



**P. Nikiforos Diamandouros**  
European Ombudsman

Mr Tony Bunyan  
Statewatch  
PO Box 1516  
LONDON N16 0EW  
ROYAUME UNI

[office@statewatch.org](mailto:office@statewatch.org)

Strasbourg, **19 -11- 2012**

Complaint 2168/2012/BEH

Dear Mr Bunyan,

On 22 October 2012, you submitted a complaint to the European Ombudsman against Eurojust concerning its rules on access to documents.

I have asked Eurojust to submit an opinion on the following allegations and claim.

**Allegations:**

**1.** Contrary to Article 39 of the Eurojust Founding Decision, the provisions of the Eurojust Decision to adopt rules regarding public access to Eurojust documents are not in line with the principles set out in Regulation 1049/2001 as regards: (i) the time limits for processing initial and confirmatory applications for access; (ii) the remedies in case of negative decisions on confirmatory applications; and (iii) the obligations contained in Article 17 of Regulation 1049/2001; and (iv) the provision of Article 4(3) of Eurojust's rules regarding public access, which sets out that access may be refused where this would "undermine Eurojust's decision-making process", while Article 4(3) of Regulation 1049/2001 in this case requires that disclosure would "seriously undermine" the protected interest.

**2.** Eurojust has failed to provide a public register of documents.

**Claim:**

Eurojust should bring (i) its rules on access to documents and (ii) its practice into line with the requirements of Regulation 1049/2001.

In accordance with Articles 2(2) and 3(1) of the Statute of the European



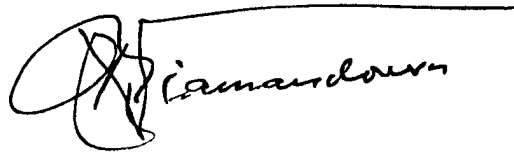
Ombudsman, I informed the Administrative Director of Eurojust of your complaint and invited him to submit an opinion on the allegations and claim included in my inquiry by 28 February 2013.

As soon as I receive Eurojust'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.

Once my office receives your observations, or the deadline has passed, the Legal Officer responsible for your case, Mr Bernhard Hofstätter (+33 388 17 81 05), will then examine your file. Mr Hofstätter is the acting Head of Complaints and Inquiries Unit 4, which is part of Directorate B. 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.

Yours sincerely,



P. Nikiforos Diamandouros