

SUPERVISORY COMMITTEE



Opinion No 2/2021

**Working Arrangements  
between OLAF and EPPO**

May 2021

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## 1. BACKGROUND

1. The adoption of the Council Regulation (EU) 2017/1939<sup>1</sup> (“EPPO Regulation”), substantially strengthened the means available to the Union to protect its financial interests by means of criminal law. The newly created European Public Prosecutor’s Office (the “EPPO”) will have the power to carry out criminal investigations and bring indictments related to criminal offences affecting the financial interests of the Union, within the meaning of Directive (EU) 2017/1371<sup>2</sup>, in the participating Member States.
2. The European Anti-Fraud Office (the “OLAF”) protects the financial interests of the Union, by conducting administrative investigations into administrative irregularities as well as criminal conduct. At the end of its investigations, it may make judicial recommendations to the national prosecution authorities, in order to enable them to pursue indictments and prosecutions in Member States. In the Member States participating in the EPPO, it will report suspected criminal offences to the EPPO and collaborate with the EPPO in the context of the EPPO’s investigations.
3. In view of their common goal of preserving the integrity of the Union budget, it is essential for the OLAF and the EPPO to establish and maintain a close relationship based on the principle of sincere cooperation with the aim to ensure the complementarity of their respective mandates and the coordination of their action. The cooperation and complementarity of OLAF and the EPPO will thus contribute to ensuring that all means are used to protect the financial interests of the Union.
4. Following the adoption of the EPPO Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council (the “OLAF Regulation”)<sup>3</sup> has been amended by Regulation 2020/2223<sup>4</sup> (the amending “OLAF Regulation”) in order to ensure the highest level of protection of the financial interests of the Union through synergies between the two EU bodies, close cooperation, information exchange, complementarity and avoidance of duplication of investigations.
5. The amending OLAF Regulation was published in the Official Journal on the 28 December 2020 and entered into force on 17 January 2021.

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<sup>1</sup> Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor’s Office (‘the EPPO’) - OJ L 283, 31.10.2017, p. 1–71.

<sup>2</sup> Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union’s financial interests by means of criminal law - OJ L 198, 28.7.2017, p. 29.

<sup>3</sup> 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, 18.9.2013, p. 1.

<sup>4</sup> Regulation (EU, Euratom) 2020/2223 of the European Parliament and of the Council of 23 December 2020 amending Regulation (EU, Euratom) No 883/2013, as regards cooperation with the European Public Prosecutor’s Office and the effectiveness of the European Anti-Fraud Office investigations - OJ L 437, 28.12.2020, p. 49–73.

6. Although the provisions concerning the operational cooperation between OLAF and the EPPO<sup>5</sup> will apply from the date on which the EPPO starts operations, the SC considers important to deliver already its opinion on the WA in order to allow the two EU bodies to sign those arrangements as soon as the EPPO becomes operational.

## 2. GENERAL CONSIDERATIONS

7. Articles 1(4a) and 12g of the OLAF Regulation and Article 101(1) of the EPPO Regulation establish a need for OLAF and the EPPO to agree on administrative working arrangements (“WA”). Article 12(g) (1) last sentence<sup>6</sup> of the OLAF Regulation requires the Director-General of OLAF to formally notify the WA to the Supervisory Committee of OLAF (“SC”) prior to their adoption. Upon request from the Director-General, the SC has to deliver without delay an opinion on such arrangements.
8. On 3 December 2020, the Director-General of OLAF, forwarded to the SC the final draft of the WA agreed with the EPPO<sup>7</sup>. The WA establish practical arrangements between the two EU bodies, within the limits of their respective legal framework and competences. They deal with issues regarding cooperation, complementarity, avoidance of duplication when carrying out investigations and exchange of information between the EPPO and the OLAF.
9. As a preliminary remark, the Supervisory Committee recalls that, as Article 15 of the OLAF Regulation states, its role is to “*regularly monitor the implementation by the OLAF of its investigative function, in order to reinforce OLAF’s independence in the proper exercise of the competences conferred upon it by the OLAF Regulation*”<sup>8</sup>. It is important once again to underline that the members of the SC perform their role **in complete independence** and in the performance of their tasks they neither seek nor take instructions from any government or any EU institution, body, office or agency<sup>9</sup>. Thus, the SC renders this Opinion as **an independent observer** with the sole aim to strengthening the impartiality, independence and efficiency of OLAF in carrying out its investigations without however interfering with the freedom of EPPO and OLAF to decide how best to work and cooperate with each other.

