

[FRA – A-1040 Wien; Schwarzenbergplatz 11]

To the attention of the  
Members of the FRA Management Board

Vienna, 30 March 2012  
2012-outgoing-000393

**Re: Letter by FRA staff member [REDACTED] of 28th March 2012**

Dear Members of the Management Board,

Please note that due to the urgency of sharing this information with you this letter is only available in English. If you wish to have it translated into French please let me know.

I refer to the letter you received on 28<sup>th</sup> March from a FRA staff member. [REDACTED]

[REDACTED] This is in no way linked to [REDACTED] reporting of alleged irregularities, as [REDACTED] claims in [REDACTED] letter.

Please be informed that all the alleged irregularities referred to in [REDACTED] letter have already been subject to an audit or review by either the European Court of Auditors (ECA) or the Internal Audit Service of the European Commission (IAS), and all of them have been found to be legal and regular. [REDACTED] has been duly informed in writing by the Director of the findings of these independent assessments of the auditing authorities (see copy attached).

I have also been approached by [REDACTED] on several occasions by e-mail, as well as provided with numerous documents relating to [REDACTED] allegations. In order to get a complete picture of the situation I also met with [REDACTED] on 19 May 2011. After considering the information [REDACTED] provided and requesting additional information from the Director, I concluded that procedures were in place through which [REDACTED] grievances could be adequately addressed and that [REDACTED] had full access to these, and that the Director has seriously addressed the issues and thus performed his management duties. In addition, I was eventually informed that in addition to the internal complaints procedures, [REDACTED] had also initiated external ones, as [REDACTED] is entitled to do. It was therefore my conclusion that there were no grounds for bringing this matter to the attention of the Management Board, as the issues raised are not within the Management Board competence. Nevertheless, I informed the Executive Board (EB) of the matter in general terms. The EB has on several occasions reassured itself that adequate procedures are in place, and has also requested a

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review to ensure that adequate whistleblowing policies are in place and respected. This review has been followed up and the EB has been reassured that such is the case.

In addition to my own limited contacts with [REDACTED] the EB Members have also been regularly notified that many claims have been made by [REDACTED] since 2010, including regarding tender procedures of the Agency that were allegedly not regular or legal. The EB, at its last meeting held on the 27<sup>th</sup> February 2012, again concluded that it felt assured that the Agency is subject to adequate processes that ensure a high standard of administration, including in respect of irregularities and illegalities. In addition, the EB was also pleased to note the careful scrutiny by the European Court of Auditors and the IAS and the conclusions from these that all cases reviewed were compliant. Also, within the Agency, all cases and complaints have been addressed according to the established procedures and due attention has been given the matter, which has required significant human resources. Regardless of the reassurances on the substance and the procedures, the reputation of the Agency also depends on the perception of the exemplary functioning of the Agency, including in matters concerning human resources. In its last meeting on 27<sup>th</sup> February, after considering the various aspects of the case of this series of complaints over time, the EB requested the Director to take the necessary measures to ensure in an objective and impartial way that reporting is loyal to the institution, in the sense that it is done reasonably and honestly.

Due to the repetitive nature of these allegations by [REDACTED] involving 9 tender procedures, the Director has since then instructed the relevant FRA services to engage IDOC (the Investigation and Disciplinary Office of the Commission) to determine whether the reporting by this staff member has respected the principles of whistleblowing, in accordance with the Staff Regulations. Please be aware that the Agency has since 2005 informed staff how to report wrongdoing.

In the light of the above, I would like to suggest that this matter continues to be dealt with by the EB and that a letter of response be sent by me to [REDACTED]

Yours sincerely,

[REDACTED]  
Ilze Brands Kehris  
Chairperson of the Management Board

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