Strasbourg, 12/02/2014

Dear Mr Drosos,

On Friday 7 February 2014, you asked for certain information and documents relating to our recently introduced procedures for the handling of complaints against our own Office.

The questions that you asked were the following:

1. “When the ‘redress procedure’ was first established?”

2. “What is the basis of the ‘redress procedure’ vis-à-vis the Implementing Rules?”

3. “Did the Ombudsman inform complainants whose complaint was rejected without a full-inquiry about the ‘redress procedure’?”

4. “What is the time-limit for contesting the Decision about a complaint?”

In reply to your first question, I can inform you that the relevant internal rules were adopted on 23 October, and the corresponding information was added to our website on 14 November 2013. The introduction of the new procedures was one of the actions laid down by my predecessor in the Office’s Annual Management Plan for 2013.

As you rightly point out, we have very recently received a request similar to yours. You may wish to read my reply to that request:

http://www.asktheeu.org/en/request/procedure_for_dealing_with_dissa
In reply to your second question, the rules relating to our procedures for handling complaints about our work is - as many other of our procedures and internal administrative decisions - complementary to the Implementing Provisions.

In reply to your third question, the answer is that we reject no complaint without inquiry and without giving the appropriate reasons for doing so. When we reject a complaint, or close an inquiry, we normally do not inform the complainant about the procedure here in question. However, even before the formal request for review procedure was established and publicised on the website, dissatisfied complainants have always used the usual possibility of requesting the Ombudsman to review his/her decision on the case. However, we do inform complainants when we reject a complaint on the ground that it is outside my Office's mandate. We do so because that first decision is not taken by the Ombudsman herself but by the Head of the Registry.

In reply to your fourth question, please note that we decided not to lay down a time limit. We also decided not to limit the application to decisions taken after the introduction of the procedure.

In addition to your questions, you made the following requests for access to documents.

"1. The decision according to which the Ombudsman established the 'redress procedure' for complainants wishing to contest the decision closing a complaint for maladministration.

2. The documents establishing the rationale for implementing the 'redress procedure'. Such documents may be some sort of an analysis of post-decision correspondence with complainants.

3. The template letter (or the part of the template) that has been used to inform complainants about their rights under the 'redress procedure'.

4. Referring to every single Ombudsman decision from 1/1/2008 onwards concerning a complaint about a DG INFSO/CNECT external financial audit, the few lines of the decision addressed to the complainant informing him/her about his/her rights under the 'redress procedure'."

In response to your first request, I refer to the content of my above-mentioned recent response to the very similar request on the site www.asktheeo.org.

In response to your second request, please note that we do not hold any documents corresponding to that request. I can inform you, however, that my predecessor’s decision to include the introduction of the new procedures in the Office's Annual Management Plan for 2013 was influenced by a speech given by a former national ombudsman at the 10th World Conference of the International Ombudsman Institute. You can find that speech online at the following web address (see item 24, at p. 4):

http://www.theioi.org/publications/wellington-2012-conference-papers

In response to your third request, please find attached the template-text of our current acknowledgement of receipt, sent to persons who have submitted a 'request for review' or a 'service complaint'. Please also note that this template
is currently being revised in order to increase the efficiency in the production and sending of that document.

In response to your fourth request, please note that we do not hold any documents corresponding to that request.

Yours sincerely,

Emily O'Reilly

Enclosure:
- Copy of a template for acknowledgements of receipt