



EUROPEAN COMMISSION

Brussels, 16.5.2012
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Dear President,

The Commission would like to thank the Senato della Repubblica for its Opinion on the proposal to amend regulation 1073/1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) {COM(2011)135 final} and would like to apologise for the long delay in responding to this Opinion.

The Senato della Repubblica suggests to reinforce the administrative cooperation between the Member States and with OLAF by creating joint investigation teams. This specific issue is dealt with in the Commission proposal in the first article "Objectives and tasks" which allows the Office to support joint anti-fraud actions undertaken by Member States on a voluntary basis. The possibility to create joint investigation teams is provided by Article 4(2) of Regulation No. 2185/1996.

The Senato della Repubblica also welcomes the designation by every Member State of an anti-fraud coordination service in charge of ensuring an effective cooperation and information exchange with OLAF. This provision is meant to reinforce cooperation with the national authorities; however, a separate provision on the obligation of the national authorities to cooperate with OLAF is not necessary because it is already provided by Regulation No. 2185/1996 concerning on-the-spot checks and inspections conducted by OLAF. This Regulation is directly applicable in all Member States.

The Commission agrees with the need to avoid over regulation on aspects concerning the practical application of the procedural guarantees, as well as the internal procedures. This is something that should be found in operational instructions (OLAF Manual) to be issued by the OLAF Director-General.

We agree that a reference to the EU protocol on privileges and immunities should be provided by the regulation. Currently such a provision has been included under article 7a (last paragraph). Internal investigations are conducted in full respect of the EU protocol of privileges and immunities.

With regard to the term of Office of the Director-General, the Commission has opted for a 7-year non-renewable term in order to reinforce the independence of the Director-General. This view is shared by the Council in its position adopted in July 2011.

*Sen. Renato SCHIFANI
Presidente
Senato della Repubblica
Palazzo Madama
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Finally, the Commission has noted your suggestion that OLAF's mandate should include the protection of manufacturing sectors and the fight against counterfeiting of trademarks. These sectors are attentively monitored by the Commission, contributing to the fight against counterfeiting of trademarks with a set of policies involving the competences of several Directorates General.

I hope that these explanations address the comments raised in your opinion and I look forward to continuing the political dialogue with the Senato della Repubblica.

Yours faithfully,

*Maroš Šefčovič
Vice-President*