

**Explanatory Memorandum
to the Decision of the Management Committee of the Office
of the Body of European Regulators for Electronic
Communications (BEREC Office) on the Anti-fraud
Strategy
(MC/2017/02)**

In order to manage efficiently the operational and administrative resources allocated to implement the European Union (EU) policies and contribute to the smooth functioning of the institutions, bodies and agencies in a cost effective way while reducing the administrative burden, it is clear that any fraud or other illegal activities affecting the EU budget are to be precluded as they have a particularly negative impact on the objective mentioned above and consequently on the reputation of the institutions concerned.

In light of these elements and based on Article 325 TFEU, the European Commission (EC), has adopted implementing rules to counter fraud and any illegal activities affecting the financial and reputational interests of the EU in the framework of its daily activities involving the use of available resources.

Namely, on 24 June 2011, the EC adopted its new Anti-Fraud Strategy (CAFS) with the overall objective to improve the prevention and detection of fraud, the conditions for investigations of fraud, and to achieve adequate reparation and deterrence, with proportionate and dissuasive sanctions and to respect the due processes.

This objective needs to be achieved by developing close cooperation and synergy, and by promoting the standards set out in the CAFS within the EU agencies and bodies, including joint undertakings.

Consequently, in July 2012 the European Parliament, the Council and the EC agreed on a Common Approach on EU decentralised agencies¹ which requires their management bodies to adopt an anti-fraud strategy with an aim of improving their efficiency, transparency and accountability.

In 2013 OLAF adopted a Methodology and guidance for anti-fraud strategies for EU decentralised agencies. The use of the methodology is not compulsory but it should allow each Agency to draw up a tailored strategy adapted to its specific context and risk to fraud.

The overall objective of this Strategy is to improve prevention, detection and investigation of fraud, and to pursue adequate deterrence and reparation, with proportionate and dissuasive sanctions. The main rules and anti-fraud measures are linked also to the anti-fraud Strategy of DG CONNECT of the EC, which is also active in this area.

The Strategy sets three objectives:

- Enhance fraud awareness within the organization through targeted communication and training (prevention of fraud) and establish and maintain a high level of general ethics culture at the BEREC Office;
- Clarify roles in the process of detection, reporting and handling irregularities within the meaning of fraud (detection and investigations of fraud);
- Implement practical arrangements to ensure protection of whistle-blowers.

The Strategy shall be valid for three years and will be updated in the course of its implementation if necessary, or after its assessment at the end of the implementation period.

Any update during the course of the three years' implementation of the Strategy which does not affect relevant or sensitive parts of its content, can be decided by the Administrative Manager of the BEREC Office who will inform the Management Committee accordingly.