



P. Nikiforos Diamandouros
European Ombudsman

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

office@statewatch.org

Strasbourg, 10 -12- 2012

Decision of the European Ombudsman closing his inquiries into complaints 2166/2012/BEH, 2167/2012/BEH and 2168/2012/BEH

Dear Mr Bunyan,

On 22 October 2012, acting on behalf of Statewatch, you submitted five complaints to the European Ombudsman.

On 19 November 2012, I informed you that I had decided to open inquiries into three of your complaints, namely, the complaints against Europol (complaint 2166/2012/BEH), Frontex (complaint 2167/2012/BEH) and Eurojust (complaint 2168/2012/BEH). The three complaints concern the rules and practices of the aforesaid agencies relating to access to documents.

I am writing to inform you about certain further developments concerning the aforesaid cases.

In May 2011, I launched a programme of visits to EU agencies, with the aim of identifying and spreading best practices in their relations with citizens. The Ombudsman's visits are formally carried out on the basis of his competence to conduct own initiative inquiries. Following each visit, I inform the agency concerned in writing of my findings.

In the framework of my programme of visits, I visited Eurojust (OI/8/2012/OV) and Europol (OI/9/2012/OV) in June 2012. In October 2012, I visited Frontex (OI/13/2012/MHZ).

A recurring theme of my visits to EU agencies is 'Transparency, dialogue and accountability', which was also included on the agendas of my visits to Europol, Frontex and Eurojust. In an annex to the letters announcing my visits, I put a number of questions to the three agencies concerned so as to elucidate



their rules and practices concerning access to documents. My letters to Europol, Frontex and Eurojust, including their annexes, are available on my website¹.

Following an initial assessment of the information obtained during my visits of the three agencies concerned, which, I note, has been carried out in the meantime, I wish to point out that the issues you raised in your complaints against Europol, Frontex and Eurojust, all of them of a systemic nature, are closely related to the issues covered by my ongoing own-initiative inquiries.

I therefore consider that the issues raised in your complaints would more effectively be dealt with in the framework of my own-initiative inquiries.

During a telephone conversation on 3 December 2012, my Secretary-General discussed with you the possibility of including the issues raised in your complaints against Europol, Frontex and Eurojust in my own-initiative inquiries and, as a consequence, closing my inquiries into your complaints. You agreed to my closing my inquiries into your complaints, provided that you would be informed of the Ombudsman's further steps in his own-initiative inquiries concerning Europol, Frontex and Eurojust and would be given the opportunity to submit observations on the replies received by the Ombudsman.

In these circumstances and in the interest of procedural economy, I have decided to include the issues raised in your complaints in my ongoing own-initiative inquiries and to close my inquiries into complaints 2166/2012/BEH, 2167/2012/BEH and 2168/2012/BEH.

As agreed, you will be informed of the further steps in my ongoing own-initiative inquiries and be given the opportunity to submit observations on any replies received from Europol, Frontex and Eurojust in this regard.

Please find enclosed copies of my closing letters to Europol, Frontex and Eurojust.

Yours sincerely,

P. Nikiforos Diamandouros

Enclosure:

- Letters to Europol, Eurojust and Frontex

¹ <http://www.ombudsman.europa.eu/en/activities/visits.faces>