

Cooperation Project in the Anti-fraud Sector

Workshop Group «A» Conclusions

Rome 19th – 20th May 2016

PROBLEMS

- transnational frauds usually imply over invoicing, always involving more than one foreign economic operator
- Due to the lack of legal basis on the subject (i.e. mutual administrative assistance) today AFCOSs must ask OLAF for relevant information concerning frauds, which slows down investigations
- Each single AFCOS has different structure, powers and functions; in particular a number of AFCOSs do not have investigative powers and must ask, for instance, relevant police forces to conduct on-the spot checks.
- MAA does exist in other fields such as Common Agricultural Policy but recent developments in European laws concerning structural funds caused new doubts on how far already existing legal instruments can be used
- Some national systems have different bodies, all involved in combating fraud, so it is difficult to coordinate them also at the national level
- Intelligence cooperation, which is anyhow to be supported should there be no other legal basis, doesn't give the possibility to use the collected data in legal proceedings
- Fraud schemes are simple also because fraud perpetrators know there is no adequate juridical tool (i.e. MAA) in this field

PROPOSALS AND SUGGESTIONS

- Overcome triangulation, leaving OLAF as point of reference mainly for major cases
- Close cooperation among AFCOSs allows faster reconstruction of frauds schemes
- Thanks to the establishing of AFCOSs in all EU MSs, although with their own peculiar features, they are direct contact points
- MAA would give transparency, open-mind attitude, fluid, rapid and precise feedbacks
- Implement activities (such as questionnaires) to get to know better partner AFCOSs
- step by step working, aiming at outlining common how-to-do models; legal basis should follow
- Fostering MAA could be the starting point to conform and enlarge powers and structures of national AFCOSs
- Proceed exchanging information directly, keeping OLAF informed about ongoing cooperation

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THANK YOU!