



Council of the  
European Union

Brussels, 15 December 2015  
(OR. en)

15297/15

GAF 56  
PE-L 83

### "I" ITEM NOTE

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

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No. prev. doc.: 10587/1/14 REV 1 GAF 32 PE-L 33

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

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1. Pursuant to Regulation (Euratom, EU) No 883/2013 concerning investigations conducted by OLAF<sup>1</sup>, 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 has ended on 24 January 2015<sup>2</sup> and these two members continue to fulfil their function *ad interim* according to Article 15(4) of Regulation No 883/2013 until they are replaced. The remaining three members will have to be replaced on 24 January 2017<sup>3</sup>. In addition, the reserve list has been exhausted.

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<sup>1</sup> OJ L 248, 18.9.2013, p. 1.

<sup>2</sup> Mr Herbert BÖSCH and Mr Tuomas Henrik PÖYSTI.

<sup>3</sup> Mr Johan DENOLF, Ms Catherine PIGNON and Mr Dimitrios ZIMIANITIS.

2. On 6 February 2014, the Commission submitted a first 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. No agreement could be found with the European Parliament on some of the criteria for selecting candidates that were proposed by the Commission and to which some modifications were proposed by the Council, as set out in document 10587/1/14 REV 1, in particular, as regards the required language skills of candidates.
3. After discussions at technical level, the Commission submitted a second proposal on 9 December 2015, setting out a slightly revised procedure and selection criteria, as contained in ANNEX 1. This new proposal reflects the modifications proposed by the Council, insofar as they were agreed to by the European Parliament, as well as modifications suggested by the European Parliament and a new version of the language skills that candidates would have to fulfil.
4. On 10 December 2015, the Working Party on Combating Fraud (GAF) examined the Commission proposal and agreed with the proposed procedure and the new list of selection criteria.
5. As soon as the three institutions agree on the proposed procedure and selection criteria, the Permanent Representatives will receive a call for applications inviting them to put forward one candidate each, if they so wish.

Subsequently, the Permanent Representatives Committee will seek an agreement on the four candidates for the regular list and four for the reserve list to be proposed by the Council to the *ad hoc* group of high level representatives.

6. The Permanent Representatives Committee is therefore invited to:

- entrust a Troika composed of the Luxembourg, Dutch and Slovak 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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**Kristalina Georgieva**  
Vice-president  
Budget and Human Resources

Brussels, 09.12.2015  
A(2015)5700397

**Subject: Appointment of Members of OLAF Supervisory Committee**

Dear Minister,

I am writing to you to re-launch the process of appointment of members of the OLAF Supervisory Committee.

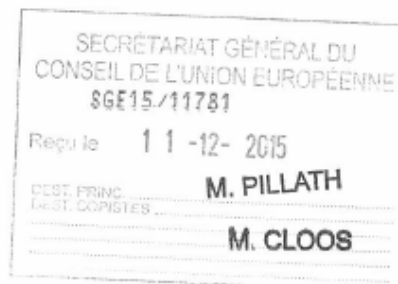
As to the criteria to be applied during the selection process, you will find in an annex for your consideration, a consolidated list of professional and personal criteria which is based on the proposals made by the Council in a letter of 18 June 2014, those made by the European Parliament in a letter of 18 December 2014, and the discussions between the legal services of all institutions.

As to the procedure and indicative timetable, once an agreement on the selection criteria is reached, I would like to propose that a draft call for expression of interest is prepared at technical level. On that basis, the Commission will publish the call on the relevant Commission websites by the end of January 2016. Upon expiration of the deadline indicated in the call, the Commission will collect the expressions of interest, inform the European Parliament and the Council accordingly and provide both institutions with the documents received. Within a jointly agreed period, each institution will conduct its internal pre-selection procedure leading to a list of preferred candidates, both for regular OLAF SC members and for the establishment of a reserve list. On that basis, an ad hoc High Level Group of representatives of the three institutions will establish a common proposal for five candidates to be confirmed as members by common accord and at least seven candidates for the reserve list.

