

**COOPERATION ARRANGEMENT
BETWEEN
THE SECTION OF CONTROL AND FIGHT AGAINST CORRUPTION OF THE
GOVERNMENT OFFICE OF THE SLOVAK REPUBLIC, A DEPARTMENT
WHICH ACTS AS THE ANTI FRAUD COORDINATION SERVICE (AFCOS) FOR
THE PROTECTION OF EU FINANCIAL INTERESTS AND FIGHT AGAINST
CORRUPTION,
AND
THE "EUROPEAN ANTI-FRAUD OFFICE" (OLAF)**

A – Purpose of the arrangement

The European Anti-Fraud Office (OLAF) and the Section of Control and Fight Against Corruption of the Slovak Republic, a department which acts as the Anti-Fraud Coordination Service (AFCOS) for the protection of the financial interests of the European Community and fight against corruption (hereinafter referred to as 'partners'), intend cooperate within the scope of their powers and competencies to protect the financial interests of the Communities.

This cooperation arrangement sets out in writing the practical modalities of the working relations between the Section of Control and Fight against Corruption of the Government Office of the Slovak Republic and OLAF.

The Section of Control and Fight Against Corruption of the Government Office of the Slovak Republic supports and helps coordinate the cooperation in the fight against fraud and any other illegal activities affecting the financial interests of the Community. The modalities of cooperation as set out in this arrangement are without prejudice to the mission and powers of OLAF provided for in the Community legislation in force.

This arrangement is concluded in conformity with the legislation of the Slovak Republic and Community legislation in force. It does not cover judicial assistance.

B – Terms of cooperation

1. With the aim of preventing and fighting fraud and other illegal activities to the detriment of the European Community's financial interests (EC fraud) the partners to this arrangement intend to support each other in the fulfilment of their legal tasks.

2. The partners to this arrangement provide each other (administrative) assistance, in particular by exchanging spontaneously or upon request all available information of relevance for the prevention and detection of fraud harming the financial interests of the EC.

In order to provide the information sought the partners intend to proceed as though acting on their own account.

3. At the request of either partner the partners intend to take the available administrative activities to prevent operations that might have a detrimental effect on the Community's financial interests and/or to effect/help the recovery of Community funds.

4. In the framework of its legal framework the partners intend to give their staff the possibility to assist each other in their administrative/operational activities.

This means in particular:

- The Section of Control and Fight against Corruption of the Government Office of the Slovak Republic intends to assist OLAF staff during their missions on the territory of the Slovak Republic, where necessary, in particular to ensure that on the spot checks and other missions carried out in order to protect the financial interests of the Community can be accomplished as provided for by the relevant legislation of the Slovak Republic and Community legislation. The Section of Control and Fight Against Corruption of the Slovak Republic intends to ensure that all available relevant information is provided for during these missions, or within a reasonable time-span following these missions.
- The Section of Control and Fight against Corruption of the Slovak Republic intends to facilitate and ensure cooperation between the national administrative, investigation and prosecution authorities within the Slovak administration and with the OLAF in order to support the protection of the Community's financial interests.
- The Section of Control and Fight against Corruption of the Slovak Republic intends to ensure that its relations with other national institutions or bodies involved in the protection of the Communities' financial interests are legally defined, and that common and well-functioning co-ordination structures and mechanisms are in place.
- The Section of Control and Fight against Corruption of the Slovak Republic intends to ensure, coordinate and monitor the exchange of relevant information at all levels within the administration of the Slovak Republic and with OLAF with regard to cases of suspected fraud and other irregularities affecting Community funds. This includes the implementation of reporting obligations foreseen in the Community legislation in the EC financial assistance.
- OLAF intends to provide professional and other support that is possible to Section of Control and Fight against Corruption of the Slovak Republic with a view to promoting its efforts to ensure at the national level the coordination of different activities (legislative, administrative, operational) relating to the protection of the financial interests of the Community.
- OLAF intends to keep the Section of Control and Fight against Corruption of the Slovak Republic informed about its operational activities concerning Slovak Republic.
- OLAF will inform the Section of Control and Fight against Corruption of the Slovak Republic about the results of investigation into the cases of suspicion of fraud and other illegal activities affecting Community funds, conducted by OLAF in the Slovak Republic.

C – Structure of the information exchange

Information exchange, both spontaneously as well as on request for information, will contain at least the following information:

1. The legal person and/or natural persons involved, and their unambiguous identification;
2. The sector of EC-fraud and other illegal activities to the detriment of the financial interests of the Community concerned;
3. A brief statement of the underlying facts, facilitating the receiver of the information to exploit the information effectively (in the case of a spontaneous exchange) or to conduct its research (in the case of a request for information).

