



P. NIKIFOROS DIAMANDOUROS

Mr Martin Ottmann
54 rue Pierre Brossolette
92300 Levallois-Perret

martin@martinottmann.org

Strasbourg, 18 -12- 2009

Complaint 944/2008/OV

Dear Mr Ottmann,

Please find enclosed a copy of the report which my services prepared concerning the inspection that was carried out by my services at the General Secretariat of the Council of the EU on 8 December 2009.

If you wish to make observations on this report, please send them before 31 January 2010.

Yours sincerely,

P. Nikiforos DIAMANDOUROS

Enclosure: Inspection report



17 DEC. 2009

ARRIVÉ LE

Complaint 944/2008/OV**Report on the inspection at the Council of the EU on 8 December 2009**

On 8 December 2009, the Ombudsman's representatives carried out an inspection of a total of eight documents, which were the subject of three different complaints. Three of these documents were classified as "RESTREINT UE". The present inspection report concerns the inspection of the document subject of complaint 944/2008/OV.

Representatives from the Council:

- Mrs Csilla FEKETE, General Secretariat, Legal Service (morning)
- Mr Morten KNUDSEN, General Secretariat, DG E, External and Political-Military Affairs (morning)
- Mrs Irene SIMANTONI, General Secretariat, DG H, Justice and Home Affairs (morning)
- Mr Cornelis BOER, General Secretariat, (afternoon)

Representatives from the Ombudsman's Office:

- Mr Fergal Ó REGAN, Head of Legal Unit
- Mr Olivier VERHEECKE, Principal Legal Adviser
- Mrs Tea SEVÓN, Legal Officer (morning)

The inspection took place in the Justus Lipsius building of the Council (room 70.4) and began at 9.45 h.

As regards complaint 944/2008/OV, the inspection concerned document "COREU CFSP/SEC/1126/06 (RESTREINT UE)".

Mrs FEKETE stated that, as regards the documents classified as "RESTREINT UE", no photocopies or notes containing direct quotes from the documents could be taken. As regards the other documents inspected, she stated that the Ombudsman's representatives could take photocopies in case they considered this to be necessary.

Mr Ó REGAN presented the Ombudsman's representatives and stated that he was there to assist in the inspection.

Mr VERHEECKE made a presentation of the general procedure followed by the Ombudsman for the inspection of documents and referred in particular to Articles 3(2) and 4(1) of the Ombudsman's Statute and to Articles 5(2) and 13(3) of the Ombudsman's Implementing Provisions. He stated that the inspection would be carried out in accordance with the arrangements set out in the Council's letter of 18 November 2009 to which the Ombudsman had agreed in his letter of 25 November

2009, and which made a distinction between the inspection of documents marked "LIMITE" and of classified documents ("RESTREINT UE").

The Ombudsman's representatives inspected the document classified as "RESTREINT UE". The Ombudsman's representatives took notes concerning the document, respecting the agreement not to make direct quotes. The notes were shown to Mr KNUDSEN. All notes were subsequently submitted to Mrs FEKETE who confirmed that their contents were in conformity with what had been agreed and initialled them.

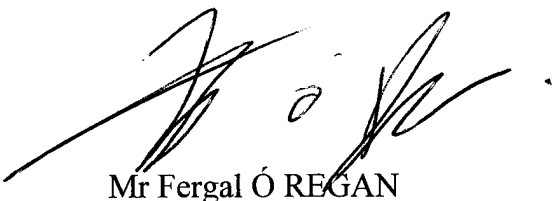
The Ombudsman's representatives signed a document which recorded that the document had been inspected. They also signed the Logbook for the inspection of the document classified as "RESTREINT UE".

The first part of the inspection was concluded at 13 h. As Mrs FEKETE could not be present in the afternoon, it was agreed that the inspection concerning the other documents could continue in the afternoon in the presence of another official of the Council's General Secretariat.

After the lunch break, Mr Ó REGAN and Mr VERHEECKE resumed the inspection at 14 h. in the presence of Mr BOER. Mr VERHEECKE made a clean version of the draft notes concerning the inspection of the document subject of complaint 944/2008/OV which had been seen by Mrs FEKETE in the morning and which were then initialled by Mr BOER who also took a photocopy of the notes.

The inspection was terminated at 15.20 h.

Brussels, 14 December 2009



Mr Fergal Ó REGAN



Mr Olivier VERHEECKE