

Decision of the European Ombudsman in case 1036/2019/AMF concerning the European Commission's decision not to open infringement proceedings against Spain for an alleged lack of compliance with the principle of equality

Decision

Case 1036/2019/AMF - **Opened on** 26/06/2019 - **Decision on** 26/06/2019 - **Institution concerned** European Commission (No maladministration found) |

Dear Mr. [XXX],

On 6 June 2019 you submitted a complaint to the European Ombudsman against the European Commission concerning the above issue. The Ombudsman has asked me to deal with your complaint and reply to you on her behalf.

After a careful analysis of all the information you provided with your

complaint, we have decided to close the inquiry with the following conclusion:

Based on the information you provided us, the Ombudsman finds no maladministration by the Commission.

The reason is that the European Commission has accurately concluded that it is not allowed to investigate the matter you complained about.

As the Commission has explained to you, under the Treaties on which the European Union is based, it has no general powers to intervene in the Member States' affairs. It can only do so if an issue of European Union law is involved. Since the matters you complain about are not related to the implementation of EU law, it is not possible for the European Commission to intervene against Spain on this issue. We note that the Commission has provided you with adequate explanations in this regard on at least five occasions.

I realise that this decision will disappoint you, but I hope that the above information and explanations are nevertheless helpful.

The Ombudsman closes the case.



Yours sincerely,

Tina Nilsson

Head of Inquiries - Unit 4

Strasbourg, 26/06/2019