

DEC. N° ADM/ADM 04/02

Decision of the European Agency for Safety and Health at Work

of 6 March 2004

amending the Decision of 18 June 1999, concerning the terms and conditions for internal investigations in relation to the prevention of fraud, corruption and any illegal activity liable to give rise to administrative or criminal proceedings

The Director of the European Agency for Safety and Health at Work,

Having regard to Council Regulation (EC) N° 2062/94 of 18 July 1994 establishing a European Agency for Health and Safety at Work and in particular Article 11;

Having regard to Commission Decision of 28 April 1999 establishing the European Anti-Fraud Office (OLAF);

Having regard the Inter-Institutional Agreement concerning internal investigations conducted by the European Anti-Fraud Office (OLAF) and the Agency's statement to accede to this Agreement;

Whereas it is necessary to adapt some provisions of the decision of the European Agency for Safety and Health at Work of 18 June 1999, concerning the terms and conditions for internal investigations in relation to the prevention of fraud, corruption and any illegal activity liable to give rise to administrative or criminal proceedings, to reflect the measures contained in the Inter-Institutional agreement;

HAS DECIDED AS FOLLOWS:

Article 2, paragraph 1, is replaced by the following:

"Article 2

Any official or servant of the Agency who becomes aware of evidence which gives rise to a presumption of the existence of possible cases of fraud, corruption or any other illegal activity or of serious situations relating to the discharge of professional duties which may constitute a failure to comply with the obligations of officials or servants of the Communities liable to result in disciplinary or, in appropriate cases, criminal proceedings, or a failure to comply with the analogous obligations of the Members of the Administrative Board, managers or members of staff not subject to the Staff Regulations, shall inform without delay the Director, the Chairman of the Administrative Board or, if he considers it useful, the Office direct."

Article 4 is replaced by the following:

"Article 4

If, following an internal investigation, no case can be made out against a Member of the Administrative Board, official or servant of the Agency against whom allegations have been made, the internal investigation concerning him shall be closed, with no further action taken, by decision of the Director of the Office, who shall inform the interested party in writing."

Article 5 is replaced by the following:

"Article 5

Any request from a national police or judicial authority regarding the waiver of the immunity from judicial proceedings of an official or servant of the Agency concerning possible cases of fraud, corruption or any other illegal activity shall be transmitted to the Director of the Office for his opinion. If a request for waiver of immunity concerns a Member of the Administrative Board, the Office shall be informed".

This Decision shall take effect on the day of its adoption.

Done at Bilbao, 6 March 2004

For the Agency

A handwritten signature in black ink, appearing to read 'Hans-Horst Konkolewsky', written in a cursive style.

Hans-Horst KONKOLEWSKY
Director