

Decision of the European Ombudsman in the case 767/2021/MAS on how the European Commission dealt with a complaint that the United Kingdom breached EU law on the protection of whistle-blowers

Decision

**Case 767/2021/MAS - Opened on 12/05/2021 - Decision on 12/05/2021 - Institution
concerned** European Commission (No maladministration found) |

Dear Mr X,

On 21 April 2021, you complained to the European Ombudsman about how the European Commission dealt with your request to open an infringement procedure against the United Kingdom.

In your complaint to the Commission, you argued that the United Kingdom had breached EU law by not properly protecting whistle-blowers.

In your complaint to the Ombudsman, you contend that, by not taking any action on the basis of your complaint, the Commission failed to respect the principles of good administration. You argue that the Commission should have taken action against the United Kingdom because EU law was applicable in the United Kingdom at the time of your complaint to the Commission.

After a careful analysis of all the information provided with the complaint, **we find no indication of maladministration by the European Commission** .

The Commission explained to you that it could not take action on this issue as Directive 2019/1937 on the protection of persons who report breaches of Union law [1] has to be transposed by Member States by 17 December 2021 only and does not apply to the UK.

As the issue you had raised does not concern the implementation of EU law, the Commission rightly informed you that your case cannot be dealt with at EU level. It, thus, advised you to address the issues that you had complained about to the UK Ombudsman or to the European Court of Human Rights.

We consider that the Commission's reply is reasonable and appropriate. We, thus, find nothing to suggest that the Commission failed to comply with the principles of good administration in



how it dealt with your complaint.

In light of the above, the Ombudsman has closed the case. [2]

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

Yours sincerely,

Tina Nilsson Head of the Case-handling Unit

[1] <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32019L1937>.

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

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