

Decision of the European Ombudsman on complaint 1156/97/PD against the European Commission

Decision

Case 1156/97/PD - Opened on 30/01/1998 - Decision on 09/06/1999

Strasbourg, 9 June 1999 Dear Mr L., On 14 November 1997 you made a complaint to the European Ombudsman concerning the failure of the European Commission to reply to your letters. On 30 January 1998 I forwarded the complaint to the President of the European Commission. The Commission sent its opinion on 18 May 1998 and I forwarded it to you with an invitation to make observations, if you so wished. On 24 July 1998 I received your observations. I am writing now to let you know the result of the inquiries that have been made.

THE COMPLAINT The complainant complained to the European Ombudsman about lack of reply to letters sent by him to the European Commission. In the letters to the Commission, the complainant alleged that the Spanish authorities had unlawfully refused to recognise his Argentinean diploma in dentistry. On the date of submission of the complaint, no reply had been received from the Commission.

THE INQUIRY

The Commission's opinion In its opinion, the Commission informed the Ombudsman that subsequent to the lodging of this complaint, it had replied in detail to the complainant. The Commission also explained the delay in replying. First, the subject matter of the complainant's queries was being investigated by the Commission in connection to an infringement complaint lodged by another citizen; the relevant Commission services had been waiting to see the final results of those investigations. Secondly, the complainant's lawyer had visited those services on 10 November 1997 on which occasion officials had explained in detail the Commission's view on Spain's non-recognition of certain Argentinean dentistry diplomas. The Commission added that the substance of the complainant's concerns was similar to that which was being investigated by the Ombudsman under another complaint (complaint 535/97/PD). It therefore referred the Ombudsman to its opinion in that complaint. **The complainant's observations** Given the Commission's reference to its opinion in complaint 535/97/PD, the Ombudsman decided to forward that opinion to the complainant together with the Commission's opinion in this case. In his observations, the complainant disputed the Commission's view on Spain's non-recognition of Argentinean dentistry diplomas. He also put forward that there were elements distinguishing his complaint from the one referred to by the Commission (535/97/PD).

THE DECISION



1 Failure to reply 1.1 The original complaint concerned lack of reply by the Commission. 1.2 From the Commission's opinion, it appears that the Commission has now replied to the complainant. Furthermore, the Commission has explained the reasons why the reply was delayed. 1.3 Against this background, the Ombudsman finds that there are no reasons for inquiring further into this aspect of the complaint. **2 The Commission's conclusions on the substance** 2.1 After thorough examination of the Commission's opinion and the complainant's observations, the Ombudsman concludes that the material issues are similar to those in the other complaint referred to by the Commission (535/97/PD). 2.2 In complaint 535/97/PD, the allegations concerned the Commission's case examination and its interpretation of the relevant Community legislation, Directive 78/687. In respect of the first allegation, the Ombudsman carried out a thorough inspection of the Commission's files. The inspection led the Ombudsman to conclude that the relevant issues had been evaluated with sufficient care and diligence. As regards the Commission's legal interpretation, the Ombudsman found in his decision that the interpretation appeared reasoned and well-founded. The Ombudsman recalled in this respect that the Court of Justice is the highest authority on the interpretation of Community law. 2.3 On this basis, the Ombudsman concludes that there has been no maladministration by the Commission. A copy of the Ombudsman's decision on complaint 535/97/PD is enclosed to this letter. **3 Conclusion** On the basis of the European Ombudsman's inquiries into this complaint, there appears to have been no maladministration by the European Commission. The Ombudsman therefore closes the case. The President of the European Commission will also be informed of this decision. Yours sincerely, Jacob SÖDERMAN