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PORTUGUESA

GABINETE DO MINISTRO DOS
NEGÓCIOS ESTRANGEIROS

GABINETE DO SECRETÁRIO DE ESTADOS DOS
ASSUNTOS PARLAMENTARES
ENTRADA N.º 2327
DATA: 29/04/2016

Exmo. Senhor
Engº Nuno Araújo
Chefe do Gabinete de S.Exª o
Secretário de Estado dos Assuntos Parlamentares

Assunto: Resposta ao Requerimento n.º 49/XIII/1.ª – datado de 29-03-2016

Encarrega-me S. Exa. o Ministro dos Negócios Estrangeiros de, em resposta ao requerimento mencionado em epígrafe, esclarecer o seguinte:

1- O mecanismo EU PILOT é um instrumento de controlo da aplicação do direito da União Europeia, baseado na troca de informação entre a Comissão Europeia e as autoridades nacionais, ainda numa fase anterior ao pré-contencioso. Pretende-se com este mecanismo obter esclarecimento de dúvidas da Comissão Europeia ou informação sobre queixas relativamente à aplicação da legislação comunitária. Este mecanismo é gerido através de uma plataforma eletrónica da Comissão Europeia de acesso reservado.

2 - Relativamente ao acesso a documentos no âmbito do EU PILOT, foi solicitado parecer à Comissão Europeia, a qual confirmou que a troca de documentos entre a Comissão e os Estados Membros através da plataforma EU PILOT é confidencial (*vide* documento em anexo "*Guidelines for the Member States*", em particular pág.8 e 9).



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3 - Esta conclusão é reforçada pela jurisprudência do Tribunal de Justiça da União Europeia, (TJUE) segundo a qual existe uma exigência geral de não divulgação dos documentos relacionados com os procedimentos de infração na fase de pré-infração, incluindo a fase preliminar do EU PILOT.

4 - Acresce que, nas situações em que o processo EU PILOT conduz ao início de um procedimento de infração, a exigência de não divulgação mantém-se até que o processo seja arquivado ou exista um acórdão do TJUE.

5 - Sublinha-se ainda que o acesso aos documentos é geralmente garantido após o arquivamento do procedimento de pré-contencioso ou com a prolação de um acórdão pelo TJUE. No entanto, este acesso pode, ainda assim, ser recusado por motivos excecionais relacionados com a conexão de documentos com processos pendentes e a possibilidade da divulgação afetar processos em curso.

6 - A matéria do acesso aos documentos EU PILOT é ainda regida pelo Regulamento (CE) n.º 1049/2001 do Parlamento Europeu e do Conselho, de 30 de maio de 2001, relativo ao acesso do público aos documentos do Parlamento Europeu, do Conselho e da Comissão, em especial pelos artigos 4.º e 5.º, nos termos dos quais a Comissão Europeia deverá ser sempre consultada sobre a divulgação dos documentos que estão na sua posse.

Assim, tendo em conta que a documentação solicitada por V.Exa. se reporta a documentação registada na plataforma do EU PILOT (designadamente, cópia do documento da autoria da Comissão Europeia relativo ao EU PILOT 7764/15/GROW, assim como da respetiva resposta dada pelas autoridades nacionais) e que a mesma tem carácter confidencial, informa-se que não será



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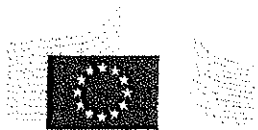
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possível conceder o acesso solicitado, podendo somente o mesmo ocorrer após arquivamento do processo nas fases anteriores ao contencioso ou após eventual acórdão do TJUE.

Com os melhores cumprimentos,

A Chefe do Gabinete

Rita Laranjinha



EUROPEAN COMMISSION

SECRETARIAT-GENERAL
Unit C3 – Application of EU law

DECEMBER 2015

EU Pilot: Guidelines for the Member States

1. Introduction

An important element of the **Commission's approach to the application of EU law** is the improved working method on information exchange and problem solving, entitled EU Pilot, between Commission services and Member State authorities¹. EU Pilot **started operating in 2008** with fifteen Member States. Since then, all Member States have chosen to use the system, with Croatia the most recent participant (01 July 2013).

