

Note to the Management Board

Adoption of a decision on the terms and conditions for internal investigations

Background

At its meeting of March 2015 the EFSA's Management Board adopted the EFSA's Anti-Fraud Strategy, together with its Action Plan, following the discussion within the Audit Committee of the EFSA's Management Board during its meeting of December 2014. The Action Plan contained a set of 7 actions linked to four objectives previously identified through an EFSA-wide fraud risk assessment performed in 2014.

One of these objectives was to strengthen the cooperation with the European Anti-Fraud Office (OLAF), whose mandate, according to Regulation (EU, EURATOM) No 883/2013¹, comprises also investigations within Agencies. The action to reach this objective identified by the Anti-Fraud Strategy is the revision of the Management Board Decision of 2002 concerning the terms and conditions for internal investigations in relation to the prevention of fraud, corruption and any illegal activity detrimental to the Communities' interests². In 2002 this Decision was adopted in accordance with a model attached to the Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by the European Anti-Fraud Office (OLAF)³, which called on agencies to accede to such agreement.

Compared to the time of adoption of the Management Board Decision of 2002 the legal framework surrounding OLAF's investigations has been revised to make OLAF's investigative activities more effective. The legal framework surrounding OLAF's investigations, including within Agencies, is since the 1st of October 2013 Regulation (EU, EURATOM) No 883/2013. While laying down various procedural guarantees, it makes also clearer the duty of cooperation with OLAF imposed on agencies.

Regulation (EU, EURATOM) No 883/2013 also calls on agencies to adopt decisions according to which internal investigations shall be conducted, in addition to the conditions set out in that Regulation. Therefore this Decision serves the purpose of responding to that call and of reiterating EFSA's commitment to full cooperation with OLAF in the course of its investigations.

The Audit Committee of the Management Board has debated and endorsed this draft decision. The draft is hereby submitted to the Management Board for discussion and adoption.

Next steps

Following the discussion within the Audit Committee, it is proposed that the Management Board adopts the draft decision enclosed to the present note.

¹ 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 of 18.09.2013, p.1.

² MB 11.12.2002 – 7 ADOPTED.

³ OJ L 136 of 31.05.1999, p. 15.