

1183/2012/MMN  
S2012-157267**WALRAVENS Christophe**

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**From:** Euro-Ombudsman  
**Sent:** 13 June 2012 15:24  
**To:** [REDACTED]  
**Subject:** RE: Complaint 1183/2012/MMN  
**Attachments:** 1183-2012-MMN.pdf; Letter of 24 Sep 2009 to OLAF.pdf

Dear Mr Spadafora,

Please find see below again the e-mail I resent some minutes ago, as well as the relevant attachments.

Please let me know in case you experience any technical problems to open the attachments (if that is the case, you can write to my professional address [REDACTED])

Kind regards,

**European Ombudsman****Martín Martínez Navarro**

Legal Unit A

T. +33 (0)3 88 17 24 01  
[REDACTED]1 avenue du Président Robert Schuman  
CS 30403

F - 67001 Strasbourg Cedex

T. + 33 (0)3 88 17 23 13

F. + 33 (0)3 88 17 90 62

www.ombudsman.europa.eu

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**From:** Euro-Ombudsman  
**Sent:** 07 June 2012 18:06  
**To:** [REDACTED]  
**Subject:** Complaint 1183/2012/MMN

Dear Ms Heinkelmann,

On 2 May 2012, the Ombudsman received a complaint from [REDACTED] against the European Anti-Fraud Office ('OLAF') concerning the latter's handling of a complaint against the Fundamental Rights Agency ('FRA') that he had submitted to it. This complaint, which was registered as complaint 896/2012/MMN, was considered as inadmissible by the Ombudsman. This decision was based, *inter alia*, on the assumption that OLAF had replied to the complainant's letter of 24 September 2009 and that this reply pre-dated the period of 2 years during which complaints can be lodged with the Ombudsman.

On 25 May 2012, the complainant wrote again to the Ombudsman indicating that OLAF never replied to his request for clarifications concerning OLAF's decision to close the investigation relating to the FRA. This e-mail has been registered as a new complaint (i.e., complaint 1183/2012/MMN).

Thus, the Ombudsman understands that the complainant wishes to make the following allegation and claim.

**Allegation:**

OLAF failed to reply to the complainant's request for clarifications concerning its reasons to close the investigation against the FRA, which was dated 24 September 2009.

**Claim:**

OLAF should reply to the complainant's request for clarifications concerning its reasons to close the investigation against the FRA, which was dated 24 September 2009.

Given that, according to the complainant, OLAF has still not replied to his letter of 24 September 2009, the two-year time-limit to lodge a complaint established by Article 2(4) of the Statute of the European Ombudsman would not appear to stand in the way of the present complaint.

The Ombudsman has decided to open an inquiry into this complaint. He has instructed me to seek a rapid solution to the issue at hand by providing the Institution the opportunity to address the complainant's concern. Please send to the Ombudsman's Registry the reply OLAF sends, or has sent.

I will forward your reply to the present e-mail to the complainant for possible observations.

Attached to this e-mail, please find a copy of the complaint and of the relevant letter.

Yours sincerely,



**European Ombudsman**

**Martín Martínez Navarro**

Legal Unit A

T. +33 (0)3 88 17 24 01

1 avenue du Président Robert Schuman

CS 30403

F - 67001 Strasbourg Cedex

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