The **objective** of EU Pilot is to find quicker and better responses to questions on the correct interpretation, implementation and application of European Union (EU) law for which Member States have primary responsibility. It provides a framework for the Commission services and Member State authorities to work more closely together in the spirit of sincere cooperation to ensure the correct application of European Union law – the "partnership approach". Through closer cooperation between Commission services and Member State authorities, EU Pilot benefits citizens and businesses as they should get answers to their questions and constructive solutions in compliance with EU law to their problems more rapidly.

The Commission appreciates the commitment shown by the Member States to ensure the success of this instrument and commits itself to continue to work closely together with them.

¹ See Communication 'A Europe of Results – Applying Community law' (COM(2007)502)
http://ec.europa.eu/community_law/eulaw/pdf/com_2007_502_en.pdf

2. Scope

a) Use of the system

EU Pilot covers issues raising questions concerning the correct application, implementation of EU law or the conformity of the law in a Member State with EU law. These can originate in enquiries specifically related to the application of EU law or complaints received from citizens, businesses and organisations, as well as in own-initiative files. This includes *inter alia* issues raised with the Commission in the European Parliament Petitions' Committee or via a letter from a Member of the European Parliament.

Without prejudice to SOLVIT, which handles individual cross-border problems caused by a potential breach of Union law governing the Internal Market by a public authority², on a bilateral basis between Member States, EU Pilot is the **single tool** for Commission services to communicate with Member States on issues raising a question concerning the correct application of EU law or the conformity of the law in a Member State with EU law at an early stage, before a formal infringement procedure is launched. This means that EU Pilot must be used in all instances where additional factual or legal information is required for a full understanding of an issue at stake concerning the correct application, implementation of EU law or the conformity of the national law with EU law.

EU Pilot is used before the first step in an infringement proceeding (under Article 258 TFEU) is taken by the Commission³. A file is opened in EU Pilot to provide the concerned Member State with the opportunity to submit an acceptable solution complying with EU law or to clarify the situation⁴. This replaces the former practice of the Commission services of sending administrative letters for this purpose.

Issues which are subject to legal proceedings in a Member State may also be submitted to EU Pilot with a view to obtaining confirmation of this fact and indications of the timing of the proceedings in question, as well as to identify the nature and scope of the issues covered. Should there be a proceeding before a national court on the same subject as the EU Pilot procedure, special handling, including a temporary suspension of the relevant EU Pilot file, may be exceptionally considered.

The following files are **exempted** from EU Pilot:

- 'Non-communication' cases: files concerning failure to notify national transposition measures of directives (which proceed directly to the infringement stage in cases where notifications are not received within prescribed deadlines);
- general questionnaires concerning transposition/implementation/conformity of directives or regulations. However, EU Pilot should be used for any follow-up to the identification of specific problems resulting from an examination of national implementing measures;
- files where an infringement proceeding has been initiated (by issuing a letter of formal notice under Article 258 TFEU);
- files falling under Article 260 (2) TFEU - follow-up to a Court of Justice ruling;

² See also Annex II which explains differences between EU Pilot and SOLVIT.

³ Infringement proceedings can also be based on other provisions of EU law, for example in case of a breach of Article 106 TFEU in conjunction with Article 101 TFEU, Article 106 TFEU in conjunction with Article 102 TFEU or Article 4 TEU in conjunction with Article 101 TFEU. EU Pilot will also be used for such infringement proceedings.

⁴ For the closed list of the exemptions and derogations from EU Pilot, see p. 2-3 of the EU Pilot Guidelines.

- files which are subject to the specific procedure applicable for EU own resources financial follow up under Council Regulations 1150/2000⁵ and 1553/1989⁶;
- files which concern a serious infringement of EU law in the field of public procurement committed during a contract award procedure and which are subject to the corrective mechanism pursuant to Article 3 of Directive 89/665/EEC and Article 8 of Directive 92/13/EEC, as amended by Directive 2007/66/EC⁷;
- files which are subject to specific procedures provided for in applicable EU legislation pertaining to the EU Funds⁸ and/or other EU financial instruments for the sole purpose of insuring legality of payments and/or sound financial management (i.e. interruption, reduction, suspension, cancellation or recovery of payments), unless the objective of the envisaged infringement procedure, following the said specific procedures, is to ensure the correct application of relevant EU law beyond financial aspects;
- files where a Member State has not complied with an obligation to react to a detailed opinion issued under Article 6 (2) of Directive (EU) 2015/1535⁹ and/or the Member State adopted non-compliant technical regulation, and the disputed matter has already been fully addressed in the frame of that notification procedure.

