



P. Nikiforos Diamandouros
European Ombudsman

Mr José Manuel Barroso
President
European Commission
B-1049 BRUSSELS
BELGIQUE

Strasbourg, 01-07-2011

Complaint 875/2011/JF

Dear Mr President,

On 12 April 2011, I received a complaint from [REDACTED] against the Commission concerning its handling of the complainant's correspondence about safety policies for Powered Two-Wheelers.

In his complaint, [REDACTED] submitted the following allegations and claims, which I decided to include in my inquiry.

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 inform you of this complaint and invite you to submit an



opinion on the above allegations and claims by 30 September 2011.

I would be grateful if, when replying to the above **first allegation and first claim**, the Commission could explain whether it would be willing to convey the complainant's opinions to its relevant expert group working on the relevant draft legislation, and assure him that his opinions will be taken into due consideration by the relevant experts.

As regards the complainant's 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, the complainant does not appear to have made the appropriate administrative approaches to the Commission in this regard¹.

Enclosed, please find a copy of the complaint.

Yours sincerely,

P. Nikiforos Diamandouros

Enclosure:

- Copy of complaint 875/2010/JF (sent by e-mail)

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."