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ACTIVITY REPORT OF THE SUPERVISORY COMMITTEE OF OLAF – 2023

(C/2024/5658)

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Foreword

Following a period of readjustment after the Supervisory Committee's complete renewal in 2022, the Committee started an in-depth reflection in 2023 on its working methods and work plan, its priorities and the main challenges to address during its mandate. It was also a year marked by the start of the Committee's ongoing work on OLAF's revised Guidelines on Investigation Procedures (GIPs) as well as the important completion of the first analysis of the complementary investigations carried out by OLAF since the creation of the European Public Prosecutor's Office (EPPO).

After several exchanges of views between the Committee and OLAF, always in a constructive spirit, in November 2023, under Article 17(8) of the OLAF Regulation, the Director-General of OLAF formally requested the Committee for its observations on the new GIPs that OLAF intends to adopt in 2024. For the Committee, the revision of the GIPs is a very important task for OLAF as it should lead to the adoption of updated, detailed, clear and comprehensive guidelines. These guidelines should take stock of all the developments that have taken place since the adoption of the current GIPs, the many recommendations issued by the Committee in recent years and the cooperation with the EPPO within the EU's wider anti-fraud architecture.

In parallel, to have a better understanding of OLAF's evolving cooperation with the EPPO, in July 2023, the Committee asked the Director-General of OLAF to provide it with a list of all the complementary investigations opened by OLAF since the start of the EPPO's activities. Based on a list of 70 complementary investigations carried out by OLAF since June 2021, when the EPPO became operational, the Committee adopted in December 2023 its draft opinion on OLAF's complementary investigations. The opinion was then formally adopted in February 2024. With this opinion, the Committee carried out the first in-depth analysis of more than 40 closed complementary investigations by OLAF. In its conclusions, the Committee commended both the EPPO and OLAF for their genuine efforts to make this new mechanism a success in the fight against fraud. The analysis of those cases showed both parties' commitment and professional attitude. The Committee issued two recommendations to OLAF to strengthen transparency and good administrative practices in the way cooperation and exchanges take place with the EPPO.

Given that the notion of complementary investigations is bound to evolve further, reflecting the ongoing experience gained by OLAF in this area, the Committee decided to continue monitoring OLAF's complementary investigations on an annual basis. The aim is to give the EU legislator and stakeholders further insights into the conduct of complementary investigations and their role as an important tool in the cooperation between the two main pillars of the EU's anti-fraud architecture. These insights will be valuable for the forthcoming revision of both the EPPO Regulation and the OLAF Regulation.

In May 2023, the Committee adopted Opinion 1/2023 on OLAF's preliminary budget for 2024. The Committee was aware that the budget had been prepared against the backdrop of the current 2021-2027 multiannual financial framework and the Commission's ongoing rigorous scrutiny of all administrative expenditure. After a thorough analysis and exchange of views with OLAF, the Committee: (i) recalled the paramount importance of adequate human resources for OLAF to maintain a high level of performance; (ii) considered that the preliminary budget was in line with its reported needs; and (iii) expressed its full support for OLAF's request for additional posts. In particular, this support took into account the new strategic tasks assigned to OLAF, such as investigations and operational support to Member States concerning the Recovery and Resilience Facility, the operational cooperation with the EPPO, the handling of complaints submitted to the Controller of procedural guarantees, and OLAF's expected involvement in the long-term reconstruction efforts to rebuild Ukraine.

In 2023, it is also worth mentioning the regular contact and meetings held by the Committee with the EU institutions and OLAF partners and stakeholders. This not only contributed to raising the Committee's visibility but also helped, in a collaborative spirit, to increase the flow of information and obtain greater feedback on OLAF's performance.

Finally, on behalf of the members, I would like to thank the Director-General of OLAF for his open and frank exchanges with the Committee. I also acknowledge the valuable support that the members of the Secretariat, acting under the management of its Head, provided to the Committee despite the severe understaffing situation in which the Secretariat found itself in 2023. In that regard, the Committee acknowledges the efforts of the Secretary-General of the Commission to ensure that the Secretariat will have the necessary human resources to support both the Committee and the Controller of procedural guarantees.

