

Practical Arrangements
between the European Parliament and the European Anti-Fraud Office

These *Practical Arrangements* aim to ensure the effectiveness of investigations led by the European Anti-Fraud Office (OLAF) and to streamline and improve best practices between OLAF and the European Parliament (EP). They establish details of cooperation between the EP and OLAF under Regulation (EC) No 1073/1999,¹ the Interinstitutional Agreement of 25 May 1999² and the Rules of Procedure of the European Parliament.

They take account of the *OLAF Instructions to Staff on Investigative Procedures* (ISIP) used in OLAF since 1 February 2012.

I. General provisions

1.1 Unless provided otherwise in these *Practical Arrangements*, OLAF will communicate information to or request information from the President of the European Parliament (hereinafter 'the President') where such information concerns Members of the European Parliament (hereinafter 'Members'). Where such information concerns staff of the EP subject to the Staff Regulations of Officials of the European Communities and Conditions of employment of other servants (hereinafter 'EP staff'), trainees engaged by Members or the EP (hereinafter 'trainees'), Members' local assistants and paying agents or employees of service providers deployed at the EP's premises, OLAF will address the Secretary-General of the European Parliament (hereinafter 'the Secretary-General').

¹ Regulation (EC) No 1073/1999 of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF), OJ L 136 of 31.5.1999, p.1.

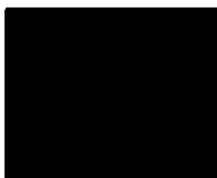
² Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council and the Commission concerning internal investigations by the European Anti-Fraud Office (OLAF), OJ L 136 of 31.5.1999, p.15.



- 1.2 Within 15 working days of receipt of the information referred to in point 1.1 or of a request for information from OLAF, the President or the Secretary-General will provide the Director-General of OLAF (hereinafter 'the Director-General') with the contact details of persons in the EP whom they have designated as contact persons for the case to which the information relates, or indicate that, in the given case, they should be contacted personally.
- 1.3 Whenever contacting Members or EP staff, OLAF's agents will identify themselves and provide the OLAF case number (OF number) and the subject matter of the case in question and state whether they are being contacted for the purposes of selection, investigation, or assistance to national authorities in the framework of a coordination case or during the monitoring phase of a concluded OLAF investigation.
- 1.4 When transmitting case-related information to the EP, OLAF will mark the envelope and the documents contained therein as 'OLAF investigations'/'enquête OLAF'. The EP and OLAF will ensure that this level of confidentiality is respected in the forwarding and handling of this information.

2. *Information provided by the EP*

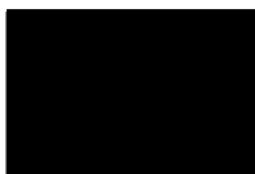
- 2.1 The President or the Secretary-General will transmit, without delay, information and evidence relating to cases referred to in Annex I to the Director-General using the template set out in that Annex and indicate 'OLAF investigation – initial information' on the envelope or in the e-mail. At the same time, they will include the contact details of the person in the EP whom they have designated as the contact person for the purposes of the given case or indicate that, in the given case, they should be contacted personally.
- 2.2 When communicating the information or evidence, the President or the Secretary General will inform OLAF whether or not they have informed the relevant person about the allegations.



- 2.3 They will also indicate which elements contained in the information or evidence may reveal the identity of persons protected under Article 22a(3) of the Staff Regulations and/or under the third paragraph of Article 2 of Annex XII to the EP Rules of Procedure.
- 2.4 The information on "*low-priority cases*" within the meaning of point I.1 of Annex II investigated by the EP should be provided to OLAF only in a form of an aggregate anonymised compendium in the framework of the regular consultations held under point 6.1. In "*cases of potentially low priority*" within the meaning of point II.1 of that Annex, the EP may assume that the Director-General has decided not to open an investigation in the given case if the EP is not informed of such a decision within two months of the communication of the information.
- 2.5 After having communicated information or evidence to OLAF, the EP will not undertake any activities nor take any measures which may compromise any potential evidence prior to a decision by the Director-General on whether to open an investigation.

