



European Ombudsman

Emily O'Reilly
European Ombudsman

Mr Karl Fischer

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Strasbourg, 13/11/2014

Complaint 1752/2014/JN

Dear Mr Fischer,

I am writing in reply to your complaint of 15 October 2014.

The Treaty on the Functioning of the European Union and the Statute of the European Ombudsman set certain conditions as to the opening of an inquiry by the Ombudsman. One of these conditions is:

Article 228 of the Treaty on the Functioning of the European Union:

"In accordance with his duties, the Ombudsman shall conduct inquiries for which he finds grounds (...)"

After a careful examination of your complaint, I have decided to maintain my earlier view that there are not sufficient grounds for opening an inquiry in your case. In fact, the harmonised standard published in the Official Journal refers to "*Powerline communication apparatus used in low-voltage installations*" (emphasis added)¹. It seems therefore that the Commission's explanation that the mandate was applicable because the devices in question **form part** of the network is correct. This does not contradict the wording of the mandate M/313 which states that it applies to telecommunication networks "*including their in-house extensions*" and not "*equipment to be connected to the networks*".

¹ [http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52014XC0225\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52014XC0225(01)&from=EN)



I would also like to point out that the Ombudsman's capacity to review this type of technical cases is limited to procedural aspects and to manifest errors of appreciation in the institution's assessment. I have not identified a manifest error of appreciation in the Commission's assessment.

Yours sincerely,

Emily O'Reilly