Teresa ANJINHO

Chair of the Supervisory Committee

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1. **The Committee in a nutshell**

1. The Supervisory Committee of the European Anti-Fraud Office (OLAF) ('the Committee') is an independent body established by Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ([1]) (the 'OLAF Regulation') to reinforce and guarantee OLAF's independence by regularly monitoring the implementation of OLAF's investigative function.

2. The Committee is composed of five independent outside experts ('the members'), appointed by common agreement of the European Parliament, the Council and the European Commission for 5 years ([2]). The members perform their role in complete independence and may neither seek nor take instructions from any government or EU institution, body, office or agency. The Committee is supported in its work by a Secretariat, working on a permanent basis under the Committee's direct authority, independently from the Commission, OLAF or any other body. The Secretariat plays a key role in facilitating and contributing to the Committee's monitoring tasks.

3. Given the nature of OLAF investigations, no recourse before the EU Courts is possible against the decision of the OLAF Director-General to open or close an investigation ([3]). That means that, together with the Controller of procedural guarantees (who handles complaints against OLAF for non-compliance with procedural guarantees and the rules applicable to investigations ([4])), the Committee plays a crucial role as an independent body entrusted with the supervision and scrutiny of the way OLAF conducts its investigations. Thus, the Committee enjoys a privileged position, as it provides the EU institutions with an insight into OLAF's functioning based on its monitoring role, and provides an assurance that OLAF is acting within the limits of legality and in compliance with the applicable procedural guarantees.

4. Under the OLAF Regulation the Committee is entrusted with a threefold role: (i) regular monitoring of OLAF's investigatory function (ii) assisting OLAF's Director-General in discharging his responsibilities; and (iii) reporting to the EU institutions.

5. In particular, by regularly monitoring OLAF's investigations, the Committee seeks to ensure that:

   (i) there is no external interference in OLAF's investigative function;

   (ii) all relevant decisions of the Director-General are adopted according to the principles of legality and impartiality and comply with the Charter of Fundamental Rights of the European Union and the procedural guarantees ([5]).

6. In performing its tasks, the Committee: (i) addresses to the Director-General of OLAF **opinions** and, where appropriate, **recommendations** on OLAF's investigative activities, the duration of its investigations and the resources needed by OLAF to carry out those investigations; and (ii) formulates **observations** on OLAF's draft guidelines for investigation procedures (GIPs). When issuing its opinions and recommendations, the Committee never interferes with the conduct of ongoing investigations.

([1]) Article 15(2) of 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) as amended by Regulation (EU, Euratom) 2016/2030 and Regulation (EU, Euratom) 2020/2223. Available at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02013R0883-20210117.

([2]) To preserve the experience built up in the Committee, the members are replaced on an alternating basis, in accordance with the OLAF Regulation.

([3]) Case T-658/17, Stichting Against Child Trafficking v Commission, ECLI:EU:T:2018:799.

([4]) See Article 9a(8) of the OLAF Regulation.

([5]) https://www.europarl.europa.eu/charter/pdf/text_en.pdf.

2. **Monitoring activities of the Supervisory Committee**

2.1. ***Monitoring OLAF's budget and resources: Opinion 1/2023 on OLAF's preliminary draft budget for 2024***

7. Every year, the OLAF Supervisory Committee adopts an opinion on OLAF's preliminary draft budget to assure the EU institutions that the draft budget takes into account the independence of OLAF's investigative function. The opinion further provides assurance that OLAF has sufficient resources to provide an effective and efficient interinstitutional fraud-fighting service. The Director-General of OLAF can then use this opinion with respect to the EU's budgetary and the discharge authorities.