D – Confidentiality and data protection

1. Information communicated or acquired in any form under this arrangement is covered by professional secrecy and is protected in the same way as similar information is protected by the national legislation of the Slovak Republic and by the corresponding provisions applicable to the Community institutions.
2. Personal data transferred between OLAF and the Section of Control and Fight against Corruption of the Slovak Republic is protected by Regulation (EC) 45/2001 and by the national data protection rules of the Slovak Republic transposing Directive 95/46/EC into national law. All transfers of personal data from OLAF to the Section of Control and Fight against Corruption of the Slovak Republic will be accompanied by the text specified in the annex.
3. The conditions of exchange of personal data by OLAF are subject to the rules on control and consultation of the European Data Protection Supervisor within the framework of Regulation (EC) 45/2001.

E – Cooperation in the field of intelligence and technical support (access to information technology applications)

In addition to the provision of mutual assistance, the partners intend to cooperate also in the field of threat assessment and risk analysis. For that purpose, and in conformity with the relevant rules, the partners may share their specific technical tools and materials.

F – Mutual training

OLAF together with the Section of Control and Fight against Corruption of the Slovak Republic intends to provide for and develop training programmes as regards the protection of the Community's financial interests. The partners should cooperate in the field of professional training, seminars and workshops, by informing one another of and invite to relevant activities which they organise and which may be of common interest as well as by organising joint activities in this field.

G – Designation of contact points

The partners designate the following contact points (and if necessary contact persons) within their organisation, in order to guarantee the correct application of this arrangement:

OLAF: Unit A4 "Strategic Programming, Reports, Consultative Committee, External Relations"

Mr Luc Schaerlaekens

OLAF Partner: Section of Control and Fight against Corruption of the Slovak Republic, department the Anti Fraud Coordination Service (AFCOS) for the Slovak Republic

Mrs Draga Inovecka.

H – Evaluation of cooperation

Via their contact points the partners should 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.

I – Signature / Conclusion of the arrangement

This arrangement will be accepted by means of an Exchange of Letters, to be signed by the Director of the Section of Control and Fight against Corruption of the Slovak Republic and by the Director General of OLAF.

J – Start of application

The present arrangement is applicable as from its signature by the second of the partners.

Annex

Transfer of personal data to the Section of Control and Fight against Corruption of the Slovak Republic

Please find enclosed the requested <"list, file, document, etc.">. This <"list, file, document, etc."> concerns <"description of the list, file, document"¹>. As this <"list, file, document, etc."> contains individuals' personal data, its transfer to <"name of requester"²> falls within the provisions of European Parliament and Council Regulation No. (EC) 45/2001 on the protection of personal data by the Community institutions and more specifically under article 8 thereof to ensure the legitimate transfer of personal data.

- According to article 6(1)(b) of Directive 95/46, the <"name of requester"> should use these individuals' personal data only for the purposes for which they are transmitted, i.e. <"purpose(s) of the transfer"³>. Therefore processing in a way incompatible with those purpose(s) (such as further transmission, publication, direct marketing and requests for information, which differ from the matters indicated) is illegal.

- According to article 6(2) of Directive 95/46 you are required as the Controller of the personal data concerned to ensure that paragraph 1 is complied with, together with all the other obligations of the Controller, as for example under articles 16, 17 and 18 thereof.

¹ Please indicate quality of personal data transfer, i.e. data fields.

² Please indicate name of the requesting Controller.

³ Please indicate purpose(s) of the transfer to be established by the Controller at the Commission based on the necessity of the transfer specified by the requesting Controller.

A. Letter from the European Anti-Fraud Office

Brussels, 21st June 2007

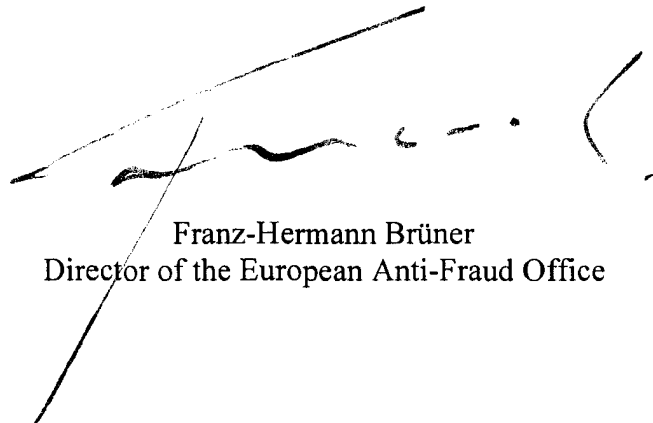
Sir,

I have the honour to refer to the negotiations between the representatives of the European Anti-Fraud Office and the Section of Control and Fight Against Corruption of the Slovak Republic, department the Anti Fraud Coordination Service (AFCOS) for the Slovak Republic with a view to concluding a Co-operation Arrangement in the fight against fraud and other irregularities detrimental to the Communities' financial interests.