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<sup>5</sup> Articles 12c to 12f of the OLAF Regulation.

<sup>6</sup> Article 12(g) (1) last sentence of Regulation 2020/2223 reads: “[...] *Prior to the adoption of the working arrangements with the EPPO, the Director General shall send the draft to the Supervisory Committee, and to the European Parliament and to the Council for information. The Supervisory Committee shall deliver an opinion without delay. [...]*”

<sup>7</sup> On 25 November 2020 the College of the European Public Prosecutor’s Office adopted the negotiated draft of the WA.

<sup>8</sup> Article 15 of the OLAF Regulation.

<sup>9</sup> Article 15(7) OLAF Regulation and Article 4 of the SC internal rules of procedure.

10. To fulfil its task the SC appointed a rapporteur<sup>10</sup> amongst its members for this Opinion and carefully reviewed the WA. The SC also followed closely the discussions that took place within the Council Working Groups of GAF (“Working Party on Combating Fraud”)<sup>11</sup> and COPEN (“Working Party on Cooperation in Criminal Matters”)<sup>12</sup> on the WA. On 3 March 2021, the Director-General of OLAF sent to the SC a short note in which he provided “*Detailed explanations concerning sections 6.1 and 6.4 of the OLAF-EPPO Working Arrangements*”<sup>13</sup> while the discussions on the WA within the above two mentioned Council working groups were still in progress.
11. On the whole, the **SC welcomes the working arrangements** agreed between OLAF and the EPPO, in particular, with regards to the setting of binding time-limits, the regular exchange of information between the parties, the use of templates for the mutual reporting and transmission of potential cases, and the possibility to agree on intermediate reporting where OLAF supports EPPO’s investigations and in cases of complementary investigations carried out by OLAF.
12. The SC makes two general remarks and formulates a number of specific suggestions for the parties to take into consideration prior to adopting the WA.

### ***General Remarks***

13. The **first remark** concerns the level of cooperation of the two bodies in the conduct of their respective investigations or actions in support of each other. The SC recalls that the cooperation between the two bodies is based on the principle of mutual cooperation<sup>14</sup>. In fact, under the existing legal framework, OLAF and the EPPO are expected to establish and maintain a “**close relationship**” based on mutual cooperation, information exchange, complementarity and the avoidance of duplication in order to ensure that all available means are used to protect the financial interests of the Union through the complementarity of their respective mandates.
14. In that respect, it is important to bear in mind that whenever OLAF supports or complements the EPPO’s activities pursuant to Article 101(3) of the EPPO Regulation and Article 12e of the OLAF Regulation, it does so in “**conformity with its mandate**”. For the Committee, it is of paramount importance that the two parties recognise that whatever the degree and closeness of their cooperation, **OLAF should be able to carry out the requested activities in support to the EPPO in full independence and without any external interference**. Preserving and protecting this independence strengthens the value of OLAF’s contribution to the EPPO’s investigations.

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<sup>10</sup> According to Article 8 of the SC rules of procedure, the SC may appoint one or more rapporteurs from among its members to prepare for the SC discussion. The rapporteur(s) must consider matters entrusted to their responsibility and submit a draft report to the SC.

<sup>11</sup> GAFF meeting of 18 January 2021.

<sup>12</sup> COPEN meeting of 17 February 2021.

<sup>13</sup> Ref. Ares(2021)1608960.

<sup>14</sup> Article 101(1) of EPPO Regulation and Article 1(4)(a) of the OLAF Regulation.

15. The **second remark** concerns the “exchange of information” between OLAF and the EPPO which will be of crucial importance for both parties.
16. The SC notices that the “exchange of information” **between OLAF and the EPPO** will take place at three stages:

(a) **Preliminary stage/Assessment stage:** OLAF is bound by a general obligation of non-duplication of investigations<sup>15</sup> as well as by the obligation to inform the EPPO without undue delay of any criminal conduct in respect of which the EPPO could exercise its competence<sup>16</sup>. OLAF will thus be required to carry out a preliminary assessment of the information received<sup>17</sup> in order to be able to comply with the obligation to inform the EPPO<sup>18</sup>. The duty to inform the EPPO applies also to IBOAs which can request OLAF<sup>19</sup>, having expertise in the evaluation of suspicious behaviours in PIF matters, to conduct a preliminary evaluation of the allegations reported to them.

