

P. NIKIFOROS DIAMANDOUROS

Herrn Guido Strack
Taunusstrasse 29 A
D-51105 Köln
ALLEMAGNE

Strasbourg,

0.2 -02- 2007

guido.strack@web.de

Complaints 140/2004/(BB)PB, 1434/2004/PB, 3402/2004/PB, 144/2005/PB, 3002/2005/PB, 723/2006/WP, 828/2006/WP, 1213/2006/WP, 3591/2006/WP

Dear Mr Strack,

I am writing in reply to your e-mail of 21 November 2006, in which you sent me a copy of a letter addressed to the President of the European Commission. In your letter to the President of the Commission, you made a request for mediation in relation to a number of disputes between yourself and the Commission. Your letter also contained the following request addressed to myself:

"I send a copy of this letter to the European Ombudsman asking him to put aside formal barriers and to assume a role as a true mediator in this complete case thus avoiding a lot of extra work also for his services".

On 21 December 2006, I sent you a holding letter.

On 17 January 2007, you sent me a copy of the Commission's reply to your above-mentioned letter of 21 November 2006. In its reply - written on behalf of the Commission President - the Commission rejects your request for mediation.

With regard to the nature of your above-quoted request, I understand it to suggest that I assume a mediation function through which I should help you and the Commission to reach, in common, an acceptable solution to your grievances with the latter, without, that is, conducting an inquiry into the existence of possible instances of maladministration and making relevant findings.

While I fully sympathise with the difficult situation in which you find yourself, and appreciate your reasons for seeking mediation in relation to the disputes between yourself and the Commission, I regret to have to inform you that I am not in a position to respond positively to your request. The relevant Treaty provisions¹ and the Statute governing the performance of my duties², empower me to conduct inquiries into possible instances of maladministration in the activities of Community institutions and bodies. The provisions of the Statute (Article 3.5) and of the Implementing Provisions (Article 6) which envisage the Ombudsman seeking a solution with the institution or body to satisfy the complainant only apply if there appears to be maladministration and concern the possibility to eliminate that maladministration.

Thus, although certain translations of the term "Ombudsman" (in French "Médiateur", in Italian "Mediatore") could give rise to the misunderstanding that the form of mediation that you seem to seek is part of my functions, this is not actually the case.

I hope for your understanding in light of the above explanation.

Naturally, in the course of my inquiries into the complaints submitted by you, I will act in accordance with the above-mentioned provisions in seeking, where and if possible, a solution to any maladministration³.

Yours sincerely,



P. Nikiforos DIAMANDOUROS

¹ Articles 21 and 195 of the EC Treaty.

² Decision of the European Parliament on the regulations and general conditions governing the performance of the Ombudsman's duties, adopted by Parliament on 9 March 1994 (OJ L 113, 4.5.1994, p. 15) and amended by its decision of 14 March 2002 deleting Articles 12 and 16 (OJ L 92, 9.4.2002, p. 13).

³ Proposals for solutions have already been made in the following cases: 1434/2004/PB, 3402/2004/PB, 144/2005/PB and 3002/2005/PB, all inquiries still on-going.

DRAGO Elaine

From: Euro-Ombudsman
Sent: 02 February 2007 10:38
To: 'guido.strack@web.de'
Subject: Complaints 140-2004-PB,1434-2004-PB,3402-2004-PB,144-2005-PB,3002-2005-PB,723-2006-WP,828-2006-WP,1213-2006-WP,3591-2006-WP
Attachments: 140-2004-PB,1434-2004-PB,3402-2004-PB,144-2005-PB,3002-2005-PB,723-2006-WP,828-2006-WP,1213-2006-WP,3591-2006-WP.pdf

Dear Sir,

Please find attached a letter from the European Ombudsman related to your complaints.

The secretariat