



Problems with the EU? Who can help you?

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European Ombudsman

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Introduction

The European Union provides many benefits to EU citizens, residents, businesses, and associations. Nationals of EU Member States are also EU citizens, and enjoy a range of rights as a result of European citizenship. You may encounter problems, however, when it comes to exercising your rights.

Ever wondered who could help you? It may not always be clear whether the problem is caused by the EU administration, the authorities of a Member State, or a private entity. Even if you do know who is at fault, it may not be obvious where you can turn for help. In a Union based on the fundamental principle of the rule of law, it is of vital importance that there should be a quick and effective remedy for any problems you encounter in obtaining your rights.

The European Ombudsman has produced this webpage to give you an overview of the different information, advice, and complaint-handling bodies that you might consider turning to. To help you better understand how each of the bodies listed can help you, we have included, within each section, examples of the type of help the body concerned can provide.

A comprehensive interactive guide is also available on the European Ombudsman's website to help you identify the most appropriate body to turn to with a complaint or request for information.

The European Ombudsman What does the European Ombudsman do?

The European Ombudsman is an independent and impartial body that holds the EU administration to account. The Ombudsman investigates complaints about maladministration in EU institutions, bodies, offices, and agencies. Only the Court of Justice of the European Union, acting in its judicial capacity, falls outside the Ombudsman's mandate. The Ombudsman may find maladministration if an institution fails to respect fundamental rights, legal rules or principles, or the principles of good administration.

This covers administrative irregularities, unfairness, discrimination, abuse of power, failure to reply, refusal of information, and unnecessary delay, for example. Any citizen or resident of the EU, or business, association, or other body with a registered office in the EU, can lodge a complaint. You need not be individually affected by the maladministration to complain.



Please note that the European Ombudsman can only deal with complaints concerning the EU administration and not with complaints about national, regional, or local administrations, even when the complaints concern EU matters.

What does the European Ombudsman **not** do?

The Ombudsman cannot investigate:

- complaints against national, regional, or local authorities in the EU Member States, even when the complaints are related to EU matters;
- the activities of national courts or ombudsmen;
- complaints against businesses or private individuals.

When and how can you complain?

You should submit your complaint:

- within two years of becoming aware of the facts on which your complaint is based;
- after having first contacted the EU institution concerned to try to resolve the matter;
- in writing, including via the online complaint form available on the European Ombudsman's website.

The form can be submitted electronically or printed out and sent by post. It is also available in paper format from the European Ombudsman's office on request. You may submit your complaint in any of the 24 official languages of the EU.

Case examples

An Irish citizen asked the European Medicines Agency (EMA) for access to documents containing details of all suspected serious adverse reactions relating to an anti-acne drug. His son had committed suicide after taking the drug. The EMA refused his request, arguing that the EU rules on access to documents did not apply to reports concerning suspected serious adverse reactions to drugs. After investigating the complaint, the Ombudsman concluded that the EU rules on access to documents apply to all documents held by the EMA. Besides recommending that the EMA review its refusal to grant access to the adverse reaction reports, the Ombudsman also urged the Agency, as part of its information policy, to provide additional clarifications so that the public can understand such data and their significance with greater ease. The EMA accepted the Ombudsman's recommendation by announcing the release of the reports. It also adopted a new, proactive policy designed to enhance transparency in matters concerning access to documents that are in its possession.

A Brussels-based non-governmental organisation complained to the Ombudsman that the European Commission had failed to deal with its file and to pay, within the 45-day deadline provided for in the grant agreement, the outstanding balance for a study it had conducted. The complainant had submitted the final report, financial statements, and other required documents within the required deadline. While the Commission acknowledged receipt of the report, it did not pay the outstanding balance. In reply to the first of several reminders from the complainant, it cited holidays and staff shortages as the causes of the delay. The Ombudsman contacted the Commission, which reacted immediately by contacting the complainant and resuming discussions. It also apologised to the complainant for the delay, and promised to calculate the balance and pay it as soon as the complainant commented on



it.

A Bulgarian national criticised the fact that the online registration form on the EU Bookshop website (<http://bookshop.europa.eu>) could only be filled in by using Latin alphabet characters. He argued that it should also be possible to use Cyrillic and Greek characters. The Ombudsman opened an inquiry into the case. The Publications Office, responsible for the website, responded to the Ombudsman by promising to ensure the use of both Cyrillic and Greek characters for online registration on EU Bookshop.

To find out more, visit <http://www.ombudsman.europa.eu> The European Network of Ombudsmen

National and regional ombudsmen throughout the EU make a vital contribution to ensuring that citizens and residents enjoy their rights under EU law. The ombudsmen deal with complaints against national, regional, and local public authorities in the Member States. Together with the European Ombudsman and the European Parliament's Committee on Petitions, they form the European Network of Ombudsmen. The network includes the national and regional ombudsmen and similar bodies of the EU Member States, the candidate countries for EU membership, and certain other European countries.

