



## Decision in case 1052/2016/EIS on the Council's handling of the complainant's request to rectify a term included in a Directive

Decision

**Case** 1052/2016/EIS - **Opened on** 11/08/2016 - **Decision on** 24/11/2016 - **Institution concerned** Council of the European Union ( Settled by the institution ) |

The case concerned the Council's alleged failure to properly explain to the complainant why it can take up to one year to rectify the text of a Directive, if any changes are deemed necessary. The Ombudsman inquired into the issue and found that the Council had provided an extensive and adequate reply. The complainant also appeared to be satisfied with the explanations given. The case was thus closed as settled.

### The background to the complaint

1. The complainant is an Italian citizen. At the end of May 2016, he complained to the Council of the European Union (the 'Council') that the Italian translation of the term "*practitioner*" included in Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation [1] is inaccurate. In fact, the Italian term reads "*medico specialista*", which, according to the complainant, corresponds to a specialised doctor who has a degree in Medicine and Surgery and a specialisation in Italy. In the complainant's view, the correct translation into Italian would be "*professionale sanitario abilitato*".
2. The Council subsequently replied that it had forwarded his request to its language correction services. Should the latter find a mistake, they would then proceed to making the appropriate changes.
3. In July 2016, the complainant sent a query to the Council concerning the state of play of his request. The Council replied on the following day, saying that, for the moment, it had no news to share with the complainant. However, any changes, if they are deemed necessary, can take up to one year.
4. The complainant considered this timeframe excessive.

### The inquiry

5. The Ombudsman opened an inquiry into the complaint that the Council failed properly to



explain to the complainant why it can take up to one year to rectify the text of a Directive, if any changes are deemed necessary.

6. In the course of the inquiry, the Ombudsman's inquiry team received the reply of the Council to the complaint and, subsequently, invited the complainant to submit comments in response to the reply. In conducting the inquiry, the Ombudsman's inquiry team has taken into account the arguments and opinions put forward by the parties.

### **Allegation of the alleged failure to properly explain why it can take up to one year to rectify the text of a Directive**

Arguments presented to the Ombudsman

7. In its reply, the Council explained the rectification procedure and the respective roles played by its lawyer-linguists, the national authorities and the EU authorities in that context. If any changes are deemed necessary, a corrigendum is redacted and presented to the legislator (the Council and, in case of the the ordinary legislative procedure, also to the European Parliament). If no objections are expressed within the relevant timeframe, the corrigendum is published in the Official Journal. In such a case, the correction applies retroactively. Even if the conclusion of the consultations is that no corrections are deemed necessary, the person who made the request is informed about the reasons for such a conclusion.

8. In terms of timeframe, the Council explained that redacting the text of a corrigendum usually takes about 15 working days, whereas the consultations with the national and EU authorities are the most complex and time-consuming part of the procedure. The exact time span largely depends on the administrative structure of the Member State concerned as well as on the nature and scope of the suggested corrections. Subsequently, if an agreement is reached between the parties that the changes are indeed necessary, about one additional month is still needed to finalise the administrative work at the Council. A publication in the Official Journal comes out normally in three further weeks.

9. In this particular case, the Council had communicated its position on the matter to the Italian authorities and it was awaiting their response. For the time being, the Council regretted that it was not in a position to estimate the outcome of the consultations or the time span necessary for their conclusion.

10. The complainant thanked the Ombudsman's inquiry team for its work.

The Ombudsman's assessment

11. The Council's response to the complainant regarding the matter is reasonable: the Council has provided an overview of the rectification procedure and explained that the case is at the stage of consultations with the Italian authorities. Furthermore, it appears that the Council contacted the Italian authorities promptly after it had received the query from the complainant. Finally, the complainant appears to be satisfied with the explanations given.



## **Conclusion**

On the basis of the inquiry into this complaint, the case is closed with the following conclusion [2] :

### **The case has been settled.**

The complainant and the Council will be informed of this decision.

Strasbourg, 24/11/2016

Marta Hirsch-Ziembinska

Unit 1- Inquiries and ICT

[1] Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom, OJ 2014 L 13, p. 1.

[2] Information on the Ombudsman's review procedure can be found on the website .