These reporting duties are essential for the good functioning of the EPPO. For this reason, the SC considers that defining the circumstances that will trigger the implementation of this reporting obligation will be a key to ensuring the effectiveness and added-value of the reporting itself.

(b) **Investigation stage:** In areas falling under the EPPO’s remit, the latter can decide to cooperate with OLAF in order to ensure an effective protection of the EU budget. In the course of an investigation by the EPPO, the EPPO can request OLAF to support or complement its activity, notably by conducting administrative investigations<sup>20</sup>. OLAF can also conduct complementary investigations at the request of the DG of OLAF, whenever the EPPO does not object to the opening of an investigation<sup>21</sup>. Moreover, in cases in which it has decided not to open an investigation or to dismiss a case<sup>22</sup>, the EPPO may provide relevant information to OLAF with a view towards enabling it to consider appropriate administrative action<sup>23</sup>. Furthermore, exchange of information is foreseen as one of the modalities of OLAF’s support<sup>24</sup>.

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<sup>15</sup> Article 101 (2) of EPPO Regulation and Article 12d of the OLAF Regulation refer to the obligation of OLAF to not open a parallel investigation on the same facts for which EPPO has opened an investigation.

<sup>16</sup> Article 24 and Rec. 51 of EPPO Regulation and Article 12c of the OLAF Regulation.

<sup>17</sup> Article 12c (3) Second and Third sentences of the OLAF Regulation.

<sup>18</sup> A preliminary evaluation of the facts will be necessary to determine the presence of suspicions of an offence within the competence of the EPPO, and consequently transfer the information to the EPPO.

<sup>19</sup> Article 12c (5) of the OLAF Regulation.

<sup>20</sup> Article 101(3) of EPPO Regulation and Article 12e OLAF Regulation.

<sup>21</sup> Article 12f of OLAF Regulation.

<sup>22</sup> Article 101(4) of the EPPO Regulation.

<sup>23</sup> This situation can occur, for instance, when information is referred to the EPPO, but when the latter decides to refrain from exercising its competence because there are no reasonable grounds to believe that an offence within its competence has been committed; or the level of damage is below the *de minimis* threshold provided for in the Regulation; or in other circumstances according to Article 25 of the EPPO Regulation. Similarly, after initiating an investigation, if the EPPO decides to dismiss a case, notably because of a lack of evidence, it can then refer it to OLAF for recovery or other administrative follow-up according to Article 39(4) of the EPPO Regulation.

<sup>24</sup> Article 101(3)(a) of EPPO Regulation and Article 12e of OLAF Regulation refer to the possibility for OLAF to provide information, analyses (including forensic analyses) and operational support.

- (c) **Regular exchange of information on non-related cases:** In general terms, the two bodies are expected to regularly exchange information.
17. The SC considers that the general obligation on the parties to exchange information is of fundamental importance as it guarantees the good functioning and efficiency of the whole system designed to protect the EU's financial interests. For this reason, the SC considers that the current WA could clarify at least the minimum **kind of information** the two bodies are expected to exchange.
  18. That said, the SC views the obligation on both parties to regularly exchange information **not as a static, but as dynamic, ongoing obligation permeating the entire lifecycle** of an investigation<sup>25</sup>.
  19. As a concluding general remark, the SC considers these WA as **a first attempt** to lay down practical and mutually agreed rules in order to give meaningful structure to a kind of cooperation that never existed before.
  20. Therefore, it is of paramount importance that OLAF and EPPO seize the opportunity, when significant experience has been gained, **and at least one year after their entry into force**, to review the current WA by making any amendments deemed necessary to render them fully effective.

The SC would suggest to OLAF and EPPO to clarify and specify at least the minimum kind of information they agree to exchange. If the intention is to exclude from this exchange certain categories of information this should also be made clear.

The SC would invite OLAF and EPPO, once significant experience has been gained, and at least one year after the entry into force of these arrangements, to review them and make any necessary amendments.

