

Decision of the European Ombudsman on complaint 1737/2005/PB against the European Commission

Decision

Case 1737/2005/PB - Opened on 07/06/2005 - Decision on 09/12/2005

Strasbourg, 9 December 2005

Dear Mr D.,

On 3 May 2005, you made a complaint to the European Ombudsman against the European Commission concerning a verification carried out by Directorate General Trade of the European Commission. On 26 of May 2005, you sent further information.

On 6 June 2005, I forwarded the complaint to the President of the European Commission.

On 29 June 2005, you sent me an additional letter. On 7 July 2005, I replied to that letter.

On 18 October 2005, you informed me that you would like to withdraw your complaint. It appeared from your letter that this withdrawal was due to the fact that your claims had been met by the European Commission.

THE COMPLAINT

The complainant is a lawyer who represented a company importing bicycles from China to the European Union. The company had been subject to an "Interim review of the measures applicable to imports of bicycles originating in the People's Republic of China", carried out by Directorate General Trade of the European Commission ("DG Trade").

In the period 10-15 March 2005, two officials from DG Trade carried out verifications on the premises of the company. The complainant was present as the company's legal representative.

In his complaint to the Ombudsman, the complainant alleged, in summary, that the Commission's case-handlers who carried out the verification here concerned were ill-prepared, failed to reply to requests for clarification, were extremely aggressive, and applied an unacceptable verification methodology.

The complainant claimed that a new verification should be carried out by another team of



investigators not belonging to the same unit as the officials complained about.

THE INQUIRY

The withdrawal of the complaint

The complaint was forwarded to the Commission for an opinion.

Before receiving the Commission's opinion, the complainant informed the Ombudsman, by letter dated 18 October 2005, that he would like to withdraw his complaint. He stated that the Commission had informed him that it would initiate a new investigation of the anti-dumping measures applicable to the company that he represented, and that it would do so on the basis of new information provided by the company. Furthermore, the new investigation would be carried out by a different team of case-handlers.

THE DECISION

1 The complaint about an investigation

1.1 The complainant is a lawyer who represented a company importing bicycles from China to the European Union. The company had been subject to an "Interim review of the measures applicable to imports of bicycles originating in the People's Republic of China", carried out by Directorate General Trade of the European Commission. In his complaint to the Ombudsman, the complainant alleged, in summary, that the Commission's case-handlers who carried out the verification here concerned were ill-prepared, failed to reply to requests for clarification, were extremely aggressive, and applied an unacceptable verification methodology. He claimed that a new verification should be carried out by another team of investigators not belonging to the same unit as the officials complained about.

1.2 Following the Ombudsman's request to the Commission for an opinion on the complaint, but before submission of that opinion, the complainant informed the Ombudsman, by letter dated 18 October 2005, that he would like to withdraw his complaint. He stated that the Commission had informed him that it would initiate a new investigation of the anti-dumping measures applicable to the company that he represented, and that it would do so on the basis of new information provided by the company. Furthermore, the new investigation would be carried out by a different team of case-handlers.

2 Conclusion

It appears from the complainant's letter of 18 October 2005 that the Commission has taken adequate steps to settle the matter and has thereby satisfied the complainant. The Ombudsman therefore closes the case.

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

Yours sincerely,



P. Nikiforos DIAMANDOUROS