

## **Decision of the European Ombudsman in the case 1235/2020/TM on the European Commission`s reply concerning respect of the EU Charter of fundamental rights in Lithuania**

Decision

**Case** 1235/2020/TM - **Opened on** 11/08/2020 - **Decision on** 11/08/2020 - **Institution**  
**concerned** European Commission ( No maladministration found ) |

Dear Ms X,

On 20 July 2020, we received your complaint to the European Ombudsman against the European Commission. Your complaint to the Commission concerned the functioning of the judicial system in Lithuania and the lack of judicial remedies. You would like the Commission to take action against Lithuania and to receive compensation for damages. You asked the Ombudsman to refer the case to the Court of Justice of the EU (CJEU).

After a careful analysis of all the information you provided, we have decided to close the inquiry with the following conclusion:

**Based on the information in your complaint, there was no maladministration by the Commission.**

The Commission enjoys wide discretion in dealing with infringement complaints. In such cases, the Ombudsman seeks to ensure that the Commission has explained properly how it has exercised its discretion but the Ombudsman cannot interfere with the Commission's exercise of its wide discretion.

The Ombudsman may thus examine whether the Commission has clearly explained why it has taken the position in question. We note that the Commission explained in detail its role and powers to ensure respect of the Charter of Fundamental Rights in Member States. It clarified that the matter you raised did not relate to the implementation of EU law and, therefore, the Charter was not applicable. In light of this, the Commission was not in a position to pursue your complaint further. The Commission has the discretion to take this view. Based on the above, we have closed the case [1] .

Please also note that the Ombudsman cannot intervene in cases before courts or question the



soundness of a court's ruling [2] . Therefore, we cannot refer your case to the CJEU.

Finally, please note that we will send you a translation of this decision in Lithuanian, unless you confirm that this will not be necessary.

While you may be disappointed with the outcome of the case, we hope that you will find the above explanations helpful.

Marta Hirsch-Ziembińska Head of Inquiries and ICT - Unit 1

Strasbourg, 11/08/2020

[1] [Link] Full information on the procedure and rights pertaining to complaints can be found at:  
<https://www.ombudsman.europa.eu/en/document/en/70707> [Link]

[2] [Link] In accordance with Article 1(3) of the European Ombudsman's Statute, available at:  
<https://www.ombudsman.europa.eu/en/legal-basis/statute/lt> [Link]