

**RULES FOR INTERNAL INVESTIGATIONS IN RELATION TO THE  
PREVENTION OF FRAUD, CORRUPTION AND ANY ILLEGAL ACTIVITY  
DETRIMENTAL TO THE COMMUNITIES' FINANCIAL INTERESTS**

*Article 1*

**Background**

- 1.1 The European Anti-Fraud Office ("OLAF" or the "Office") has been given the task to initiate and conduct administrative investigations within the institutions, bodies, offices and agencies established by, or on the basis of, the EC and Euratom Treaties, for the purpose of fighting fraud, corruption and any other illegal activity affecting the financial interests of the Communities (c.f. Regulations 1073/1999 (EC)<sup>1</sup> and 1074/1999 (EURATOM)<sup>2</sup> of 25 May 1999 (the "Regulations").
- 1.2 These rules are modelled on the basis of a decision adopted by the Board of Directors on 14 June 2004 in line with the Regulations and concerning the terms and conditions for internal investigations in relation to the prevention of fraud, corruption and any illegal activity detrimental to the Communities' financial interests.

*Article 2*

**Duty to supply information**

- 2.1 Any member of the EIF's staff who becomes aware of evidence which gives rise to a presumption of the existence of possible cases of fraud, corruption or any other illegal activity detrimental to the financial interests of the Communities shall inform without delay the Secretary and the internal audit of EIF (the "Inspector General") or, if he considers it useful, the Office directly. In the same circumstances, the members of the EIF's organs shall inform the Chief Executive (the "Chief Executive") or, if they consider it useful, the Office directly.
- 2.2 The Secretary and the Inspector General together – or, where appropriate, the Chief Executive – shall transmit without delay to the Office any evidence of which they are aware from which the existence of irregularities as referred to in Article 2.1 above may be presumed.
- 2.3 The EIF's staff and the members of its organs must in no way suffer inequitable or discriminatory treatment as a result of having communicated the information referred to in articles 2.1 and 2.2 above.

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<sup>1</sup> OJ L 136, 31.5.1999, p.1

<sup>2</sup> OJ L 136, 31.5.1999, p.8

### Article 3

#### Procedures for cooperation with the Office

- 3.1 The Secretary, the Inspector General and the services and staff of the EIF shall be required to cooperate fully with the Office's agents and to lend any assistance required to the investigations. With that aim in view, they shall supply the Office's agents with all useful information and explanations.
- 3.2 Where the Director of the Office decides to initiate an investigation within the EIF, he/she will contact the Secretary and inform him/her of the purpose of the investigation, how it is to be conducted and the names of the agents responsible for carrying it out.
- 3.3 Without prejudice to the relevant provisions of the Treaties establishing the European Communities, in particular the Protocol on privileges and immunities, and of the texts implementing them, the members of the EIF's organs shall cooperate fully with the Office.
- 3.4 With regard to information relating to the activity of the EIF's Audit Board, set up pursuant to Article 22 of its Statutes, the provisions of Decision No 99/45 of the European Court of Auditors of 23 September 1999 laying down rules for cooperation with the Office in respect of access by the latter to information concerning the Court's audits shall be applied *mutatis mutandis*, in the version initially adopted.

### Article 4

#### EIF's activities

- 4.1 Given the nature of the EIF's activities, access to certain types of sensitive information may be subject to special procedures in accordance with Article 4.2 below.

In this context, sensitive information shall be regarded as that involving third parties and their business relations with the EIF, the disclosure of which would be liable to affect the tasks entrusted to the EIF or to engage its liability.

- 4.2 The Chief Executive or, in his/her absence, his/her representative, shall decide on the form of access to the information concerned and the procedures for providing it to the Office. The EIF shall take account of the most significant factors, such as the degree of sensitivity of the information requested by the Office, its importance for the investigation and the seriousness of the suspicions of fraud communicated by the Office to the EIF, the risk involved to the EIF's tasks, reputation and standing in the event of disclosure, and any liability to third parties. The EIF shall consider all possible ways of transmitting the information to the Office, including, where necessary, doing so without identifying the persons, transactions or amounts concerned.

The EIF shall justify any decision taken on this basis to the Office.

- 4.3 When transmitting information to the Office as part of its investigations, the EIF shall indicate, of its own accord or upon request, which information is of a particularly confidential nature. In accessing this information, the Office shall undertake to maintain secrecy and, should Article 8(2), second subparagraph, of the Regulations need to be applied, to take all steps, including issuing the necessary warnings, to ensure that confidentiality is respected. Where a criminal offence is suspected, this shall not prejudice the possibility of the Office referring the matter to the judicial authorities in order to allow for the necessary criminal proceedings.

*Article 5*

**Assistance from the staff of the EIF**

At the request of the Director of the Office, the staff of the EIF in general, and in particular those designated by the Secretary and the Inspector General, shall assist the Office in the practical conduct of investigations.

*Article 6*

**Informing the interested party**

- 6.1 Where the possible implication of a member of an organ of the EIF or of its staff emerges, the interested party shall be informed rapidly as long as this would not be harmful to the investigation. In any event, conclusions referring by name to a member of an organ of the EIF or of its staff may not be drawn once the investigation has been completed without the interested party having been enabled to express his/her views on all the facts that concern him/her.
- 6.2 In cases necessitating the maintenance of absolute secrecy for the purposes of the investigation and requiring the use of investigative procedures falling within the remit of a national judicial authority, compliance with the obligation to invite the member, manager or employee of the EIF to give his/her views may be deferred in agreement with the Chief Executive or the Secretary respectively.

*Article 7*

**Information on the closing of the investigation with  
no further action taken**

If, following an internal investigation, no case can be made out against a member of an organ of the EIF or of its staff against whom allegations have been made, the internal investigation concerning him/her shall be closed, with no further action taken, by decision of the Director of the Office, who shall inform the interested party and the EIF in writing.

*Article 8*  
**Waiver of immunity**

Any request from a national police or judicial authority regarding the waiver of the immunity from judicial proceedings of a manager or employee of the EIF concerning possible cases of fraud, corruption or any other illegal activity shall be transmitted to the Director of the Office for his/her opinion. If a request for waiver of immunity concerns a member of the EIF's organs, the Office shall be informed.

*Article 9*  
**Assistance from the Office in other areas**

The Secretary may entrust to the Office the task of conducting administrative investigations with a view to bringing to light serious situations relating to the discharge of professional duties which may constitute a failure to comply with the obligations of the EIF's staff, liable to result in disciplinary or, in appropriate cases, criminal proceedings.

*Article 10*  
**Cost**

Without prejudice to the rules laid down in the Staff Regulations, the EIF shall bear any external legal or other cost incurred by any staff member, member of its organs or by its Chief Executive in relation to any investigation conducted under these rules, provided that any staff member, member of its organs or Chief Executive who is found guilty of fraud, corruption or any other illegal activity by final judgment or order shall be obliged to reimburse the EIF for any amount paid by the EIF under this Article 10 upon request of the EIF.

*Article 11*  
**Application**

These rules apply to the members of the EIF's organs, its staff and all other persons engaged in its service.

*Article 12*  
**Entry into force**

These rules replace the previous version dated June 2004 and shall enter into force on 1 July 2006.