

Decision of the European Ombudsman on complaint 233/99/OV against the Court of Justice

Decision

Case 233/99/OV - Opened on 30/03/1999 - Decision on 17/10/2000

Strasbourg, 17 October 2000 Dear Mr G., On 4 March 1999 you made a complaint to the European Ombudsman on behalf of "Hogeschool van Amsterdam" concerning an alleged annulment of a visit to the Court of Justice planned for 7 January 1999 and a failure to reply. On 30 March 1999, I forwarded the complaint to the President of the Court of Justice. The Court of Justice sent its opinion on 29 June 1999 and I forwarded it to you with an invitation to make observations, if you so wished. On 10 September and 11 October 1999, I received your observations on the Court's opinion. I am writing now to let you know the results of the inquiries that have been made.

THE COMPLAINT

The complainant, who is teaching at the Hogeschool Amsterdam wanted to visit with his students the Court of Justice of the European Communities in the framework of a course about European Community law. After having contacted the Court, the complainant was informed on 24 November 1998 by a Court official that a visit was planned for 7 January 1999 at 4 pm. However, one day later, when the trip to Luxembourg had already been booked, the School was informed by fax by another Court official that the visit could not take place. The same day, the complainant wrote a letter to the President of the Court of Justice in which he asked that the visit would take place. However, after 4 months he has still not received an answer or an acknowledgement of receipt. The complainant therefore wrote to the Ombudsman alleging 1) that the Court did not want to receive them for a discussion about EC law, whereas the other institutions do, 2) that the visit explicitly confirmed for 7 January 1999 was afterwards cancelled, and 3) that the Court did not reply to his letter of 25 November 1998.

THE INQUIRY

The Court's opinion With regard to the allegation that the Court refused to receive the complainant, the Court stated that all requests for visiting the Court made by the complainant concerned periods during which the Court is not in session. According to the document "General information on the organisation of visits" which the Court annexed to its opinion, it does not receive groups in those periods. Given thus that it was impossible to give a positive answer to the complainant's request, it was not correct to say that the Court did not want to receive the complainant. On the contrary, the Court pointed out that the complainant and his students are welcome to the Court on the condition that they plan their visit when the Court is in



session. The Court moreover added that it received 452 visiting groups in the course of 1998, representing a total of 11.000 persons. With regard to the second allegation that the visit explicitly approved to take place on 7 January 1999 was afterwards cancelled, the Court observed that no explicit statement was made to the complainant for a visit on that date. The Information division of the Court informed the complainant by letter of 4 June 1998 that the requested date of visit fell within the period when the Court was not in session and that therefore it could not receive them. Further to a second exchange of correspondence, the Information division informed the complainant on 24 November 1998 by fax of the impossibility of a visit. The Court also pointed out that various telephone contacts took place on this issue, but that the administrator responsible for the visits could not have confirmed to the complainant the date of the visit. As regards the alleged failure to reply, the Court stated that it appeared from the previous point that there were numerous correspondences and telephone contacts between the complainant and the Court. As regards the letter of 25 November 1998, the Court stated that it replied by phone confirming the terms of the refusal. **The complainant's observations** The complainant maintained his complaint and stated that the Court had not answered the allegation that the Court official had orally confirmed a visit for 7 January 1999. He also alleged that the President did not consider it necessary to reply to his letter.

THE DECISION

1 The alleged refusal of the Court to receive the School 1.1 The complainant alleged that the Court did not want to receive them, whereas the other institutions do. The Court observed that all requests for visiting the Court made by the complainant concerned periods during which the Court was not in session. Given therefore that it was impossible to give a positive answer to the complainant's request, it was not correct to say that the Court did not want to receive the complainant. 1.2 It appears from the documents contained in the file of the Court that on 4 May 1998 the complainant wrote to the Court asking to visit the Court on 7 January 1999 at 9 am. The Press and Information Division replied on 4 June 1998 stating that the Court could not receive the visit on that date as it fell within the judicial vacations (21 December 1998 until 8 January 1999) during which the Court does not sit. The letter pointed out that visits to the Court generally take place when hearings are held, and stated that the complainant could make a new request. 1.3 In November 1998 the complainant wrote again to the Court asking for a visit on 7 January 1999 at 4 pm. In his letter the complainant pointed out that his students were not interested in attending a hearing, but just wanted a lecture by a Court official on the functioning of the Court and the importance of its judgements for EC law. The Press and Information Division replied on 24 November 1998 by fax, confirming that it could not receive the visit as it fell within the vacation period during which the Court does not sit. 1.4 The Ombudsman notes that the document "General information on the organisation of visits" which the Court annexed to its opinion explicitly states that it is not possible to receive groups in the periods when there are no hearings. This document mentions the period from 21 December 1998 until 8 January 1999. It appears therefore from the above that the allegation of the complainant that the Court did not want to receive them is not founded. No instance of maladministration was thus found with regard to this aspect of the case. **2 The alleged cancellation of the planned visit** 2.1 The complainant alleged that the visit explicitly confirmed for 7 January 1999 was afterwards cancelled. The Court stated that no explicit statement was made to the complainant for a visit on that date, and referred to the letter of 4 June 1998 and the fax of 24 November 1998 in which



the complainant was informed that the visit could not take place. The Court also observed that the administrator responsible for the visits could not have confirmed to the complainant the date of the visit. 2.2 From the documents contained in the Court's file, it appears that the Press and Information Division twice informed the complainant that the visit requested for 7 January 1999 could not take place for the reasons explained above. It appears moreover from the document "General information on the organisation of visits" that the Press and Information Division answers on the visit request with a written reply. The Ombudsman found no document in the file according to which a visit on 7 January 1999 would have been confirmed by the Court. The complainant merely referred to a telephone conversation with a Court official, but did not furnish any written proof that the Court could receive them. No instance of maladministration was therefore found with regard to this aspect of the case. **3 The alleged failure to reply** 3.1 The complainant alleged that the Court had failed to reply to his letter of 25 November 1998 to the President. The Court observed that there were numerous correspondences and telephone contacts between the complainant and the Court. As regards the letter of 25 November 1998, the Court stated that it replied by phone confirming the terms of the refusal. 3.2 It appears from the above that the Court has replied by letter and by fax to the two requests made by the complainant to visit the Court on 7 January 1999. It is true that the Court has not replied to the complainant's letter of 25 November 1998 addressed to the President. However, considering the previous letter and fax sent to the complainant on 4 June and 24 November 1998, and the oral confirmation of the refusal by phone, the Ombudsman found no instance of maladministration with regard to this aspect of the case. **4 Conclusion** On the basis of the European Ombudsman's inquiries into this complaint, there appears to have been no maladministration by the Court of Justice. The Ombudsman has therefore decided to close the case. The President of the Court will also be informed of this decision. Yours sincerely Jacob SÖDERMAN