

COOPERATION ARRANGEMENT

BETWEEN

**THE “FISCALÍA DE INVESTIGACIONES ADMINISTRATIVAS (FIA) DE
LA REPÚBLICA ARGENTINA”**

AND

THE “EUROPEAN ANTI-FRAUD OFFICE (OLAF)”

A - PURPOSE OF THE ARRANGEMENT

The “Fiscalía de Investigaciones Administrativas (FIA) de la República Argentina” and “The European Anti-Fraud Office (OLAF)”, hereafter referred to as “the Partners”, intend to cooperate within the scope of their investigative competences.

This cooperation arrangement sets out in writing the practical modalities of the working relations between FIA and OLAF on a voluntary basis. It is not intended to create any obligations under international law and Community/Union law, not to modify any relevant legal rules and not to interfere with the legal framework governing both institutions.

B - AREAS OF OPERATIONAL COOPERATION AND SUPPORT

Within the limits of their investigative competences, the Partners intend to co-operate in the fight against fraud, corruption and any other illegal activity affecting the financial interests of the European Communities and the financial interests protected by FIA.

C - EXCHANGE OF STRATEGIC INFORMATION

Within the limits of their investigative competences, the Partners should exchange strategic information necessary for the accomplishment of the investigative mission of each Partner, either spontaneously or on specific request. Examples of strategic information may include:

- Operational structures of the organisations involved in these activities, as well as the links existing between these organisations operating inside or outside the European Union.
- Strategies, *modus operandi*, techniques and the financing of these organisations.

D - OPERATIONAL EXCHANGE OF INFORMATION AND CO-OPERATION

Within the limits of their investigative competences, the Partners, in conformity with the relevant rules on confidentiality and data protection, intend to exchange any necessary information and provide mutual assistance on cases related to the areas of common interests. For that purpose, the Partners may, via their contact points transmit documents and exchange information needed to fulfil their tasks.

E - ASSISTANCE THROUGH PARTICIPATION IN INVESTIGATIONS

Within the limits of their legal framework the Partners intend to give their staffs the possibility to assist each other in their operational activities.

The Partners intend assisting each other in participating in investigations in order to investigate cases under the areas of common interests.

FIA intends to assist OLAF staff during its missions on the territory of the Republic of Argentina, where necessary, and intends to assist on the spot checks and other missions in order to protect the financial interests of the European Communities.

OLAF intends to assist FIA staff during their missions on the territory of the Member States of the European Union, where necessary, and intends to assist on the spot checks and other missions in co-operation with the Members States of the European Union in order to protect the financial interests protected by FIA.

The Partners intend to facilitate the performance of administrative / operational activities with third partners.

F - CO-OPERATION IN THE FIELD OF INTELLIGENCE AND TECHNICAL SUPPORT FOR INVESTIGATIVE PURPOSES

Within the limits of their investigative competences, the Partners, in conformity with the relevant rules on confidentiality and data protection, intend to exchange any necessary technical information and access to Information Systems.

(1) Technical information is intended to include information on:

- Technical investigations tools
- Methods in treatment and analysis of investigation data
- Information Technology (IT) equipment or knowledge for investigation purposes

(2) Access to information systems is intended to include information for investigation purposes from:

- Argentinean anti-fraud information systems
- Anti-Fraud Information System (AFIS) from OLAF

G - CONFIDENTIALITY

Information communicated or acquired under this arrangement is protected by professional secrecy following the applicable national rules in the Republic of Argentina and as regards Article 8 of Regulation (EC) 1073/1999.

The Partners do not intend exchanging information if disclosure to the other partner is prohibited by the legal framework governing the Partner possessing the information or if it would be incompatible with important interests of the partner possessing the information.

H - DATA PROTECTION

All transfers of personal data between the Partners are subjected to the rules of data protection following Regulation (EC) 45/2001 and the national data protection rules in Argentina. In accordance with the Commission decision C(2003)1731 final of 30 June 2003 (cf. annex) Argentina has been recognised of having a sufficient level of protection of personal data.

I - PRIVILEGES AND IMMUNITIES

The activities taken on the basis of this cooperation arrangement are without prejudice to the privileges and immunities of the relevant bodies and institutions.

J - COMMUNICATION OF INFORMATION TO OTHER PARTNERS

The Partners intend disclosing data to third Partners / persons only after consulting the Partner which has provided the information or document.

K - CO-OPERATION IN THE FIELD OF PROFESSIONAL TRAINING AND SEMINARS FOR INVESTIGATIVE PURPOSES

OLAF together with the FIA intends to provide for and develop training programmes as regards their operational tasks. The Partners intend to cooperate in the field of professional training, seminars and workshops within their investigative competences, by informing one another of and invite to relevant activities which they organise and which are part of their investigative tasks.

L - CONTACT POINTS

The Partners designate the following contact points within their organisation, in order to guarantee the correct application of this arrangement.

FIA: Mrs Dafne PALOPOLI – Secretaria Fiscalía General (FIA)

OLAF: Mr. Peter BAADER – Acting Head of Unit A.1

M - EVALUATION OF THE CO-OPERATION

The Partners intend to meet, when necessary, to identify possible priority areas for cooperation and common strategic or operational objectives, to evaluate the application and the necessity for amendment of this cooperation arrangement and possible extension to third Partners.

N - START OF APPLICATION

The present arrangement is applicable as from its signature by the Director-General of the OLAF and the Chief State Prosecutor of FIA.

Brussels, 15/03/2007

F. -H. BRÜNER
Director – General of OLAF
Represented by Alberto PERDUCA



Manuel GARRIDO
Chief Prosecutor of FIA