Derogations from the use of EU Pilot can only be applied for:

- files for which urgency or another overriding interest require the immediate launching of an infringement procedure.

b) Relationship of EU Pilot with SOLVIT

EU Pilot differs from SOLVIT in that communication is bilateral between the Commission and the relevant Member State, whereas SOLVIT is premised on Member States working together to solve cross-border problems on a bilateral basis.

SOLVIT mainly deals with cross-border problems faced by citizens, businesses and organisations from a given Member State, caused by a potential breach of Union law

⁵ Council Regulation (EC, Euratom) No 1150/2000 of 22 May 2000 implementing Decision 94/728/EC, Euratom on the system of the Communities' own resources, OJ L 130, 31.05.2000, p. 1.

⁶ Council Regulation (EEC, Euratom) No 1553/1989 of 29 May 1989 on the definitive uniform arrangements for the collection of own resources accruing from value added tax, OJ L 155, 07/06/1989 p. 9.

⁷ Directive 2007/66/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directives 89/665/EEC and 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts, OJ L 335, 20.12.2007, p. 31.

⁸ That means Regulations applicable to operations of Agricultural, Maritime Affairs and Fisheries, Regional Development, Social or Cohesion Funds. For example, Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320–469), Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487–548) or Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council (OJ L 149, 20.5.2014, p. 1–66).

⁹ Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1–15).

governing the internal market by a public authority¹⁰ of another Member State of the European Union. Union law governing the internal market means any Union legislation, rules or principles related to the functioning of the internal market within the meaning of Article 26(2) TFEU. This includes rules that do not aim to regulate the internal market as such, but have an impact on free movement of goods, services, persons or capital.

Issues falling within the scope of SOLVIT and concerning potential breaches of Union law governing the internal market, can be submitted directly to the SOLVIT system by individual citizens, businesses, organisations or any other concerned parties (e.g. Members of the European Parliament). If such issues stem from bad application of EU law governing the internal market and they are submitted as complaints to the Commission, the relevant Commission service may redirect them to SOLVIT, upon consent of the complainant.

Hence, **individual cross-border issues** encountered by a citizen, business or organisation and caused by bad application of EU law governing the internal market **should**, in principle, **be dealt with within SOLVIT**, upon agreement of the complainant.

If it is already clear from the start that a cross-border problem arising in the internal market is caused by non-conformity of national legislation with EU legislation, the case is more suitable for treatment in EU Pilot rather than SOLVIT. Before submitting the file to the Member State via EU Pilot, the Commission service may verify whether the same complaint (meaning a complaint lodged by the same complainant on the same subject matter) has already been or is being dealt with by SOLVIT.

However, if the cause of the problem is not clear from the outset and an administrative practice wrongly applying EU law governing the internal market is encountered in the process of handling a case, transfer to SOLVIT should be considered. Annex II sets out the criteria to be used in judging whether an issue should be submitted to SOLVIT or EU Pilot.

If a Commission service envisages opening infringement proceedings after the treatment of an issue in SOLVIT, an EU Pilot file should be opened in order to inform the Member State of the analysis made by the Commission service and possible follow-up. Given the existing familiarity of the issue for the Member State authority concerned as a result of its treatment in SOLVIT, **four weeks**¹¹ will be allowed to the Member State for any further treatment through EU Pilot after the issue has been treated in SOLVIT. To avoid unnecessary and repetitive consultations, all documentation available in SOLVIT will be communicated to the Commission services.

The Commission services, together with the EU Pilot Central Contact Points, will therefore need to cooperate closely with the SOLVIT Centres to ensure the smooth functioning of the two systems, especially by securing exchange of information. Information on received complaints will be treated in accordance with the provisions on data protection.

c) Relationship of EU Pilot with other information services

¹⁰ Potential breaches caused by judiciary bodies should not be treated by SOLVIT due to the separation of powers that normally underpins the work of the public administration, on the one hand, and the work of the judiciary, on the other hand.

¹¹ References in the present Guidelines to the ten-week benchmark for response in EU Pilot are to be understood as references to a four-week benchmark when the case is opened in EU Pilot after having been treated in SOLVIT.