3. *Communication related to the selection of cases*

- 3.1 During the selection process OLAF verifies whether the information it has received is sufficient to open an investigation or coordination case. Where OLAF needs to seek information from the EP for that purpose, including information held in EP databases, it will address the Secretary-General or the contact person whom the Secretary-General may have designated for that purpose.
- 3.2 Where OLAF considers it necessary to organise a meeting with the EP to obtain information or clarification for the purposes of a selection process, it will address its request for a meeting to the Secretary-General. The Secretary-General will inform OLAF without delay about the availability of the competent EP staff. When entering the EP's premises for a meeting, OLAF's agents will identify themselves as such at the reception of the EP and will indicate the purpose for which they wish to enter the institution's premises. OLAF's agents will be accompanied by a member of the EP's

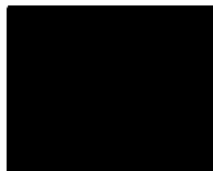


security service or any other person designated by the Secretary-General to the offices in which OLAF would like to execute its functions in order to facilitate their tasks.

- 3.3. In so far as it is available, the Secretary-General or the designated EP contact person will provide the requested information to OLAF as soon as possible.
- 3.4. The selection process is not aimed at collecting evidence.
- 3.5. Within two months of receipt of the EP's answer to OLAF's request for information in the framework of a selection process regarding persons referred to in point 1.1, OLAF will inform the EP of the state of that selection process.

4. *Communication related to assistance provided to national authorities*

- 4.1. This section deals with the assistance provided by OLAF to the competent national authorities in the framework of a coordination case referred to in Article 10 of ISIP as well as assistance provided by OLAF to the national judicial authorities upon their request during the monitoring phase under Chapter IV of ISIP.
- 4.2. Where OLAF is informed that the national authorities have opened criminal proceedings which may involve a Member, EP staff member, trainee, local assistant or paying agent, OLAF will inform the President or the Secretary-General respectively thereof without delay.
- 4.3. Where OLAF's agents enter the premises of the EP to assist the national authorities, OLAF continues to act solely on the grounds and within the limits of the applicable Union law.
- 4.4. When entering the EP's premises to assist national authorities, OLAF's agents will identify themselves as such at the reception of the EP and will indicate the purpose for which they wish to enter the institution's premises. OLAF's agents and the agents of the national authorities will be accompanied by a member of the EP's security service or any



other person designated by the Secretary-General to the offices in which OLAF would like to execute its functions in order to facilitate their tasks.

- 4.5 Where the national authorities request OLAF's assistance for a visit to the EP, OLAF will inform those authorities that they may only enter the EP's premises with the prior written authorisation of the President. OLAF will also recommend to the requesting national authorities to contact the competent national authorities of the host Member State, according to the applicable rules under international law, and inform them that the EP will only grant the authorisation if the authorities of the host Member State have been informed of the visit.
- 4.6 The purpose of OLAF's assistance to national authorities during their visit to the EP's premises is not intended to be the collection of evidence by OLAF's agents.
- 4.7 OLAF will ensure that any measures it takes to provide assistance to national authorities do not circumvent the provisions of Union law on the immunity of Members or EP staff or the inviolability of the EP's premises and archives.

5. *Investigation cases*

(a) *Exchange of information*

- 5.1 As soon as an investigation reveals that any person referred to in point 1.1 may be personally involved in an investigation case, the Director-General will inform the EP pursuant to point 1.1 of the OF number, the subject matter of the case and the identity of the person concerned. Where the provision of such information is deferred under Article 4(5) of Regulation (EC) No 1073/1999, the Director-General will provide the information to the EP as soon as the reasons for the deferral become obsolete.
- 5.2 The information will also indicate whether or not the person concerned by the investigation has already been informed of this fact by OLAF. The EP will abstain from providing any information to the person concerned before the person is contacted by



OLAF. In such cases OLAF will inform the EP without delay as soon as it has contacted the person concerned. Where OLAF is investigating an accredited or local assistant, Member's trainee or a paying agent, it will indicate to the Secretary-General whether or not the EP is entitled to inform the Member for whom the assistant, trainee or paying agent work of the investigation.

- 5.3 OLAF will regularly inform the EP about investigations closed without any recommendations and about investigation cases that have been pending for more than nine months in order to enable the EP to decide whether to open disciplinary or recovery procedures within the respective time limits.

(b) OLAF investigations conducted on EP premises

- 5.4 Where OLAF's agents intend to conduct investigations on the EP premises, OLAF will inform the Secretary-General of its intention to access the EP's premises at least 48 hours in advance by transmitting a copy of the written authorisations. In duly justified and exceptional circumstances where OLAF considers that prior notification would be detrimental to the investigation, this information is provided at the latest the moment OLAF's agents wish to enter the EP's premises together with a written explanation of the circumstances leading to the later notification.

