



Emily O'Reilly
European Ombudsman

Mr Uwe Corsepius
Secretary-General
Council of the European Union
1048 BRUSSELS
BELGIQUE

Strasbourg, 11/12/2013

Own-initiative inquiry OI/6/2013/KM concerning the European Parliament, the Council of the European Union and the European Commission

Dear Mr Corsepius,

Article 228 of the Treaty on the Functioning of the European Union empowers the European Ombudsman to conduct inquiries on her own initiative in relation to the activities of the Union institutions, bodies, offices or agencies.

The Ombudsman's decision closing own-initiative inquiry 3/2011/KM stated an intention to open, in the spring of 2013, a new own-initiative inquiry in order to assess the practical effects of the measures which the Council had explained during the inquiry.

In the meantime, it has also come to my attention, through the complaints handled by my office and from the case-law of the Court, that the three institutions of the EU most concerned by the application of Regulation 1049/2001, that is to say, the European Parliament, the Council and the Commission may encounter problems of a systemic kind in respecting the time limits provided for in the Regulation. I have therefore decided to open the present own-initiative inquiry in order to examine whether such problems exist and, if so, how they might best be tackled.

In its 2012 Annual Report on the implementation of Regulation 1049/2001, the Council stated that it took an average of 16 working days to deal with an initial application and an average of 28 working days to reply to a confirmatory application. It extended the time limit in 452 initial applications (that is to say, 24.2 %) and in 20 of the 23 confirmatory applications it dealt with.

As a first step in the present inquiry, I would very much appreciate it if you could provide me with information on the following matters.



1. Initial applications

As regards the years 2010, 2011 and 2012:

- (i) How many initial applications did the Council receive?
- (ii) How many working days passed from the registration of the application until the decision on it? How many working days did it take the Council to reply in the three cases that took the longest?
- (iii) In how many cases did the Council extend the time limit in accordance with Article 7(3) of Regulation 1049/2001? What is the average number of working days the Council needed to reply in those cases?
- (iv) How many applications are still pending today, and in how many of those has the time limit provided for in Regulation 1049/2001 expired?

2. Confirmatory applications

As regards the years 2010, 2011 and 2012:

- (i) How many confirmatory applications did the Council receive?
- (ii) How many working days passed from the registration of the application until the decision on it? How many working days did it take the Council to reply in the three cases that took the longest?
- (iii) In how many cases did the Council extend the time limit in accordance with Article 8(2) of Regulation 1049/2001? What is the average number of working days the Council needed to reply in those cases?
- (iv) How many applications are still pending today, and in how many of those has the time limit provided for in Regulation 1049/2001 expired?

3. Fair solutions in accordance with Article 6(3) of Regulation 1049/2001

As regards the years 2010, 2011 and 2012:

- (i) In how many applications did the Council rely on Article 6(3) of Regulation 1049/2001 to propose a fair solution?
- (ii) At which point in the procedure was this option used, and which reasons did the Council refer to when proposing such a fair solution?
- (iii) How many working days passed from the registration of the application until the decision in cases in which a fair solution was found? How many working days did it take the Council to reply in the three cases that took the longest?

I would be grateful if I could receive your reply by 31 March 2014 at the latest.



Direct contact between the Council's and my services in this matter could perhaps also be useful. Your services are welcome to contact Ms Katrin Metz-van Ißem, the legal officer handling this case (+32 2 284 2543).

Yours sincerely,

Emily O'Reilly

cc: Mr Hubert Legal, Director-General of the Legal Service