

Decision on how the European Commission replied to a complaint about alleged violations of the EU Charter of Fundamental Rights by a Romanian court (case 1861/2022/OAM)

Decision

Case 1861/2022/OAM - **Opened on** 09/11/2022 - **Decision on** 09/11/2022 - **Institution concerned** European Commission (No maladministration found) |

Dear Mr X,

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

According to the information you provided, on 17 August 2022, you wrote to the Commission arguing that you were wrongly convicted by a Romanian court. You claimed that the Romanian authorities, in particular the High Court of Cassation and Justice, the police, the Public Prosecutor, the Ministry of Development, Public Works and Administration, breached various articles of the EU Charter of Fundamental Rights. [1] The Commission replied on 10 October 2022.

We understand you are dissatisfied with the Commission's reply.

After careful analysis of all the information you provided with your complaint, **we find no indication of maladministration by the European Commission** .

The Commission correctly said that the EU Charter of Fundamental Rights applies to Member States only when they are implementing EU law. [2] The Commission found that the issues you raised did not appear to be related to the implementation of EU law. The Commission therefore does not have the authority to intervene in your case. In cases where the Charter does not apply, Member States and their national authorities have the general responsibility for protecting the fundamental rights of their citizens.

In light of the above, the Ombudsman has closed the case. [3]

Although we understand that you may be disappointed with this decision, we hope you find the explanations helpful.



Yours sincerely,

Tina Nilsson Head of the Case-handling Unit

Strasbourg, 09/11/2022

[1]

<https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/eu-charter-fundamental-rights>
[Link]

[2] Article 51 of the EU Charter.

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

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