

José Manuel Barroso
President of the European Commission



Brussels,
BARROSO (2008) A/962
BARROSO (2008) D/ 658

Dear Mr Diamandouros,

Thank you for your letter of 6 February concerning the information which the Commission provides to citizens and business concerning complaints in the context of our Communication last year on 'A Europe of results – applying Community law'. I understand that contacts have been made between our services in the meantime.

I welcome your support for some of the key aspects of this most recent statement of Commission policy in relation to its role as guardian of the EC Treaty.

You refer in particular to the pilot project with the participation of 15 Member States, seeking to ensure that citizens and business obtain quicker responses to their questions and problems encountered concerning the application of Community law. We are very hopeful that this lightweight, widely-applicable working method will prove successful. The positive reaction of so many Member States is encouraging (the participating Member States are: Austria, Czech Republic, Denmark, Germany, Finland, Hungary, Ireland, Italy, Lithuania, the Netherlands, Portugal, Slovenia, Sweden, Spain and the United Kingdom). Seeking answers and solutions to the questions and inquiries in a national and local context should give us an opportunity to offer these much faster than today.

Let me be clear, this way of trying to improve on current practice does not replace the infringement proceeding.

You refer to possible concerns of complainants having their complaints referred by the Commission back to the authorities considered to be responsible for the problems raised with the Commission. It has been standard Commission practice for years to dialogue with Member States in this way and now we want to commit ourselves and Member States to better and in particular quicker results. Through this method the issues identified by the citizen are raised with the Member State authority by the Commission services. This includes the possibility for the Commission services to ask questions. The response from the Member State will be copied to the Commission which will do its own evaluation and decide if anything further needs to be done, including formal infringement proceedings if the problem has not been resolved.

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Mr Nikiforos DIAMANDOUROS
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This working method will, indeed, need to be explained to citizens, enterprises and other interested organisations. I welcome your suggestion that information on the pilot project be published on the Europa website. That is certainly our intention.

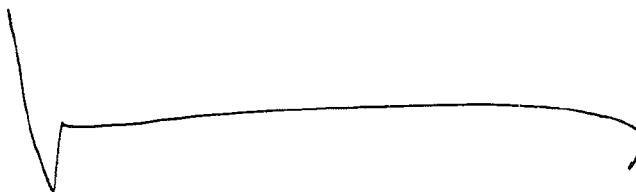
It is equally our intention to continue to respect the measures set out in the Code of good administrative behaviour and the 2002 Communication on relations with complainants. It should however be recognized that some of the functions of the pilot project were not envisaged then.

The pilot project will, for the first time, ensure that all enquiries and complaints raised with the Commission in connection with the application of Community law will be registered separately from other incoming correspondence. All correspondence expressed in terms of a complaint will be registered as such and all other correspondence linked to the application of Community law will be registered as an enquiry. As now, the follow-up made by the Commission on such correspondence will be proportionate to the issues raised and the information provided. All of the correspondence will be registered. We hope that the pilot project will enable us either to have found a satisfactory response on many files much faster than today or to have initiated an infringement proceeding before a year has elapsed.

The Commission is committed to working intensively with the Member States to ensure that the pilot project will prove successful during the year that will test its operation. A full report and evaluation will be produced at the end of that year. We will ensure that you are directly informed.

I look forward to our continuing work together to ensure that citizens and business obtain fast, constructive and correct responses to their questions and concerns.

Yours sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a long horizontal stroke that curves slightly upwards at the end.

José Manuel BARROSO