

## Decision of the European Ombudsman on complaint 127/2003/IJH against the European Commission

Decision

**Case 127/2003/IJH - Opened on 14/02/2003 - Decision on 23/07/2003**

Strasbourg, 23 July 2003

Dear Mrs and Mr L.,

On 8 January 2003, you made a complaint to the European Ombudsman concerning the Commission's failure to answer your complaint against the Swedish authorities, made to the Commission on 14 April 2000, and your letters of 1 December 2002 and 6 January 2003.

On 14 February 2003, the complaint was forwarded to the President of the Commission. The Commission sent its opinion on 26 March 2003. I forwarded it to you with an invitation to make observations. I received your observations on 22 April 2003 and 28 May 2003.

I am writing now to let you know the results of the inquiries that have been made.

### THE COMPLAINT

According to the complainants, who are Swedish citizens, the relevant facts are, in summary, as follows:

On 14 April 2000, the complainants made a complaint to the Commission about, amongst other things, the Swedish judicial system. In a letter dated 31 October 2000, the Commission's DG Internal Market informed the complainants that their allegations regarding the Swedish judicial system would be forwarded to DG Justice and Home Affairs for analysis and answer. On 1 December 2002 and 6 January 2003, the complainants submitted to the Commission further evidence supporting their allegations about the Swedish judicial system. In the same letters, they requested the Commission to deal with their earlier complaint immediately. On 8 January 2003, the complainants lodged a complaint with the Ombudsman.

In their complaint to the Ombudsman, the complainants allege that the Commission has not answered to their complaint of 14 April 2000, and has failed to answer their letters dated 1 December 2002 and 6 January 2003, about the same matter.



The complainants claim that the Commission should deal with their complaint of 14 April 2000 immediately, and communicate the results to them, also taking into account the circumstances pointed out by the complainants in their letters to the Commission of 1 December 2002 and 6 January 2003.

## THE INQUIRY

### **The Commission's opinion**

In its opinion, the Commission stated that it had answered the complainants by letters of 31 October 2000 and 11 January 2001. Furthermore, as regards the supplementary documentation sent to the Commission in December 2002, it had replied on 28 February 2003.

### **The complainants' observations**

The complainants were invited to submit observations on the Commission's opinion. From their reply, it was clear that they considered that the Commission had replied to their complaint and to their letters.

The complainants' observations also contained a new allegation that the Commission has interpreted Directive 95/46/EC too narrowly. The complainants also allege that Swedish courts refuse to refer to the case law of the Court of Justice, or to ask for preliminary rulings.

## THE DECISION

### **1 Preliminary remarks**

1.1 In their observations on the Commission's opinion, the complainants made new allegations against the Commission and the Swedish courts.

1.2 Since the new allegation against the Commission is not part of the original complaint, the Ombudsman does not deal with it in the framework of the present inquiry, in order to avoid delay in reaching a decision on the original complaint. The complainants could, however, consider lodging a new complaint with the Ombudsman, if they so wish.

1.3 As regards the new allegation against the Swedish courts, the Ombudsman points out that he has no mandate to deal with it. The Ombudsman notes that the complainants could make a new complaint to the Commission on the matter, or consider addressing a petition to the European Parliament.

### **2 Failure to answer to a complaint and to letters**

2.1 The complainants allege that the Commission has not answered to their complaint of 14 April 2000, and has failed to answer their letters dated 1 December 2002 and 6 January 2003, about the same matter. They claim that the Commission should deal with their complaint immediately, and communicate the results to them.

2.2 The Commission states that it has answered the complainants already in October 2000 and January 2001 and that, as regards the supplementary documentation sent by the complainants in December 2002, it has replied on 28 February 2003.



2.3 In observations received by the Ombudsman on 22 April 2003 and 28 May 2003, the complainants make it clear that they consider that the Commission has now replied to their complaint and to their letters.

### **3 Conclusion**

It appears from the Commission's opinion and the complainants' observations that the Commission has taken steps to settle the matter and has thereby satisfied the complainants as regards their allegations that the Commission has failed to answer to their complaint and to their letters. The Ombudsman therefore closes the case.

The President of the Commission will also be informed of this decision.

Yours sincerely,

P. Nikiforos DIAMANDOUROS