

## **Decision of the European Ombudsman in the case 925/2020/DL on the European Anti-Fraud Office's alleged failure to consider all evidence submitted to it in deciding not to reopen an investigation**

Decision

**Case 925/2020/DL - Opened on 22/06/2020 - Decision on 22/06/2020 - Institution concerned** European Anti-Fraud Office ( No maladministration found ) |

Dear Mr X,

On 19 May 2020, you submitted a complaint to the European Ombudsman against the European Anti-Fraud Office (OLAF). You allege that an OLAF staff member lied about having opened additional evidence provided by you on 18 June 2019 and that the closure of your case was therefore unjustified.

**I regret to inform you that, based on the information you provided to us, there was no maladministration. [\[1\]](#) [\[Link\]](#)**

On 5 August 2019, OLAF informed you that the link with the video evidence you provided on 18 June 2019 was opened and the information was deemed insufficient to open a new investigation on the same matter. You noted that, since it was a tracked link, OLAF had not opened or downloaded the evidence.

You have provided evidence that the link had not yet been downloaded on 23 June 2019. You provided no evidence that the link was not downloaded in the days or weeks that followed.

In its letter of 31 January 2020, OLAF reaffirmed that it had opened the link you provided to the Office on 18 June 2019. It reassured you that it had thoroughly considered all your allegations and duly analysed the supporting elements you provided.

In light of the above, our conclusion is that there was no maladministration.

As regards OLAF's decision not to open an administrative investigation or a new investigation on the same issues, I note that OLAF enjoys a wide margin of discretion when assessing information submitted to it and when it decides whether to open an investigation.



It is not the Ombudsman's role to substitute her own assessment for that of OLAF. There is nothing to suggest a manifest error of assessment by OLAF in this case. There are therefore no grounds to look into this issue.

Yours sincerely,

Fergal Ó Regan Head of Inquiries - Unit 2

Strasbourg, 22/06/2020

[1] [Link] Full information on the procedure and rights pertaining to complaints can be found at <https://www.ombudsman.europa.eu/en/document/70707> [Link]