The Commission has developed a number of services to provide information to citizens, businesses or organizations (see the EU booklet on existing EU information and assistance services¹²). It is continuing to improve access, information and help on rights and opportunities through further development of the "Your Europe" web portal¹³. Some of the existing services offer dispute resolution possibilities to citizens or organisations in their dealings with private operators. EU Pilot is distinct from these services as it is not a general information system or a system for the settlement of disputes between citizens and commercial operators. It is a system for direct co-operation between the Commission services and Member State authorities to respond to specific questions and problems related to the application of EU law by those authorities.

3. Functioning

a) IT application

Commission services and Member State authorities communicate using an information and communication system (the 'EU Pilot IT application') which provides for the entry of issues in the system, secure communication between the Commission and Member State authorities and the recording of the time taken to manage issues and the result achieved.

b) Roles

Each Member State has appointed a **Central Contact Point** responsible for the overall management of the process, as have the relevant Commission services. The main task of these Contact Points is to ensure coordination between the authorities of the Member State and the Commission services.

Central Contact Point(s) within the Member States or the Commission services can approve registration of **file handlers** in the system and assign to them files according to their competence and working method. The file handler is able to manage the file without restrictions, which means that it is up to the Commission service/national authority to decide if, for example, a file handler can on her/his own accept or reject a response or if this is the sole responsibility of the Central Contact Point.

c) Main steps

Annex I illustrates the main steps in EU Pilot in a flow chart.

1. The Commission service identifies an issue to be eligible for EU Pilot. If it originates in a complaint or an enquiry an acknowledgment of transfer is sent to the correspondent, asking for confirmation of the position concerning data confidentiality.
2. The Commission service submits a file to the Member State concerned in the EU Pilot IT application. The file includes the correspondent's¹⁴ details (if not confidential), a description of the issue(s) at stake, preliminary analysis of the issue(s) and clearly

¹² Available at: http://ec.europa.eu/europeaid/infopoint/publications/communication/63g_en.htm

¹³ <http://ec.europa.eu/youreurope/>

¹⁴ The term "correspondent" covers complaints and enquiries.

formulated questions to the Member State concerning the identified issue(s). In addition, all relevant documents (possibly including letters from the correspondent) should be attached to the file. The submission of the file constitutes the start of the benchmark period within which the issue should be resolved. The Contact Point in the Member State is alerted by an automatic e-mail message indicating that a new file has been submitted. The system generates similar automatic messages to the Contact Point and the responsible file handler for all subsequent main steps in the process.

3. The Member State either accepts or rejects the file (if the file is rejected, exhaustive justification should be provided). If a file is rejected by a Member State, the Commission service has the possibility to either accept or challenge this decision. The file is not automatically closed. The Commission service and Member State authority should continue discussion with a view to reaching agreement on the appropriate treatment of the file, indicating the outcome in EU Pilot, informing their central co-ordinators where disagreement persists.

When the Member State accepts the file, it investigates and resolves the issue within the ten-week benchmark, providing a response to the Commission service.

If the Member State wants, it may reply directly to the citizen or business which has raised the issue with the Commission (unless the correspondent wanted to keep her/his identity and contact details confidential), copying the reply in the EU Pilot Database. When the Member State feels it appropriate, its response can be communicated to the correspondent via the Commission services.

4. Within a further ten-week benchmark, the Commission service examines the response of the Member State and assesses whether it answers the questions raised or solves the issue and is in conformity with EU law. The Commission service has the possibility to accept the response, reject the response or ask for additional information. The Commission service will always indicate to the Member State why a response is accepted or rejected, if follow up measures are still needed and if further action by the Commission may follow in case of a rejection.
5. When the dialogue with the Member State is completed, the Commission service provides a complete response to the correspondent, including the analysis of the information provided by the Member State and its conclusions on the file.

If the Commission service accepts the response proposed by the Member State to a complaint, the Commission service shall send a pre-closure letter to the complainant setting out the grounds why the case is closed and inviting the complainant to submit any comments within a period of four weeks¹⁵. Where the complainant does not reply, or where the complainant's observations do not persuade the Commission service to reconsider its position, the case will be closed. Where the complainant's observations persuade the Commission service concerned to reconsider its position, investigation of the complaint will continue, asking the Member State to provide further information through EU Pilot.

¹⁵ Commission Communication of 2.4.2012 to the Council and the European Parliament Updating handling of relations with the complainant in respect of the application in Union law (COM(2012) 154 final).