### 3. SC SPECIFIC REMARKS

#### 3.1 POINT 1.2 OF THE WA: SCOPE OF APPLICATION

21. Point 1.2 of the WA excludes from its scope of application OLAF's internal investigations which concern the leadership and staff of the EPPO (European Chief Prosecutor, the European Prosecutors, the Administrative Director and the staff of the EPPO, seconded national experts and other persons put at the disposal of EPPO but not employed by it and European Delegated Prosecutors)<sup>26</sup>.

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<sup>25</sup> For instance, the identification of new factual elements may lead to qualify of a behavior initially considered an administrative irregularity to be a criminal offence. Similarly, a fresh evaluation of the value of the damage suffered may indicate that a case falls outside the competence of the EPPO.

<sup>26</sup> Point 1.2 of the WA reads: "*This arrangement does not cover the exchange of information and cooperation in relation to OLAF investigations carried out in accordance with Article 4 of the OLAF Regulation concerning the persons listed in Article 110(1) of the EPPO Regulation*".

22. According to Article 110(1) of the EPPO Regulation, the EPPO should adhere to the Inter-institutional Agreement of 25 May 1999<sup>27</sup> concerning internal investigations by OLAF, and adopt the applicable provisions before entering into any agreement with OLAF on the conduct of internal investigation.
23. Under Article 1(4) of the OLAF Regulation, OLAF is competent to investigate “*serious matters relating to the discharge of professional duties constituting a dereliction of the obligations of officials and other servants of the Union liable to result in disciplinary or, as the case may be, criminal proceedings, or an equivalent failure to discharge obligations on the part of members of institutions and bodies, heads of offices and agencies or staff members of institutions, bodies, offices or agencies not subject to the Staff Regulations*”. Article 4 of the OLAF Regulation refers to OLAF’s powers when it carries out internal investigations, namely investigations on “*officials, other servants, members of institutions or bodies, heads of offices or agencies, or staff members*”. Therefore OLAF is competent to conduct internal investigations also with regard to the European Chief Prosecutor, the European Prosecutors and other Staff of the newly created body of the EPPO.
24. The SC considers that for the purpose of the internal investigations mentioned in Point 1.2 of the WA, specific arrangements between the parties should be agreed in order to ensure the independence, transparency and full compliance with Article 4 of the OLAF Regulation<sup>28</sup>.

**The SC is of the opinion that once the EPPO has complied with Article 110(1) of the EPPO Regulation, specific arrangements between the EPPO and OLAF concerning OLAF’s competence to carry out internal investigations on the leadership and staff of the EPPO should be put in place to ensure the required transparency and administrative efficiency of OLAF investigations.**

### **3.2 POINT 4.2 OF THE WA: THE USE OF “TEMPLATES”**

25. Point 4.2 of the WA refers to the possibility for the parties to agree on templates for the purpose of the mutual reporting and transmission of potential cases in accordance with point 5 of the WA.
26. Templates can indeed be a useful tool for the transmission of relevant information. However, the use of templates might also be a source of prolonged exchanges between the parties if they lack relevant information or are not meaningful enough to fulfil their

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<sup>27</sup> 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) (OJ L 136, 31.5.1999, p. 15).

<sup>28</sup> OLAF has already signed such arrangements with institutions and bodies of the EU (including the EP, EC and Council) with regard to internal investigations of their staff. By having similar provisions with the EPPO, the independence of the Director-General of OLAF in conducting such kind of investigations will be safeguarded as EPPO will be treated in the same manner as any other EU institution, body, office and agency of the EU.



purpose. Therefore, the content of such templates should have to be carefully considered to avoid unnecessary exchanges and additional requests for missing information or further clarifications.

Given the important role of such templates, and based on its own reporting experience, the SC invites OLAF and EPPO to **agree in advance on specific meaningful and “comprehensive” templates**. The use of such templates should also be reviewed after a certain period of time.