In parallel, the Commission will organize a meeting at technical level between our three institutions in order to establish a draft for the decision on appointment.

I would be grateful if the Council could notify me by 15 January 2016 of your agreement to both the criteria (attached) and procedure and timetable described above. In addition I would appreciate if you could designate a person who would represent the Council for the work at technical level.

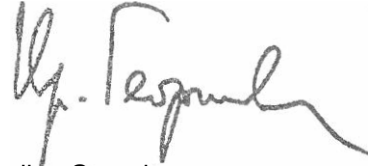
**Mr Pierre Gramegna**  
**Minister of Finance**  
**President-in-office**  
**Council of the European Union**  
**Rue de la Loi 175**



Rue de la Loi/Wetstraat 200  
B - 1049 Bruxelles - Office: BERL 12/297  
Tel: +32-2-298.71.37 - Fax: +32-2-299.53.72  
E-mail: kristalina.georgieva@ec.europa.eu

I have addressed a letter with the same proposal to the Chair of the Budgetary Control Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K. Georgieva', with a long horizontal flourish extending to the right.

Kristalina Georgieva

Annex: List of professional and personal criteria

Copy: Pieter de Gooijer, Ambassador Extraordinary and Plenipotentiary Permanent Representative of the Netherlands

**Annex: Professional and Personal Criteria for the appointment  
of 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/investigator, ideally specialised in combating economic crime (including EU fraud) and international cooperation; or
- Expertise and management experience with regard to irregularities and fraud in relation to custom matters and European/international cooperation customs; 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 the relevant language skills in two official languages of the institutions of the European Union necessary for the performance of the duties (candidates should also indicate their level of knowledge of other official languages);
- 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;
- Must not be a current member of a national anti-fraud coordination service within the meaning of Article 3(4) of Regulation 883/2013.

DRAFT LETTER

from: Mr Christian BRAUN, Chairman of the Committee of Permanent Representatives of the Council  
to: Ms Kristalina GEORGIEVA, Vice-President of the European Commission  
copy to: Ms Ingeborg GRÄBLE, Chair of the Committee on Budgetary Control  
Mr Pieter de GOOIJER, Permanent Representative of the Netherlands  
Mr Nicholas FRANSSSEN, Chair of the Council's Working Party on Combating Fraud

Subject: Appointment of the members and reserve list members of the OLAF Supervisory Committee

Dear Vice-President,

On behalf of Minister Gramegna, I would like to thank you for your letter of 9 December 2015 concerning the re-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 Luxembourg Presidency acknowledges the fact that the reserve list for the current mandate of the Supervisory Committee is now exhausted and that it is a matter of urgency to appoint new members of the Supervisory Committee, given that since January 2015 two members of the Supervisory Committee have been acting *ad interim*.

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 at least seven. As soon as the three institutions agree on the proposed procedure and selection criteria, the Permanent Representatives will receive a call for applications inviting them to put forward one candidate each, if they so wish. Candidates put forward will also be encouraged to apply via the call for expression of interest published by the Commission.

As was already set out in the Council's letter of 18 June 2014, when the appointment procedure was first launched, on the basis of all candidates received, the Council will 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 agrees to the selection criteria as set out in your letter. Accordingly, it supports the inclusion of the modifications that have been proposed by the European Parliament in its letter of 18 December 2014 as regards the requirement that candidates must not be current members of any national anti-fraud coordination service (AFCOS), as well as the agreed wording of the required language skills and the other modifications agreed at technical level.

A Troika composed of the Luxembourg, Dutch and Slovak 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 of high level representatives to be established with a view to selecting the candidates - appointed members, as well as members for the reserve list. 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 through Mr Martin BAUER and Ms Slavka CHOLAKOVA.

I look forward to further contacts with a view to starting the selection procedure in 2016.

(Complimentary close)

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