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| 6. When a file is closed in EU Pilot, the Commission service can prepare any other appropriate further action, including the possibility of launching an infringement procedure. |
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d) Contacts

Contacts between the Member State and the Commission can take place during the processing of files under EU Pilot (bilateral contacts, package meetings, etc). The important element is that all key information given, all conclusions drawn, should be reflected in the EU Pilot system. E-mails exchanged with regard to the management of a file should also be attached in the system.

e) Benchmarks

Within ten weeks¹⁶, the Member State should respond as exhaustively and positively as possible, and provide a solution to identified problems.

In exceptional cases the Commission may set a shorter timeframe. This decision has to be duly justified; the reasons for the shorter deadline have to be clearly indicated in the EU Pilot system.

A Member State may likewise justify the need for an extension of the ten-week benchmark.

Within a further ten-week benchmark¹⁷, the responsible Commission service will then check whether the response from the Member State is in accordance with EU law and whether further follow-up is necessary, preparing a response to the citizen, business or organisation at the origin of the file (in the case of a complaint or enquiry) and uploading its evaluation of the Member State response into the EU Pilot database¹⁸.

For antitrust proceedings under Article 106 TFEU in conjunction with Article 101 TFEU, Article 106 TFEU in conjunction with Article 102 TFEU or Article 4 TEU in conjunction with Article 101 TFEU, the lead Commission service may indicate that the assessment of the response is on hold, pending the result of the investigation.

f) Languages/translation

The IT application operates in English.

The language issue remains an important subject for **Austria, Croatia, Cyprus, France, Germany, Greece, Hungary, Italy, Latvia, Luxembourg, Malta, the Netherlands, Poland, Portugal, Slovenia, Slovakia and Spain**. These Member States have indicated that they will not follow up on files without full translations available.

¹⁶ When there is a request for additional information, at least an extra 15 days are given to the Member State for this further step.

¹⁷ The benchmark within which the Commission service has to assess a response to a request for additional information is equivalent to the one given to the Member State.

¹⁸ Benchmark periods applicable to Commission services may be prolonged by the time needed to translate the responses from the Member States. This will be visible to the concerned Member State in the EU Pilot application once the functionality is installed in 2016.

e) Confidentiality

Existing rules on the protection of personal data generally and the protection of the identity of complainants in the treatment of complaints also apply to EU Pilot.

Personal data protection is governed by Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹⁹, as implemented by Commission Decision 2008/597/EC of 3 June 2008²⁰.

Access to documents on EU Pilot files is governed by Parliament and Council Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents²¹, as implemented by the Commission Decision of 5 December 2001 amending its Rules of Procedure²². Access to environmental information contained in EU Pilot files is, in addition, governed by Regulation (EC) No 1367/2006 of the European Parliament and of the Council on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (see in particular Article 6(1) which refers to Regulation (EC) No 1049/2001)²³.

In accordance with the *LPN* case-law (joined Cases C-514/11 P and C-605/11 P) it can be presumed that the disclosure of the documents concerning an infringement procedure during its pre-litigation stage risks altering the nature of that procedure and changing the way it proceeds. Consequently, that disclosure would in principle undermine the protection of the purpose of investigations, within the meaning of the third indent of Article 4(2) of Regulation (EC) No 1049/2001. In addition, as the Court ruled in the same case, the Commission is not required to base its decision on that general presumption of non-disclosure. It may always carry out a specific examination of the documents covered by a request for access and where it finds that the infringement procedure involved in a given request for access is of a nature which permits the full or partial disclosure of the documents in the file, it is **obliged to make that disclosure**.

As regards in particular the EU Pilot procedure, the application of this general presumption of non-disclosure was confirmed in the General Court's judgment for the *Spirlea* case (T-306/12). According to the General Court, the EU Pilot procedures and the infringement procedure under Article 258 TFEU, including its preliminary stage, have similarities that justify the application of a common approach in both cases.

If the EU Pilot procedure leads to an infringement proceeding, the presumption of non-disclosure will continue until the case is closed or the Court has delivered a judgment.

When proceedings are closed, access is granted in principle to Commission documents. Access may still be refused on exceptional grounds, such as if the closed case is interlinked

¹⁹ OJ L 8, 12.1.2001, p. 1.

²⁰ OJ L 193, 22.7.2008, p. 7.

²¹ OJ L 145, 31.05.2001, p.43.

