



Decision in the case 327/2022/OAM on how the European Commission handled a complaint concerning corruption in the Romanian judiciary and government

Decision

Case 327/2022/OAM - Opened on 10/03/2022 - Decision on 10/03/2022 - Institution concerned European Commission (No maladministration found) |

Dear Mr X,

You recently submitted a complaint to the European Ombudsman against the European Commission.

You are concerned with how the Commission handled the complaint you submitted in November 2021 about the outcome of court proceedings concerning yourself and how the Romanian authorities dealt with concerns you raised about a judge. In your complaint to the Ombudsman, you reiterated these concerns and argued that the Commission should take action to address alleged corruption in the Romanian judiciary and government.

Please note that the Ombudsman cannot examine any matters related to legal proceedings or the work of national authorities. The Ombudsman can investigate only complaints that concern the administrative work of the European Union's institutions and bodies. We have therefore limited our assessment to the Commission's reply to your complaint.

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

There was no maladministration by the European Commission.

In its reply to you, the Commission stated that it does not have the competence to intervene in individual cases or to examine decisions of national judicial authorities. It explained that it may only investigate issues related to the implementation of EU law. The Commission indicated that you should make use of any available remedies at national level, such as contacting the national ombudsman or judicial authorities. It also explained that any person can lodge a complaint with the European Court of Human Rights, in case of breaches of fundamental rights, provided that all national remedies have been exhausted.

The Commission also informed you about its work on monitoring and evaluating the



Romanian judicial system and the fight against corruption, which it does mainly through the Cooperation and Verification Mechanism [1] and the rule of law mechanism [2]. It provided you with the most recent reports published on the matter.

The Commission is correct in stating that it has no competence to look into the outcome of specific legal proceedings that do not concern the implementation of EU law. The Commission also provided useful information about its action in the area of corruption and the rule of law in Romania. Every year, it assesses the developments in Romania's judicial system, makes recommendations where necessary and follows the implementation of those recommendations by the Romanian authorities. We therefore consider the Commission's reply to be reasonable.

Although we understand that you may be disappointed with this outcome, we hope you find these explanations helpful. [3]

Yours sincerely,

Tina Nilsson Head of the Case-handling Unit

Strasbourg, 10/03/2022

[1]

<https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/assistance>

[2]

<https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-n>

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

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