

From: [REDACTED] (GROW)
Sent: 11 March 2019 18:59
To: [REDACTED]
Cc: [REDACTED] (GROW); GROW B2
Subject: FW: URGENT-Notif. 2019/80/GR
Attachments: ANNEX_EN Complaint form request.pdf

Dear [REDACTED]

Thank you for your email of 11 March 2019, concerning the drafts notified in the framework of Directive (EU) 2015/1535 under the references 2019/80/GR and 2019/94/GR (*“Provisions relating, inter alia, to the placing of electronic non-nicotine delivery systems on the Greek market, packaging of novel tobacco products and the prohibition of the placing on the market of certain tobacco and tobacco-related products”*).

We understand that the draft No 2019/80/GR notified on 25 February 2019 under the urgency procedure has been withdrawn and re-notified on 5 March 2019 under reference 2019/92/GR, according to the regular notification procedure provided for by Directive (EU) 2015/1535. The three-month standstill period concerning notification 2019/92/GR will expire on 6 June 2019.

While a technical regulation notified to the Commission according to Directive (EU) 2015/1535 is at a draft stage, you can submit your views on it by using the tool described in my below email of 6 March 2019, preferably at least one month before the end of the standstill period.

Once the notified technical regulation is adopted, complaints to the Commission about breaches of EU law must in principle be submitted by using the standard complaint form, except where the complainant's inability to use the form is apparent. The use of the standard complaint form will provide the Commission services with the necessary information to improve the basis for assessing the merits of the complaint and facilitate its better handling.*

Therefore, after the adoption of the draft, we kindly invite you to submit your complaint, on any procedural and/or substantial issues, by using the attached standard complaint form. You can also submit your complaint online at the following address:

https://ec.europa.eu/assets/sg/report-a-breach/complaints_cn/index.html

Further information about lodging a complaint to the Commission about breaches of EU law is available at the following address:

https://ec.europa.eu/assets/sg/report-a-breach/complaints_cn/index.html

Kind regards

[REDACTED]

What to do if Union law has been breached?

If you are a national of a Member State of the European Union, or if you live in one of the Member States, or if you run a business in the European Union, Union law gives you a number of rights.

If you would like to know more, you can:

- [Ask a question about the EU \(Europe Direct\)](#)
- [Find out more about your EU rights when moving around in the EU \(Your Europe\)](#)
- [Ask a question about your rights in a situation you are facing in the EU \(Your Europe Advice\)](#).

If you feel that your rights under Union law have not been respected by the national authorities of a Member State, you should first of all take up the matter with national bodies or authorities. This will often be the quickest and most effective way to resolve the issue.

Available means of redress at national level

As stated in the Treaties, the public authorities and Member States' courts have the main responsibility for the application of Union law.

Therefore, it is in your interest to make use of all possible means of redress at national level (administrative and/or out-of-court mediation mechanisms).

Depending on the system of each Member State, you may also submit your file to the [national ombudsmen](#) or [regional ombudsmen](#).

Or you can bring your matter to the court of the Member State where the problem occurred. [Find out more about national judicial systems or going to court](#). If solving your problem requires the annulment of a national decision, be aware that only national courts can annul it. If you are seeking compensation for damage, only national courts have the power, where appropriate, to order national authorities to compensate individuals for losses they have suffered due to a breach of Union law.

Other problem-solving instruments

Alternatively, you may wish to:

- **contact SOLVIT**- SOLVIT is a service provided by the national administration, which deals with crossborder problems related to the misapplication of Union law by national public administrations in the Internal Market. There is a SOLVIT centre in every EU country, as well as in Norway, Iceland and Liechtenstein. Your Member State will try to solve the problem with the other Member State concerned. Going through SOLVIT might take less time than making a formal complaint to the European Commission and can solve your individual problem. If a problem goes unresolved, or you consider that the proposed solution is unacceptable, you can still pursue legal action through a national court or lodge a formal complaint with the European Commission. Please be aware that addressing the issue to SOLVIT does not suspend time limits before national courts.

[Submit your problem to SOLVIT](#)

- **contact European Consumer Centres** - there is a Europe-wide network of consumer centres, which cooperate to help settle disputes between consumers and traders based in different EU countries, as well as in Norway, Iceland and Liechtenstein.

[Submit your problem to European Consumer Centres](#)

- **contact FIN-Net** - which is a network for resolving financial disputes out of court in EU countries, as well as in Iceland, Liechtenstein and Norway. They are responsible for handling disputes between consumers and financial services providers.

[Submit your problem to FIN-Net](#)

Available actions at EU Level

Although you will usually be able to enforce your rights better in the country where you live, the European Union may also be able to help you:

- **The Committee on Petitions of the European Parliament**

You have the right ([Article 227 TFEU](#)) to submit a petition to the European Parliament about the application of Union law. You may submit your petition by post or online via the [European Parliament's website](#). You can find out more about petitions to the European Parliament on the [EU citizenship and free movement website](#).

- **The European Commission**

You can contact the European Commission about any measure (law, regulation or administrative action), absence of measure or practice by a Member State that you think is against Union law.

The European Commission can only take up your complaint if it is about a breach of Union law by authorities in an EU Member State. If your complaint is about the action of a private individual or body (unless you can show that national authorities are somehow involved), you have to try to solve it at the national level (courts or other ways of settling disputes). The European Commission cannot follow up matters that only involve private individuals or bodies, and that do not involve public authorities.

If you are not an expert in Union law, you may find it difficult to find out exactly which Union law you think has been breached. You can get advice quickly and informally from the Your Europe Advice service, in your own language.