- 5.5 The Secretary-General will, after obtaining a copy of the authorisations in accordance with point 5.4, designate a person in charge of assisting OLAF agents and provide the contact details of this person to the Director-General. Where OLAF does not inform the Secretary-General of its visit 48 hours in advance, in accordance with point 5.4, the OLAF agents will, when entering the EP's premises, contact the Secretary-General or, in his absence, the person designated to that effect by the Secretary-General as Contact Point, identify themselves and provide the OF number of the case and the purpose for which they wish to enter the EP's premises. The Secretary-General or the person designated as Contact Point will, without delay, designate an EP staff member to assist the OLAF agents during the visit.



5.6 Where it is necessary for the purposes of the OLAF investigation to access relevant information in the databases held by the EP, the Secretary-General will designate EP staff who will facilitate the extraction of that information.

(c) *Interviews with persons concerned by an OLAF investigation*

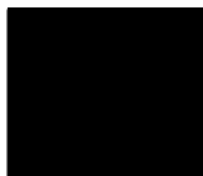
5.7 Save in duly justified exceptional cases, OLAF will send an invitation to interview to a person referred to in point 1.1 10 working days before the interview date. If OLAF cannot respect this notice period, it will, in due time before the interview, inform the President, where the case concerns a Member, or the Secretary-General in all other cases, of the reason.

5.8 Prior to the interview, OLAF will inform the invited persons concerned about their procedural rights, in particular their entitlement to be accompanied at the interview by a person of their choice, their right not to incriminate themselves, their right to use an EU official language of their choice, their right to approve the record of the interview, to make observations and to receive a copy thereof.

6. *Final provisions*

6.1 Consultations between the EP and OLAF at an appropriate level will be held at least twice a year. The agenda of those meetings will include:

- the exchange of information on investigations or coordination cases concerning persons referred to in point 1.1, which have been pending for longer than nine months;
- the transmission for OLAF's opinion of requests from national police or judicial authorities regarding the waiver of immunity from legal proceedings for officials



and other servants of the EP which are linked to OLAF cases or which may be of interest to OLAF;

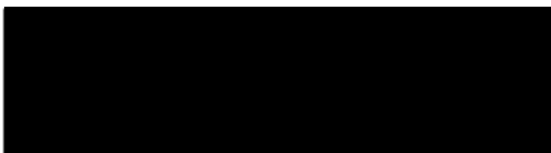
- the transmission, for OLAF's information, of those requests regarding the waiver of immunity concerning Members, which are linked to OLAF cases or which may be of interest to OLAF;
- the transmission of aggregate information on low-priority cases referred to in point I.1 of Annex II investigated by the EP.

6.2 These *Practical Arrangements* may be reviewed at the request of the EP or OLAF at any time.

6.3 OLAF will inform the EP of any changes to ISIP or instructions concerning the handling of OLAF documents and indicate whether such changes may have an impact on these *Practical Arrangements*. The EP will inform OLAF of any changes to its Rules of Procedure and internal organisational structure, which may have an impact on these *Practical Arrangements*.

Done in Brussels on 19 JUL, 2013

*For the European Parliament,
The Secretary-General*



*For the European Anti-Fraud Office,
The Director-General*



ANNEX I

TEMPLATE FOR THE TRANSMISSION OF INITIAL INFORMATION

(point 2.1 of *Practical Arrangements*)

[The purpose of this template is to help the EP to structure the information it transmits to OLAF. While the EP is not required to complete all fields when transmitting information to OLAF, use of this template would facilitate OLAF's work. The EP may add any information it considers relevant.]

NOTE FOR THE ATTENTION OF [...], DIRECTOR-GENERAL OF OLAF

Subject: Transmission of initial information

I hereby inform you about suspicions regarding:

- an external party (fraud/corruption or any other irregularity) *[specify whether beneficiary, contractor, tenderer, , authority implementing EU funds etc.]*
- an EU staff member or trainee (serious professional misconduct)
- a Member of the EP (fraud/corruption or financial irregularities committed in the application of the Statute for Members)

The facts came to our attention

- within the framework of an audit carried out by ... *[EP auditor / audit company [name]]* on ... *[date]*
- through a Member of the EP on ... *[date]*
- through an EP staff member, an EP Member's local assistant, a trainee of a Member or the EP, a paying agent or an employee of a service provider deployed at the EP's premises on ... *[date]*
- through an EU staff member who delivered the initial information under Art. 22a of the Staff Regulations or similar provisions on ... *[date]*
- through a complaint/letter sent by ... *[name of entity, person]* on ... *[date]*
- other: *[explain and indicate date].*

