Vienna, 7/03/2012
Ref. Doc. FRA-2012-internal-210

Re: Your letter dated 24 February 2012

Dear [Redacted],

Thank you for your letter dated 24/02/2012 in which you raised the issue of timely replies in response to the alleged irregularities that you reported to me. Before I respond one by one, allow me to say that all of them have been subject to an audit or review by either the European Court of Auditors or the Internal Audit Service of the Commission and none of them have been found to be irregular. All have been found compliant.

In addition, I regret to note that you did not wait the 30 days that you indicated but have already sent an e-mail to the European Parliament before waiting for my confirmation that the documents you provided me were indeed corresponding to the information forwarded to me. Thus you have not allowed the Agency to act in conformity with the provisions of Article 22b(1) and take appropriate action within a period of time to be set by the Agency.

With regard to your first allegation of irregularity as per your note dated March 2010, allow me to say that it is not true that you did not receive any reply from me. As you yourself mentioned a meeting took place (on Friday 16th April 2010) in which I conveyed to you that I had carefully analysed your note, that I had received advice on some technical aspects of the dossiers, and that it was considered that the possible irregularities reported did not correspond to any fraudulent behaviour. You agreed to that in that meeting. It was already at that time noted that the issues raised by you either had been or were being scrutinised by the Court of Auditors. While it is true that you never signed the minutes you nevertheless agreed to them by e-mail of 6th May 2010.

Once again all three tenders that you alleged were irregular were audited by the European Court of Auditors and found to be compliant and regular.
As to the reported irregularities you have received a reply by e-mail and I maintain what is said in that written communication. As you know we also received a certificate from [redacted] that they are in compliance with all national legal obligations. Nevertheless this tender procedure was also audited by the European Court of Auditors (in 2010) and found to be regular and legally and financially compliant.

With respect to your reported alleged irregularities of the [redacted] tender, it is true and I apologise for the fact that I did not respond to your e-mail of 13th August 2011. Nevertheless please be aware that this call for tender was audited by the European Court of Auditors in 2011 and was found to be regular and compliant.

Finally with respect to your note on alleged irregularities in relation to the high level IT consultancy which you sent to me on 12th September 2011, before waiting for my reply you went straight to the European Court of Auditors yourself with the report of the alleged irregularities. Your claim that substantive modifications were made to the specific contract is not true. What happened was a modification concerning an insertion of an article on intellectual property, a modification without any financial consequences. This modification was signed by the Head of Administration Department, an Authorising officer by delegation. Moreover, the specific contract was audited by the European Court of Auditors during their visit in 2011 and the specific contract was found to be regular and compliant. Although the file could be better documented I disagree with your opinion on alleged irregularity.

In addition to your note of 24th February 2012 you sent me an e-mail on 22nd February 2012 referring to alleged irregularities in three tenders namely [redacted] and [redacted]. These were all brought to the attention of the Internal Audit Service during their mission to the Agency the same week and I can inform you that it was confirmed to me that these tender procedures were regular and fully compliant.

Thus, none of the alleged irregularities that you have brought to my attention have proved to be well founded according to the independent and authoritative assessment of the European Court of Auditors and/or the Internal Audit Service of the Commission.
I hope that with the explanations given above the points raised in your letter of 24th February 2012 are fully answered.

Yours sincerely,

Morten Kjarum
Director

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