

## Decision of the European Ombudsman concerning complaint 1140/2021/OAM against the European Commission

Decision

**Case 1104/2021/OAM - Opened on 08/07/2021 - Decision on 08/07/2021 - Institution concerned** European Commission ( No maladministration found ) |

Dear Mr X,

On 17 June 2021, you submitted a complaint to the European Ombudsman. On 24 June 2021, you provided additional information and documents. You are dissatisfied with how the European Commission dealt with your complaint related to property confiscated by the communist regime in Romania.

You argue that the Commission did not properly assess the issues that you raised and that its response of 29 March 2021 was based on incomplete documentation. You consider that the Commission should have asked you for more documentation and that it should have analysed that documentation before replying to you. You are dissatisfied that the Commission did not assist you in your case before the European Court of Human Rights and you believe that the Commission should at least have forwarded the matter to another competent EU institution.

After a careful analysis of all the information you provided with your complaint, we came to the conclusion that there was **no maladministration by the European Commission** .

We consider that the Commission's reply to you is reasonable and appropriate. The Commission said that it lacks the competence to intervene in proceedings concerning property rights, as such cases do not concern issues of EU law. It is for the Member States of the EU and their national judicial authorities to ensure that fundamental rights, including property rights, are safeguarded. The Commission's reply is correct and there is nothing to indicate that the Commission would have needed more documentation to draw the correct conclusion.

The Commission is also correct in saying that the European Court of Human Rights is not an institution of the EU and that it has no power to intervene in the procedures before that Court.

In line with good administrative practices, a complaint should be transferred to another EU institution or service only if that institution or service is competent to look into the complaint.



However, none of the EU institutions is competent to look into issues concerning restitution of confiscated property.

On that basis, we find no grounds [1] to inquire into your concerns about how the Council of the EU [2] has handled your petition on the same issues.

Regarding the lack of reply from a Member of the European Parliament on the matter, please note that the European Ombudsman can investigate **only** complaints that concern the **administrative** work of the European Union's institutions and bodies. The work of the European Parliament and its Members is **political work** and can, therefore, not be considered maladministration.

In view of this, we have decided to close the case [3] .

We understand that you may be disappointed by this decision, but we nevertheless hope that you will find these explanations helpful. Thank you for having contacted the European Ombudsman.

Yours sincerely,

Tina Nilsson Head of the Case-handling Unit

Strasbourg, 08/07/2021

[1] Article 228 of the Treaty on the Functioning of the European Union says:

"In accordance with his duties, the Ombudsman shall conduct inquiries for which he finds grounds (...)"

[2] More information about the Council of the European Union is available at:

<https://www.consilium.europa.eu/en/council-eu/> [Link]

[3] This complaint has been dealt with under delegated case handling, in accordance with Article 11

of the Decision of the European Ombudsman adopting Implementing Provisions.