

Lifting of OLAF chief's immunity long overdue says Parliament's budgetary control chief

Written by Inge Gräßle on 24 March 2016 in Opinion
Opinion

Giovanni Kessler's actions have made him 'dangerous and unpredictable' for both the European Commission's and the EU's reputation, argues Inge Gräßle.



After more than 15 months of hide-and-seek, the European Commission has, at last, acceded to the Belgian public prosecutor's request that it lift European anti-fraud office (OLAF) Director-General Giovanni Kessler's immunity.

This finally makes it possible to look into a serious violation of law on Belgian territory, one which all of us - including the Commission - have been aware of since 30 January 2013.

Allegedly, Kessler made a witness conduct a phone conversation with someone who was the subject of an investigation; this conversation was steered in a certain direction through specific questions.

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On top of all this, the call was recorded without the interlocutor's knowledge, which constitutes an offence under the Belgian criminal code. At least two other OLAF staff members were also present.

In Belgium, this offence requires public prosecution ex officio. The individual who conducted the phone conversation with the witness has now filed a criminal complaint with Belgian police. The conversation took place while an investigation was being carried out against then-European health Commissioner John Dalli, who resigned in October 2012.

All of this raises many concerns. The use of such methods is worrying, especially against a Commissioner. I don't like to imagine what kind of action might be taken against a mere 'run-of-the-mill' junior official.

It is also worrying that the college entered into a cat-and-mouse game with Belgian authorities, which lasted for over a year.

It is worrying that it is being stated - against one's better judgement - that eavesdropping is permitted in virtually all EU countries, even though the opposite is true.

It is worrying that Kessler remains in office, even though important witnesses are his subordinates and are therefore dependent on him.

It is worrying how interested and manipulative circles are now construing a 'stab-in-the-back' myth from the lifting of Kessler's immunity in order to put the blame on others, portraying him as a brave left-wing fighter against fraud purportedly brought down by political opponents.

No, this story is not politically driven. This is about justice, and about the question of whether such a thing can and may prevail in Brussels, as it does elsewhere. Kessler has got himself into this with his unwillingness to respect rules, his 'casual' approach, his lack of professionalism as a manager and as head of staff, and his breathtakingly amateurish way of proceeding. All this makes him dangerous and unpredictable for the Commission and dangerous for the EU's reputation.

The college stood idly by as Kessler pursued his activities for three years, while the problems in and around the anti-fraud office were piling up. Kessler gets to carry on botching his work, where other officials are sent packing for considerably less severe misdemeanours.

The Commission is hiding behind the OLAF Director-General's special legal status. While he may have a special status, this doesn't mean he is above the law. He may be independent, but he must still be held accountable.

The OLAF chief is, of course, bound by the laws of the member state in which he operates - more so than anyone else - given that his investigations must hold up in court.

For three years, he was free to bad-mouth those who insisted on abiding by the law - above all the

OLAF supervisory committee - and obstruct them from doing their work. Several parliamentary groups spoke out against this last summer.

The supervisory committee itself informed MEPs of the serious violation that occurred on 30 January 2013, in its report on the OLAF investigation into Dalli.

This is why the Commission's decision, which has paved the way for Belgian authorities' investigation, is long overdue. This is also the only way for Kessler to clear his name. No one is above the law.

About the author

Inge Gräßle (EPP, DE) is Chair of Parliament's budgetary controls committee

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