



Decision of the European Ombudsman on complaint 2083/2003/MF against the European Commission

Decision

Case 2083/2003/MF - Opened on 27/11/2003 - Decision on 10/12/2004

Strasbourg, 10 December 2004

Dear Mr C.,

On 30 October 2003, you made a complaint to me, on behalf of "A.N.P.B.A" (*"Asociación Nacional Para la Protección y el Bienestar de los Animales"*), against the European Commission concerning a failure to reply to your e-mail dated 10 July 2003.

On 27 November 2003, my services contacted the European Commission by fax in order to obtain a reply to your e-mail dated 10 July 2003. On 19 December 2003, and in the absence of a reply from the Commission, I decided to open an inquiry and I therefore forwarded the complaint to the President of the European Commission.

The European Commission sent its opinion on 13 February 2004. On 16 March 2004, I forwarded it to you with an invitation to make observations by 30 April 2004. No observations appear to have been received from you.

On 2 December 2004, my services contacted you by telephone in order to ascertain whether you were satisfied with the reply of the Commission. You informed me that you considered the complaint to have been settled and thanked me for my intervention.

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

I apologise for the length of time it has taken to deal with your complaint.

THE COMPLAINT

According to the complainant, the relevant facts are as follows:

The complainant is the chairman of a Spanish association for the defence of pets, called A.N.P.B.A. On 10 July 2003, he lodged, on behalf of the association A.N.P.B.A, a complaint against a Spanish University with the European Commission (DG Research).

The complainant alleged that the European Commission had failed to reply to his e-mail dated 10 July 2003.

THE INQUIRY **The Commission's opinion**

The opinion of the Commission on the complaint was as follows:



"On 19 December 2003, the Ombudsman informed the European Commission of a complaint by [the complainant], on behalf of A.N.P.B.A., for failure to reply to his letter of 10 July 2003 addressed to 'Sr. Philippe BUSTIN' but apparently sent electronically to Mr Stephen Gosden, Commission official of Directorate-General for Research. The Commission regrets that Mr C. did not receive a timely reply to his letter of 10 July 2003. It is, however, impossible to ascertain whether or not his letter ever arrived. There is no trace in the archives of an original paper version. In Mr Gosden's computer there is equally no trace of the electronic transmission. Given the large amount of electronic mail that he receives each day, Mr Gosden no longer remembers whether or not he received and accidentally deleted Mr C.'s letter without opening it. On 8 January 2004, the Commission sent the attached letter to the complainant expressing its regrets for the late reply and answering in substance."

The Commission enclosed with its opinion a copy of the letter sent to the complainant on 8 January 2004.

The complainant's observations

No observations appear to have been received from the complainant. On 2 December 2004, the Ombudsman's services contacted the complainant by telephone in order to ascertain whether he was satisfied with the reply of the Commission. The complainant informed the Ombudsman that he considered the complaint to have been settled and thanked the Ombudsman for his intervention.

THE DECISION 1 The alleged failure to reply to the complainant's e-mail dated 10 July 2003

1.1 The complainant is the chairman of a Spanish association for the defence of pets, called A.N.P.B.A. On 10 July 2003, he lodged, on behalf of the association A.N.P.B.A, a complaint against a Spanish University with the European Commission (DG Research). The complainant alleged that the European Commission had failed to reply to his e-mail dated 10 July 2003.

1.2 The Commission stated that it regretted that the complainant had not received a timely reply to his e-mail of 10 July 2003. It had however been impossible to ascertain whether or not his letter had ever arrived. There was no trace in the archives of an original paper version. In the computer of the Commission official of Directorate-General for Research to whom the e-mail had been sent, there was not any trace of the electronic transmission either. Given the large amount of electronic mail that he received, the Commission official could no longer remember whether or not he had received and accidentally deleted the complainant's letter without opening it. On 8 January 2004, the Commission sent a letter to the complainant expressing its regrets for the late reply and answering in substance.

1.3 On 2 December 2004, the Ombudsman's services contacted the complainant by telephone in order to ascertain whether he was satisfied with the reply of the Commission. The complainant informed the Ombudsman that he considered the complaint to have been settled and thanked the Ombudsman for his intervention. On the same day, the complainant sent an e-mail to the European Ombudsman in which he confirmed that he considered the complaint to have been settled and thanked him again for his intervention.

2 Conclusion

It appears from the Commission's comments and the complainant's observations that the Commission has taken steps to settle the matter and has thereby satisfied the complainant.



The Ombudsman therefore closes the case.

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

Yours sincerely,

P. Nikiforos DIAMANDOUROS