The precise grounds on which an ombudsman can act vary within the network, but normally include: violation of rights, including human and fundamental rights; other unlawful behaviour, including failure to respect general principles of law; and failure to act in accordance with principles of good administration. A statement of the European Network of Ombudsmen, which clarifies the service that the members of the network provide to people who complain about matters within the scope of EU law, is available on the European Ombudsman's website, where you can also find information on how to lodge a complaint with an ombudsman in the network.

Case examples

A Czech man, living in Ireland and receiving jobseeker benefits, got permission to travel to the Czech Republic to attend a course. While there, he sat examinations on the day set for his return to Ireland. As a result of his delayed return, the Irish Department of Social Protection decided that he was not eligible for jobseeker benefits or even for a jobseeker allowance. After the Irish Ombudsman intervened and drew attention to the relevant EU rules, the department reviewed its decision and paid the man jobseeker benefits arrears for the period in question and until his entitlement ran out. The department also promised to re-examine his entitlement to a jobseeker allowance.

The Greek Ombudsman received complaints concerning discrimination against women in the examinations for admission to military academies. Among their allegations, the complainants mentioned the establishment of a common performance threshold for men and women regarding physical tests. Complaints also cited the disproportionate increase in the minimum height for candidates of 5 cm for men and 10 cm for women. The Ombudsman found that both preconditions constituted indirect discrimination against women and were in breach of EU and national law. He asked the Greek authorities to eliminate the discrimination. The



authorities agreed to reconsider the issue, in the light of the Ombudsman's findings, after the preliminary examinations had ended.

To find out more, visit

<http://www.ombudsman.europa.eu/atyourservice/en/introduction.faces> The European Parliament's Committee on Petitions

Through its Committee on Petitions, the European Parliament deals with petitions relating to matters falling within the EU's field of activity. Petitions cover a very broad range of issues, from environmental concerns to discrimination and delay. Parliament can draw attention, through petitions, to infringements of European citizens' rights by a Member State, local authority, or other public institution.

Case examples

Petitioners complained to Parliament's Committee on Petitions that the United Kingdom authorities were taking too long to deliver residence cards, and that they were withholding travel documents throughout the procedure. The Committee requested that the European Commission investigate these issues. The Commission concluded that the United Kingdom authorities were indeed not complying with the EU rule to issue residence cards within six months of application. The United Kingdom recognised the seriousness of the situation and, to remedy it, significantly increased the number of staff dealing with applications, and also improved training and procedures. In addition, the authorities introduced an e-mail address for applicants requesting the return of passports for travel within ten working days.

Parliament's Committee on Petitions received several petitions claiming that a road the Polish authorities were planning to build across the Rospuda Valley would cross eco-sensitive areas and seriously encroach upon other areas protected under EU law. An investigation confirmed this claim, and also found that the Polish authorities had failed to demonstrate that they had properly examined alternatives to the planned route. On this basis, the Committee prepared a report, calling for a change to the plans. With this and its own findings, the European Commission requested that the Court of Justice of the European Union halt the project while it considered its legality. The actions of both the Committee and the Commission, combined with domestic legal pressure, resulted in a decision by the Polish authorities not to build the road through the Rospuda Valley.

To find out more, visit <http://www.europarl.europa.eu/committees/en/peti/home.html> The European Commission

The European Commission is responsible for ensuring that Member States respect EU law. In carrying out this task, the Commission is known informally as the 'Guardian of the Treaties'. You can complain to the Commission if you believe a Member State is infringing EU law.

Case examples

A German traveller had to organise his own trip to Germany from Madagascar, via Paris, because his connecting flight was cancelled due to a strike. He complained to the Commission after not receiving assistance or compensation from the airline or the



responsible French supervisory body, with which he could not communicate because of language problems. The Commission pursued the case by ensuring that the French supervisory body took the necessary measures. The airline eventually compensated the complainant. The Commission announced that it would help national supervisory bodies reduce language barriers for European travellers.

An Italian citizen, active in the area of environmental protection, alleged that the Commission's decision to close infringement proceedings against Italy regarding a landfill site at Malagrotta, near Rome, was unfair. He argued that there were certain irregularities in relation to the conditioning plan for the landfill site. In the light of significant information that the complainant brought to its attention, the Commission determined that the landfill had indeed not been brought into compliance with EU rules. The Commission reopened the infringement procedure, with a view to ensuring a full and correct application of EU law. To find out more, visit http://ec.europa.eu/atwork/applying-eu-law/index_en.htm The European Data Protection Supervisor

The European Data Protection Supervisor (EDPS) is an independent supervisory authority devoted to protecting personal data and privacy and to promoting good practice in the EU institutions and bodies. It does so by monitoring the EU administration's processing of personal data, advising on policies and legislation that affect privacy, and cooperating with similar authorities at the EU level, in the Member States, and beyond. The EDPS receives complaints from EU staff members, as well as from other people who feel that their personal data have been mishandled by a European institution or body. If a complaint is admissible, the EDPS usually carries out an inquiry. The findings are communicated to the complainant, and necessary measures are adopted.

