

## Decision of the European Ombudsman in the case 2020/2020/KT on how the European Commission responded to a complaint about a Greek law on public outdoor gatherings

Decision

**Case 2020/2020/KT - Opened on 15/12/2020 - Decision on 15/12/2020 - Institution concerned** European Commission ( No maladministration found ) |

Dear Mr X,

On 16 November 2020, you submitted a complaint to the European Ombudsman against the European Commission about how it responded to your complaint regarding a recently passed Greek law on public outdoor gatherings [1] .

In your complaint to the Commission, you contended that the Greek law is in breach of various fundamental rights and freedoms enshrined in the Greek Constitution and in the Charter of Fundamental Rights of the European Union ('EU Charter'). You referred, in particular, to the right to liberty, the freedom of assembly and the freedom of expression.

In your complaint to the Ombudsman, you claim that the Commission failed to address your concerns. You contend that, by not investigating the matter, the Commission chose to ignore a blatant violation of fundamental rights and freedoms.

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

**There was no maladministration by the European Commission .**

In its reply to your complaint, the Commission said that it does not have general competence to intervene in EU Member States and that it may take action against a Member State only *if the Member State fails to implement EU law* [2] . The Commission said that the issue you have raised does not relate to the implementation of EU law.

We understand from your complaint that you consider that the position taken by the Commission is not well-founded. However, we find that the Commission's reply is correct.



While fundamental rights and freedoms, such as the right to liberty, the freedom of assembly and the freedom of expression, are enshrined also in the EU Charter, the provisions of the EU Charter apply to the Member States “ *only when they are implementing Union law*” [3] .

As the Commission also pointed out, it is thus primarily for the Member States, including their judicial authorities, to ensure that these rights and freedoms are protected according to their national law and their international obligations.

We hope you find this information useful. [4]

Yours sincerely,

Tina Nilsson Head of the Case-handling Unit

Strasbourg, 15/12/2020

[1] Law 4703/2020 - “ *Public outdoor gatherings and other provisions*” .

[2] More information on the infringement procedure against Member States is available at [https://ec.europa.eu/info/law/law-making-process/applying-eu-law/infringement-procedure\\_en](https://ec.europa.eu/info/law/law-making-process/applying-eu-law/infringement-procedure_en) [Link].

[3] Article 51(1) of the EU Charter.

[4] Full information on the procedure and rights pertaining to complaints can be found at

<https://www.ombudsman.europa.eu/en/document/70707> [Link].v