

1183/2012/MMN

BEYER Severine

S2012-157081

From: Euro-Ombudsman
Sent: 07 June 2012 18:06
To: [REDACTED]
Subject: Complaint 1183/2012/MMN
Attachments: 1183-2012-MMN.PDF; Letter of 24 Sep 2009 to OLAF.pdf

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

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12/06/2012



24 September 2009

OLAF OPERATIONS
OF/2007/0488

Dear Mr Bruener

Thank you for your letter dated 24 June concerning the completion of the investigation into the issues I and a colleague raised concerning the running of the Fundamental Rights Agency in Vienna.

As you can imagine your letter came as a shock to me. I have been an external auditor and internal controller for more than 40 years and have never witnessed such complete disregard for rules and regulations as I witnessed in Vienna. Activities which fall within the definition of fraud, including backdating of contracts, were a regular feature of the day to day operations in Vienna. Raising these issues with management made my own position in Vienna very difficult. I found I could no longer work in such a corrupt environment and resigned to return to work for the UK National Audit Office.

However you have found, after a two year investigation, the activities to be regular. I would be extremely interested to know on what basis you were able to reach your conclusions.

I am still in touch with a number of staff in Vienna and the worse thing for them is that they have now been told that the Internal Auditor and the Assistant Procurement Officer did not know what they were talking about and that the Staff Regulations and the Financial Regulation can be interpreted in different ways. Actions which the staff, including the Accountant, thought were irregular and brought to my attention are now considered as regular. What a great shame.

The worse thing for OLAF as an organisation is that the staff in Vienna did not expect you to come to any other conclusion, and think I am naïve to expect anything else.

I am extremely disappointed, for myself naturally having given up a career in Vienna for what I regarded as a question of right and ethics, and for the very low standards that the European Institutions set themselves

Yours sincerely

