

Decision of the European Ombudsman on complaint 1325/2000/GG against the European Commission

Decision

Case 1325/2000/GG - Opened on 20/10/2000 - Decision on 30/04/2001

Strasbourg, 30 April 2001

Dear Dr. H.,

On 4 September 2000, you lodged a complaint (1093/2000/GG) with the European Ombudsman against the European Commission concerning the latter's failure to react to two complaints you had made under Article 169 (now Article 226) of the EC Treaty.

Further to an informal contact I had made to the Commission on 13 September 2000, the Commission sent me a copy of its reply to one of the two above-mentioned complaints that it had sent to you on 12 October 2000.

In a letter of 20 October 2000, I therefore informed you of my view that the Commission had taken steps to settle the matter in so far as this complaint was concerned. I enclosed a copy of the Commission's letter of 12 October 2000. In my letter I also informed you that I had therefore closed the case and that I would forward your complaint to the Commission for its opinion in so far as the second of the above-mentioned complaints was concerned. In order to avoid confusion, a new number was given to this complaint (1325/2000/GG).

On 20 October 2000, I forwarded this complaint to the Commission for its comments.

The Commission sent its opinion on your complaint on 13 February 2001. I forwarded this opinion to you on 16 February 2001 with an invitation to make observations, if you so wished, by 31 March 2001 at the latest. No such observations were received by me.

I am now writing to you to let you know the results of the inquiries that have been made.

THE COMPLAINT

On 13 September 2000, the complainant (acting on behalf of an association of citizens) lodged a complaint with the Ombudsman against the European Commission (1093/2000/GG).



The complaint originated from the plans of a German municipality to develop an industrial estate. The complainant considered that this project was incompatible with EU law and submitted two complaints under Article 169 (now Article 226) to the Commission:

- in his first complaint of 6 February 2000, the complainant argued that the project infringed Article 104a (now Article 102) of the EC Treaty according to which member states have to avoid excessive public deficits, given that the municipality appeared to be indebted and that the funds necessary for the project were provided by the state or by public-sector banks
- in his second complaint of 13 February 2000, the complainant argued that Article 130 c (now Article 160) of the EC Treaty regarding the European Regional Fund (ERF) could also have been infringed since it appeared possible that ERF money had been misused to finance the above project.

Not having received a reply to his complaints from the Commission, the complainant turned to the Ombudsman. The complainant claimed that at least an acknowledgement of receipt should have been sent.

Further to an informal contact made by the Ombudsman, the Commission forwarded to the Ombudsman a copy of the reply to one of the two above-mentioned complaints that it had sent to the complainant on 12 October 2000.

On 20 October 2000, the Ombudsman therefore informed the complainant of his view that the Commission had taken steps to settle the matter in so far as this complaint was concerned. A copy of the Commission's letter of 12 October 2000 was enclosed in the Ombudsman's letter. In his letter, the Ombudsman also informed the complainant that he had therefore closed the case and that he would forward the complaint to the Commission for its opinion in so far as the second of the above-mentioned complaints was concerned. In order to avoid confusion, a new number was given to this complaint (1325/2000/GG).

THE INQUIRY

The complaint was sent to the Commission for its comments.

The opinion of the Commission

In its opinion, the Commission regretted the long delay and informed the Ombudsman that this delay had been caused by an erroneous attribution of the complainant's letter of 13 February 2000 within the Commission's services. According to the Commission, an investigation had been initiated as soon as the letter reached the service in charge. The result of this investigation had been communicated to the complainant by letter of 28 November 2000.

In this letter (a copy of which was attached to the opinion) the Commission informed the complainant that it had carefully examined the complaint and contacted the German authorities and had finally concluded that no money from Community funds had been granted to the relevant project.

The complainant's observations

No observations from the complainant were received by the Ombudsman.



THE DECISION

1 Failure to react to complaint

1.1 The complainant claimed that the Commission had failed to react to a complaint he had lodged under Article 169 (now Article 226) of the EC Treaty and in which he had alleged that money from Community funds may have been used for a project of a German municipality to which the complainant objected.

1.2 In its opinion, the Commission regretted the long delay and informed the Ombudsman that this delay had been caused by an erroneous attribution of the complainant's letter. The Commission pointed out that an investigation had been initiated as soon as the letter reached the service in charge and that the result of this investigation had been communicated to the complainant by letter of 28 November 2000. In this letter, the Commission informed the complainant that upon a careful examination of the case it had come to the conclusion that no money from Community funds had been granted to the relevant project.

1.3 It appears that the Commission has taken steps to settle the matter and has thereby satisfied the complainant.

2 Conclusion

On the basis of the Ombudsman's inquiries into the present complaint, it appears that the Commission has taken steps to settle the matter and has thereby satisfied the complainant. The Ombudsman therefore closes the case.

The President of the European Commission will also be informed of this decision.

Yours sincerely,

Jacob SÖDERMAN