# Application of Community law: relations with the complainant in respect of infringements

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PURPOSE : Communication on relations with the complainant in respect of infringements of community law. CONTENT : The Commission sets out in the Annex to this communication the administrative measures for the benefit of the complainant with which it undertakes to comply when handling the complaint and assessing the infringement in question. These measures do not, however, alter the bilateral nature of the infringement procedure laid down by Article 226 of the EC Treaty and Article 141 of the EAEC Treaty. In this respect, the commission must point out that, in accordance with the case law of the European court of Justice, it enjoys a discretionary power in deciding whether or not to bring infringement proceedings and to refer a case to the Court. In the area of infringement proceedings, the Commission applies the rules on access to documents in Regulation 1049/2001/EC, as implemented by the provisions set out in the Annex to Commission Decision 937/2001/EC. The measures describe the following: -definitions and scope. -general principles. It should be noted that complainants do not have to demonstrate a formal interest in bringing proceedings, nor do they have to prove that they are directly concerned by the infringement complained of. The Commission may decide whether further action should be taken on a complaint. -recording of complaints. Correspondence will not be investigated under specified circumstances, for instance, if it is anonymous or denounces a private person or body, or fails to refer to a Member State. -acknowledgement of receipt. -methods of submitting a compliant. The Commission will provide a standard form, but complainants are not obliged to use it. -protection of the complainant and personal data. -communication with complainant. -time limit for investigating complaints. In general this is no more than one year from the date of registration. -outcome of the investigation of complaints -closure of the case -simplified procedure for closing cases -publicising infringement decisions -access to documents on infringements cases -complaint to the European Ombudsman.