

Mr Hans Smedema

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Strasbourg, 18/08/2025

Decision concerning complaint 2003/2025/VS against the European Commission

Dear Mr Smedema,

You recently submitted a complaint to the European Ombudsman concerning how the European Commission replied to your infringement complaint against the Netherlands for alleged corruption involving the Ministry of Justice.

In your complaint to the Ombudsman, you argue that the Commission was wrong not to open an infringement procedure following your complaint.

After careful analysis of all the information you have sent us, we regret to inform you that the Ombudsman cannot deal with your complaint, as there are not sufficient grounds to open an inquiry.<sup>1</sup> This is so for the following reasons.

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

Regarding your case, we find that the Commission has provided you with an appropriate and reasonable reply as to why it cannot act on the basis of your complaint, namely because the matter complained about does not appear to be related to EU law. The Commission correctly informed you that Member States are solely responsible for maintaining law and order and safeguarding internal security. The Commission also explained how it monitors and reports on developments regarding the fight against corruption in all Member States, including the Netherlands. Finally, the Commission correctly referred you to the possibility to seek redress before the European Court of Human Rights.

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<sup>1</sup> Full information on the procedure and rights pertaining to complaints can be found at <https://www.ombudsman.europa.eu/en/document/70707>

<sup>2</sup> 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>.

<sup>3</sup> [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)



I appreciate this may not be your desired outcome, but I hope you find these explanations helpful. Thank you for having contacted the European Ombudsman.

Yours sincerely,

A handwritten signature in black ink, which appears to read 'Tina Nilsson'. The signature is fluid and cursive, with a large initial 'T'.

Tina Nilsson  
Head of the Case-handling Unit