



Council of the
European Union

Brussels, 28 June 2021
(OR. en)

9992/21

GAF 42
PE-L 16

'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): Criteria and procedure
– *Approval of a letter*

1. Pursuant to Regulation (Euratom, EU) No 883/2013 concerning investigations conducted by OLAF¹, as last amended by Regulation 2020/2223², 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 12 July 2021³ and these two members will continue to fulfil their function *ad interim* according to Article 15(4) of Regulation No 883/2013 until they are replaced. The term of the remaining three members will end on 22 January 2022⁴.

¹ OJ L 248, 18.9.2013, p. 1.

² 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 Mr Rafael Muñoz López-Carmona and Ms Grażyna Stronikowska.

⁴ Ms Helena Fazenda, Ms Dobrinka Mihaylova and Mr Jan Mulder (Chairman).

2. On 4 May 2021, the Commission sent a draft text for the consideration of the European Parliament and the Council, including the criteria and procedure to be followed for the appointment of the members of the Supervisory Committee of OLAF.
3. The members of the Working Party on Combating Fraud (GAF) discussed this text during an informal videoconference on 17 May 2021 and requested some modifications, in particular to the criteria.
4. The Commission presented a revised text on 28 May 2021, which was submitted by written consultation to the GAF members. As no delegation opposed the revised text (see ANNEX 1), the Presidency deemed the file ready to move to the political level.
5. Once the European Parliament and the Council have expressed their agreement to the criteria and procedure, the Commission will publish the call for expression of interests. The actual selection procedure is expected to start in the autumn.
6. A joint selection committee comprising an equal number of members from the European Parliament, the Council and the Commission will assess the expressions of interest received and propose a common list of five candidates to be confirmed as members by common accord between those three institutions and a common list of at least seven candidates for the reserve list. As previously, it is proposed that the Council will be represented in the joint selection committee by a troika of Permanent Representatives of the previous, acting and up-coming Presidencies (at the time of the selection committee meetings), in this case those of Portugal, Slovenia and France.
7. Subsequently, the European Parliament, the Council and the Commission will appoint, by common accord, five members of the Supervisory Committee of OLAF, as well as a reserve list including at least seven names.

8. The Permanent Representatives Committee is therefore invited to:
- entrust a Troika composed of the Portuguese, Slovenian and French Permanent Representatives, each accompanied by his/her GAF delegate in the quality of alternate, with the mandate to represent the Council in the joint selection committee entrusted with the task of elaborating a common proposal of candidates;
 - approve the draft letter in ANNEX 2.
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**Call for expression of interest in the appointment of members
of the Supervisory Committee of OLAF**

The purpose of this call for expression of interest is to allow the appointment of members of the [Supervisory Committee of the European Anti-Fraud Office](#) (OLAF).

1. The Supervisory Committee of the European Anti-Fraud Office

The Supervisory Committee of the European Anti-Fraud Office (OLAF) is a body established by Article 15 of Regulation of the European Parliament and the Council No 883/2013⁵. to regularly monitor the implementation by the Office of its investigative function, in order to reinforce the Office's independence in the proper exercise of the competencies conferred upon it by this Regulation. It shall in particular monitor developments concerning the application of procedural guarantees and the duration of investigations.

The Supervisory Committee provides the Director-General of OLAF with opinions, including where appropriate, recommendations on, inter alia, the resources needed to carry out the investigative function of the Office, on the investigative priorities of the Office and on the duration of investigations.

These opinions may be delivered on its own initiative, at the request of the Director-General or at the request of an institution, body, office or agency, without however interfering with the conduct of investigations in progress.

The Commission provides the Supervisory Committee with a secretariat and guarantees its independent functioning.

The Supervisory Committee is composed of five independent members having experience in senior judicial or investigative functions or comparable functions relating to the areas of activity of the Office. The members are appointed by common accord of the European Parliament, the Council and the Commission.

The decision appointing the members of the Supervisory Committee also includes a reserve list of potential members to replace one or more members of the Supervisory Committee for the remainder of their term of office in the event of the resignation, death or permanent incapacity.

The members of the Supervisory Committee have a five-year mandate, which is not renewable. At the end of their mandate, they remain in office until they are replaced. Three and two members are replaced alternately in order to preserve the Supervisory Committee's expertise.

⁵ As last amended by Regulation (EU, Euratom) 2020/2223 of the European Parliament and of the Council of 23 December 2020.

It is estimated that Supervisory Committee members will need to dedicate approximately 3 days per month to meetings and preparation. In accordance with the applicable Commission rules, members of the Supervisory Committee will receive a daily allowance equivalent to 1/22 of the basic salary of an official in the first step of grade AD14⁶⁷ for each day worked and will be reimbursed for expenses incurred by them in the course of their duties.

2. Eligibility criteria

- Be a national of a Member State of the European Union, entitled to their full rights as a citizen;
- Must not have a political function when taking up their function, either at national or European level;
- Must not be a Member of staff member of an EU institution, body or agency when taking up their function;
- Must not be a member of a national anti-fraud coordination service within the meaning of Article 3 (4) of Regulation 883/2013 when taking up their function;
- Should have a thorough knowledge of 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).

3. Selection criteria

3.1. Professional criteria

Relevant senior professional experience of at least 10 years, notably:

- professional experience, preferably including significant related management experience, as a public prosecutor or judge or lawyer or auditor or investigator, specialised in fraud, corruption or conflicts of interest (including at EU level), and/or
- practical or academic expertise in criminal and/or administrative law with regard to the protection of the financial interests of the EU, the EU budget and the management of EU funds; and/or
- practical or academic expertise in protecting fundamental rights in administrative investigations.