8. On 31 May 2023, the Committee issued Opinion 1/2023 on OLAF's preliminary draft budget for 2024. In it, it found that OLAF's preliminary budget, increased by 4.40 %, respected the Commission's guidelines for further saving measures. However, the Committee expressed concerns about the impact of those measures on OLAF's human resources, noting that significant cuts in its staff may deprive OLAF from continuing to hire qualified and specialised staff in the field of investigations and assets recovery. For the Committee, it is important that OLAF has adequate human resources at its disposal to maintain a high level of performance, in particular in the new tasks that OLAF had started to carry out in relation to a number of strategic initiatives for the European Commission. These initiatives include investigations and operational support to Member States concerning the Recovery and Resilience Facility, the Rule of Law Conditionality Mechanism, cooperation with the EPPO and handling complaints to the Controller of procedural guarantees.

9. The Committee also noted that as Member States had agreed to a zero financial impact for setting up the EPPO, it was OLAF that had to bear most of the financial impact in terms of human resources. OLAF had been expected to transfer 16 additional posts to the EPPO before January 2023 (part of a total of 45 posts to be allocated to set up the EPPO).

10. Against this background, and after having analysed OLAF's justifications for requesting 16 additional posts, the Committee expressed support for that request given the new tasks assigned to OLAF (the Recovery and Resilience Facility, the Ukraine Facility, sanctions, and complaints to the Controller of procedural guarantees). Since OLAF had already transferred 16 of its own posts to the EPPO in 2023, OLAF's request for additional posts was seen more as a measure to offset its declining resources rather than a net increase of them.

2.2. ***Draft opinion on complementary investigations of OLAF and the EPPO***

11. Under the OLAF Regulation, OLAF can complement the EPPO's activities with a view to 'facilitating the adoption of precautionary measures or of financial, disciplinary or administrative action' ([6]).

12. To have a better and comprehensive understanding of the overall framework in which OLAF conducts complementary investigations, in July 2023 the Committee asked the Director-General of OLAF to provide it with a list of: (i) all the complementary investigations opened by OLAF since the adoption of the EPPO Regulation; and (ii) information on the handling of those investigations. Based on the information submitted by OLAF, the Committee decided at its plenary of 20 September 2023 to issue an opinion to examine in more detail how OLAF has applied the relevant legal provisions on complementary investigations and its cooperation with the EPPO.

([6]) Article 12f of the OLAF Regulation.

13. In December 2023, the Committee adopted its draft opinion which, after having received OLAF's comments, was formally adopted in February 2024 ([7]). The Committee examined 70 complementary investigations conducted by OLAF from June 2021 to November 2023 and focused on the closed complementary investigations (42 cases).

14. The Committee looked into: (i) the nature and degree of cooperation between the European Delegated Prosecutors concerned and OLAF investigators; (ii) the regular flow of information between both parties during that process; (iii) compliance with the applicable rules and the provisions of the Working Arrangement agreed between OLAF and the EPPO; and (iv) the duration of the complementary investigations.

15. One of the Committee's first findings was that, in practice, if during prior informal exchanges the EPPO were to object to OLAF's intention to open a complementary investigation, then OLAF would not make a formal written request in that regard. As a result, there would be no formal trace of OLAF's proposal and the EPPO's reasons for objecting to it.

16. The Committee therefore considered that it is important that OLAF always makes a formal written proposal when seeking to open a complementary investigation (using the forms and templates already agreed with the EPPO). This ensures: (a) compliance with the principle of transparency; and (b) the effectiveness of the Committee's monitoring tasks of OLAF's investigative function.

17. The Committee also found that in 75 % of closed cases, the duration of a complementary investigation was less than 1 year (on average, 8 months). In very few cases (10 - 20 %), the duration exceeded 1 year due to objective reasons, such as the particularly complex nature of the issues under investigation, including the large number of people concerned and/or countries involved.

18. In conclusion, the Committee found that this mechanism has so far worked as it should, yielding promising results for the future. The Committee commended both the EPPO and OLAF (and, respectively, the EDPs and OLAF investigators involved in these cases) for their efforts to make this new mechanism a success in the fight against fraud.