²² OJ L 345, 29.12.2001, p.94.

²³ OJ L 264, 25.9.2006, p. 13.

with a pending case and if disclosure would affect this pending case. Parts of documents related to closed cases will be withheld if other specific exceptions of Regulation (EC) No 1049/2001 apply, such as the protection of personal data or of commercial interests. Member States are consulted on disclosure of their documents, pursuant to Article 4(5) of the Regulation. According to case law of the Court of Justice, when Member States object to disclosure of documents originating from them, they must give reasons which fit within the exceptions listed in Article 4 of the Regulation (Case Sweden v Commission C-64/05 P).

If the file is closed as a result of the work done in EU Pilot without an infringement proceeding being launched, the situation is similar to a **closed infringement proceeding**. As long as the file remains open, access to the Member State's documents is denied without the Member State being consulted.

Regulation (EC) No 1049/2001 has neither the object nor the effect of harmonising national legislation on access to documents. Nevertheless, by virtue of the principle of sincere cooperation, Member States should take care not to hamper the proper application of the Regulation (see recital 15 of the Regulation). Thus if a Member State receives a request for public access concerning a document originating from an institution and decides to handle the request itself under the applicable national law on public access to documents, it must do so without jeopardising the attainment of the objectives of Regulation (EC) No 1049/2001 and Regulation (EC) No 1367/2006. It is to be noted, in that regard, that the Court of Justice of the European Union has recognised the existence of (rebuttable) general presumptions of non-accessibility to the documents of ongoing infringement and EU Pilot procedures (Joined Cases C-514/11 P and C-605/11 P, LPN v Commission; and Case T-306/12, Spirlea v Commission, subject to a pending appeal in Case C-562/14 P). In addition, Article 5 of Regulation (EC) No 1049/2001 provides that the Member States shall consult the EU institutions on disclosure of documents originating from the latter, unless it is clear that those documents shall or shall not be disclosed. Finally, the Member States may decide to refer those applications to the EU institution concerned. The Secretariat-General is regularly consulted by national authorities on disclosure of letters of formal notice or reasoned opinions. The reply in such cases explains whether or not the Commission would have granted access if it had received the request. The national authorities then decide whether they disclose or deny the access.

4. Entry into operation, management and reporting on EU Pilot

EU Pilot entered into operation on 15 April 2008.