⁶ 22 being the average number of working days in a month.

⁷ The 2020 Annual update of the remuneration and pensions of the officials and other servants of the European Union can be consulted at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020XC1211%2801%29&from=FR>

3.2. Personal criteria

- Should have a very good understanding of the work of OLAF;
- Should have very good general knowledge of the EU institutions, policies, legal framework and working methods;
- Should be sufficiently available to be able to carry out their tasks in an efficient way (approximately 3 days per month dedicated to meetings and preparation);

4. Submission of expressions of interest

Interested persons should express their interest using the [cvOnline](#) application⁸.

Before submitting your application, you should carefully check whether you meet all eligibility requirements listed in point 2 above. Failure to meet any of the eligibility requirements means an automatic exclusion from the selection procedure.

To register, you must have a valid email address, which will be used to confirm your registration as well as to remain in contact with you during the different stages of the procedure. Therefore, please keep the European Commission informed about any change in your email address.

To complete your application, you need to upload a CV in PDF format and to fill out, online, a letter of motivation (maximum 8 000 characters). Your CV and your letter of motivation may be submitted in any of the official languages of the European Union.

Candidates are invited to specify all the EU languages they know and the corresponding level of knowledge according to the Common European Framework of Reference for Languages⁹.

Once you have finished your online registration, you will receive an electronic mail confirming that your application has been registered. If you do not receive a confirmation mail, your application has not been registered.

Please note that it is not possible to monitor the progress of your application online. You will be contacted directly by the European Commission regarding the status of your application.

If you require more information and/or encounter technical problems, please send an email to: HR-MANAGEMENT-ONLINE@ec.europa.eu

For functional reasons and to complete the selection procedure as quickly as possible in the interest of the candidates as well as that of the institutions, any interviews deemed necessary by the selection panel will be carried out in English¹⁰.

⁸ URL: https://ec.europa.eu/dgs/human-resources/seniormanagementvacancies/CV_Encadext/index.cfm?fuseaction=premierAcces.

⁹ <https://www.coe.int/en/web/common-european-framework-reference-languages/table-1-cefr-3.3-common-reference-levels-global-scale>.

¹⁰ The selection panel will ensure that no undue advantage is given to native speakers.

Closing date

The closing date for registration is [ADD DATE] 2021. Online registration will not be possible after 12.00 noon Brussels time.

It is your responsibility to complete your online registration in time. We strongly advise you not to wait until the last few days before applying, since heavy internet traffic or a fault with your internet connection could lead to the online registration being terminated before you complete it, thereby obliging you to repeat the whole process. Once the deadline for the submission of registrations has passed, you will no longer be able to introduce any data. Late registrations are not accepted.

5. Selection procedure

The European Commission will inform the European Parliament and the Council of all the expressions of interest received.

A joint selection committee comprising an equal number of members from each Institution will assess the expressions of interest received and propose a common list of five candidates to be confirmed as members by common accord and at least seven candidates for the reserve list.

Subsequently, the European Parliament, the Council and the Commission will appoint by common accord five members of the Supervisory Committee of OLAF as well as a reserve list including at least seven names.

As a general rule, successful candidates will be appointed either as members of the OLAF Supervisory Committee or included in a reserve list. Candidates will be contacted by the institutions after the selection process has been completed, but before the appointment decision is adopted, on the possibility of being named on the reserve list.

In order to put into effect the staggered renewal provided for by Articles 15(3) and 21(2) of Regulation 883/2013, the mandate of two members will start as soon as the procedure is completed. The mandate of the other three members will start in January 2022.

6. Equal opportunities

The European Union institutions and other bodies apply a policy of equal opportunities and accept applications without distinction on the grounds of sex, race, colour, ethnic or social origin, genetic features, language, religion, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

7. Independence and declaration of interests

Before taking up their duties, the members of the Supervisory Committee are required to declare that they will act independently in the public interest and have no interests, which might be considered prejudicial to their independence.

8. Protection of personal data

The Commission will ensure that candidates' personal data are processed as required by Regulation (EU) 2018/1725 of the European Parliament and of the Council¹¹. This applies in particular to the confidentiality and security of such data.

¹¹ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC ([OJ L 295, 21.11.2018, p. 39](#)).

DRAFT LETTER

from: Mr Nuno BRITO, Chair of the Permanent Representatives Committee of the Council
to: Ms Johannes HAHN, Commissioner for Budget and Human Resources
copy to: Ms Monika HOHLMEIER, Chair of the European Parliament's Committee on Budgetary Control

Subject: Launch of the selection procedure for the appointment of the members and reserve list members of the OLAF Supervisory Committee

Dear Commissioner,

I would like to thank you for the draft text submitted by your services on 4 May 2021 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 Portuguese Presidency acknowledges the fact that the current mandates of the Supervisory Committee are coming to an end and that it is a matter of urgency to appoint new members of the Supervisory Committee, in order to avoid prolonging these mandates *ad interim* longer than necessary.

I have the pleasure to inform you that the Council expresses its agreement with the procedure and selection criteria suggested in your draft text as revised after discussion in the Working Party on Combating Fraud and submitted on 28 May 2021.

A Troika composed of the Portuguese, Slovenian and French Permanent Representatives, each accompanied by one member of their delegation in the quality of alternate, has been entrusted by the Permanent Representatives Committee with the mandate to represent the Council in the joint selection committee 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.

We would propose that the Legal Services of the three Institutions concerned will address questions related to the preparation of the template for the Decision at technical level.

I look forward to further contacts with a view to starting the selection procedure as soon as possible.

(Complimentary close)
