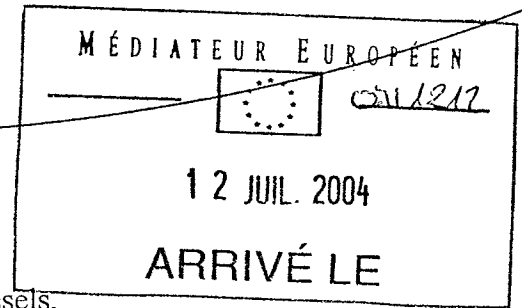




**COUNCIL OF
THE EUROPEAN UNION**

The President

Brussels,



Mr P. Nikiforos DIAMANDOUROS
The European Ombudsman
1, avenue du Président Robert Schuman
B.P. 403
F-670001 Strasbourg Cedex

SGS4/08027

Sir,

I wish to thank you for your letter dated 5 May, in which you suggest that the time limit of three full calendar months for the institution to give its opinion on a complaint should be shortened to two months in the case of a complaint against refusal of a confirmatory application for access to documents under Regulation 1049/2001.

The Council fully shares your commitment to strive for an optimal service for citizens. However, whilst keeping the average response time as short as possible, the Council would wish to avoid situations where a careful consideration of the case would be compromised by too stringent a deadline. The Council therefore suggests to maintain our current practice, which seems to operate very well.

In this respect, I would finally like to point out that internal statistics show that the Council has done its utmost to reply to Ombudsman requests within the shortest time possible and will continue to do so. Thus, in 2002, the Council opinions in access to documents cases were on average delivered after 63 working days, in 2003 after 54 working days and in 2004 (provisional figures) after 26 working days.

Yours faithfully,

G. ZALM