

## **Report on the European Ombudsman's inspection of documents in own-initiative inquiry OI/5/2016/AB concerning the Commission's handling of infringement complaints under the 'EU Pilot'**

Correspondence - 09/04/2018

**Case** OI/5/2016/AB - **Opened on** 13/05/2016 - **Decision on** 14/09/2017 - **Institution concerned** European Commission ( No further inquiries justified ) |

### **Report**

on the European Ombudsman's inspection of documents in own-initiative inquiry OI/5/2016/AB concerning the Commission's handling of infringement complaints under the 'EU Pilot'

**Institution or body concerned:** European Commission

**Date and time:** 29 June 2016, 14:00-16:00

**Location:** BERL, Rue de la Loi 200, 1040 Brussels

**Inspection carried out by :** Ms Rosita Agnew, Head of Strategic Inquiries Unit

Ms Alice Bossière, Strategic Inquiries Unit

Ms Diana Riochet, Inquiries Unit 3

## **1. Introduction and procedural aspects**

The Ombudsman representatives introduced themselves and presented the purpose of the own-initiative inquiry concerning the Commission's handling of infringement complaints under the 'EU Pilot'. The inquiry was opened to help determine whether there are systemic shortcomings underpinning delays and to examine the questions of information to the complainant and to the public.

The Ombudsman representatives explained that the meeting had a two-fold purpose: (i) to serve as an inspection of certain documents and (ii) to get a better understanding of how the EU



Pilot operates in practice. The intention is to publish the inspection report on the Ombudsman's website. In accordance with the European Ombudsman's Implementing Provisions [\[1\] \[Link\]](#), no access may be granted by the Ombudsman to copies of inspected documents identified by the Commission as confidential.

The Ombudsman representatives also presented the next steps of the inquiry, which is likely to include an inspection of individual files and a request for information.

## **2. Exchange of views**

The Commission representatives provided general information on how Commission services manage EU Pilot cases. They presented the respective roles of the Secretariat-General and the Directorates-General as well as the statistical data available.

They outlined that the Secretariat-General provides guidance and templates to Directorates-General for informing complainants.

## **3. Inspection of the file**

### **The inspected documents**

The Ombudsman representatives inspected and took copies of the following documents:

(i) Statistical data sheet: total number of pending EU Pilot cases older than one year on 31/12/2015; total number of EU Pilot cases open at the end of 2015; average time (in days) for Member States to reply to the Commission's questions in 2015; average time (in days) taken by the Commission to assess the Member States' replies in 2015 ( *confidential* ).

(ii) List of pending EU Pilot cases older than one year on 31/12/2015 ( *confidential* ).

(iii) Standard letter to complainants informing them that their complaint has been transferred to the EU Pilot application ( *confidential* ).

(iv) Guidelines for drafting letters to complainants informing them that Commission departments intend to close/propose to the College to close the case, February 2016 ( *confidential* ).

(v) Standard letter to complainants informing them of the final closure of a complaint case ( *confidential* ).

(vi) Communication from the Commission to the Council and the European Parliament, "Updating the handling of relations with the complainant in respect of the application of Union law" (COM(2012) 154 final).

(vii) Communication from the Commission, "A Europe of results - Applying Community law" (COM(2007) 502 final).

### **Confidentiality of the inspected documents**



As indicated in the above list, the Commission representatives identified some of the inspected documents as 'confidential', in accordance with Article 5(2) of the European Ombudsman's Implementing Provisions. The copies of the relevant documents were marked 'confidential' and signed by a representative of the Commission and a representative of the Ombudsman.

Brussels, 6 July 2016

Ms Alice Bossière Ms Rosita Agnew

Own-initiative inquiries Officer Head of Strategic Inquiries

(case handler)

[\[1\] \[Link\]](#) [1] Article 14(2) of the European Ombudsman's Implementing Provisions.