19. On the basis of the findings mentioned above, the Committee issued the following two recommendations to OLAF. The *first* is to always use the forms and templates agreed with the EPPO to make a proposal for opening a complementary investigation even when the EPPO has already informally informed OLAF that it would object to it. The *second* recommendation is to ensure that this procedure is also reflected in OLAF's GIPs.

20. The Committee will continue to monitor OLAF's complementary investigations on an annual basis.

2.3. *Monitoring the duration of OLAF's investigations*

21. Article 7(8) of the OLAF Regulation requires the Committee to carry out a case-by-case analysis of each inquiry older than 12 months to ensure that OLAF's investigations are conducted continuously and over a period proportionate to their circumstances and complexity.

22. By regularly monitoring the duration of OLAF's investigations and the reasons for any undue delays, the Committee seeks to verify that no external or internal interference in the impartial conduct of an investigation has taken place. A lengthy investigation that cannot be justified may have serious negative consequences for: (i) the procedural rights of the person concerned; and/or (ii) the follow-up to the investigation. By monitoring the length of investigations, the Committee also checks that the human and financial resources allocated to OLAF have been used efficiently.

([7]) See Opinion 1/2024 at: https://supervisory-committee-olaf.europa.eu/document/download/9017a135-fe82-4471-84fc-eb7030379e3a_en?filename=Opinion%20on%20CI%20-%20non%20confidential%20v.pdf.

23. The Committee has paid particular attention over the years to the continuity and duration of OLAF's investigations. In recent years, the Committee has raised concerns about the lack of clear and detailed provisions in the GIPs on managing the length of OLAF's investigations. Such rules strengthen legal certainty, and their absence can be detrimental to ensuring OLAF's procedures are transparent, especially to the people concerned.

24. To properly carry out the monitoring tasks conferred upon it under the OLAF Regulation, the Committee must have access to meaningful, comprehensive, sufficient and timely information. The new Article 15(1) of the OLAF Regulation ([8]) provides that the Committee should be granted access to all of OLAF's information and documents that it considers necessary to carry out its monitoring and supervisory tasks.

25. The current working arrangements agreed between OLAF and the Committee ([9]) provide the Committee with partial direct access to case-related information that is available and registered in OLAF's case management system (OCM). In particular, according to Article 13(2) of the working arrangements, the Committee must have full access to open investigations lasting longer than 12 months.

26. In that regard, as every year, the Committee received information from OLAF on investigations lasting more than 12 months. To better understand why certain investigations last a long time, the Committee decided at the end of 2022 to focus on OLAF investigations lasting more than 36 months. Monitoring those cases is ongoing. In parallel, the Committee continues to reflect on how best to ensure that its monitoring of OLAF's investigations lasting longer than 12 months are as effective and as comprehensive as possible.

2.3.1. *Reports of investigations lasting over 12 months received by the Committee in 2023*

27. If an investigation cannot be closed within 12 months after its opening, Article 7(8) of the OLAF Regulation ([10]) requires the Director-General of OLAF to formally report to the Committee 12 months after the investigation has opened and every 6 months after that. In these reports, OLAF sets out the reasons for the investigation remaining open and, where appropriate ([11]), the remedial measures to be taken to speed up the investigation and the expected timeframe for completion.

28. In 2023, the Committee received 620 reports from OLAF about 404 ongoing individual investigations lasting over 12 months. 53.47 % of the reported cases exceeded 24 months (Figure 1). The sectoral breakdown of OLAF investigations is provided in Figure 2.

([8]) As modified by 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).

([9]) Working arrangements between OLAF and the OLAF Supervisory Committee: https://supervisory-committee-olaf.europa.eu/system/files/2021-10/OLAF%20SC%20WA%20signed.pdf.pdf.

