

Decision on how the European Commission assessed a complaint on an alleged infringement by Spanish judicial authorities of the complainant's judicial rights (case 1144/2121/OAM)

Decision

Case 1144/2021/OAM - Opened on 08/07/2021 - Decision on 08/07/2021 - Institution concerned European Commission (No maladministration found) |

Dear Mr X,

On 26 June 2021, you submitted a complaint to the European Ombudsman in which you argued that the European Commission had failed properly to assess your complaint about an alleged infringement by Spanish judicial authorities of your judicial rights.

After a careful analysis of all the information you provided with your complaint, we have decided to close the inquiry with the following conclusion [1] :

The Ombudsman finds no maladministration in this case.

The Commission has informed you that in accordance with the Treaty on EU [2] and the Treaty on the Functioning of the EU [3] , it has no competence to intervene in alleged violations of rights by the Member States, if these do not concern the implementation of EU law. The Commission further said that it has no competence to intervene in matters before the national judicial authorities of the Member States.

The Commission's reply to your complaint is reasonable and appropriate. You argue that you are the victim of a judicial error by the Spanish judicial authorities and that you have not been compensated for this error. As the concerns 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 competence to assess your complaint and to intervene. The Commission cannot overrule decisions of the national judicial authorities of the Member States. Remedies and compensation need to be sought at national level via the national courts.

In view of this, we have decided to close the case [4] .

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

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

[2] Treaty on the EU, available at:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012M%2FTXT> [Link]

[3] Treaty on the Functioning of the European Union, available at

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT> [Link]

[4] 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.