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'I' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee

Subject: OLAF Supervisory Committee's Activity Report for the year 2022
- *Outcome of proceedings*

1. On 31 May 2023, the OLAF Supervisory Committee submitted to the Council its 2022 Activity Report¹.
2. Pursuant to point (b) of Article 16(2) of Regulation (EU, Euratom) No 883/2013 concerning investigations conducted by OLAF², as last amended by Regulation 2020/2223³, an interinstitutional exchange of views shall take place every year, allowing for a discussion, at political level, on the activities carried out by the European Anti-Fraud Office, including in relation to the opinions and reports of the Supervisory Committee.

¹ Doc. WK 7234/2023.

² Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 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 Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1.).

³ Regulation (EU, Euratom) 2020/2223 of the European Parliament and of the Council of 23 December 2020 amending Regulation (EU, Euratom) No 883/2013, as regards cooperation with the European Public Prosecutor's Office and the effectiveness of the European Anti-Fraud Office investigations (OJ L 437, 28.12.2020, p. 49).

3. In view of the above and in order to facilitate the preparation of the next interinstitutional exchange of views to be held on 25 October 2023, the members of the Working Party on Combating Fraud examined the report on 21 June 2023 and agreed to establish an outcome of proceedings. An agreement on the text of the outcome was reached on 25 September 2023.
 4. The Permanent Representatives Committee is invited to endorse the outcome of proceedings as set out in the Annex to this document.
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OUTCOME OF PROCEEDINGS

On 21 June 2023, the OLAF Supervisory Committee (SC) presented its Activity Report for the year 2022¹ to the Working Party on Combating Fraud (GAF). The presentation was made by Mr Dušan STERLE, Chair of the SC.

Mr Sterle started by recalling the mission of the SC and the fact that it is constituted by independent experts. He also reminded the main tasks of the SC and stated that, at the moment, the Committee is focusing on OLAF's ongoing review of its guidelines for investigative procedures (GIPs).

Among the key messages highlighted by Mr Sterle from the report:

- 2022 was a transition year for the SC, in which its composition was changed in two steps, first two members at the end of March and the rest in September. One of the first two members also resigned in August and was replaced by a member from the reserve list. This is also why the former SC did not examine any new topics, so the report covers less issues.
- Another important event was the establishment of the controller of procedural guarantees, provided by the recent changes brought to the OLAF Regulation. One of the first tasks of the Controller was to adopt the first implementing rules for dealing with complaints, and the SC was consulted, providing helpful comments as foreseen in the OLAF Regulation.
- The only opinion issued last year was about OLAF's preliminary draft budget, where the Committee reiterated its position for further strengthening OLAF's human resources, especially in the context of the 45 posts given to the EPPO and the increasing workload due to various events.
- The cooperation with the OLAF Director-General (DG) is very good.

¹ Doc. WK 7234/2023.

Two delegations took the floor:

- One delegation congratulated the new SC and wished for a successful cooperation with the OLAF DG.
- Another delegation asked if there was going to be a new framework of cooperation with OLAF.

The OLAF SC Chair answered that the framework is mostly in the working arrangements already adopted.

The OLAF DG also intervened to confirm the good cooperation with the SC and to remark that thanks to the SC and the Controller, OLAF is probably the most controlled body in the EU.
