



**COUNCIL OF
THE EUROPEAN UNION**

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"I/A" ITEM NOTE

from : General Secretariat of the Council
to : Permanent Representatives Committee / Council

No. prev. doc.: 12735/12 GAF 16 FIN 565 CODEC 1936 + ADD 1

No. Cion prop.: 7897/11 GAF 4 FIN 182 CODEC 446 + ADD 1
COM (2011) 135 final + SEC(2011) 343 final

Subject : Amended 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) and repealing Regulation
(EURATOM) No 1074/1999 **(first reading)**
- Confirmation of political agreement

1. On 25 July 2012, the Permanent Representatives Committee endorsed the compromise text resulting from the informal tripartite negotiations held between October 2011 and June 2012, and recorded in doc. 12735/12 ADD 1, with a view to seek a final agreement with the European Parliament.
2. Following further informal contacts and in order to address the issue related to the provisions proposed by the European Parliament's negotiating team on the access of OLAF to offices of the Members of the European Parliament, the Commission proposed the following unilateral statement, to be published in the C-series of the Official Journal of the European Union:

"The Commission confirms that the Office has declared that it will at all times act in compliance with the Protocol No 7 on the Privileges and Immunities of the European Union and the Statute for Members of the European Parliament, fully respecting the freedom and independence of Members as provided for in Article 2 of the Statute."

3. On 8 October 2012, the European Parliament's Committee on Budgetary Control (BUDG), taking note of the Commission's intention, approved the compromise text as endorsed by the Permanent Representatives Committee. Consequently, on 12 October 2012, the Chairman of BUDG sent a letter confirming that, should the Council adopt that text, he would recommend to the Plenary to accept the Council's first reading position without amendments.

4. It is therefore suggested that the Permanent Representatives Committee submit the text as recorded in doc. 12735/12 ADD 1 to the Council to confirm the political agreement on it, on the understanding that, after its finalisation by the Council's legal/linguistic experts, the draft Regulation will again be transmitted via the Permanent Representatives Committee to the Council, for adoption of the Council's position in first reading.
