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I/"A" Item Note

from : CFSP Counsellors Working Party

to : Permanent Representatives Committee/Council

Nos. prev. docs.: 12547/98 INST 72 OMBUDS 15

Subject: Request by the Commission to the Council concerning the complaint of Mr. Michael McGowan, MEP on behalf of Mr Michael Meadowcroft, to the Office of the European Ombudsman
- Follow-up

Delegations will find attached a draft reply to be given by the Council, agreed by the CFSP Counsellors Working Party at its meeting of 16 March 1999, to the request by the European Commission contained in the document document under reference.

The Permanent Representatives Committee is accordingly asked to suggest that the Council record its agreement on the draft answer to the Commission, as an "A" item at its next meeting.

Draft reply to the Commission on its request concerning the complaint of Mr. Michael McGowan, MEP on behalf of Mr Michael Meadowcroft, to the Office of the European Ombudsman

Following the Commission's letter to the Council of 14 October 1998 on the request of information of the European Ombudsman concerning the Complaint of Mr. Michael McGowan, MEP on behalf of Mr Michael Meadowcroft, the Council examined the issue put to it by the Commission and came to following conclusions, as to the questions falling within its remit:

1. The Council decision of 25 September 1995 (95/403/CFSP , OJ L. 238 of 6.10.95, p. 4) explicitly provides that members of the European Electoral unit may be required "as necessary" to undertake preparatory work, for which "they will be remunerated accordingly ". (cf. Annex I, para.6). Should it be established that Mr. Meadowcroft effectively carried out, on a provisional basis, such duties at the request of the Head of Unit or his deputy, the Council considers that Mr. Meadowcroft does not need to establish any special form of appointment,
2. The Head and Deputy head of the Electoral Unit represent the Presidency in the powers it holds under article J.5 (2) of the TEU; their decisions and actions should be considered as implementing a CFSP measure on the basis of a valid delegation of powers.If , on consideration of the material facts, - which are not in the Council's purview-, it appears that such powers were exceeded in the case in point, this should not be at the expense of third parties such as Mr. Meadowcroft..