

Mr Tony Venables

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Strasbourg, 30/10/2024

Decision concerning complaint 1761/2024/ET against the European Commission

Dear Mr Venables,

You recently submitted a complaint to the European Ombudsman concerning the European Commission's decision not to carry out a full public consultation on the EU Citizenship Report 2023.

We appreciate the importance of this matter and the factors you identified that, in your view, made it necessary for the Commission to conduct a full public consultation.

After careful analysis of all the information submitted to us, we regret to inform you that there are insufficient grounds to open an inquiry into your complaint.<sup>1</sup> This is so for the following reasons.

In two letters, dated 3 April 2024 and 7 August 2024, the Commission explained to you the reasons for which it chose not to carry out a full public consultation, but rather a simpler call for evidence in relation to the 2023 Report. It demonstrated that it had consulted citizens and stakeholders in various ways since it published the previous report in 2020. It also stated that, as the term of the current Commission is concluding, it was not, at this time, proposing new initiatives in the area of citizenship, which would merit a wider consultation.

We find that the Commission's explanations are reasonable. The Commission was acting within its margin of discretion when it decided to carry out a call for evidence, rather than a public consultation. According to the Commission's Better Regulation Guidelines, the Commission should consult stakeholders in a manner that is both open and accountable, and effective.<sup>2</sup> This implies that the Commission has discretion to decide the nature of any consultation exercise, provided it follows the principles of good administration, notably in the way the data is collected. For a consultation to be effective, stakeholders should be consulted in a timely manner, taking account of proportionality and specific restraints.

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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> / in the attachment.

<sup>2</sup> Chapter 2 of the Better Regulation Guidelines: [https://commission.europa.eu/document/download/d0bbd77f-bee5-4ee5-b5c4-6110c7605476\\_en?filename=swd2021\\_305\\_en.pdf](https://commission.europa.eu/document/download/d0bbd77f-bee5-4ee5-b5c4-6110c7605476_en?filename=swd2021_305_en.pdf)



While the Ombudsman concluded in case 406/2008/VIK that '*consulting interested parties before publishing the reports on European citizenship would clearly be good administrative practice*', the Commission does have considerable discretion in the modalities and breadth of its consultation. We have therefore closed the case.

That said, the Ombudsman has consistently stated that consulting citizens and stakeholders is essential to guarantee their right to participate in the democratic life of the EU and in policy-making processes. We consider the Commission's previous practice of organising public consultations in the context of the Citizenship Report a good administrative practice. As such, we will urge the Commission to return to this approach for future reports.

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

Yours sincerely

Tina Nilsson  
Head of the Case-handling Unit