

## **Decision of the European Ombudsman on complaint 198/2001/GG against the European Commission**

Decision

**Case 198/2001/GG - Opened on 09/03/2001 - Decision on 30/05/2001**

Strasbourg, 30 May 2001

Dear Mr H.,

On 6 February 2001, you lodged a complaint against the European Commission in which you alleged that the Commission had failed to reply to the questions you had put to it in a letter of 30 November 1999.

On 9 March 2001, I forwarded the complaint to the Commission. The Commission sent its opinion on 15 May 2001, and I forwarded it to you on 18 May 2001 with an invitation to make observations, if you so wished. On 23 May 2001, you sent me your observations on the Commission's opinion.

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

### **THE COMPLAINT**

On 30 November 1999, the complainant, a German citizen, addressed a list of questions regarding the issue of mobbing at the workplace and its relationship with Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (1) to the Commission. On 3 February 2000, the Commission informed the complainant that his questions would be transmitted to an advisory committee that was dealing with the relevant issues. The Commission announced that it would keep the complainant informed of further developments. According to the complainant, however, no further communication was received by him.

The complainant claims that the Commission should answer his questions.

### **THE INQUIRY**

The complaint was sent to the European Commission for its comments.



### **The Commission's opinion**

In its opinion, the Commission made the following comments:

Council Decision 74/325/EEC of 27 June 1974 (2) had set up an Advisory Committee on Safety, Hygiene and Health Protection at Work that had the task of assisting the Commission in the relevant sector. The complainant had been informed on 3 February 2000 that the said committee had set up an ad-hoc group dealing with the issue of mobbing at the workplace and that his questions had therefore been forwarded to this committee.

The ad-hoc group had only met once since the complainant's questions had been received and it had not been possible to discuss the latter on this occasion. However, these questions were due to be considered at the first meeting of the group in 2001 that was scheduled for 8 May 2001. The Commission envisaged to forward to the complainant a more detailed answer to his questions in May 2001, subject to the progress of discussions in the ad-hoc group. The complainant had last been informed of the state of the procedure on 13 February 2001.

### **The complainant's observations**

In his observations, the complainant thanked the Ombudsman for his successful efforts. He pointed out that he had had no knowledge of the Commission's letter of 13 February 2001. The complainant added that he would not have lodged his complaint if he had known of this letter. He considered that there had been a misunderstanding and asked the Ombudsman to inform the Commission accordingly.

## **THE DECISION**

### **1 Failure to reply to questions**

1.1 The complainant claimed that the Commission had failed to reply to a list of questions regarding the issue of mobbing at the workplace and its relationship with Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (3) that he had sent to the Commission on 30 November 1999.

1.2 The Commission pointed out that an ad-hoc group dealing with the issue of mobbing at the workplace had been set up by the Advisory Committee on Safety, Hygiene and Health Protection at Work set up by Council Decision 74/325/EEC of 27 June 1974 (4) that had the task of assisting the Commission in the relevant sector. It had therefore decided to submit the complainant's questions to this committee. These questions would be considered at the first meeting of the group in 2001 that was scheduled for 8 May 2001. The Commission envisaged to forward to the complainant a more detailed answer to his questions in May 2001, subject to the progress of discussions in the ad-hoc group. The complainant had last been informed of the state of the procedure on 13 February 2001.

1.3 In his observations, the complainant explained that he had had no knowledge of the Commission's letter of 13 February 2001 and that he would not have lodged his complaint if he had known of this letter. He considered that there had been a misunderstanding and asked the Ombudsman to inform the Commission accordingly.



## **2 Conclusion**

It appears from the Commission's opinion and the complainant's observations that the Commission has taken steps to settle the matter and has thereby satisfied the complainant. The Ombudsman therefore closes the file.

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

Yours sincerely,

Jacob SÖDERMAN

(1) OJ 1989 L 183, p. 1.

(2) OJ 1974 L 185, p. 15.

(3) OJ 1989 L 183, p. 1.

(4) OJ 1974 L 185, p. 15.