

Decision on how the European External Action Service (EEAS) handled e-mails about an EU citizen's personal situation in Switzerland (case 1011/2021/ABZ)

Decision

Case 1011/2021/ABZ - **Opened on** 29/06/2021 - **Decision on** 29/06/2021 - **Institution concerned** European External Action Service (No maladministration found) |

Dear Mr X,

On 30 May 2021, you submitted a complaint to the European Ombudsman against the European External Action Service (EEAS) concerning the above issue. The EEAS is in charge of the EU Delegations [1] . You consider that the EU Delegation in Bern, Switzerland, and the EEAS have failed to assist you in relation to actions of Swiss authorities concerning your personal situation. You consider that SOLVIT [2] should be established in Switzerland and you wish to obtain compensation from the Swiss authorities.

After a careful analysis of all the information you provided with your complaint, we find that **there was no maladministration** by the European External Action Service [3] .

While we note that you are concerned about the time it took the EU Delegation in Bern to reply to you, the first proof of contact with the EU Delegation that you provide with your complaint is dated 11 May 2020. The EU Delegation replied to you on 13 May 2020. Without any evidence of possible earlier approaches to the EU Delegation, we find no reason to question the time it took the EU Delegation to reply.

Moreover, the EU Delegation in Bern and the EEAS have provided you with reasonable and appropriate replies.

In particular, the EU Delegation and the EEAS said that they have no competence [4] to deal with alleged violations of individual rights by Swiss authorities. The EU Delegation in Bern referred you to the consular service of your home country and the EEAS advised you to refer the matter to the national court in Switzerland. The EEAS further informed you that the European Union institutions, including the European Commission to which you had also turned regarding the matter, are not competent to intervene in individual cases. We also note that the EEAS has replied to your numerous subsequent submissions concerning this matter.



Regarding SOLVIT, it is worth noting that it is a service provided by the national administration [5] of each EU Member State as well as of the members of the European Economic Area (EEA) [6]. Switzerland is not part of the EEA, and its relation with the EU is based on bilateral agreements.

Regarding your wish to obtain compensation from the Swiss authorities, this matter is not within the mandate of the European Ombudsman. The European Ombudsman can investigate only complaints that concern the administrative work of the European Union's institutions and bodies. The Ombudsman cannot look into complaints about other authorities or persons. [7]

I realise that this decision will disappoint you, but I hope that the above information and explanations are nevertheless helpful.

We send you this decision in English, which is a language that you have used when corresponding with our Office. If you wish to receive a translation into German, please let us know.

Yours sincerely,

Tina Nilsson Head of the Case-handling Unit

Strasbourg, 29/06/2021

[1] Article 221(2) of the Treaty on the Functioning of the European Union and Article 27(3) of the Treaty on European Union.

[2] SOLVIT is an online network, assisting citizens and business in disputes with national public authorities on cross-border issues concerning application of EU legislation. The network operates in the European Union, Iceland, Liechtenstein and Norway. For more information concerning SOLVIT, you may consult the following website:

https://ec.europa.eu/solvit/what-is-solvit/index_en.htm [Link]

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

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

[4] For more information about the EEAS and the role of the EU Delegations, you may consult the following website:

https://eeas.europa.eu/headquarters/headquarters-homepage/82/about-european-external-action-service-eeas_en [Link].

[5] See footnote 2.



[6] For more information concerning the European Economic Area, you may consult the following website:

<https://www.europarl.europa.eu/factsheets/en/sheet/169/the-european-economic-area-eea-switzerland-and-the-nor>

[Link]

[7] Article 228 of the Treaty on the Functioning of the European Union and Article 2(1) of the Statute of the European Ombudsman.