

Decision of the European Ombudsman on complaint 1668/2000/PB against the European Commission

Decision

Case 1668/2000/PB - Opened on 22/01/2001 - Decision on 31/05/2001

Strasbourg, 31 May 2001

Dear Mr S.,

On 19 December 2000, you made a complaint, by email, to the European Ombudsman, concerning your view that the Commission has wrongfully concluded that the internal market does not give a right to send wine for private use from Germany to the UK without paying taxes in the UK.

On 22 January 2001, I forwarded the complaint to the President of Commission. The Commission sent its opinion on 2 April 2001. In its opinion, the Commission questions the admissibility of your complaint. It refers to the Ombudsman's Statute which provides that "The complaint must allow the person lodging the complaint ... to be identified" (Article 2(3)). The Commission doubts the compliance with this requirement, which seems to be partly due to the fact that the Commission has received email-messages very similar to those of yours from another email address and signed with a different name. The Commission appears to consider that doubts about compliance with the identification requirement would be removed if you would specify your postal address.

I concluded that the Commission had expressed reasonable concerns in regard to your specific complaint, and I therefore asked you, by email of 18 April 2001, if you could send me your postal address. I informed you that I would be grateful to receive your reply by 30 April 2001. It appears that you have not replied to my email of 18 April 2001.

THE COMPLAINT

In December 2000, the complainant submitted allegations that the Commission has wrongfully concluded that the internal market does not give a right to send wine for private use from Germany to the UK without paying taxes in the UK.

The Commission's opinion

The complaint was forwarded to the Commission, which questioned the admissibility of the complaint. It referred to the Ombudsman's Statute which provides that "The complaint must



allow the person lodging the complaint ... to be identified" (Article 2(3)). The Commission doubted whether this requirement had been complied with, which seemed to be partly due to the fact that the Commission had received email-messages very similar to those of the complainant, received from another email address and signed with a different name. The Commission appeared to consider that doubts about compliance with the identification requirement would be removed if the complainant would specify his postal address.

The Ombudsman asked the complainant if he could provide his postal address, a request which the complainant did not reply to.

THE DECISION

1 The Commission's questioning of the admissibility

1.1 The Commission questioned the admissibility of the complaint, referring to the Ombudsman's Statute which provides that "The complaint must allow the person lodging the complaint ... to be identified" (Article 2(3)). The Commission's concerns seemed reasonable, and the Ombudsman therefore asked the complainant to provide his postal address to enable proper identification. The complainant did not meet the request. The Ombudsman therefore terminated his inquiry on the basis that the complaint is inadmissible according to Article 2 (3) of the Ombudsman's Statute, since the complainant is not identified.

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

Yours sincerely,

Jacob Söderman