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OLAF

European
Anti-fraud Office

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➤ External investigations

Budget EC: expenditure/revenue (2007: € 126 billion)

➤ Internal investigations

Institutions/fraud, corruption, illegal activity affecting financial interests + violation of official's obligations → disciplinary/criminal proceedings

➤ Assistance from the Commission cooperation Member States protection EC budget against fraud



Transfer OLAF → Member State

- Reports external investigations → competent authorities Member States
- Information external investigations → competent authorities Member States
- Information internal investigations + matters liable result criminal proceedings → judicial authorities Member States (Tillack jurisprudence, Court of First Instance, 4 October 2006 in case T-193/04)

- Document/information relating current internal investigation (in so far national law allows)
- Document/information relating to external investigations accordance with relevant provisions
- Any other document/information relating fight against fraud, corruption, any other illegal activity affecting EC financial interests (in so far national law allows)

Transition area

- ▶ Administrative investigations/investigative powers
- ◀ Criminal law/national judicial authorities

Direct contact with police/judicial authorities

*Question: what national judicial authorities?
Practical arrangements. Examples from other
Member States*

Follow-up

*Question: co-operation national administrative and
national judicial authorities ensured?*

«Judicial» co-operation

Assistance (cf Zwartveld jurisprudence, orders of the Court of 13 July and 6 December 1990 in case C-2/88 Imm.): article 10 EC Treaty → sincere cooperation Community institutions/MS, judicial authorities ensure application and respect Comm. Law in national legal system (if necessary criminal proceedings)

- *Example: LIFE in Baltic area*



Evidence collected by OLAF ends up in national criminal proceedings

Final case reports: procedural requirements national law/admissible evidence administrative/judicial proceedings, same evaluation rules + identical value as adm. reports national adm. authorities.

OLAF investigative steps during criminal investigation?
Example: French NGO/Morocco

Regulation (EC) 515/97 assistance administrative authorities customs/agricultural matters: third country missions. Example: garlic from China

On the spot checks (Reg. 2185/96) resulting in criminal investigations