimajući u obzir mišljenje Revizorskog suda od 12. srpnja 2011.¹,
 - uzimajući u obzir stajalište u prvom čitanju² o prijedlogu Komisije upućenom Europskom parlamentu i Vijeću (COM(2006)0244),
 - uzimajući u obzir izmijenjen prijedlog Komisije (COM(2011)0135),
 - uzimajući u obzir članak 294. stavak 7. Ugovora o funkcioniranju Europske unije,
 - uzimajući u obzir članak 72. Poslovnika,
 - uzimajući u obzir preporuku za drugo čitanje u Odboru za proračunski nadzor (A7-0225/2013),
1. prihvaća stajalište Vijeća u prvom čitanju;
 2. prihvaća zajedničku izjavu Europskog parlamenta, Vijeća i Komisije priloženu ovoj Rezoluciji;
 3. prima na znanje izjavu Komisije priloženu ovoj Rezoluciji;
 4. utvrđuje da je akt prihvaćen u skladu sa stajalištem Vijeća;
 5. nalaže svojem predsjedniku da potpiše akt s predsjednikom Vijeća u skladu s člankom 297. stavkom 1. Ugovora o funkcioniranju Europske unije;
 6. nalaže svojem glavnom tajniku da potpiše akt nakon provjere jesu li svi postupci propisno zaključeni te da ga u dogовору с главним тајником Вijeћа да на објаву у *Službenom listu Europske unije*;
 7. nalaže svojem predsjedniku da stajalište Parlamenta proslijedi Vijeću, Komisiji i nacionalnim parlamentima.

¹ SL C 254, 30.8.2011., str. 1.

² SL C 16 E, 22.1.2010., str. 201.

PRILOG ZAKONODAVNOJ REZOLUCIJI

Izjava Europskog parlamenta, Vijeća i Komisije

„Svaki put kad Europski parlament, Vijeće i Komisija imenuju nove članove novog Nadzornog odbora, također trebaju odrediti da ti članovi stupe na dužnost pri sljedećoj djelomičnoj zamjeni.”

Izjava Komisije

„Komisija potvrđuje da je Ured izjavio da će uvijek djelovati u skladu s Protokolom br. 7 o povlasticama i imunitetima Europske unije i Statutom zastupnika Europskog parlamenta, uz puno poštovanje slobode i neovisnosti zastupnika, kao što je predviđeno u članku 2. Statuta.”

Izjava Komisije

„Komisija namjerava zadržati postojeće ovlasti direktora Europskog ureda za borbu protiv prijevara da propisuje uvjete i detaljne postupke za zapošljavanje u Uredu, posebno u pogledu duljine ugovora i njihovog produženja.”

EXPLANATORY STATEMENT

Objective of the Commission proposal

1. The amended proposal of the Commission for amending Regulation (EC) 1073/1999 concerning investigations conducted by OLAF focuses on strengthening the procedural rights of the persons concerned by OLAF investigations and on enhancing the efficiency of the OLAF's investigations, as well as on improving the cooperation with its partners (EU institutions and bodies, Member States, international organisations). The proposal also aims at clarifying the role of the OLAF Supervisory Committee and establishing an exchange of views with the institutions at political level to discuss OLAF's policy priorities;

Additional remarks concerning recent events related to OLAF's investigative activities

The rapporteur,

2. Expresses her appreciation for the constructive cooperation between the Council, the Commission and the Parliament in preparing the OLAF reform;
3. Emphasises that after the trilogue meetings were successfully concluded new information came to light;
4. Notes that in the meantime the OLAF Supervisory Committee (OLAF-SC) has cast doubts on whether its right of supervision was respected and whether the rights of the persons under administrative investigation were preserved;
5. Deplores the fact that the Committee on Budgetary Control was not granted access to the OLAF-SC report drafted pursuant to Article 11 of the OLAF regulation, which was sent to the Parliament, the Council and the Commission on 29 January 2013 and which presumably comments on OLAF's investigative procedures;
6. Calls on its President to grant the members of the Committee on Budgetary Control access to this report, in the appropriate form, without delay;
7. Draws attention to the public statement made by Herbert Bösch, Member of the OLAF-SC, during the meeting of the Committee on Budgetary Control on 19 March 2013, warning against infringements of fundamental rights during OLAF administrative investigations and asking Members to consult the report submitted by the OLAF-SC to the Parliament, the Council and the Commission on 29 January 2013¹;
8. Welcomes the publication of the OLAF-SC Annual Activity Report 2012 on 22 April 2013;
9. Draws attention to the meeting of the Committee on Budgetary Control of 23 April 2013,

¹ <http://www.europarl.europa.eu/ep-live/en/committees/video?event=20130319-0900-COMMITTEE-CONT>

