

Decision on how the European Commission handled an infringement complaint (CHAP(2022)00800) concerning the implementation of the Animal Breeding Regulation in Ireland (case 351/2023/JN)

Decision

Case 351/2023/JN - Opened on 15/03/2023 - Decision on 15/03/2023 - Institution concerned European Commission (No maladministration found) |

Dear Ms X,

You recently submitted a complaint to the European Ombudsman about how the European Commission handled your infringement complaint.

In your infringement complaint to the Commission, you contended that Ireland had failed to implement Regulation 2016/1012 [1] (the Animal Breeding Regulation) correctly. You specifically referred to the timely transmission of zootechnical certificates and official controls.

In your complaint to the Ombudsman, you argue that the Commission was wrong not to take any action in relation to your complaint.

After 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.

The Commission enjoys wide discretion in deciding whether and when to commence an infringement procedure [2] . Its policy on infringements of EU law is set out in its Communication 'EU law: Better results through better application' [3] .

The Commission is not obliged to engage with a complainant on every issue or argument raised in an infringement complaint. It is sufficient that the Commission explains clearly why it has taken the position it has taken, which it has done in this case.

The Ombudsman would question the Commission's position in this regard only in case of a manifest error of assessment. However, based on the information provided in your complaint, there is no evidence of a manifest error of assessment. In addition, the Commission provided



you with clear information why it considers that there is no breach of EU law and its reply is reasonable.

Yours sincerely,

Tina Nilsson Head of the Case-handling Unit

Strasbourg, 15/03/2023

[1] Regulation 2016/1012 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof ('Animal Breeding Regulation'):

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R1012&qid=1678453339585>
[Link]

[2] 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>.

[3]

[https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017XC0119\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017XC0119(01)&from=EN)