



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 6 June 2014
(OR. en)**

10587/14

**GAF 32
PE-L 33**

"I" ITEM NOTE

From: Working Party on Combating Fraud
To: Permanent Representatives Committee

Subject: Appointment of the members of the Supervisory Committee of the European Anti-Fraud Office (OLAF)
- *Procedure*

1. Pursuant to Regulation (Euratom, EU) No 883/2013 concerning investigations conducted by OLAF¹, and in particular to Article 15 thereof, the Supervisory Committee shall be appointed to monitor the independence of OLAF's investigative functions. The term of two of its members will end on 24 January 2015² and the remaining three members will have to be replaced on 24 January 2017³. In addition, the reserve list has been exhausted.
2. On 6 February 2014, the Commission submitted a proposal concerning the procedure and the selection criteria to be applied for the appointment of five new members of the Supervisory Committee and of seven alternate members, instead of five that were selected during the previous selection procedure, to be placed on the reserve list, as recorded in ANNEX 1.

¹ OJ L 248, 18.9.2013, p. 1.

² Mr Herbert BÖSCH and Mr Tuomas Henrik PÖYSTI.

³ Mr Johan DENOLF, Ms Catherine PIGNON and Mr Dimitrios ZIMIANITIS.

3. On 14 May 2014, the Working Party on Combating Fraud (GAF) examined the Commission proposal and agreed with the proposed procedure. However, it recommended to replace in the text of the selection criteria:
- the word "*auditor*" by "*auditor/investigator*" in the list of professional criteria, and
 - the current wording on language skills by "*should have the relevant language skills in at least two of the official languages of the institutions of the Union (the knowledge of English will be considered as an asset)*"¹ in the list of personal criteria.
4. The Working Party also agreed:
- on the extension of the reserve list from four to seven members and
 - on the nomination of four candidates for the regular list and of four for the reserve list.
5. The Permanent Representatives Committee is therefore invited to:
- entrust a Troika composed of the Greek, Italian and Latvian Permanent Representatives, each accompanied by his/her GAF delegate in the quality of alternate, with the mandate to represent the Council in the *ad hoc* group of high level representatives entrusted with the task of elaborating a common proposal of candidates;
 - approve the draft letter in ANNEX 2.
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¹ DE and FR indicated not to be able to support the proposed replacement.

ALGIRDAS ŠEMETA
MEMBER OF THE EUROPEAN COMMISSION

Brussels, 06 FEB. 2014
CU/jg Ares(2014) s: 231448

Mr Yannis Stournaras
President of the Council of
the European Union
Rue de la Loi 175
B-1048 Brussels

Dear President,

By decision of 23 January 2012, the three institutions appointed the members of the OLAF Supervisory Committee and four persons called to replace any of the members should he or she resign from the Supervisory Committee, die or become permanently incapacitated.

With the appointment of Mr Zimianitis, with effect as of 1 February 2014, this reserve list is exhausted and the European Parliament has requested me to launch the procedure for establishing a new list. I attach my reply to Mr Theurer on this matter in the annex.

I should be grateful if you could inform me whether you agree with the procedure proposed in my reply. If this should be the case, I should also be grateful if you could designate the persons who would represent the Council in the ad hoc group and in the technical group to be established.

Yours sincerely,



Copies: M. Šeščovič, Vice-president and Commissioner for inter-institutional relations and administration
C. Day, Secretary-General

Enclosures: Reply to Mr Theurer
Professional and Personal Criteria for the appointment of the members of the Supervisory Committee of OLAF in 2012

ALGIRDAS ŠEMETA
MEMBER OF THE EUROPEAN COMMISSION

Brussels, **06 FEB. 2014**
CU/jg Ares(2014) s: 231448

Mr Michael Theurer MEP
European Parliament
Bât. Altiero Spinelli, 09G302
60, rue Wiertz
B-1047 Brussels

Dear Mr Theurer,

Thank you very much for your letter of 14 November 2013 concerning the establishment of a new reserve list for the OLAF Supervisory Committee.

My services have examined the possibilities that we have in order to draw up a new reserve list within a reasonable time frame. On the basis of the information that I have received it however seems that after the appointment of Mr Zimianitis with effect as of 1 February, we would need to go through a new selection procedure in order to establish a new reserve list. I therefore propose that instead we launch an appointment procedure for the next five regular members of the Supervisory Committee (of whom two would take up office on 24 January 2015, and three others on 24 January 2017), in accordance with Article 15(2) of the Regulation. However, in view of the experience during the mandate of the current Supervisory Committee, I think we should this time aim for a reserve list that would comprise seven members instead of only four as in 2012.