- **The European Ombudsman**

If you consider that the European Commission has not dealt with your request properly, you may contact the [European Ombudsman \(Articles 24 and 228 TFEU\)](#).

How to submit a complaint to the European Commission

You must submit your complaint via the standard complaint form, which you can fill out in any [official EU language](#). Please make sure you include the following details:

- Describe exactly how you believe that national authorities have infringed Union law, and which is the Union law that you believe they have infringed.
- Give details of any steps you have already taken to obtain redress.

What does the European Commission do with your complaint?

- The European Commission will confirm to you that it has received your complaint within 15 working days.
- The European Commission will invite you to resubmit your complaint in case you have not used the standard complaint form.
- Within the following 12 months, the European Commission will assess your complaint and aim to decide whether to initiate the formal infringement procedure against the Member State in question. If the issue that you raise is especially complicated, or if the European Commission needs to ask you or others for more information or details, it may take longer than 12 months to reach a decision. You will be informed if the assessment takes longer than 12 months. If the European Commission decides that your complaint is founded and initiates the formal infringement procedure against the Member State in question, it will inform you and let you know how the case progresses.
- If the European Commission thinks that your problem could be solved more effectively by any of the available informal or out-of-court problem-solving services, it may propose to you

that your file be transferred to those services.

- If the Commission decides your problem does not involve a breach of Union law, it will inform you by letter before it closes your file.
- At any time, you may give the European Commission additional material about your complaint or ask to meet representatives of the European Commission.

Find out more about how the European Commission handles its relations with complainants: [Communication on the handling of relations with the complainant in respect of the application of Union law.](#)

There are two ways of submitting a complaint:

- **via internet:** SG-PLAINTES@ec.europa.eu
- **by post:**

European Commission Secretary-General
B-1049 Brussels BELGIUM

Or

[EU Commission office in your country](#)

Or

by fax: 3222964335

Complainants are an important source of information for detection of possible infringement cases. The Commission is not bound to open the formal infringement procedure, even in cases where a complaint reveals the presence of an infringement (indeed the Commission enjoys discretionary power in deciding if and when to commence infringement proceedings). Moreover, if the Commission takes a Member State to the Court of Justice and wins the case, the Member State will have to take all actions to remedy the violations. However, this does not mean that complainants are directly entitled to compensation or damages. To seek compensation, complainants must still take their case to a national court within the time limit set out in national law.

Multiple complaints

Where a number of complaints are lodged in relation to the same grievance, the Commission may register them under the same number.

Individual acknowledgements and letters may be replaced by a notice on the Europa website.

[Multiple complaints receipt confirmations](#)

[Decisions taken on multiple complaints](#)



EUROPEAN COMMISSION

Complaint – Infringement of EU law

Before filling in this form, please read 'How to submit a complaint to the European Commission':
https://ec.europa.eu/assets/sq/report-a-breach/complaints_en/

All fields with * are mandatory. Please be concise and if necessary continue on a separate page.

1. Identity & contact details

	Complainant*	Your representative (if applicable)
Title* Mr/Ms/Mrs		
First name*		
Surname*		
Organisation:		
Address*		
Town/City *		
Postcode*		
Country*		
Telephone		
E-mail		
Language*		
Should we send correspondence to you or your representative*:	<input type="checkbox"/>	<input type="checkbox"/>

2. How has EU law been infringed?*

	Authority or body you are complaining about:
Name*	
Address	
Town/City	
Postcode	
EU Member State*	
Telephone	
Mobile	
E-mail	

2.1 Which **national measure(s)** do you think are in breach of EU law and why?*

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2.2 Which is the **EU law** in question?

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2.3 Describe the problem, providing facts and reasons for your complaint* (max. 2000 characters):

2.4 Does the Member State concerned receive (or could it receive in future) EU funding relating to the subject of your complaint?

☐ Yes, please specify below ☐ No ☐ I don't know

2.5 Does your complaint relate to a breach of the EU Charter of Fundamental Rights?

The Commission can only investigate such cases if the breach is due to national implementation of EU law.

☐ Yes, please specify below ☐ No ☐ I don't know

3. Previous action taken to solve the problem*

Have you already taken any action in the Member State in question to solve the problem?*

IF YES, was it: ☐ Administrative ☐ Legal ?

3.1 Please describe: (a) the body/authority/court that was involved and the type of decision that resulted; (b) any other action you are aware of.

3.2 Was your complaint settled by the body/authority/court or is it still pending? If pending, when can a decision be expected?*

IF NOT please specify below as appropriate

- ☐ Another case on the same issue is pending before a national or EU Court
- ☐ No remedy is available for the problem
- ☐ A remedy exists, but is too costly
- ☐ Time limit for action has expired
- ☐ No legal standing (not legally entitled to bring an action before the Court) please indicate why:

- ☐ No legal aid/no lawyer
- ☐ I do not know which remedies are available for the problem
- ☐ Other – specify

4. If you have already contacted any of the EU institutions dealing with problems of this type, please give the reference for your file/correspondence:

- ☐ Petition to the European Parliament – Ref:
- ☐ European Commission – Ref:.....
- ☐ European Ombudsman – Ref:
- ☐ Other – name the institution or body you contacted and the reference for your complaint (e.g. SOLVIT, FIN-Net, European Consumer Centres)

5. List any supporting documents/evidence which you could – if requested – send to the Commission.

 Don't enclose any documents at this stage.

6. Personal data*

Do you authorise the Commission to disclose your identity in its contacts with the authorities you are lodging a complaint against?

- ☐ Yes
- ☐ No

 In some cases, disclosing your identity may make it easier for us to deal with your complaint.