



**COUNCIL OF
THE EUROPEAN UNION**

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COVER NOTE

from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 8 March 2013

to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

No Cion doc.: COM(2013) 140 final

Subject: Communication from the Commission to the European Parliament pursuant to
Article 294(6) of the Treaty on the Functioning of the European Union
concerning the position of the Council on the adoption of a Regulation of the
European Parliament and of the Council concerning investigations conducted
by the European Anti-fraud Office (OLAF) and repealing Regulation (EC)
No 1073/1999 of the European Parliament and of the Council and of the
Council Regulation (Euratom) No 1074/1999

Delegations will find attached Commission document COM(2013) 140 final.

Encl.: COM(2013) 140 final



Brussels, 8.3.2013
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TO THE EUROPEAN PARLIAMENT**

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position of the Council on the adoption of a Regulation of the European Parliament and of the Council concerning investigations conducted by the European Anti-fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and of the Council Regulation (Euratom) No 1074/1999

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1. BACKGROUND

Date of transmission of the proposal to the European Parliament and to the Council 4 July 2006.
(document COM(2006) 244 final – 2006/0084 COD):

Date of the opinion of the European Economic and Social Committee: n.a.

Date of the position of the European Parliament, first reading: 20 November 2008.

Date of transmission of the amended proposal: 17 March 2011.

Date of adoption of the position of the Council: 25 February 2013.

2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION

The amended proposal of the Commission for amending Regulation (EC) 1073/1999 concerning investigations conducted by OLAF focuses on clarifying the procedural rights of the persons concerned by OLAF investigations and on enhancing the efficiency of its 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 the Office's policy priorities.

3. COMMENTS ON THE POSITION OF THE COUNCIL

On 20 November 2008, the European Parliament adopted a resolution¹ in first reading under the co-decision procedure. It put forward approximately one hundred amendments to the Commission's proposal.

In March 2011, the Commission adopted an amended proposal for a Regulation of the

¹ European Parliament legislative resolution of 20 November 2008 on the 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), P6_TA-PROV(2008) 553. For the preparing report see A6-0394/2008.

European Parliament and of the Council amending Regulation (EC) No 1073/1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Council Regulation (Euratom) No 1074/1999.

Informal tripartite discussions took place from October 2011 to June 2012, with a view to reaching an agreement at the stage of Council's first reading.

On 4 December 2012 the Council confirmed its political agreement on the agreed text, and on 25 February 2013, the Council adopted its first reading position. All the amendments brought to the Commission amended proposal have been agreed during the informal tripartite discussions.

4. CONCLUSION

The Commission can therefore accept the amendments introduced by the Council to its proposal.