

ALMEIDA Maria Jose (JUST)

From: LINDHOLM Pia (JUST)
Sent: 03 February 2012 14:04
To: 'i . . . t@CliffordChance.com'
Subject: RE: Complaints process

Dear Mr. ,

Firstly, I would like to apologize for the delay in reply to your question of 5 December last year. Unfortunately, due to delay in internal attribution in the Commission, your question reached us only a few days ago. This may have been due to the fact that in your request you mention the name of a complainant, who according to your information has submitted a complaint to the European Commission, but without other information, it has taken the Secretariat-General of the Commission time to trace the competent Commission service on that basis.

You ask for the right to submit comments as an interested party to a complaint, which according to your information another person has submitted to the European Commission.

Unfortunately, Commission's complaint-handling procedure does not recognize the right of intervention to a complaint submitted by another person. The complainant has the right to decide what information he provides to us. We have also an obligation to protect the complainant and his personal data, so I am not able to confirm to you whether someone else has submitted a complaint to us.

As a solution I would suggest that if you know that a specific person has submitted a complaint to the Commission and you are interested in submitting complementary information to that complaint, you contact this person directly and ask him to forward this information to us as a complement to his complaint. The complainant naturally has the right to send us complementary information.

Yours sincerely,

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From: i . . . t@CliffordChance.com [mailto:i . . . t@CliffordChance.com]
Sent: Monday, December 05, 2011 3:01 PM
To: SG PLAINTES
Subject: Complaints process

Dear Sir/Madam,

I wish to enquire about the procedure for making submissions on complaints filed with the Commission against a Member State.

Our firm has acted for the International Conciliation and Arbitration Board as an intervener in the UK Supreme Court case of *Jivraj v Hishwani* ([2011] UKSC 40).

We have been informed that on 24 November 2011 Mr. i . . . t submitted to the Commission a complaint against the United Kingdom under Article 258 of the Treaty on the Functioning of the European Union.

Please could you advise me as to whether the International Conciliation and Arbitration Board will, as an interested party, be entitled to submit comments on Mr. i . . . t's complaint. If so, please could you advise on the correct procedure and timings to be followed in making such submissions.

I look forward to hearing from you.

With thanks and kind regards,
Ben

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