The suspicion concerns ... *[e.g. EU budgetary expenditure ..., for years ... in ... [country], reimbursement of removal costs, medical/travelling expenses, allowances,]*

Description of the suspected irregularity and its context:

[This section should contain the following information if possible/relevant:

- *all relevant circumstances of the case and a description of the facts, including:*
 - o *management mode (e.g. centralised, shared, decentralised, jointly with international organisations);*
 - o *identification of the contract/programme/action;*
 - o *references and dates of call for proposals/call for tender/etc;*
 - o *name and contact information of the suspected entities/persons;*
 - o *amounts involved;*
 - o *relations between the informant and the suspected entities/persons;*
 - o *risk that further projects/actions/operations are concerned (e.g. because entity received further funds).*
- *reasons for suspicions of fraud or irregularity;*
- *precautionary measures taken;*
- *information on possible urgent situations (payments to be made, potential time-barring)]*

I would be grateful if you could assess this information and inform me of OLAF's decision on whether to open an investigation or to dismiss the case.

Please find enclosed documents that are relevant to the allegations.

Should you have any questions concerning this matter, please contact the designated contact person Ms/Mr ... (tel.: ...) [OR the President of the European Parliament / the Secretary-General of the European Parliament].

[Signature]
[to be signed by the President or the Secretary-General]

List of enclosures *[please indicate, where relevant, how documents have been obtained (e.g. received from ... during an audit, by letter)]*

1) [...]

2) [...]

3) [...]

ANNEX II

SPECIFIC PROCEDURES APPLICABLE TO CERTAIN TYPES OF CASES

(point 2.4 of *Practical Arrangements*)

The specific procedures referred to in point 2.4 apply to categories of cases listed in Sections I and II of this Annex in accordance with the respective arrangements laid down therein.

I. Low-priority cases

- I.1 The following categories of cases cover activities which usually do not lead to serious situations requiring OLAF investigations:
1. unauthorised absence (Art. 59.1 of the Staff Regulations or corresponding EP provisions), including the violation of rules on flexitime;
 2. harassment (Art. 12a and 22a.3 of the Staff Regulations or corresponding EP provisions);
 3. professional incompetence (Art. 51 of the Staff Regulations or corresponding EP provisions);
 4. unauthorised access to an official's personal file (Art. 26 of the Staff Regulations or corresponding EP provisions);
 5. failure to assist superiors (Art. 21 of the Staff Regulations or corresponding EP provisions);
 6. action or behaviour which might reflect adversely upon an official's position (Art. 12 and 16 of the Staff Regulations or corresponding EP provisions).
- I.2 In the categories of cases listed in point I.1, OLAF is presumed not to intend to open an investigation. For those reasons, OLAF agrees that the EP does not transmit the information on such cases to OLAF before it decides to initiate its own enquiry, unless the EP is aware of a related OLAF investigation or where OLAF explicitly states otherwise that it intends to submit the case for a standard selection procedure.
- I.3 The information on cases falling under any of the categories listed in point I.1 and investigated by the EP should be provided in a form of an aggregate anonymised compendium in the framework of the regular consultations held under point 6.1 of these *Practical Arrangements*.
- I.4 This procedure applies for 3 years from the date of signature of these *Practical Arrangements*. It may be prolonged by an explicit agreement between the EP and OLAF.

Where no prolongation is agreed, the cases listed in point I.1 are considered cases that are potentially of low priority under Section II.

II. Cases that are potentially of low priority

II.1 The following categories of cases cover activities which probably do not lead to serious situations requiring OLAF investigations and in which, for that reason, there is a high probability that OLAF will not open an investigation:

1. undeclared gainful employment of the spouse of an EP staff (Art. 13 of the Staff Regulations), except where it may involve a conflict of interests with an impact on the Union's financial interests;
2. unauthorised engagement of an EP staff member in an outside activity or carrying out of any assignment outside the institutional framework of the Union (Art. 12b of the Staff Regulations), except where it may involve a conflict of interests with an impact on the Union's financial interests;
3. small-scale fraud in relation to medical expenses, i.e. where the unauthorised payment does not exceed EUR 1000 and/or where no forgery of official documents is involved;
4. failure to respect the duty of loyalty (Art. 11 of the Staff Regulations) and the obligation of discreteness (Art. 17, 17a and 19 of the Staff Regulations).

II.2 The EP should inform OLAF of such cases prior to opening their enquiries using the template set out in Annex I.

II.3 OLAF will treat such requests promptly.

Where no decision is taken within two months of the transmission of the information, the EP may assume that OLAF has decided to dismiss the case.