



**Emily O'Reilly**  
European Ombudsman

Mr José Manuel Barroso  
President  
European Commission  
1049 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 President,

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

It has 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 Commission states that it dealt with 6 014 initial applications and 229 confirmatory applications. However, it does not provide any statistics on the time it took to deal with these applications.

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 Commission 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 Commission to



reply in the three cases that took the longest?

(iii) In how many cases did the Commission extend the time limit in accordance with Article 7(3) of Regulation 1049/2001? What is the average number of working days the Commission needed to reply in those cases?

(iv) How many applications were pending on 15 November 2013, 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 Commission 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 Commission to reply in the three cases that took the longest?

(iii) In how many cases did the Commission extend the time limit in accordance with Article 8(2) of Regulation 1049/2001? What is the average number of working days the Commission needed to reply in those cases?

(iv) How many applications were pending on 15 November 2013, 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 Commission 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 Commission 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 Commission 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 Commission's and my services on 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