This Co-operation Arrangement, the text of which is annexed hereto, will be applied as from the date of signature by both Parties.

I should be grateful if you would confirm the agreement of the Minister of Interior to the foregoing.

Yours faithfully,

A handwritten signature in black ink, consisting of a series of connected loops and a long horizontal stroke, positioned above the printed name and title.

Franz-Hermann Brüner
Director of the European Anti-Fraud Office

B. Letter from Head of Government Office of the Slovak Republic

Bratislava, 6. november 2007

Sir

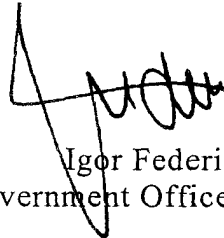
I have the honour to confirm receipt of your letter with following content:

„I have the honour to refer to the negotiations between the representatives of the European Anti-Fraud Office and the Section of Control and Fight against Corruption of the Slovak Republic, department which act as the Anti-Fraud Coordination service (AFCOS) for the Slovak Republic, with a view to concluding a Co-operation Arrangement in the fight against Fraud and others irregularities detrimental to the Communities' financial interests.

This Co-operation Arrangement, the text of which is annexed hereto, will be applied as from the date of signature by both Parties.“

I confirm my agreement with the conclusion of Co-operation Arrangement between the Section of Control and Fight against Corruption of the Government Office of the Slovak Republic and the European Anti-Fraud Office (OLAF).

Yours faithfully,



Igor Federič
Head of the Government Office of the Slovak Republic

ÚRAD VLÁDY SLOVENSKEJ REPUBLIKY

KONTROLNÝ LIST PREDBEŽNEJ FINANČNEJ KONTROLY

Vecne príslušný organizačný útvar Úradu vlády SR:

Odbor ochrany finančných záujmov EÚ a boja proti korupcii

Predpokladaná celková suma v Sk:	0,- Sk
z toho bez DPH:	

Pripravovaná finančná operácia: Podpis Dohody o spolupráci medzi Sekciou kontroly a boja proti korupcii Úradu vlády Slovenskej republiky, útvarom pôsobiacim ako koordinačná služba pre boj proti podvodom (AFCOS) na ochranu finančných záujmov Európskej únie a pre boj proti korupcii a Európskym úradom pre boj proti podvodom (OLAF)

Zdôvodnenie požiadavky: V predloženej dohode o spolupráci partneri deklarujú podmienky vzájomnej spolupráce v oblasti ochrany finančných záujmov Európskeho spoločenstva, ktoré sa týkajú najmä spolupráce v oblasti tvorby analýz rizík, vzdelávania a vzájomnej výmeny informácií

Navrhovaný dodávateľ (adresa, zdôvodnenie výberu): osobitných predpisov

VYKONANIE PREDBEŽNEJ FINANČNEJ KONTROLY V SÚLADE S ČL. III, ods. 2 SMERNICE č. 7/2004:

I. Vecne príslušný organizačný útvar: Sekcia kontroly a boja proti korupcii

Meno a priezvisko: Milan Ježo

Predstavený (VÚV/VSÚ/kancelárie/sekcie/odboru): SÚHLASÍM/NESÚHLASÍM

Meno, priezvisko a funkcia: Mgr. MILAN JEŽO, GENERÁLNY RIADITEĽ SEKcie SRPA

Dátum a podpis: 24. 10. 2007

Ježo 24. 10. 2007

II. Ekonomický odbor:

Financie a rozpočet

Text: Potvrdzujem, že finančná operácia je v súlade so schváleným rozpočtom ÚV SR.....¹⁾

Meno a priezvisko: ALENA VÍDOVÁ

Dátum a podpis: 29. 10. 2007

Riaditeľ Ekonomického odboru: SÚHLASÍM/NESÚHLASÍM

Meno a priezvisko: ALENA VÍDOVÁ

Dátum a podpis: 29. 10. 2007

III. Verejné obstarávanie: SÚHLASÍM/NESÚHLASÍM

Text:.....

Meno a priezvisko: Štefániková

Dátum a podpis:

IV. Právne stanovisko k návrhu zmluvy: SÚHLASÍM/NESÚHLASÍM

Text:.....

Meno a priezvisko:.....

1) V prípade, že sa nejedná o schválené prostriedky zo štátneho rozpočtu, ale iné, predvolený text prečiarknuť a doplniť podľa skutočnosti.