Case example

The EDPS was informed anonymously about the fact that personal data of candidates who pass the pre-selection tests in competitions for EU civil servants are processed by an external contractor located in a non-EU country. The EDPS opened an inquiry into this case on his own initiative, which led to the conclusion that in fact, even though the European Personnel Selection Office (EPSO) had concluded a contract with an external firm registered in the United Kingdom, the data processing operations themselves were performed in the United States. The EDPS requested EPSO to verify if the relevant conditions laid down in the EU's data protection rules are respected and to amend the contract so as to ensure additional guarantees for the data subjects concerned.

To find out more, visit <http://www.edps.europa.eu/EDPSWEB/edps/Supervision/Complaints/SOLVIT>

SOLVIT deals with cross-border problems between citizens or businesses, on the one hand, and national public authorities, on the other. It is an online network that the European Commission coordinates. Through SOLVIT national centres, the EU Member States, plus Iceland, Liechtenstein, and Norway, work together to solve, within ten weeks, problems that arise when national public authorities misapply internal market law.



Case examples

A French citizen studying to become a pilot at a Belgian flight school could not register as a student with the local Belgian authorities. The problem occurred because the Belgian flight school was a private establishment that the Frenchspeaking Community of Belgium did not recognise. However, the Belgian Ministry of Transport approved the certificates that the school delivered. In line with EU law, anyone enrolled at the flight school should therefore have student status. Thanks to SOLVIT's intervention, the local authorities agreed to reconsider the file of the French citizen and registered him as a student. A Swedish company installs pumps in Denmark for home heating systems.

A Swedish company installs pumps in Denmark for home heating systems. In Denmark, it is possible to receive a government subsidy of DKK 20 000 if you replace your old oil heating system with a heat pump system. However, the Swedish company's Danish customers could not receive the subsidy because the Danish authorities required a Danish company registration number in order to pay the subsidy. Only companies established in Denmark can get the said registration number. After the intervention of SOLVIT, the Danish authorities announced that the number was no longer required to receive the subsidy.

To find out more, visit <http://ec.europa.eu/solvit> European Consumer Centres The European Consumer Centres (ECCs), set up in each of the 28 EU Member States, as well as in Iceland and Norway, provide legal and practical advice and support to consumers with respect to cross-border shopping and services within the internal market. An ECC can contact a company in any of these 30 countries other than your own on your behalf, direct you to a dispute resolution scheme, or propose other solutions.

Case examples

A Czech consumer bought a new motorbike in Germany. Although he made it clear that he was going to export the bike to the Czech Republic, the price incorrectly included value added tax, which should be paid in the country where the vehicle is registered. The consumer paid value added tax twice — in Germany and in the Czech Republic. The consumer was not successful in solving the matter with the seller and with the tax office in Germany responsible for handling cases where a taxpayer is a non-resident. On the initiative of the Czech ECC, the German ECC intervened and the dealer refunded to the consumer the value added tax unduly charged.

A consumer from Lithuania booked a hotel in Belgium. Upon arrival, the hotel asked for a deposit of EUR 150 as a guarantee for any additional costs, such as use of the Internet. The consumer provided her credit card as guarantee. The hotel withdrew the deposit from the consumer's credit card, even though she did not use any extra services. She sent a letter to the hotel asking for an explanation and when she did not receive a reply, called the hotel, which promised to settle the matter. As the hotel did not call her back, she turned to ECC Lithuania for assistance. Following the intervention of ECC Lithuania and ECC Belgium, the consumer recovered her deposit.

To find out more, visit <http://ec.europa.eu/consumers/ecc> Information and advice



If you simply want to access information or seek advice about your rights as an EU citizen, resident, business, or organisation, the following services offer a very good place to start.

Your Europe

Your Europe offers you clear information and practical tips about your rights when living, working, travelling, or doing business in an EU country other than your own.

Your Europe also provides easy access to personalised assistance services if you need further help to understand or defend your EU rights.

Europe Direct

If you have a query about the EU, you can contact **Europe Direct** via the freephone number 00 800 6 7 8 9 10 11 from anywhere in the European Union.

You can also visit a **Europe Direct** information centre or send an e-mail.

To find out more, visit <http://europa.eu/youreurope>

To find out more, visit <http://europa.eu/europedirect>

Our mission is to serve democracy by working with the institutions of the European Union to create a more effective, accountable, transparent and ethical administration.

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