

Decision of the European Ombudsman on complaint 173/2001/BB against the European Commission

Decision

Case 173/2001/BB - Opened on 28/03/2001 - Decision on 04/12/2001

Strasbourg, 4 December 2001

Dear Mr M.,

On 6 February 2001 you made a complaint to the European Ombudsman concerning the administrative handling of your complaint registered on 17 May 2000 at the European Commission (ref. SG(00)A/6311).

On 28 March 2001, I forwarded the complaint to the President of the European Commission. The Commission sent its opinion on 1 June 2001. I forwarded it to you with an invitation to make observations, which you sent on 28 August 2001. Meanwhile, the Commission forwarded to me a copy of its reply to your complaint dated 26 June 2001.

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

THE COMPLAINT

The complainant claims that on 14 April 2000 he made a complaint to the Commission about illegal state aid to the banking and business sector in Finland. At the time the Commission representation in Finland explained to him that the Commission would give its views on the matter within six months. The complainant sent a letter to the Commission and received information that his complaint was registered on 17 May 2000 ref. SG(00)A/6311 and that his complaint had been forwarded to DG Competition.

The complainant claims that he has received no information about the handling of his complaint. Furthermore, the complainant wished that the Ombudsman would speed up the handling of his complaint to the Commission.

THE INQUIRY

The Commission's opinion

In its opinion, the Commission made the following remarks:



The complaint was registered on 17 May 2000 by the Secretariat General. The complaint contains 96 pages in Finnish. The complainant had contacted the press services of the Commission Representation in Finland on 12 January 2001 requesting information on the developments related to his complaint. The Commission services replied to the complainant the same day via the press services informing him that they were waiting for the full translation of the complaint. The Permanent Representation had informed the complainant that the Commission would present its views within six months before the end of July 2001. The Commission services will follow the deadline set by the Permanent representation in Finland.

Two particular reasons have lengthened the handling of the complaint. Firstly, the complaint contains 94 pages which due to its structure has not been easy to analyse. Therefore, a full translation has been necessary. Secondly, the Commission services have had several important and urgent complaints to handle which has resulted in longer procedure in this particular case which concerns a state aid of approximately 2.000.000 Euro granted over seven years ago. The complaint itself did not contain any documents supporting the claims.

The Commission services have completed the handling of the complaint. A reply is being prepared on the results of the investigation and will be sent as soon as possible.

The complainant's observations

The complainant received the Commission's reply dated 26 June 2001. In his observations the complainant criticises the substance and the reasoning of the Commission reply. The complainant requests that the Commission obtain copies of further documents from the national authorities.

Furthermore, the complainant underlines that the Commission's handling of his complaint has taken an unusually long time.

THE DECISION

1 Introductory remark

In his observations the complainant criticises the Commission's reply and requests that the Commission obtains further documents from the national authorities. These issues are outside the scope of the original complaint. In accordance with Article 2(4) of the Statute of the Ombudsman, it would be appropriate for the complainant to make administrative approaches to the Commission about these issues before lodging a complaint with the Ombudsman. The Ombudsman will not therefore deal with these issues in the framework of the present complaint. If the complainant takes up these issues with the Commission directly and does not receive a proper reply, he has the possibility to present a new complaint to the Ombudsman.

2 Alleged irregularities in the administrative handling of a complaint to the Commission (ref. SG(00)A/6311)

2.1 The complainant made a complaint on 14 April 2000 to the Commission alleging illegal state aid to the banking and business sector in Finland. At the time, the Commission representation explained that the Commission would give its views on the matter within six months. Later, the complainant sent a letter to the Commission and received information that his complaint had



been forwarded to DG Competition. The complainant claims that he has not received any information about the handling of his complaint.

2.2 In its opinion, the Commission states that the complaint was registered on 17 May 2000 by the Secretariat General. On 12 January 2001, the complainant had contacted the press services of the Commission Representation in Finland requesting information on the developments related to his complaint. The Commission services replied to the complainant the same day via the press services informing him that they were waiting for the full translation of the complaint. The Permanent Representation had informed the complainant that the Commission would present its views within six months before the end of July 2001. According to the Commission, its services would follow the deadline set by the Permanent representation in Finland.

2.3 During the European Ombudsman's own initiative inquiry 303/97/PD (1) the European Commission made an undertaking according to which a decision to close the file without taking any action, or a decision to initiate official infringement proceedings, must be taken within a maximum period of one year from the date when the complaint was registered, except in special cases, the reasons for which must be stated.

2.4 The complaint in this case was registered on 17 May 2000. On 26 June 2001, the Commission sent a detailed and reasoned reply to the complainant, explaining its decision to close the file. The handling of the complaint took therefore just over one year. The Commission has explained that the complaint involved a large volume of material which was not easy to analyse due to its structure. The Commission has therefore given reasons explaining the special circumstances which resulted in the handling of the case taking longer than one year. The Ombudsman considers that the Commission's explanation is reasonable. The Ombudsman also notes that, on 12 January 2001, the Commission informed the complainant of the date by which it would take a position and that it respected that specific undertaking.

2.5 On the basis of the above findings, there appears to have been no maladministration on the part of the Commission.

3 Conclusion

On the basis of the Ombudsman's inquiries into this complaint, there appears to have been no maladministration by the European Commission. The Ombudsman therefore closes the case.

Yours sincerely,

Jacob SÖDERMAN

(1) Decision of the European Ombudsman in the own initiative inquiry 303/97/PD into the Commission's administrative procedures in relation to citizens' complaints about national authorities, 13 October 1997.