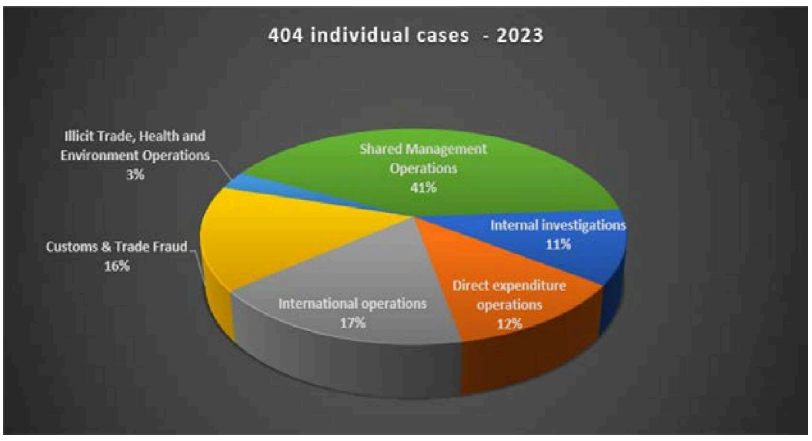
([10]) Article 7(8) Regulation (EU, Euratom) No 883/2013 states: 'If an investigation cannot be closed within 12 months after it has been opened, the Director-General shall, at the expiry of the 12-month period and every six months thereafter, report to the Supervisory Committee, indicating the reasons and the remedial measures envisaged with a view to speeding up the investigation.'

([11]) The wording 'where appropriate' was added to the text of Article 7(8) of the OLAF Regulation by amending Regulation (EU, Euratom) 2020/2223.

Figure 1



Figure 2



2.4. ***Committee monitoring of individual complaints submitted to OLAF***

29. As every year, the Committee received biannual reports and relevant documents on individual complaints handled by OLAF. In 2023, the Director-General informed the Committee that OLAF dealt with three complaints in total. The Director-General also provided an overview of complaints dealt with by the European Ombudsman. OLAF provided automatic access to the corresponding cases in the OLAF case management system, which contains all relevant documents and information ([12]). The Committee focused on the three complaints directly handled by OLAF in 2023 (one complaint introduced by a witness and two by people concerned in OLAF investigations).

30. In the first complaint, lodged by a witness, the complainant argued that OLAF had not conducted the investigations within a reasonable period of time. In its reply to the complainant, OLAF argued that there had been no breach of the applicable rules, and that OLAF had conducted the investigation continuously and within a reasonable time limit. The Committee notes that OLAF provided sufficient explanations to justify the duration of the investigation. In particular, OLAF referred to the complexity of the case, the sensitive nature of the subject matter, the volume of information gathered, and the numerous investigative activities carried out. The Committee notes that the same witness also submitted a complaint to the European Ombudsman about the investigation's length and that the Ombudsman found no grounds to open an enquiry into the alleged lengthy duration of OLAF's investigation.

([12]) Pursuant to Article 6(2) of the Working Arrangements between OLAF and the Supervisory Committee.

31. In a second complaint dealt with by OLAF, the person concerned asked OLAF to replace the lead investigator due to a lack of impartiality in the conduct of the investigation. Following the negative reply of OLAF, the person concerned lodged a complaint with the Controller of the procedural guarantees. This matter is now pending before the Controller.

32. In the last complaint, the person concerned made the following allegations against OLAF: (i) OLAF infringed Article 9(4) of the OLAF Regulation as it had not given the complainant the opportunity to comment on facts against him before the closure of the investigation; and (ii) OLAF infringed Article 10(3b) of the OLAF Regulation as it had not given the person concerned access to the final case report. Based on Article 9(4) of the OLAF Regulation and the need to preserve the confidentiality of the investigation, the Director-General had decided to defer the right the person concerned to comment on the summary of facts (right to be heard). The Committee notes that OLAF acted according to the rules and procedures in place and OLAF's decision was justified by the need to preserve the confidentiality of the investigation.

33. The Committee also notes that in all the above-mentioned complaints, OLAF provided sufficient explanations to all complainants and acted in accordance with its obligation under Article 41(2)(c) of the Charter of Fundamental Rights of the European Union on 'the obligation of the administration to give reasons for its decisions'.

