

**MORAIS BISMARQUE GASPAR Ana Gloria**

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**From:** [REDACTED]  
**Sent:** 21 March 2014 15:08  
**To:** Euro-Ombudsman  
**Subject:** Re: Complaint 1183/2012/MMN

Dear Mr Papadias,

Thank you for the opportunity to comment on the opinion from OLAF concerning the above complaint. As a whistleblower I really appreciate the Ombudsman's draft recommendation. However I do not think that OLAF has entered into the spirit of the draft recommendation. In its reply to me OLAF has only commented on one of my numerous observations so I consider it falls short of providing me with the explanation I was looking forward to when I read the draft recommendation.

My original observations to OLAF set out my main areas of concern relating to incorrect recruitment practices; budgetary manipulation including duplicate payments and fraud relating to backdating of contracts; incorrect use of legal basis for certain expenditure; incorrect budget transfers; incorrect tender opening procedures and a few other observations.

I was an auditor with the UK's National Audit Office for 42 years and I still have the evidence relating to all of my observations. In particular I have evidence of backdating (forging) a contract which is fraud. In response to the Ombudsman's draft recommendation, OLAF informed me that it has closed the case on the grounds that the investigation did not confirm the initial allegations of fraud against the concerned person. However OLAF has not commented on any of my other observations.

With reference to the serious case of fraud, a number of staff in the Agency are aware that a major contract was backdated. I take it from OLAF's explanation that forging or backdating a contract is now acceptable practice within the European Institutions and is no longer fraud. I am disturbed with this decision and it certainly gives the wrong message to staff. I would be very interested to know how, after a two year investigation, OLAF arrived at this decision

In summary, I consider that OLAF's response to me is a long way short of providing an explanation as to why it closed the investigation. OLAF is stating that backdating a contract is not fraud (it would be interesting to know why) and OLAF is also implying that none of my other concerns are worth commenting on. In view of this I have serious doubts that OLAF is taking your draft recommendation seriously.

Yours sincerely

[REDACTED]

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**From:** Euro-Ombudsman <[EO@ombudsman.europa.eu](mailto:EO@ombudsman.europa.eu)>;  
**To:** [REDACTED]  
**Subject:** Complaint 1183/2012/MMN  
**Sent:** Tue, Feb 18, 2014 11:06:16 AM

Dear Sir,

Please find attached a letter, and its annexes, from the European Ombudsman related to your complaint.

The Registry