

## **Decision of the European Ombudsman on complaint 349/2007/PB against the European Commission**

Decision

**Case 349/2007/PB - Opened on 29/05/2007 - Decision on 13/12/2007**

Strasbourg, 13 December 2007

Mr President,

In its opinion of 10 September 2007 on the above complaint, the Commission suggested that my inquiry should be temporarily discontinued due to an application for free legal aid submitted by the complainant to the Court of First Instance. The Commission referred to the fact that the European Ombudsman is not allowed to investigate matters that are the subject of legal proceedings.

I forwarded the Commission's opinion to the complainant, who has essentially confirmed the facts referred to by the Commission.

On the basis of this information, I have concluded that it would not be consistent with the relevant legal provisions (1) to continue my present inquiry. Since I have identified no exceptional circumstances that would warrant merely a temporary discontinuation of the inquiry, I have, therefore, decided to close the case.

Please find enclosed a copy of my letter to the complainant, which informs him of my above conclusions and decision.

Yours sincerely,

P. Nikiforos DIAMANDOUROS

(1) Article 195 of the EC Treaty and Article 1(3) of the Ombudsman's Statute.