2.5. *Revision of OLAF's Guidelines on Investigation Procedures (GIPs)*

34. Following the review of the OLAF Regulation (EU, Euratom) No 883/2013 by amending Regulation (EU, Euratom) 2020/2223, OLAF decided to modify the existing GIPs to transpose the new provisions of the Regulation into new internal guidelines and to establish a clear and coherent framework for all investigation, support and coordination activities. OLAF explained to the Committee that this review process had been carried out in two distinct phases.

35. During the first phase, the review was limited to what was strictly necessary to align the GIPs with the amendments introduced by Regulation 2020/2223 and the operational start of the EPPO. That phase was finalised, and the new GIPs entered into force on 11 October 2021. In its observations to the Director-General of OLAF on the review of the GIPs of 17 August 2022, the Committee made it clear that it would issue an opinion on the revised GIPs only when the second phase of the review process was finally completed ([13]).

36. OLAF completed the second phase of the review at the end of June 2023, and the draft GIPs were then submitted to the Supervisory Committee for its formal observations ([14]). As part of this formal consultation, there was a constructive early exchange of views between OLAF and the Committee during the reporting period. This exchange aimed to enable the Committee to assist OLAF's Director-General in carrying out his duties ([15]).

37. As a result of this exchange, the Committee and OLAF held a number of meetings and a further exchange of views on the content of the future GIPs. The Committee made a thorough analysis of some specific provisions and sent a note to the Director-General of OLAF on 28 July 2023 setting out its preliminary views on some important issues, including the degree of detail that the GIPs should contain and their structure.

38. On 24 November 2023, OLAF submitted the revised final version of the draft GIPs. The Committee intends to issue its observations on the draft GIPs in the course of 2024.

([13]) Last sentence of Article 17(8) of the OLAF Regulation.

([14]) The observations of the Committee on the draft new GIPs are the subject of a draft opinion of the Committee to be adopted in the coming weeks.

([15]) See recital 37 of the OLAF Regulation.

3. **Cooperation**

3.1. ***Cooperation with OLAF***

39. During 2023 the Committee consolidated its fruitful cooperation with OLAF by maintaining an open and meaningful dialogue with the Director-General of OLAF.

40. The Committee continued the practice of inviting OLAF's Director-General and his staff to its regular monthly meetings to discuss and be informed about any matter relevant for the Committee and OLAF's work. The members of the Committee and the Secretariat also held formal and informal meetings with OLAF management and staff as part of the preparations of the Committee's work.

41. At those meetings and exchanges, OLAF informed the Committee of a number of obstacles it encounters in investigations involving members of certain institutions and investigations of alleged harassment in EU institutions, bodies, offices and agencies. The Committee has now decided to look into these two issues and will issue an opinion on both of them in the course of 2024.

42. The Committee received the following reports from OLAF in line with the OLAF Regulation and the established working practices: (i) reports on investigations lasting over 12 months; (ii) reports where recommendations issued by OLAF since 1 October 2013 were not followed up and for which OLAF received replies from the authorities concerned in the 2022 annual monitoring exercise, which the Committee received on 8 June 2023; (iii) reports on complaints made to OLAF about procedural guarantees in ongoing OLAF investigations; (iv) reports on cases for which information has been sent to national judicial authorities; and (v) reports on deferrals under Article 4(6) of the OLAF Regulation.

3.2. ***Relations with stakeholders***

43. The Committee is accountable to the institutions that appointed its members, and it is also a dialogue partner of the EU institutions. The Committee reports to the EU institutions on its activities, may issue opinions at their request, produces reports on investigative matters and exchanges views with them at a political level ([16]).

44. The Committee considers it important to maintain regular contact with the EU institutions and OLAF partners and stakeholders in order to improve the flow of information and obtain feedback about OLAF's performance. The Committee and its Secretariat were in regular contact with: (i) the Commissioner for Budget and Administration, responsible for OLAF (participation in the Committee's plenary meeting on 16 May 2023); (ii) the Secretary-General of the Commission (participation in the Committee's plenary meeting on 14 November 2023); (iii) the Budgetary Control Committee (CONT) of the European Parliament (presentation of the Committee's 2022 annual report by the Chair on 27 June 2023 and presentation of the all the Supervisory Committee members on 20 September 2023); and (iv) the Council Working Groups Against Fraud (GAF) (presentation of the 2022 annual report by the Chair on 21 June 2023). The anti-fraud coordination service (AFCOS) rapporteur actively participated in the 10th AFCOS meeting in Vilnius, Lithuania (18-19 October 2023).

