

Decision of the European Ombudsman on complaint 451/98/PD against the Council

Decision

Case 451/98/PD - Opened on 02/07/1998 - Decision on 30/06/1999

Strasbourg, 30 June 1999 Dear Mr. N., On 24 April 1998 you lodged, on behalf of your foundation, a complaint with the European Ombudsman concerning the Council. You put forward that the Council had failed to answer a letter that the foundation had sent to it. In accordance with the Ombudsman's normal practice in cases concerning failure to reply to citizens' letters, his services contacted the Council telephonically to hear when a reply would be given. These contacts were in vain. The Ombudsman therefore decided to open the inquiry and by letter of 2 July 1998, the complaint was forwarded to the Council. On 2 October 1998 the Council sent its opinion on the complaint and I forwarded it to you with an invitation to make observations, if you so wished. No observations have been received. I am now writing to let you know the results of the inquiries that have been made.

THE COMPLAINT

On 7 December 1996 the complainant addressed a letter to the Council which did not reply to the letter. The complainant therefore lodged the complaint with the Ombudsman.

THE INQUIRY

The Council's opinion In its opinion, the Council stated that the letter had been received and registered by the Council. After thorough examination, the relevant services of the Council took careful note of the declaration that the letter contained. Given the declaratory nature of the letter and the absence of concrete questions in it, the services decided that it was not necessary to reply to it. The Council added that in general, it strives to answer all incoming letters by at least an acknowledgement of receipt and, in cases where questions are asked, by submitting substantial remarks. **The complainants' observations** No observations were received from the complainant.

THE DECISION

1 The failure to reply to the letter in question 1.1 Principles of good administration require that the administration answers citizens' submissions. In this case, the Council decided not to reply to the complainant because of the declaratory nature of the letter in question. However, from the moment the complaint was lodged with the Ombudsman, it was clear to the Council that the complainant expected a reply. Still, the Council did not reply and thus, it acted in violation of principles of good administration. The Ombudsman shall therefore below address a



critical remark to the Council to the effect that it should have replied to the letter in question. Since the subject of the letter now has lost its actuality, the Ombudsman shall not pursue the matter further. On the basis of the European Ombudsman's inquiries into this complaint, it appears necessary to make the following critical remark: Principles of good administration require that the administration answers citizens' submissions. In this case, the Council decided not to reply to the complainant because of the declaratory nature of the letter in question. However, from the moment that the complaint was lodged with the Ombudsman, it was clear to the Council that the complainant expected a reply. Still the Council did not reply and thus, it acted in violation of principles of good administration. Given that this aspect of the case concerns procedures relating to specific events in the past, it is not appropriate to pursue a friendly settlement of the matter. The Ombudsman has therefore decided to closed the case. The Secretary General of the Council will also be informed of this decision. Yours sincerely
Jacob SÖDERMAN