



Decision in case 1597/2020/EIS on how the General Secretariat of the Council of the European Union replied to a request for legal help in a personal matter

Decision

Case 1597/2020/EIS - **Opened on** 08/10/2020 - **Decision on** 08/10/2020 - **Institution concerned** Council of the European Union (No maladministration found) |

The request to the Council

1. On 2 September 2020, the complainant wrote to the General Secretariat of the Council of the European Union (the 'Council') to ask for help from the Council and the European Council. He took the view that, during its EU membership, the United Kingdom (UK) had “*fundamentally breached EU law by failing to protect a vulnerable whistleblower, deliver justice, persecute offenders and take action against corruption*”.

2. More specifically, the complainant said that he had been dismissed from his job after having reported on fraud. The company took the complainant to court. He could not afford a lawyer and lost the case. His subsequent appeals were unsuccessful. The complainant also said that he had informed the police and the UK government of his case, but that they did not take any action.

3. The complainant asked the Council and the European Council to forward his case to relevant authorities and/or lawyers who could help him. He also enclosed a number of supporting documents.

The Council's response to the complainant

4. In its reply of 16 September 2020, the Council regretted to read about the complainant's situation but said that it cannot help him or provide legal advice. The European Council cannot intervene in a Member State on matters within the competence of national authorities or courts.

5. The Council informed the complainant about the possibility to apply for legal aid in the UK, and the possibility to turn to (i) a national ombudsman, (ii) the European Commission if he believes there is an infringement of EU law; and (iii) the European Court of Human Rights.

6. The complainant was not satisfied with the Council's response and therefore turned to the Ombudsman arguing that the Council wrongly considered that it has no remit to intervene in the matter.

The European Ombudsman's finding

7. The Council's reply is correct and courteous. The Council's reply is also helpful in that it tried to give the complainant useful advice [1] .



8. The Ombudsman thus finds no maladministration in this case [2] .

Tina Nilsson Head of the Case-handling Unit

Strasbourg, 08/10/2020

[1] Article 12 of the European Code of Good Administrative Behaviour,
<https://www.ombudsman.europa.eu/en/publication/en/3510>.

[2] This complaint has been dealt with under delegated case handling, in accordance with Article 11 of the Decision of the European Ombudsman adopting Implementing Provisions .