

Decision on how the European Commission dealt with a complaint that Spain breached EU law on social rights - CHAP(2022)03323 (case 124/2023/OAM)

Decision

Case 124/2023/OAM - **Opened on** 14/02/2023 - **Decision on** 14/02/2023 - **Institution concerned** European Commission (No maladministration found) |

Dear Mr X,

In January 2023, you complained to the European Ombudsman about how the European Commission dealt with your infringement complaint (CHAP(2022)03323) against Spain.

In your complaint to the Commission, you argued that the Spanish government is abusing the rights of the Spanish citizens by denying their social rights. In particular, you contest the decision of a Spanish regional government not to grant you a non-contributory pension.

In your complaint to the Ombudsman, you argue that the EU allocates funds to Spain for social contributions. You consider that the Commission is not fulfilling its role to control the spending of EU funds and to monitor that the Spanish authorities are adequately giving social rights to the Spanish citizens.

You consider that the Commission was wrong not to take any action in relation to your complaint.

After a careful analysis of all the information you provided with your complaint to the Ombudsman, we have decided to close the inquiry with the following conclusion [1] :

The Ombudsman finds no maladministration in this case.

The Commission has informed you that in accordance with the Treaty on the Functioning of the EU [2] , social protection systems are mainly the competence of the Member States. The Commission further said that there is no EU legislation regulating the situation described by you, and that the Commission therefore has no competence to intervene.

The Commission's reply to your complaint is reasonable and appropriate. As the concerns you raised with the Commission do not seem to relate to the implementation of EU law, the



Commission is correct in saying that it has no competence to intervene. Please note that the EU provides funding in social affairs, such as for example for education and skills to improve employment. Generally, there is no direct funding to social contributions of the Member States. If you have serious suspicion of fraud or other serious irregularities with a potentially negative impact for EU public funds, you could consider contacting the European Anti-Fraud Office. [3]

We understand that you may be disappointed by this decision, but we nevertheless hope that you will find these explanations helpful.

Yours sincerely,

Tina Nilsson Head of the Case-handling Unit

Strasbourg, 14/02/2023

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

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

[2] Treaty on the Functioning of the European Union, available at

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT> [Link]

[3] https://anti-fraud.ec.europa.eu/olaf-and-you/report-fraud_en [Link]