



## Decision of the European Ombudsman on complaint 375/2004/GG against the Council of the European Union

Decision

**Case 375/2004/GG - Opened on 18/02/2004 - Decision on 12/11/2004**

Strasbourg, 12 November 2004

Dear Ms Z., dear Mr K,

On 5 February 2004, you made a complaint to the European Ombudsman concerning the fact that the meetings of the Council acting in its legislative capacity are only public to the extent foreseen by Articles 8 and 9 of the Council's Rules of Procedure of 22 July 2002. This complaint raises the same issues as two other complaints (complaint 2395/2003/GG and complaint 478/2004/GG).

On 18 February 2004, I forwarded the complaint to the Secretary General of the Council. The Council sent its opinion on 31 March 2004. I forwarded it to you on 15 April 2004 with an invitation to make observations by 15 May 2004, if you so wished. No observations appear to have been received from you.

On 25 June 2004, I wrote to the Council in order to ask for further information in relation to your complaint. The Council sent its reply on 27 July 2004. I forwarded it to you on 16 August 2004 with an invitation to make observations by 30 September 2004. No observations were received from you by that date.

On 9 November 2004, I addressed a draft recommendation to the Council in case 2395/2003/GG to the effect that the Council should review its refusal to decide to meet publicly when acting in its legislative capacity. This text sets out the arguments that had been submitted by the complainants, the contents of the Council's opinion, the result of the further inquiries that I carried out and my appraisal of the relevant issues. A copy of this draft recommendation is enclosed for your information. The draft recommendation will also be available (also in German) on my website ( <http://www.ombudsman.europa.eu> ).

In the light of the above, I consider that there are no grounds to pursue my inquiry into your complaint which, as mentioned above, raised the same issues as complaint 2395/2003/GG.

I therefore close the case.

The Secretary General of the Council of the European Union will also be informed of this



decision.

Yours sincerely,

P. Nikiforos DIAMANDOUROS