### 3.3 POINT 4.6 OF THE WA: ACCESS TO CASE MANAGEMENT SYSTEMS

27. Point 4.6 of the WA refers to the general principle of “*reciprocal indirect access to the respective electronic case management systems*” in order to identify whether information available at one of the party’s case management system matches with information processed by the other party. This could be the case, for instance, when OLAF wishes to open a new investigation on facts for which the EPPO could exercise its competence. Before opening such an investigation, OLAF would need to verify whether the EPPO has already opened an investigation. It will do so by having an indirect access to the EPPO’s case management on the basis of a so-called “hit/no hit” system. According to the WA, the technical and security aspects of this mutual indirect access are to be defined in a technical Annex at a later stage.
28. The SC welcomes the reference to an “indirect mutual access” to the electronic case management systems of each party. The SC is in favour of such a system, which will allow both parties to promptly verify the existence of an ongoing investigation carried out by the other party, thus, avoiding any unnecessary duplication of work.
29. However, the SC is not in a position to form a definitive opinion on this form of access since the **technical and specific aspects** of the indirect access are to be defined between EPPO and OLAF in a future technical Annex to the WA. The Annex will constitute an integral part of the present WA and will play a key role in ensuring an effective indirect access to the respective electronic case management systems of the parties.
30. Moreover, the SC notes that also **the criteria, modalities and other aspects of such form of access may need to be further clarified**.

On this subject the SC would like to draw the attention of the parties on the following:

- The criteria and modalities of the reciprocal indirect access could be further elaborated and clarified in the WA;
- Given that the technical Annex to be agreed by the parties is an integral part of the WA, the SC should be consulted again once it is adopted

### 3.4 SECTION 5: MUTUAL REPORTING AND TRANSMISSION OF POTENTIAL CASES

31. Section 5 of the WA refers to: (i) cases where OLAF reports to EPPO criminal conduct for which EPPO could exercise its competence<sup>29</sup>, (ii) cases where EPPO reports to OLAF<sup>30</sup> and (iii) other cases where EPPO might transmit information to OLAF<sup>31</sup>. To this end, the WA only refers to the general possibility for the parties to agree on templates<sup>32</sup>.
32. The SC notes that the WA lack the requisite clarity regarding the “reporting mechanism” which should be used in the three above mentioned cases. For instance, the WA do not address the question of “when and how” OLAF should interrupt its own investigations once the EPPO has decided to launch an investigation. Similarly, the WA do not clarify whether OLAF is required to draft a report on the investigations conducted until the moment EPPO takes control. Moreover, the WA do not address the handover of cases from EPPO to OLAF or the kind of information that will be transferred to OLAF for this purpose.

The SC considers that **this section should reflect better the different circumstances under which the two bodies may interact, and clarify the “modus operandi” of the two parties when a transfer of a case occurs.**

### 3.5 POINT 6.1 OF THE WA: OLAF SUPPORT TO THE EPPO

33. Point 6.1 of the WA refers to the requests by the EPPO to OLAF for support in the course of an EPPO investigation.
34. As a preliminary remark and as stated in its general remarks, the Committee considers that it is of paramount importance that the two parties recognize that whatever the degree and closeness of their cooperation, OLAF should be able to carry out the requested activities in

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<sup>29</sup> Point 5.1 of the WA.

<sup>30</sup> Point 5.2 of the WA.

<sup>31</sup> Point 5.3 of the WA.

<sup>32</sup> Point 4.2 of the WA.

support to the EPPO with independence and without any external interference. This will strengthen the value of OLAF's contribution to the EPPO's investigations.

35. Point 6.1.1 d) states that EPPO's request to OLAF for support may concern "***the coordination of specific actions of national administrative authorities and bodies of the Union***". This wording could lead to unnecessary confusion as it may imply that additional coordinating powers are granted to OLAF. In fact, the EPPO Regulation refers to the possibility of EPPO to request OLAF (in accordance with OLAF's mandate), to support or complement the EPPO's activity in, amongst other, "***facilitating coordination of specific actions of the competent national administrative authorities and bodies of the Union***"<sup>33</sup>.
36. It is true, that Point 1.1 of the WA clearly states that the purpose of these WA is to "*establish close cooperation between OLAF and the EPPO in the exercise of their investigative and prosecutorial mandates, **within the existing limits if their respective legal frameworks,** [...]*".
37. However, for the purposes of clarity and to avoid unnecessary questions of interpretation, the SC will invite the parties to clarify the wording of point Article 6.1.1 d) to ensure that the support role of OLAF is primarily to "*facilitate*" rather than to only "*coordinate*" the specific actions of national administrative authorities and bodies of the Union.
38. Point 6.1.4 provides that OLAF will "*decide promptly*" upon reception of the request of the EPPO and will execute the measures "without undue delay"<sup>34</sup>. The SC understands the need for flexibility in this area, but considers that as a matter of good administrative practices, whenever OLAF finds itself unable to decide "*promptly*" and without "*undue delay*", it should then inform the EPPO, provide reasons for this delay, and indicate a time-limit for its response to EPPO. Moreover, the current drafting of point 6.1.4 may be interpreted as meaning that OLAF could reject such a request. According to Article 12(e) of the OLAF Regulation, OLAF "*shall, **in accordance with its mandate,** support or complement the EPPO's activity*". To avoid any unnecessary confusion the text should specify that OLAF may turn down such a request only if it is not in accordance with its mandate. Finally, the view of the SC is that OLAF may also be forced to turn down such a request if it comes to the conclusion that in the light of its human resources it is no longer possible to carry out effectively its mandate.

