

Decision on how the European Commission handled a complaint alleging an infringement of EU law by Poland as regards aircraft noise (case 257/2022/NH)

Decision

Case 257/2022/NH - Opened on 07/03/2022 - Decision on 14/06/2022 - Institution concerned European Commission (No maladministration found) |

Dear Sir or Madam,

You made a complaint to the European Ombudsman against the European Commission concerning the above issue.

After a careful analysis of all the information submitted to us, we have decided to close our inquiry with the following conclusion:

There was no maladministration by the Commission in this case.

I will explain why in the paragraphs below.

The Ombudsman opened an inquiry into your complaint, focusing on procedural aspects. We asked the Commission to reply to your e-mail of 15 July 2021, which the Commission appeared not to have taken into account when closing your infringement complaint.

The Commission replied to you on 11 April 2022. It apologised for not having replied to your e-mail of 15 July 2021. The Commission further set out why it maintained its conclusion that your complaint did not indicate a breach of EU law. The Commission advised you to seek redress concerning the discrimination argument at the national or local level. In addition, the Commission recalled that it had initiated several infringement procedures against Poland concerning breach of EU law in the area of environmental noise and air quality.

As set out in our letter of 7 March 2022, the Ombudsman's role in cases about how the Commission deals with infringement complaints is limited. The Commission enjoys wide discretion in deciding whether and when to commence an infringement procedure [1] .

The Ombudsman would question the Commission's position in this regard only in case of a manifest error of assessment. While the Commission initially failed to take into account your



comments sent on 15 July 2021, it has now apologised for this oversight and replied to you. The Commission has provided you with clear information why it considers that your complaint does not indicate a breach of EU law, and we find no manifest error of assessment in that regard. [2]

I acknowledge that this may not be the outcome you were expecting. I still hope that the above explanations are useful. Thank you for having contacted the Ombudsman.

Yours sincerely,

Tina Nilsson

Head of the Case-handling Unit

Strasbourg, 14/06/2022

[1] Judgment of the Court of 14 February 1989, *Starfruit v Commission*, case 247/87, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:61987CJ0247>.

[2] Full information on the procedure and rights pertaining to complaints can be found at <https://www.ombudsman.europa.eu/en/document/70707>