

RECU LE 26.11.2012

1183/2012/MMN

E2012-165376

ZINCK Caroline

From: [REDACTED]
Sent: 26 November 2012 13:20
To: Euro-Ombudsman
Subject: Re: Complaint 1183/2012/MMN

Dear Sir

Thank you for your letter concerning my complaint and for the full response from OLAF. I am unable to challenge any of the legal issues which are a key component of the response because the balance of power, including available resources and access to legal opinion rests with OLAF, a situation which the ordinary citizen cannot dream of matching.

However I would like to make some comments. One of the reasons given by OLAF as to why it will not share information with me is for a stated lack of rules. It is absurd that a European Institution can cite a lack of rules for not behaving in a just and correct manner. OLAF recognises that there is a Code of Good Administrative Behaviour but that this applies to the public but not to staff relations. Even though I left the Agency on 31 October 2007 OLAF treats me as a staff member. It is clear that if I were a member of the public this Code would not allow OLAF to hide behind its provisions. There is something wrong within the system if OLAF is able to rely on these very provisions which are there to provide openness and transparency, to deny someone their rights by doing exactly the opposite of what the Code requires. Rights and behaviour should not depend on whether or not a person is a staff member. To treat people in these positions differently must be discrimination along with race, gender, religion or sexual orientation. However I am slightly bemused that I am treated under provisions for staff members even though for me this status ceased with my forced resignation on 31 October 2007. When do the Staff Regulations cease to apply to me and when do I become a member of the public? If the Staff Regulations still apply I wonder how many of the provisions within the Staff Regulations I am failing to take advantage of. For example I have not submitted any medical bills since my departure.

It is absurd and anomalous that, as the Code of Good Administrative Behaviour stands, the European Union affords the European citizens rights that the European Institutions cannot give their own staff.

The biggest disappointment of all is that as an Auditor of more than 40 years experience I identified fraud and nepotism mostly by one staff member at the Fundamental Rights Agency and nothing has been done except to promote the member of staff concerned. Staff within the Agency now see that fraud and nepotism are rewarded and the whistleblower loses out.

You may be aware that the other whistleblower in this case has recently won his case at the Civil Service Tribunal in Luxembourg for the harassment suffered at the Agency as a result of the whistleblowing activities. Ultimately, of course, it is the European taxpayer who has lost because the main perpetrator of the harassment (same person as above) has been promoted and the costs which were awarded against the Agency will have to be met eventually by the European taxpayer, including myself.

I see that I am not alone with my criticism of the lack of transparency at OLAF. I note that Giovanni Kessler, the Director General of OLAF, has been accused by Johan Denhof, Chairman of OLAF's Supervisory Committee, of refusing to grant access to files of cases under

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investigation.

Yours faithfully

[REDACTED]

From: Euro-Ombudsman <EO@ombudsman.europa.eu>

To: [REDACTED]

Sent: Thursday, 18 October 2012, 11:28

Subject: Complaint 1183/2012/MMN

<<1183-2012-MMN-S2012-163572.pdf>>

Dear Sir,

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

The Registry