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<sup>33</sup> Article 101.3.b of the EPPO Regulation.

<sup>34</sup> Point 6.1.4 of the WA.

The Committee would invite the parties to:

- ensure that the wording of point 6.1.1d) refers to OLAF “*facilitating the coordination of specific actions of the competent national administrative authorities and bodies of the Union*” in order to avoid unnecessary confusion and uncertainty as to the kind of support OLAF is expected to provide to the EPPO
- also specify in point 6.1.4 that whenever OLAF is unable to decide “*promptly*” and without “*undue delay*” on an EPPO request for support, to inform immediately the EPPO, provide reasons for this delay, and indicate to EPPO a time-limit for its response

### 3.6 POINT 6.4 OF THE WA: “ASSISTANCE FROM THE EPPO TO OLAF”

39. The WA foresee the possibility for OLAF to request the EPPO’s assistance, in particularly to obtain assistance by the European Delegated Prosecutors for conducting its administrative investigations in a Member State participating to the EPPO. The SC notes that during the discussions within the GAF and COPEN, concerns were raised regarding the legality of this arrangement and the potential issues and conflicts that may arise with regard to the role of the competent national judicial authorities. These concerns stems from the fact that neither the OLAF nor the EPPO Regulation foresee the assistance of EPPO to OLAF for the purpose of OLAF’s administrative investigations. If OLAF needs assistance from a national authority (administrative, judicial or prosecutorial) it should make a request directly to the competent national authority or the Anti-Fraud Coordination Service (ACFOs) of the Member State concerned.
40. The current drafting of point 6.4 of the WA may be read as implying that a European Delegated Prosecutor may be assisting OLAF outside the remit of an EPPO investigation. The fact that, according to Article 101(1) of the EPPO Regulation, the EPPO “*shall establish and maintain a close relationship with OLAF based on mutual cooperation within their respective mandates and on information exchange*” and that such relationship “*shall aim in particular to ensure that all available means are used to protect the Union’s financial interests through the complementarity and support by OLAF to the EPPO*” cannot serve as a self-standing legal basis. The principle of mutual cooperation enshrined in the EPPO Regulation presupposes that such form of cooperation takes place within the legal framework already created by the EPPO and OLAF Regulations.
41. If the meaning of point 6.4 of the WA is that OLAF will only seek such support in cases where EPPO has opened a parallel criminal investigation, then this should be made clear in the text. Thus, the SC trusts that the parties will give serious consideration to the above concerns and ensure that whatever arrangements they finally agree on this issue, such arrangements do not lead to legal challenges at national level, thus risking undermining the effectiveness of OLAF investigations.

The SC will invite the parties to **redraft** point 6.4 in order to clarify the issue of the appropriate legal basis and ensure that OLAF's request for assistance is **in line** with the applicable rules.

### **3.7 POINT 12 OF THE WA: "EVALUATION OF COOPERATION"**

42. The WA foresee a periodic evaluation of the WA and a regular consultation between the OLAF DG and the European Chief Prosecutor on the application of the WA. This will further strengthen the effectiveness of the parties' cooperation and enable them to adapt their WA changing circumstances in the light of the experience gained. That said, the SC is of the opinion that this provision is of general nature and should be clarified further.
  43. The SC would suggest to the parties to consider setting specific deadlines for the evaluation of the WA (i.e. "yearly" or "every 2 years") and the regular consultation between the OLAF DG and the European Chief Prosecutor (i.e. "at least bi-annually").
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