

Decision of the European Ombudsman on complaint 216/2000/(XD)LBD against the European Parliament

Decision

Case 216/2000/(XD)LBD - Opened on 30/03/2000 - Decision on 06/06/2001

Strasbourg, 6 June 2001

Dear Mr. G.,

On 2 February 2000, you made a complaint to the European Ombudsman concerning the failure of the European Parliament to provide you a copy of an agreement mentioned in Art. 78 of the Staff Regulations and Rules applicable to officials and other servants of the European Communities.

On 30 March 2000, I forwarded the complaint to the President of the European Parliament. The European Parliament sent its opinion on 11 July 2000 and I forwarded it to you with an invitation to make observations, if you so wished. You did not submit any observations on the European Parliament's opinion.

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

THE COMPLAINT

The complainant is a Belgian barrister who works for a lawyer's office in Brussels. On 11 October 1999, he sent a fax to Mrs DE FRAIPONT (an official of the European Parliament in charge of Staff recruitment) in order to obtain a copy of an agreement mentioned in Art. 78 of the Staff Regulations and Rules applicable to officials and other servants of the European Communities, concerning the recruitment and the remuneration of auxiliary agents. As he did not receive any reply from this official, he sent her another fax on 4 November 1999, in which he again requested the document. This second attempt was also unsuccessful. By letter of 21 December 1999, the complainant then wrote to the President of the European Parliament, to inform her that he had not received the information he requested. He also sent a copy of this letter to Mr. Julian PRIESTLEY, Secretary General of the European Parliament, on 10 January 2000.

However, after these further attempts to obtain the document, he still received no reply from the European Parliament. He therefore lodged the present complaint with the European



Ombudsman on 2 February 2000, in which he alleged the lack of reply by the European Parliament.

THE INQUIRY

The European Parliament's opinion

The European Parliament regretted that it could not have replied to the complainant in due time. It pointed out that providing the information requested by the complainant (an agreement mentioned in Art. 78 of the Staff Regulations and Rules applicable to officials and other servants of the European Communities, concerning the recruitment and the remuneration of auxiliary agents), implied a detailed research. The European Parliament underlined that this agreement was not a written agreement, as understood by the complainant. It also pointed out that Art. 78 was based on the process implemented following the debates of the ECSC's common assembly, by means of an informal agreement between the European Parliament, the Council of Europe and the Western European Union's assembly, in order to determine the recruitment conditions of the personnel necessary for their sessions.

The European Parliament then gave detailed information with enclosed documents, about the agreement requested by the complainant and explained the relevant rules concerning the recruitment and the remuneration of auxiliary agents by virtue of Art. 78.

The complainant's observations

The European Ombudsman forwarded the European Parliament's opinion to the complainant on 24 July 2000 with an invitation to make observations if he so wished. However, the complainant did not submit any observations on the European Parliament's opinion.

THE DECISION

1. The alleged lack of reply by the European Parliament

1.1 The complainant alleged that the European Parliament had still not replied to his request of information concerning an agreement mentioned in Art. 78 of the Staff Regulations and rules applicable to official and other servants of the European Communities, despite the faxes and the letters he sent to the institution in order to obtain the document.

1.2 By letter of 11 July 2000, the European Parliament explained to the Ombudsman the reasons why it could not have sent the information requested by the complainant in due time, and regretted the delay it has taken to forward this information. It underlined that the agreement requested by the complainant implied a detailed research, due to the fact that this agreement was not a written agreement. In its letter, the European Parliament then gave detailed information on the agreement requested by the complainant, with enclosed documents.

1.3 The European Parliament's reply was sent to the complainant on 24 July 2000. However, the latter did not submit any observations on the European Parliament's opinion. Moreover, It appeared from the European Parliament's letter of 11 July 2000, that it replied to the complainant's allegation.



1.4 Given that the complainant received the information he requested and did not submit his observations, the European Ombudsman considers the matter to be settled by the European Parliament.

2. Conclusion

On the basis of the European Ombudsman's inquiries into this complaint, it appears that the European Parliament has taken steps to settle the matter and has thereby satisfied the complaint. The Ombudsman therefore closes the case.

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

Yours sincerely,

Jacob SÖDERMAN