

Decision of the European Ombudsman in the case 248/2021/OAM on how the European Commission's Representation in Romania handled a complaint concerning alleged human rights violation by Romanian authorities

Decision

Case 248/2021/OAM - Opened on 02/03/2021 - Decision on 02/03/2021 - Institution concerned European Commission (No maladministration found) |

Dear Ms X,

On 3 February 2021, you submitted a complaint to the European Ombudsman against the European Commission's Representation in Romania concerning the above issue.

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

The complaint does not reveal maladministration by the European Commission.

In your complaint to the Commission, you ask it to take action against alleged human rights violation committed by Romanian authorities.

The Commission replied that it does not have the necessary prerogatives to solve such a complaint. Furthermore, the Commission indicated that you could turn to the European Court of Human Rights [1] .

You consider that the Commission was wrong not to act on your complaint and that its answer was not communicated in due time.

The Commission's reply to your complaint is correct. The EU Charter of Fundamental Rights applies to national authorities only when they implement EU law. As the concerns that you raised with the Commission do not seem to relate to the implementation of EU law, the Commission is correct in saying that it has no mandate to intervene. Member States and their judicial authorities have the general responsibility for protecting the fundamental rights of their citizens. In case of breach, citizens can lodge a complaint with the European Court of Human Rights.



Regarding the period of time it took the Commission's Representation to reply to your request, we consider that the answer was provided within a reasonable time-limit, in accordance with good administrative practices [2] .

Although we understand that you may be disappointed with this solution, we hope you find these explanations helpful.

Yours sincerely,

Tina Nilsson Head of the Case-handling Unit

Strasbourg, 02/03/2021

[1] More information is available at:

https://www.echr.coe.int/Pages/home.aspx?p=court/doc_info&c= [Link]

[2] Article 17 of the European code of good administrative behaviour

<https://www.ombudsman.europa.eu/en/document/en/3510> [Link]