



Council of the
European Union

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INFORMATION NOTE

From: Legal Service
To: Foreign relations counsellors
Subject: Decision of the European Ombudsman in case 603/2016/VIS against the European Council

INTRODUCTION

1. By decision of 13 September 2016 the European Ombudsman closed its inquiry in case 603/2016/VIS, finding that the issue had been "resolved by collective effort" of the European Council and the External Action Service.
2. The case concerned the alleged failure of the European Council to reply to a request for compensation. On 11 March 2015 and on 12 March 2015, the complainant, acting on behalf of a number of German travel agencies, addressed a request for compensation for losses incurred by the travel industry due to EU sanctions against Russia. The Public Information Service of the General Secretariat of the Council replied to the complainant on 27 March 2015 and focussed on the specific issue of blocked credit cards owned by Russian tourist. In a second reply, it then dealt specifically with the question of any legal liability the EU might have arising from the complainant's claim for compensation.

3. On 20 April 2016 the complainant turned to the Ombudsman who opened a telephone procedure in the case.

THE OMBUDSMAN'S INQUIRY AND FINDINGS

4. In its reply, the General Secretariat of the Council brought to the attention of the Ombudsman the fact that its services had already replied to the complainant's requests.
5. The Ombudsman took note of the European Council replies and of an additional reply provided by the External Action Service. The Ombudsman found that the collective responses of the EU institutions amounted to an appropriate reply to the complainant's correspondence.
6. As regards the substantive issue of the complainant's claim for compensation, the Ombudsman expressed understanding for the position expressed by the Union institutions that there was no legal liability for any losses of the relevant travel companies arising from the imposition of EU sanctions on Russia.
7. The Ombudsman acknowledged that the decision to impose sanctions on a third country is primarily a political decision and therefore suggested that a more appropriate forum to express concerns regarding compensation would be the European Parliament's Committee on Petitions and directed the complainant accordingly.
8. The Ombudsman concluded that the failure to reply to the complainant had been collectively resolved and closed the case.