

STRACK Guido (ESTAT)

From: STRACK Guido (ESTAT)
Sent: Thursday 31 July 2003 15:26
To: KINNOCK Neil (CAB)
Cc: SCHREYER Michaele (CAB); VANDEN ABEELE Michel (ESTAT); BRUENER Franz-Hermann (OLAF)
Subject: Whistleblowing at the Commission - a look form a whistleblowers position

Dear Mr. Kinnock,

Am I correct that, referring to your statements related to the situation at Eurostat made in the Cocobu meeting on 16. July 2003 and on other occasions your knowledge and position on the situation of whistleblowing and wrongdoing in the Commission could be summarised as follows:

To your best knowledge the Commission does not discriminate whistleblowers but does everything to protect them. You are not aware of other cases similar to the Eurostat one where the financial interests of the commission have been seriously hurt by wrongdoings of top officials. You think that OLAF is well equipped to investigate possible fraud and misconduct of various kinds, in such a way that one could best expect to get a thorough authoritative and rapid outcome from these investigations.

Am I correct?

If that is your position, my case might perhaps give you an inside view on how all this looks form a whistleblowers position.

I can tell you already now: my vision is a bit different.

Almost two years ago I was working in OPOCE and became aware of, in my view illegal activities, by all of my hierarchy, including the director general of OPOCE. Following my obligations from the statute I did inform them about my position. But instead of changing their behaviour they even intensified it and managed to cut myself - being responsible for the execution of that contract - out from the information flow. In parallel I was put under quite a lot of pressure to adapt to their way of dealing with the dossier.

As I did not want to be involved into these wrongdoings anymore I decided to leave OPOCE starting to work at DG ENTR C4 in April 2002. However my conscience did not calm down, my health did not become better and I could not forget what had happened.

So I finally decided to become a whistleblower by informing the director general of OLAF of what I knew about what had happened at OPOCE on 30.07.2002. Throughout the first two months I did not hear anything from OLAF at all, after asking them they said they first need to decide if an official investigation should be opened. After that had been done (OF/2002/0356) I was called for an interview in mid November 2002, but it took even some more months before I got a printed version of that recorded interview. This transcript was of such poor quality that I had to revise it thoroughly before sending it back. Since then, even despite explicit questioning of the investigator on the state of the case I did not manage to get any information from OLAF.

In parallel the Commission decided that the part of DG ENTR C4 in which I was working should become a part of OPOCE. For obvious reasons I did not want to go back there, so I had a hard time of finding another job at the Commission services in Luxembourg. Finally I found one at ESTAT which now turns out to be not the best place for re-establishing my belief into the correctness and trustworthiness of the European Commission services.

As though that was not depressing enough, I was object of your new CDR and promotion procedures, which in my opinion are completely illegal (see attached complaint according to Article 90 II of the statute). This

gave my former boss at OPOCE the opportunity to pay back what he viewed as disloyalty by giving me unjustified bad marks on conduct, and it provided my boss at DG ENTR with a possibility to take revenge for the fact that I was leaving his unit after only a short period. Finally the CDR appeal decision, integrating a „reformatio in peius“ was done by the new general director of DG ENTR who only got into his post thanks to Ms. Andreasen.

So to summarise my experience:

Whistleblowers do not have any support, they are isolated and left alone with the - in my case as well health-related - problems the situation creates. OLAF does not give a too professional image and does not at all inform the whistleblowers what is happening and if their allegations were justified or not. Within one year they should have been able to finish their investigation into a case like the one I brought up, enabling me to know if I was right or wrong bringing up the allegations and thereby relieving the pressure I still feel. There is nothing in place that hinders the people in your hierarchy to put pressure on you to co-operate with them if they want to execute wrongdoings. Neither is there anything to stop them from punishing you through the new CDR procedure.

Finally from my perspective the Commission and yourself give the impression of having no real interest in discovering wrongdoings of high ranking officials and protecting whistleblowers as long as the media are not forcing you. This is not establishing my confidence that a Commission that started with „0 tolerance against misconduct and fraud“ is still keeping its word.

Best regards,

Guido STRACK

Administrator

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The views expressed are those of the writer and may not in any circumstances be considered as stating an official position of the European Commission (Eurostat).



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Luxemburg, den 31. Juli 2003

An die Anstellungsbehörde (A.I.P.N.)
der Kommission der Europäischen Union

BESCHWERDE

gemäß Artikel 90 Punkt 2 des Statuts der Beamten der Europäischen Gemeinschaften

Antrag: das Beurteilungsverfahren 2001-2002, soweit es mich betrifft, zu annullieren;

und zusätzlich,

die über mich erstellte Beurteilung (REC/CDR) für den Zeitraum vom 1.7.2001 bis 31.12.2002 aufzuheben.