45. The Controller of procedural guarantees was invited to the Committee's plenary meeting of 21 September 2023 where she presented her 2022 activity report 2022.

([16]) Article 15(1) of Regulation (EU, Euratom) No 883/2013: 'The Supervisory Committee shall address to the Director-General opinions, including where appropriate, recommendations on, inter alia, the resources needed to carry out the investigative function of the Office, on the investigative priorities of the Office and on the duration of investigations. Those opinions may be delivered on its own initiative, at the request of the Director-General or at **the request of an institution, body, office, or agency**, without however interfering with the conduct of investigations in progress. […]
[…] The institutions, bodies, offices, or agencies shall be provided with a copy of opinions delivered pursuant to the third subparagraph.'

46. The Committee also participated in the yearly interinstitutional exchange of views on OLAF that took place on 25 October 2023. The Committee actively participated in that meeting stressing, in particular, the importance of ensuring strong cooperation between OLAF, on the one hand, and the EPPO, Eurojust, Europol and the European Court of Auditors on the other. The Committee highlighted that this cooperation is an essential element in the fight against fraud involving the EU's financial interests in Ukraine and the effectiveness of the sanctions already imposed by the EU on third countries.

47. The Committee further assisted the Commission in selection procedures for appointing senior officials in OLAF. Its members also participated in meetings of the Commission's Consultative Committee on Appointments.

4. **Administration and resources**

4.1. ***Supervisory Committee working methods***

48. In 2023, the Committee held 12 plenary meetings, either hybrid or entirely online [17]. For every major issue examined, the Committee appointed a rapporteur. The rapporteurs worked with the Secretariat to prepare draft reports for discussion at the plenary meetings. The Chair, the rapporteurs and the members of the Secretariat also met regularly to work on particular issues.

4.2. ***The Secretariat***

49. In 2023, the Secretariat continued to support the Committee members in carrying out their duties, reinforcing OLAF's independence. In November 2023, the Committee held an exchange of views with the Secretary-General on the lack of resources in the Secretariat. These resources are needed to support both the Supervisory Committee and the Controller of procedural guarantees and to preserve the necessary separation of tasks between the two bodies. The Committee stressed that its ability to carry out its tasks in 2023 had been substantially undermined by the understaffing issues of the Secretariat, which was also involved in ensuring deadlines imposed on the Controller of procedural guarantees for the handling of complaints against OLAF were respected. Therefore, the Committee urged the Secretary-General to adopt and implement the necessary organisational measures to ensure that the Secretariat is equipped with adequate human resources to support the Committee in its role. Throughout 2023, the Secretariat, like the rest of the Commission, continued to operate in a hybrid mode, combining onsite and remote work, and carried out the work programme as agreed with the Supervisory Committee.

50. The Secretariat continues to be administratively attached (since March 2017) to the Office for the Payment of Individual Entitlements of the European Commission (PMO) although it is located in a separate security zone within OLAF's premises. The Supervisory Committee expressed its doubts on many occasions in the past as to whether the 'hybrid' attachment of its Secretariat to the PMO is the most appropriate location.

51. The Committee reiterates its view that, given the daily interactions of the Secretariat with OLAF staff for the purposes of the Committee's ongoing monitoring tasks, a suitable place within OLAF's security zone would enable the Secretariat to work more efficiently.

4.3. ***Budget matters***

52. The Committee's budget for 2023 was EUR 200 000. The actual amount disbursed by the end of 2023 was EUR 179 241,67, which is approximately 90 % of the total amount.

53. The authorising officer by sub-delegation responsible for expenditure is the Director of the PMO.

[17] From January to December 2023.