



Unit 2 - Inquiries

Mr Johannes Filter



Strasbourg, 24/03/2020

Complaint 373/2020/MIG

Dear Mr Filter,

On 21 February 2020, you submitted a complaint to the European Ombudsman against the European Anti-Fraud Office (OLAF). Your complaint concerns OLAF's refusal of public access to (i) its final report on the allocation of EU funds by the German *Land* Saxony-Anhalt in the period 2007 to 2013 and (ii) the *Land's* comments on the report. I am sorry to have to tell you that, for the reasons set out below, the Ombudsman is unable to deal with your complaint.

The Ombudsman must follow certain rules for dealing with complaints.¹ One of these rules² is that the complainant must first have contacted the EU body concerned with a view to resolving the problem, before complaining to the Ombudsman. In this way, the EU body in question will have an opportunity to deal with the problem at an early stage and without the need to involve the Ombudsman.

Regarding requests for public access to documents, the procedure that has to be followed before a complaint can be made to the Ombudsman is to make a so-called 'confirmatory application' under the EU rules on access to documents (Regulation 1049/2001) and to await the response. If there is no response within the appropriate time period, this may be treated as an implicit refusal of the request. The Ombudsman can then consider any issues related to the handling of the access request.³

¹ These are set out in the Treaty on the Functioning of the European Union and in the Statute of the European Ombudsman.

² Set out in Article 2(4) of the Statute of the European Ombudsman.

³ Article 8 of Regulation 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, available at <http://eurlex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001R1049&rid=1>.

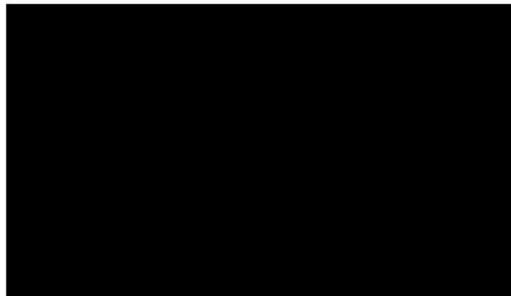


According to the information provided to us, whilst OLAF informed you of this remedy, you have not made a confirmatory application within the prescribed time limit. This means that the Ombudsman cannot deal with your complaint.⁴

Given that you have corresponded with us in English in the past, this decision is communicated to you in English. However, should you wish to obtain a German version of this decision, please contact the case handler, Michaela Gehring, at michaela.gehring@ombudsman.europa.eu.

Thank you for having contacted the European Ombudsman.

Yours sincerely,



⁴ Information on the review procedure can be found on the Ombudsman's website: <http://www.ombudsman.europa.eu/en/resources/otherdocument.faces/en/70669/html.bookmark>.