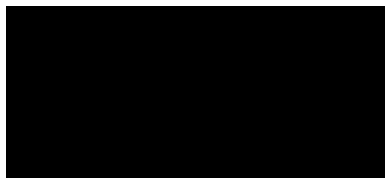




P. Nikiforos Diamandouros
European Ombudsman



Strasbourg, 24-07-2012

Complaint 1183/2012/MMN

Dear 

On 25 May 2012, you sent an e-mail which was registered as a new complaint against the European Anti-Fraud Office ('OLAF') concerning the latter's handling of a complaint against the Fundamental Rights Agency ('FRA') that you had submitted to it.

Given that your complaint concerned an alleged failure to reply on OLAF's part, I asked my services to contact OLAF's services informally in order to ascertain when OLAF would reply to you. In response, OLAF informed my services that it replied to you on 26 June 2012. My services asked you to submit any observations on that reply, which you did on 10 July 2012.

In these observations, you submitted the following allegation and claim, which I decided to include in a formal inquiry.

Allegation:

By failing to state the reasons for its decision to close the investigation into the alleged irregularities reported by you, OLAF violated its duties flowing from EU law and the principles of good administration.

Claim:

OLAF should provide you with the reasons for its decision to close the investigation in question.

In accordance with Articles 2(2) and 3(1) of the Statute of the European Ombudsman, I informed the Director General of OLAF of your complaint and invited him to submit an opinion on the allegation and claim included in my



inquiry by 31 October 2012.

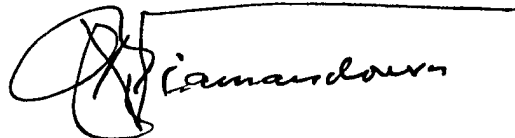
Please note that I have invited OLAF to address in its opinion the general obligation for the EU institutions to state the reasons for the measures which they adopt, as established by the Treaty on the Functioning of the EU and the case-law of the Court of Justice. Furthermore, I drew OLAF's attention to the fact that it is good administration for the EU institutions, bodies, offices and agencies to state the grounds for their decisions (see Article 18 of the European Code of Good Administrative Behaviour). As regards the specific circumstances of the present case, I also invited OLAF to address the fact that, as emphasised in your observations on OLAF's reply, you acted as a whistleblower and claimed to have been directly affected by at least some of the alleged irregularities reported to OLAF.

As soon as I receive OLAF's opinion, I will forward it to you with an invitation to make observations. Any observations you wish to make should be submitted to my office within one month of receiving the opinion.

Once my office receives your observations, or the deadline has passed, the Legal Officer responsible for your case, Mr Martínez Navarro (+ 33 388172401), will then examine your file. Mr Martínez is a member of Complaints and Inquiries Unit 3, headed by Mr Gerhard Grill, which is part of Directorate B. I will inform you if I need to inquire further into your complaint before making a decision on it.

Every effort is made to deal with cases as quickly as possible. I try to reach a preliminary conclusion in an inquiry on a complaint within one year of opening it.

Yours sincerely,



P. Nikiforos Diamandouros

BISMARQUE-ALCANTARA Bruno Alexandre

From: Euro-Ombudsman
Sent: 24 July 2012 11:36
To: [REDACTED]
Subject: Complaint 1183/2012/MMN
Attachments: 1183-2012-MMN-S2012-159345.pdf

Dear Sir,

Please find attached a letter from the European Ombudsman related to your complaint.

The Registry

24/07/2012