- at which this report was presented by the OLAF-SC to the members of the Committee on Budgetary Control, in the presence of the Director-General of OLAF;
10. Recalls the concerns expressed by the OLAF-SC members at this meeting as regards OLAF's investigative work, which are also summarised in Annex 3 of the OLAF-SC Annual Activity Report 2012, referring to, inter alia:
 - a. the investigative measures that OLAF is entitled to undertake;
 - b. the respect for procedural guarantees and fundamental rights, and the role of the OLAF-SC therein;
 - c. the legality check of OLAF's investigations and the respect of the national law of the Member States;
 - d. the direct participation of the OLAF Director-General in the investigative activities;
 11. Intends to reassure herself that the revised OLAF regulation comprises all necessary administrative procedures and safeguard mechanisms to protect the role of the OLAF-SC and the rights of individuals under administrative investigation;
 12. Calls on the Council and the Commission to cooperate with the Parliament in order to ensure the best possible outcome for the OLAF reform;

Background information

13. On 4 July 2006, the Commission submitted to the Parliament and the Council its proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1073/1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF)¹;
14. On 20 November 2008, the European Parliament adopted its position at first reading and the accompanying legislative resolution²;
15. On 6 July 2010, the Commission issued a reflection paper on the reform of OLAF³ with the view to identifying convergent and divergent points in the views expressed by the European Parliament and the Council on the Commission's initial proposal, and to achieve consensus on the main issues at stake;
16. As a result of thorough discussions within its Working Party on Combating Fraud, the Council issued on 6 December 2010 conclusions on the Commission's reflection paper⁴;
17. Following this reflection process, the Commission submitted an amended proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC)

¹ COM(2006)0244.

² OJ C 16 E, 22.1.2010, p. 201.

³ SEC(2010)0859.

⁴ Document 16833/10.

- No 1073/1999 concerning investigations conducted by the European Anti-fraud Office (OLAF) and repealing Council Regulation (Euratom) No 1074/1999 on 18 March 2011¹;
18. The European Parliament established its negotiating mandate on the Commission's amended proposal by reaffirming its position at first reading on the Commission's initial proposal;
 19. Opinions were delivered by the European Court of Auditors on 12 July 2011² and by the European Data Protection Supervisor on 1 June 2011³;
 20. In accordance with paragraphs 16 to 18 of the Joint Declaration on Practical Arrangements for the Codecision Procedure⁴, the Council Presidency, operating under a mandate from the Permanent Representatives Committee⁵, negotiated with the European Parliament, in the context of informal tripartite discussions which took place from October 2011 to June 2012, with a view to reaching an agreement at the stage of Council's first reading;
 21. The trilogue meetings were successfully concluded on 8 June 2012;
 22. On 25 July 2012, the Permanent Representatives Committee endorsed the compromise text agreed at the last informal trilogue of 8 June 2012; this agreement was also confirmed by the European Parliament's Committee on Budgetary Control (CONT) on 8 October 2012, following which its Chairman sent a letter to the Chairman of the Permanent Representatives Committee confirming that, should the Council adopt that text, he would recommend Plenary to accept Council's first reading position without amendments;
 23. Subsequently, at its meeting on 4 December 2012, the Council confirmed the political agreement on the agreed text as set out in documents 16546/12 and 12735/12 ADD1;
 24. The Council adopted the Commission proposal as amended on 25 February 2013 together with two Commission statements and one joint statement by the European Parliament, the Council and the Commission;
 25. The Commission accepted the amendments to its proposal in its communication to the European Parliament of 8 March 2013⁶;
 26. The outcome of the Council's first reading was announced to CONT during its meeting on 18/19 March 2013.

¹ COM(2011)0135.

² OJ C 254, 30.8.2011, p. 1.

³ OJ C 279, 23.9.2011, p. 11.

⁴ OJ C 145, 30.6.2007, p. 5.

⁵ Document 12140/11 ADD1.

⁶ COM(2013)0140.

POSTUPAK

Naslov	Amendment of Regulation (EC) No 1073/1999 concerning investigations conducted by the European Anti Fraud Office (OLAF)
Referentni dokumenti	17427/1/2012 – C7-0051/2013 – 2006/0084(COD)
Datum 1. čitanja u EP-u – broj P	20.11.2008 T6-0553/2008
Prijedlog Komisije	COM(2006)0244 - C6-0228/2006
Izmijenjeni prijedlog Komisije	COM(2011)0135
Datum objave primitka stajališta Vijeća u prvom čitanju na plenarnoj sjednici	14.3.2013
Nadležni odbor Datum objave na plenarnoj sjednici	CONT 14.3.2013
Izvjestitelj(i) Datum imenovanja	Ingeborg Gräßle 27.3.2007
Datum usvajanja	18.6.2013
Rezultat konačnog glasovanja	+: -: 0: 16 0 0
Zastupnici nazočni na konačnom glasovanju	Marta Andreasen, Jean-Pierre Audy, Zigmantas Balčytis, Zuzana Brzobohatá, Martin Ehrenhauser, Ingeborg Gräßle, Jan Mulder, Petri Sarvamaa, Bart Staes, Michael Theurer
Zamjenici nazočni na konačnom glasovanju	Cornelis de Jong, Esther de Lange, Karin Kadenbach, Ivailo Kalfin
Zamjenici nazočni na konačnom glasovanju (čl. 187. st. 2.)	Vasilica Viorica Dăncilă, Verónica Lope Fontagné, Janusz Władysław Zemke
Datum podnošenja	19.6.2013