

Decision of the European Ombudsman on complaint 708/2001/ME against the European Commission

Decision

Case 708/2001/ME - Opened on 16/05/2001 - Decision on 19/09/2001

Strasbourg, 19 September 2001

Dear Mr W.,

On 5 May 2001, you made a complaint to the European Ombudsman concerning the investigation at the European Commission's Representation in Sweden.

On 16 May 2001, I forwarded the complaint to the President of the European Commission. The Commission sent its opinion on 9 July 2001. I forwarded it to you with an invitation to make observations, which you sent on 5 August 2001. On 16 and 18 June, and on 26 July 2001, you sent me further letters.

I am writing now to let you know the results of the inquiries that have been made.

THE COMPLAINT

In May 2001, the complainant lodged a complaint with the Ombudsman concerning the European Commission's Representation in Sweden.

The Background:

In November 1999, suspicions of financial irregularities at the European Commission's Representation in Sweden appeared in the Swedish media. Olaf initiated an investigation and in May 2000, it handed over a confidential report to the Commission as well as to the Swedish authorities. In June 2000, the Commission initiated disciplinary proceedings against three officials at the Representation. One of them was the former Director, Mrs Linda Steneberg. In October 2000, four members of the local staff were dismissed according to Swedish legislation. The disciplinary proceedings against the officials continued according to the Staff Regulations of EU officials.

The complaint:

In his complaint to the Ombudsman, the complainant made reference to Olaf's investigation at the European Commission's Representation in Sweden. The complainant enclosed an article from a Swedish newspaper reporting about the fact that Olaf's report was classified as confidential.



The complainant expressed his concern that the investigation was carried out in a way which was aimed at protecting the former Director of the Representation, Mrs Linda Steneberg.

THE INQUIRY

The Commission's opinion

In its opinion, the Commission pointed out that it handled the matter according to the applicable administrative rules and procedures. It also informed the Ombudsman that the Swedish authorities which were carrying out parallel criminal investigations had also received a copy of the Olaf report.

The Commission confirmed that a disciplinary procedure was ongoing in relation to the former Director of the Representation. In accordance with the applicable rules, it will inform the European Parliament about the final result of the procedure.

The Commission underlined the fact that the complainant himself had not turned to the Commission to query about the matter.

The complainant's observations

In his observations, the complainant maintained his complaint.

THE DECISION

1 The investigation at the Representation and the disciplinary proceedings

1.1 The complainant made reference to Olaf's investigation at the European Commission's Representation in Sweden. The complainant expressed his concern that the investigation was carried out in a way which was aimed at protecting the former Director of the Representation.

1.2 The Commission stated that it handled the matter according to the applicable administrative rules and procedures. It confirmed that a disciplinary procedure was ongoing in relation to the former Director of the Representation. In accordance with the applicable rules, it will inform the European Parliament about the final result of the procedure.

1.3 The Ombudsman firstly notes that Olaf's investigation has been closed and that its report was handed over to the Commission and to the Swedish authorities in May 2000. The Ombudsman further notes that, as regards the ongoing disciplinary proceedings, the Commission has assured that it is following the applicable rules and procedures. The Commission has also undertaken to inform the European Parliament about the outcome of the proceedings. The Ombudsman therefore finds that there are no grounds to pursue the inquiry further.

2 Conclusion

On the basis of the Ombudsman's inquiries into this complaint, there appears to have been no maladministration by the Commission. The Ombudsman therefore closes the case.

The President of the European Commission will also be informed of this decision.



Yours sincerely,

Jacob SÖDERMAN