As to the procedure, applying the same selection criteria as in 2012 would allow us to accelerate the procedure considerably. On the basis of these criteria, each institution could identify three to four candidates for the Supervisory Committee and maximum four candidates for the reserve list. The proposals could then be reviewed by an ad hoc group composed of representatives of our three institutions.

I suggest, furthermore, that the Commission organises a meeting at technical level between our three institutions in order to examine the need for adapting the template for the decision that was used in 2012, in particular in view of the entry into force of Regulation 883/2013. In order to save time, this meeting could take place even before the names of the candidates are being put forward by the institutions.

If the European Parliament can agree with the procedure described above I should be grateful if you could inform me of the names of the Parliament's representatives to the ad hoc group and to the technical group referred to above.

I have addressed a letter with the same proposal to the President of the Council, Mr Yannis Stournaras.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Jenny', written in a cursive style.

Copies: M. Šefčovič, Vice-president and Commissioner for inter-institutional relations and administration
C. Day, Secretary-General

Enclosures: Professional and Personal Criteria for the appointment of the members of the Supervisory Committee of OLAF in 2012

ANNEX

**Professional and Personal Criteria for the appointment of
the members of the Supervisory Committee of OLAF**

Professional criteria

- Practical and executive experience, preferably including significant related management experience, as a (high ranking) public prosecutor or judge or lawyer *or auditor*, ideally specialised in combating economic crime (including EU fraud) and international cooperation, or
- Expertise and management experience in custom matters and European/international cooperation customs, but with knowledge of the budget and/or administrative experience in managing EU funds, or
- Practical or academic longstanding and high level expertise in protecting fundamental rights in investigations; or
- Practical or academic longstanding and high level expertise in criminal and/or administrative law with regard to the protection of the financial interests of the EU.

Personal criteria

- should not have a political function when taking his/her function, either at national or European level;
- should have sufficient general knowledge of the EU institutions, policies, legal framework and working methods;
- should have relevant language skills (*the candidates should indicate in particular their level of knowledge of English, French and German*);
- should be sufficiently available to comply with his tasks in an efficient way (1.5 days of meeting per month and necessary preparation time);
- must be independent from the European bodies and institutions.

DRAFT LETTER

from: Mr Theodoros N. SOTIROPOULOS, Chairman of the Committee of Permanent Representatives of the Council

to: Mr Algirdas ŠEMETA, Member of the European Commission

copy to: Mr Martin SCHULZ, President of the European Parliament

Mr José Manuel BARROSO, President of the European Commission

Mr Maroš ŠEFČOVIČ, Vice-President of the European Commission

Ms Catherine DAY, Secretary-General of the European Commission

Mr Michael THEURER, Chair of the Committee on Budgetary Control

Subject: Appointment of the members of the OLAF Supervisory Committee

Thank you very much for your letter of 6 February 2014 concerning the launch of the selection procedure for the appointment of the members of the OLAF Supervisory Committee, as well as the establishment of a reserve list for the Supervisory Committee.

The Hellenic Presidency acknowledges the fact that the reserve list for the current mandate of the Supervisory Committee is now exhausted and that in January 2015 two new members of the Supervisory Committee will have to be appointed.

I have the pleasure to inform you that the Council expresses its agreement with the procedure suggested in your letter regarding the appointment of the new members of the Supervisory Committee, as well as with the extension of the reserve list members from four to seven. The Council, furthermore, decided to put forward four names for the regular members and four names for the reserve list, as a response to your invitation for each institution to identify candidates for the Supervisory Committee and its reserve list.

The Council also generally supports the use of the same selection criteria as in 2011 in view of speeding up the process. However, it would like to propose two modifications:

- to replace the word "*auditor*" by "*auditor/investigator*" in the list of the professional criteria;
- to replace the current wording on language skills in the list of personal criteria by "*should have the relevant language skills in at least two of the official languages of the institutions of the Union (the knowledge of English will be considered as an asset)*".

A Troika composed of the Greek, Italian and Latvian Permanent Representatives, each accompanied by one member of their delegation in the quality of alternate, has been entrusted by Coreper with the mandate to represent the Council in the *ad hoc* group established with the task of elaborating a common proposal of the nominees. The Troika will be assisted by an official of the Council's General Secretariat.

The Council Legal Service will address questions related to the preparation of the template for the Decision and will therefore represent the Council in the technical group.

I look forward to further contacts with a view to setting up a suitable timetable for the work of the *ad hoc* group.

(Complimentary close)
