

Decision of the European Ombudsman concerning complaint 910/2021/VS against the European Commission

Decision

Case 910/2021/VS - **Opened on** 07/06/2021 - **Decision on** 07/06/2021 - **Institution concerned** European Commission (No maladministration found) |

Dear Mr X,

On 8 May 2021, you submitted a complaint to the European Ombudsman concerning the European Commission's reply of 29 April 2021 to your three complaints of 29 January, 2 February and 1 March 2021.

Your complaints to the Commission concerned, in summary, alleged racial discrimination by authorities in Germany for not investigating your complaint related to the recognition of your double degree, your complaint against a municipality and a fire department, and your report about having been poisoned.

In your complaint to the Ombudsman, you contend that the Commission failed to consider all your claims and to investigate your three complaints. You also complain that the Commission did not acknowledge receipt of your complaints within fifteen days, as it should have.

After a careful analysis of all the information submitted to us, our assessment is as follows.

It is the task of the Commission to ensure that EU law is upheld by the Member States. Citizens can flag possible breaches of EU law by Member States through complaints . The Commission may pursue the matter only if it concerns a breach of EU law by a Member State.

At the same time, the Commission enjoys wide discretion in deciding whether and when to investigate a breach of EU law by a Member State [1] . Its policy on infringements of EU law is set out in its Communication "EU law: Better results through better application" [2] .

The Ombudsman would question the Commission's position on a complaint made to it only in case of a manifest error of assessment. We note that the Commission provided you with clear information why it considers that the matters that you brought to its attention do not constitute breaches of EU law. We find the Commission's reply reasonable.



You also consider that the Commission should have replied to your three complaints in separate letters. We find no reason to question the way in which the Commission replied to you, which was clear and comprehensive.

On the basis of the above, we find no maladministration by the Commission in how it dealt with your complaints. [3]

Regarding your grievance that the Commission did not acknowledge receipt of your complaints within fifteen days, we consider that, while there was indeed a regrettable delay in this regard, the Commission subsequently acknowledged receipt and provided you with a substantive reply. We therefore do not find grounds to pursue this aspect of your complaint.

We understand you may be disappointed with this outcome but we hope you find these explanations useful.

Yours sincerely,

Tina Nilsson Head of the Case-handling Unit

Strasbourg, 07/06/2021

[1] Judgment of the Court of 14 February 1989, *Starfruit v Commission*, case 247/87, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:61987CJ0247>.

[2] [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017XC0119\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017XC0119(01)&from=EN)

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