

How the European Commission dealt with a complaint that Romania is in breach of EU law in relation to the right to property

Decision

Case 1220/2022/ABZ - **Opened on** 12/07/2022 - **Decision on** 12/07/2022 - **Institution concerned** European Commission (No maladministration found) |

Dear Mr X,

You recently submitted a complaint to the European Ombudsman against the European Commission's Directorates-General for Agriculture and Rural Development (DG AGRI), and for Justice and Consumers (DG JUST).

Communication with DG AGRI

I am sorry to have to tell you that the Ombudsman is unable to deal with this aspect of your complaint. This is because, in order for the Ombudsman to be able to open an inquiry, complaints must be made within two years of the date on which the facts came to the attention of the complainant. As it appears that the issues concerning DG AGRI that you raise in your complaint occurred more than two years ago, this aspect of your complaint is inadmissible.

Communication with DG JUST

In your complaint, you contend that the Commission failed to reply to your complaint and to the related emails, in which you denounced alleged violations of your right to property [1] by the Romanian authorities.

After careful analysis of the evidence that you provided about this matter, we conclude that **there was no maladministration by the European Commission** [2] .

We note that, in its letters of 21 December 2021 and 7 February 2022, DG JUST has provided you with reasonable and appropriate replies. It informed you that it could not intervene in general matters concerning fundamental rights in Member States, where these matters are unrelated to EU law. It advised you to turn to the relevant national authorities instead.

In this regard, please note that the EU has no *direct* competence in relation to private property



[3] . Moreover, the Charter of the Fundamental Rights of the European Union applies to the Member States *only* when they implement EU law [4] .

We appreciate that this may not be your desired outcome, but we nevertheless hope you find the above explanations helpful.

Yours sincerely,

Tina Nilsson

Head of the Case-handling Unit

Strasbourg, 12/07/2022

[1] Article 17 of the Charter of the Fundamental Rights of the European Union:
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT> [Link].

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

[3] The areas of competence of the EU are defined under Articles 2 to 6 of the Treaty on the Functioning of the European Union.

[4] Article 51(1) of the Charter of the Fundamental Rights of the European Union.