



Decision in case 229/2018/JAP on the European Commission's failure to keep the complainant informed about the handling of his infringement complaint against Luxembourg

Decision

Case 229/2018/JAP - Opened on 14/02/2018 - Decision on 15/03/2018 - Institution concerned European Commission (Settled by the institution) |

1. On 1 December 2014, the complainant lodged an infringement complaint against Luxembourg for failure to comply with Directive 2008/94/EC [1] on protection of employees in the event of insolvency of their employer. On 23 February 2015, the Commission informed the complainant that it decided to open an EU pilot procedure [2] . The Commission contacted the Luxembourgish authorities in March 2015. On 20 October 2015, the Commission informed the complainant that the EU pilot procedure was still on-going.
2. In the course of 2016 and 2017, on four occasions, the complainant requested the Commission to inform him about the steps taken on his complaint, the last time being on 20 November 2017. As he did not receive any reply, he turned to the European Ombudsman on 17 January 2018.
3. The Ombudsman's inquiry team contacted the Commission, which replied to the complainant's correspondence on 1 March 2018. It also apologised for the delay incurred, caused by an administrative error.
4. In its reply, the Commission confirmed that the assessment of the complainant's infringement complaint was still on-going. In this context, it noted that the initial information received from the Luxembourgish authorities was insufficient to reach a decision on the complaint. It thus contacted the national authorities again in March 2016. It explained that its analysis was on-going and that it would inform the complainant of the next steps within the coming weeks.
5. As a reply has now been sent, this complaint is resolved [3] and I have decided to close the case [4] .

Lambros Papadias



Head of Inquiries - Unit 3

Strasbourg, 15/03/2018

[1] Directive 2008/94/EC of the European Parliament and of the Council of 22 October 2008 on the protection of employees in the event of the insolvency of their employer, *OJ L 283*, 28.10.2008

[2] Under EU Pilot procedure, the Commission can undertake informal dialogue with Member States on issues related to potential non-compliance with EU law, prior to launching a formal infringement procedure.

[3] If the complainant considers that the institution's reply is not satisfactory, it is open to him to make a new complaint to the Ombudsman.

[4] This complaint has been dealt with under delegated case handling, in accordance with Article 11 of the Decision of the European Ombudsman adopting Implementing Provisions