

**- REPORT FOR THE OLAF SUPERVISORY COMMITTEE
ON A CASE REQUIRING INFORMATION TO BE TRANSMITTED
TO NATIONAL JUDICIAL AUTHORITIES -**

I - Description of the case

CMS n°		
CMS title		
Type of case		
Person concerned		
Institution/body/office/ agency concerned		
Area concerned		
Facts/allegations & financial (or other) impact		
Activities carried out	Date and source of initial information	
	Appointment of a selector	
	Opening decision	
	Notifications - to the person concerned - to the institution, body, office or agency concerned	
	Investigative or coordination activities carried out	Interview (informant or whistleblower, witness, person concerned)
		Inspection of premises
		On-the-spot check
		Forensic operations
		Investigative missions in third countries
		Coordination activity
	Other activity carried out	
	Reports on the activity carried out	- 9 months report to the SC - other reports
	Opinion on the Interim/Final Report	
	Closing decision	
	Case closure notification	
Recommendations for action to be taken and deadline to report on their implementation	Administrative	
	Financial	
	Disciplinary	
	Judicial	Legal basis
		Judicial authority
		Legal evaluation of facts
		Time-bar considerations

II- Report on the respect of fundamental rights and procedural guarantees in a case requiring information to be transmitted to national judicial authorities

I. GENERAL PRINCIPLES	
1) Impartiality	
(a) Was there a risk of conflict of interest on the part of the investigators?	
(b) If “yes”, was the Director General of OLAF informed? What measures did he take?	
2) Reasonable time for investigation	
How long did the investigation last and were there periods of inactivity? If “yes”, please provide reasons.	
3) Confidentiality	
To whom was information concerning the investigation communicated and for what purpose?	
II. OPENING STAGE OF THE INVESTIGATION	
4) Notifications of the person and institution, body, office or agency concerned	
(a) Has the person concerned been informed of the opening of the investigation? If yes, when?	
(b) <i>Internal investigations</i> : In case of deferral of this notification, what were the reasons?	
(c) <i>Internal investigations</i> : Has the institution, body, office or agency concerned been informed of the involvement of its member, manager, official or other servant in the investigation? In case of deferral of this notification, what were the reasons?	
III. IMPLEMENTATION STAGE OF THE INVESTIGATION	
5) Authority to carry out specific investigative activity	
(a) What were the investigative activities authorized and their subject matter and purpose?	
(b) When carrying out their tasks, did OLAF employees produce the written authority indicating their identity and position, as well as, for investigative activities requiring prior authorization, the subject matter and purpose of the investigative activity?	
If yes, is this recorded in the report on the investigative activity carried out?	
6) Right/ability for the interested party to express their views on all facts concerning them	
(a) Has the person concerned been provided with the opportunity to comment on all the facts, clearly phrased, concerning them - in an interview or in writing? If “yes”, when?	
(b) Has the obligation of enabling the person concerned to express views been deferred? If “yes”, for what reasons?	
(c) <i>Internal investigations</i> : If “yes”, has the prior agreement of the Secretary-General or the President of the Institution concerned been obtained? When? In case of refusal or delay of this agreement, what were the reasons?	
(d) Has the person interviewed had the opportunity:	
(i) to read/comment/sign the written record of the interview? (ii) to have a copy of it? (iii) to annex any document?	

7) Right of the interested party to express their views in the official language of their choice/Interview record	
(a) How much in advance was sent the letter indicating the language to be used during the interview? (b) Has the interview been conducted in the official language chosen by the person concerned or in an official EU language of which they have a thorough knowledge? Does the interview record mention explicitly the language choice of the person concerned? (c) If “no”, was the person concerned assisted by an interpreter?	
8) Right to be assisted by a person of their choosing	
(a) How much in advance was there sent the letter indicating a possibility for the person concerned to be assisted by a person of their choice? (b) During the on-the-spot checks, did the person concerned express their wish to be assisted by a person of their choice?	
9) Data protection	
(a) Has the obligation to notify the person concerned of the processing of their personal data been deferred? If so, for which reasons? (b) Has the person concerned requested the access, rectification, blocking or erasure of their personal data? (c) If “yes”, on what ground was their request accepted or rejected?	
IV. CLOSING STAGE OF THE INVESTIGATION	
10) Obligation to mention comments of the person concerned	
<u>Internal investigations</u> Do the conclusions of the case report make reference to comments of the person concerned?	
11) Right/ability to be informed of the completion of the investigation	
(a) Was the person concerned informed of the completion of the investigation? (b) If “yes”, when? If “no”, for what reasons?	
V. COMPLAINTS, REVIEWS	
12) (a) Has any of the persons involved made any comments or grievances? If yes, what did they concern? If negative, are they well founded? (b) Has any of the persons involved in the investigation lodged a complaint against OLAF or requested for a review (before the OLAF DG, European Ombudsman, EU courts, EDPS)? If "yes", what is the outcome of the complaint/review request?	