



EUROPEAN COMMISSION

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Dear President,

The Commission would like to thank the Camera Deputatilor for its Opinion on the Communication on the Commission Anti-Fraud Strategy (CAFS) {COM(2011) 376 final} and apologizes for the delay in replying.

The Commission's aim is to improve the prevention of and the fight against fraud concerning the EU's financial interests. The Camera Deputatilor suggests further improvements to the CAFS.

As regards the development of a set of criteria to assess the level of different risks, and structure them according to their seriousness or priority, the Commission believes they should be defined following a sector specific approach, given that the threats and their potential impact vary between the different policy sectors and geographical regions.

The Camera Deputatilor argues that the commitment to improve conditions for whistleblowers, informants and witnesses is not accompanied by adequate measures at all levels, considering that the CAFS focuses on facilitating whistleblowing at Commission services level only. The Commission has legislative competence and primary responsibility for the protection of whistleblowers within its own structures or within other EU institutions, subject to the EU Staff Regulations. The protection at national level is regulated by national law, typically by criminal law, where the EU has only limited competence. However, as far as protecting the identity of whistleblowers is concerned, there is a well developed EU personal data protection legislation which should be scrupulously applied.

As for the Advisory Committee for the coordination of Fraud Prevention (COCOLAF) structure, it should ensure that experts are available for the different policy sectors. The Committee and/or the subgroups should stimulate cooperation among the anti-fraud services of the Member States to share operational experiences, facilitate sharing of best practices and raise awareness of fraudulent practices detected in the various Member States. In November 2011 the Commission (OLAF) organised an ad hoc COCOLAF meeting 'fraud prevention in structural actions' with the participation of representatives of 20 Member States, including Romania, and several Commission departments. The Member States expressed their support for creating a sectoral subgroup dedicated to Structural Actions and several Member States indicated their readiness to contribute. The Commission (OLAF) is currently reflecting on how to restructure the existing subgroups and what tasks they should fulfil.

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The Camera Deputatilor further considers that focusing exclusively on legal provisions regarding the exchange of information and operational cooperation with third countries and international organisations is insufficient. The Commission would like to recall that it may apply administrative sanctions or the suspension of EU financing in the event of serious irregularities, fraud and corruption, to beneficiaries from Member States.

The agreements negotiated by the Commission with third countries and international organisations contain provisions related to the application of regulatory and contractual sanctions on economic operations. Furthermore, the standard grant and contract models for all external actions financed under the EU general budget and the European Development Fund include specific provisions entitling the Commission to exclude from further funding for a limited amount of time any contractor or grant beneficiary which has been found guilty of making false declarations, has made substantial errors or committed irregularities and fraud.

Finally, the CAFS reiterates the Commission's commitment to ensure that funds that have been misused are duly recovered. However, recovery may prove impossible in certain cases for several reasons: bankruptcy of the economic operator concerned, time barring, etc. This is why the Commission puts priority on fraud prevention measures and also calls upon its partners to improve fraud prevention when implementing EU funds.

I hope that these clarifications address the concerns expressed by the Camera Deputatilor and look forward to continuing our political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*