



EUROPEAN COMMISSION
DIRECTORATE-GENERAL MIGRATION AND HOME AFFAIRS

Directorate B: Migration, Mobility and Innovation
The Director

Brussels,

Mr. Andrei Sumar
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Subject: Discontinuation letter following your repetitive messages to the European Commission

Dear Mr Sumar,

I am replying to your letter of 29 October 2018¹, addressed to the President of the European Commission, Mr. Jean-Claude Juncker, and to the President of the European Council, Mr. Donald Tusk, in which you contest the Commission reply to the Petition N°0789/2015 and reiterate your arguments regarding the alleged 'visa' fraud and criminal activities occurring in Polish consulates in Belarus.

It should be noted that the elements contained in your letter dated 29 October 2018 repeat the issues² and the facts described in your previous correspondence and, as such, do not provide new information on the case at hand that could demonstrate the existence of a violation or a repeated breach of EU law.

In order to clarify the situation here is the chronology of exchange of communication with you:

- Your letters addressed to the President of the European Commission, Mr. Jean-Claude Juncker on 25 September, 21 October, and 17 November 2015, as well as to the High Representative of the Union for Foreign Affairs and Security Policy, Ms. Federica Mogherini of 6 October 2015, in which you referred to illegal business on Schengen visas issued by Polish consulates in Belarus.
- On 17 December 2015³, DG HOME replied to you that following their analysis, Commission services concluded that Polish consulates in Belarus issue visas in

¹ Registered in ARES(2018)5581566 on 31/10/2018

² Alleged 'visa' fraud and criminal activities occurring in Polish consulates in Belarus.

³ ARES(2015)5925685 of 17 December 2015

compliance with the Visa Code⁴ and that nothing indicated the existence of illegal or corrupt activities of Polish officials in relation to the issuing of visas in the Polish consulates in Belarus.

- Your letter of 8 December 2015, addressed to the President of the European Commission, Mr. Jean-Claude Juncker, concerning the lack of reply to your previous letters to the President of the European Commission.
- Your letters of 17 and 18 December 2015, addressed to the President of the European Commission, Mr. Jean-Claude Juncker, reiterating your previous allegations, and requesting compensatory damages considering that, in your view, the Commission had failed to detect criminal undertakings linked to illegal visa business in Belarus.
- On 26 January 2016⁵, DG HOME informed you that a complete reply had been provided to you on 17 December 2015.
- Your letter of 22 February 2016 and e-mail dated 13 March 2016, addressed to the President of the European Commission, Mr. Jean-Claude Juncker, requesting a re-evaluation of the above conclusions.
- On 23 February 2016⁶, DG HOME reconfirmed its replies provided in previous correspondence and referred to the available legal remedies regarding your request of compensation for damages.
- Your e-mail of 13 March 2016 provided asking re-evaluation of the above conclusions.
- On 18 March 2016⁷, DG HOME informed you that you had not provided new elements allowing a re-evaluation of the above conclusions and that due to the repetitive character of your correspondence, in compliance with point 4 of *the Code of good administrative behaviour*, the Commission intended to discontinue any further correspondence with you on the matters raised repeatedly without providing any new relevant arguments.
- Your e-mail of 3 April 2016, addressed to the President of the European Commission, Mr. Jean-Claude Juncker, and to the Commissioner for Migration and Home Affairs, Mr. Dimitris Avramopoulos reiterating your arguments regarding the alleged 'visa' fraud and criminal activities occurring in Polish consulates in Belarus.
- On 18 April 2016⁸, the Director for Migration and Mobility in DG HOME, Mrs Belinda Pyke, confirmed the content of the letter on discontinuation of correspondence dated 18 March 2016, signed by Ms. Yolanda Gallego-Casilda Grau, Head of Unit Visa Policy in DG HOME and reiterated that none of the

⁴ Regulation (EC) 810/2009 of the European Parliament and the Council of 13 July 2009 establishing a Community Code on Visas.

⁵ ARES (2016)423097 of 26 January 2016

⁶ ARES (2016)935826 of 23 February 2016

⁷ ARES (2016)1367361 of 18 March 2016

⁸ ARES (2016)1824067 of 18 April 2016

arguments your e-mail of 3 April 2016 provided new elements allowing re-evaluation of the conclusions already shared.

- You introduced the Petition N°0789/2015 on activities of an organised crime group in Belarus suspected of illegal trade in Schengen visas and national Polish visas, and an assassination.
- On 1 July 2016, you wrote a letter on the same issues to the First Vice-President of the Commission, Mr. Frans Timmermans.
- On 28 November 2016, Commission sent a reply on the Petition N°0789/2015 addressed to the European Parliament. As regards the issues linked to the common visa policy, namely to the alleged 'visa fraud' occurring in Polish consulates in Belarus, the Commission confirmed having investigated the matter, as it concerns the application of EU law in the visa policy area, and listed the answers to the Petitioner. The Commission recalled not being in position to provide an answer on the matter related to the alleged fraud concerning issuing national (long-stay) visas by the Polish consulate in Belarus, as this is a matter of an exclusive national competence. The Commission also explained that it is not competent to deal with the issue of alleged assassinations.

Given the repetitive nature of your messages, which fail to provide any new relevant arguments, and in accordance with the above-mentioned Code of Good Administrative Behaviour⁹, the Commission will close your complaint and will terminate the exchange of correspondence with you on this matter. Any subsequent correspondence will not be followed up.

Should you not be satisfied with the reply provided hereby, you are entitled to make a request to the Secretary-General of the European Commission to review the outcome of your complaint pursuant to Section 6 of the Code of Good Administrative Behaviour. Such an appeal should be lodged within one month upon receipt of this letter.

You are also entitled to lodge a complaint with the European Ombudsman, in accordance with Art. 228 of the TFEU and the Statute of the European Ombudsman¹⁰.

Yours faithfully,

Matthias OEL
[E-signed]

⁹ Published in the Official Journal of the European Union: OJ L 308, 8.12.2000, see also under http://ec.europa.eu/transparency/code/index_en.htm

¹⁰ Website: <https://www.ombudsman.europa.eu/en/home>

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