



EUROPEAN ANTI-FRAUD OFFICE

Directorate C: Investigation Support
Unit C.4 – Legal Advice
Head of Unit

Orestis BEKAS
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Brussels

Subject: Your request for access to documents of 4 July 2013

Dear Mr Bekas,

Thank you for your email of 4 July 2013, which was forwarded to OLAF on 19 July 2013, requesting access to OLAF documents under Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents¹ ('the Regulation').

In your points 12 and 13, you requested the following:

- [Documents] "regarding the OLAF external investigations of FP6 contractors or FP7 beneficiaries pursuant to articles FP6.II.29.6 and FP.II.22.8, the documents setting out the Commission's policy with respect to the compliance of such "investigations" – contractual measures with Regulation 45/2001, given the seemingly contractual provision nature of those two terms."
- [Documents] "regarding the OLAF external investigations of FP6 contractors or FP7 beneficiaries pursuant to Regulation 2185/96 and in view of that OLAF is not a distinct legal person from the Commission itself, the documents setting out the Commission's policy with respect to the compliance of such Union law 'external investigations' with regulation 45/2001. It is pointed out that this particular situation is a very unusual one, as the whole relationship between the contractor-beneficiary is a private law contact (FP6 contact and FP7 grant agreement) and it is not immediately obvious which particular provision of 'Community law' the contractor-beneficiary is supposed to have infringed to the detriment of the Union's financial interests."

The description given in your application is not sufficiently precise as it does not enable us to identify specific documents which would correspond to your request.

According to Article 6(1) of the Regulation, the application should be made in a sufficiently precise manner to enable the institution to identify the documents. We therefore invite you, pursuant to Article 6(2) of Regulation, to provide us with more detailed information on the documents which you seek to obtain, such as the type of documents, the approximate date, title, name of the author or registration number of the documents which would enable us to identify the documents you are requesting.

With a view to assist you in clarifying your application, please note that the investigation files held by OLAF usually contain the following types of documents:

¹ OJ L 145, 31.05.2001, p. 43.




- (1) OLAF internal documents including the opinion on opening decision, the decision on opening of the investigation, the final (interim) report, the decision to close the investigation, recommendations;
- (2) Documents created or obtained by OLAF during the investigation such as notifications to interested parties, mission reports, written records of interviews;
- (3) Correspondence exchanged between OLAF and external parties.

If you provide us with further details allowing us to identify the document(s) of interest to you, we will review whether they can be publicly disclosed and sent to you in accordance with Regulation 1049/2001.

The 15 working days time limit for handling your application will start running when we receive the requested clarifications. Thank you in advance for your understanding.

Your attention is drawn to the privacy statement below.

Yours sincerely,



Martin WASMEIER

Privacy statement

In accordance with Regulation (EC) 45/2001, OLAF takes special care to ensure that all relevant data protection requirements are met in conducting investigations. Information on Data Protection in OLAF is available at www.ec.europa.eu/dgs/olaf.

Pursuant to Articles 11 and 12 of Regulation (EC) 45/2001 *on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data*, please be informed that your personal data are stored in OLAF's electronic and paper files concerning this matter for the purposes of carrying out OLAF's investigative activity. The categories of your personal data being processed are identification data, professional data, and case involvement data. Your data may be transferred to other EU institutions, bodies, offices and agencies, competent Member State and third country authorities and international organisations. Your data will be stored for a maximum of 20 years.

You have the right to access those data and to correct and complete them. On request and within three months from the receipt of your request, you may obtain information concerning your personal data which we have processed. Any such request should be addressed to the Controller (OLAF-FMB-data-protection@ec.europa.eu). You may lodge a complaint concerning the processing of your personal data with the European Data Protection Supervisor (edps@edps.europa.eu) at any time.