



**Emily O'Reilly**  
European Ombudsman

Mr José Manuel Barroso  
President  
European Commission  
1049 BRUSSELS  
BELGIQUE

Strasbourg, 10/04/2014

Decision of the European Ombudsman closing own initiative inquiry  
OI/2/2011/OV against the European Commission

Dear Mr President,

Please find enclosed a copy of my above decision closing own initiative inquiry OI/2/2011/OV.

On the basis of my own initiative inquiry, I have decided to close it with the following critical remark:

**The Commission failed to respond adequately to the draft recommendation and more particularly, failed to make use of the opportunity to engage constructively in a substantive discussion of how to improve its relations with citizens who complain about infringements. The Commission also failed to explain convincingly why the 2012 Communication could not be revised and why it could not be published in the Official Journal. This constitutes an instance of maladministration.**

As you know, there is an on-going public debate, in which the European Parliament is the central actor, on the possible drafting of an EU law on administrative procedure. I thus consider it useful to forward my decision also to the President of the European Parliament, so that it can be taken into account by Parliament both in dealing with the Commission's Annual Report on the Monitoring of the Application of EU law and in Parliament's future discussions of an EU law on administrative procedure.



I would be grateful if the Commission could inform me by 30 September 2014 of any action it has taken in relation to my findings. I will take account of these responses to my critical remarks and further remarks when carrying out my annual assessment on how institutions and bodies have reacted to my conclusions.

Yours sincerely,

Emily O'Reilly

Enclosure: (sent by e-mail)

- Decision on own initiative inquiry OI/2/2011/OV