



P. Nikiforos Diamandouros
European Ombudsman



Strasbourg, 01-07-2011

Complaint 875/2011/JF

Dear 

On 10 April 2011, you submitted a complaint to the European Ombudsman against the Commission concerning its handling of your correspondence about safety policies for Powered Two-Wheelers.

I have asked the Commission to submit an opinion on the following allegations and claims.

Allegations:

1. The Commission's Directorate-General for Mobility and Transport (DG MOVE) wrongly decided to discontinue correspondence with the complainant.
2. DG MOVE failed properly to deal with the complainant's request for access to documents relating to

- (a) the "Periodic Technical Inspections" (the 'PTI survey');
- (b) the impact assessment on "Type Approval" conducted by the Directorate-General for Enterprise and Industry;
- (c) the budget allocated by the Commission to "Road Safety"; and
- (d) the "SAFERIDER" programme.

Claims:

1. DG MOVE should properly address the technical points and questions raised in the complainant's e-mail of 13 February 2011.
2. DG MOVE should give the complainant access to the requested documents.



In accordance with Articles 2(2) and 3(1) of the Statute of the European Ombudsman, I informed the President of the Commission of your complaint and invited him to submit an opinion on the allegations and claims included in my inquiry by 30 September 2011.

I asked the Commission whether, when replying to the above **first allegation and first claim**, it would be willing to convey your opinions to its relevant expert group working on the relevant draft legislation, and assure you that your opinions will be taken into due consideration by the relevant experts.

As soon as I receive the Commission's opinion, I will forward it to you with an invitation to make observations. Any observations you wish to make should be submitted to my office within one month of receiving the opinion. Please note that there may be a short delay in forwarding the opinion to you if it needs to be translated into English.

Once my office receives your observations, or the deadline has passed, the Legal Officer responsible for your case, Mr Franco, telephone number +32 2 284 3858, will then examine your file. I will inform you if I need to inquire further into your complaint before making a decision on it.

Every effort is made to deal with cases as quickly as possible. I try to reach a preliminary conclusion in an inquiry on a complaint within one year of opening it.

As regards your allegation relating to improper behaviour on the part of Commission officials, I decided that there are insufficient grounds to include it in my inquiry due to lack of sufficient evidence. In addition, you do not appear to have made the appropriate administrative approaches to the Commission in this regard¹.

Yours sincerely,

P. Nikiforos Diamandouros

¹ Article 2(4) of the Ombudsman's Statute: "[a] complaint ... must be preceded by the appropriate administrative approaches to the institutions and bodies concerned."