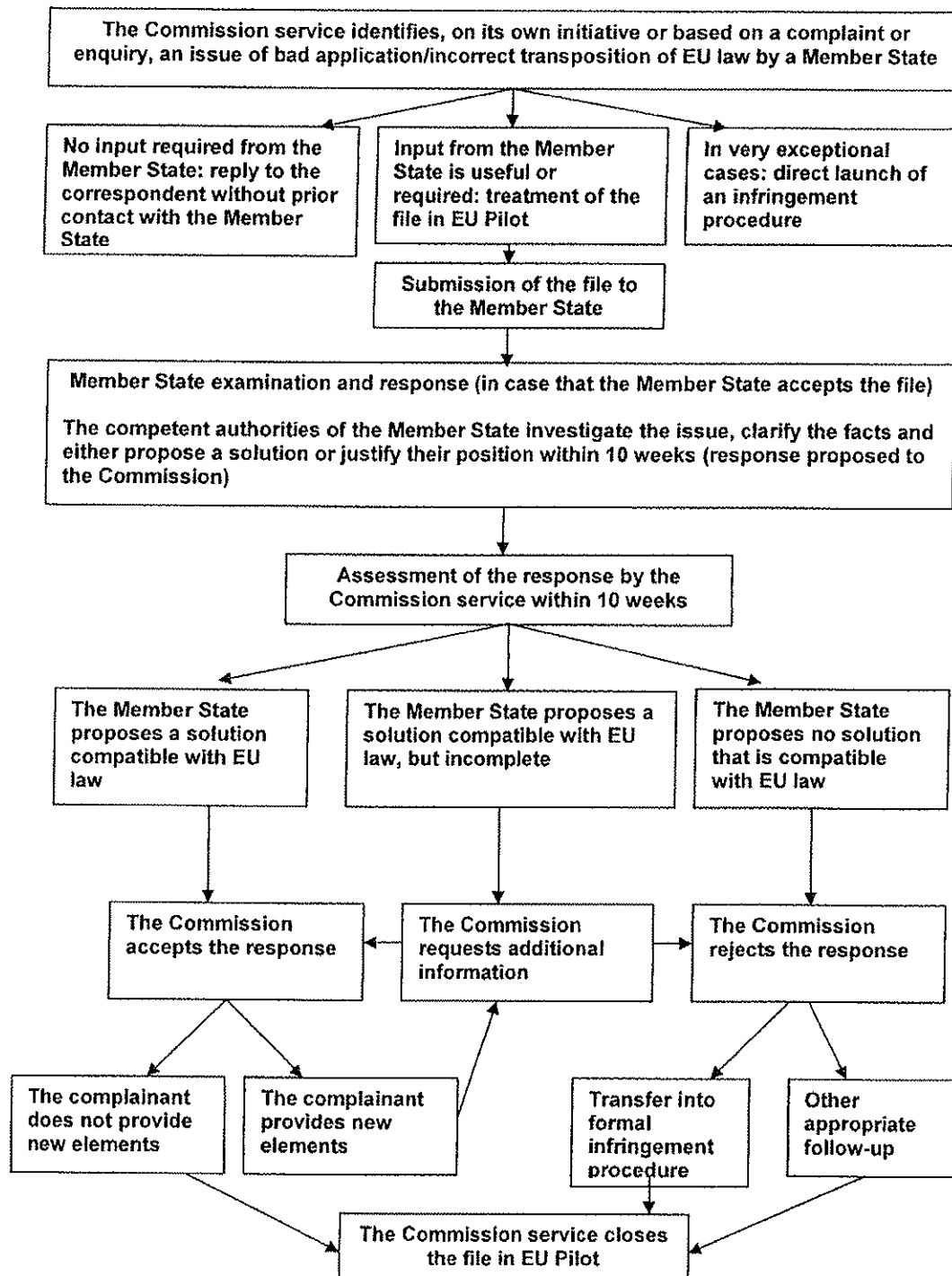
EU Pilot is centrally managed by the Secretariat-General of the Commission in close collaboration with the services of the Commission and the Member States. Regular meetings are held with Member State representatives to update them and exchange views on the functioning of the system. Contact Points (Commission services and Member States) may contact the Secretariat-General at any time about issues arising in the operation of EU Pilot.

Further contacts:

For questions in relation to EU Pilot, please send an e-mail to "sg-eupilot@ec.europa.eu".

Annex I

The chart below provides a summary of the different steps taken in EU Pilot.



Annex II

SOLVIT or EU PILOT MECHANISM?

Criteria for deciding which types of cases should be submitted to SOLVIT or EU Pilot

SOLVIT	EU Pilot
GENERAL COVERAGE	GENERAL COVERAGE
Tool for communication <ul style="list-style-type: none"> • between Member States, on a bilateral basis, in order to • deal with individual problems caused by bad application of Union law governing the internal market raised in a cross-border context 	Tool for communication <ul style="list-style-type: none"> • between the EU Commission and a Member State • dealing with enquiries and problems on the application of EU law some of which could lead to an infringement procedure
MORE SPECIFIC ASPECTS OF COVERAGE	MORE SPECIFIC ASPECTS OF COVERAGE
Specific problems encountered by an individual, organisation or a business	Enquiries specifically related to the application of EU law or problems reported by individuals, commercial operators or interested organisations, as well as own-initiative files which can also include issues raised in the European Parliament Petitions' Committee or via a letter from a Member of the European Parliament
Due to problems caused by bad application of any Union legislation, rules or principles related to the functioning of the internal market within the meaning of Article 26(2) TFEU by public authorities ²⁴ , if there is a chance that the problem can be solved informally	<p>Due to bad application of EU rules by public authorities and/or incorrect transposition, particularly if the launching of an infringement procedure seems to be possible (it is also applicable to cases which might merit further pursuit through EU Pilot having had some initial treatment in SOLVIT)</p> <p>Is not due to late transposition of an EU directive, but may be due to non-conformity of national legislation with EU law, including such issues arising in the context of the internal market within the meaning of Article 26(2) TFEU</p>
Which raises a cross-border issue	Which does not necessarily raise a cross-border issue
Is not already subject to legal proceedings	May already be subject to legal proceedings ²⁵

²⁴ See point 2. b) of the EU Pilot Guidelines

²⁵ See p. 2 of the EU Pilot Guidelines.

3. 6.