

The European Ombudsman

An information sheet for
businesses and organisations

Helping you settle problems with the EU administration

Businesses, associations and organisations with a registered office in the European Union can complain to the European Ombudsman about maladministration in the EU institutions and bodies.

WHAT CAN YOU COMPLAIN ABOUT?

The Ombudsman investigates complaints about maladministration, which means poor or failed administration. This occurs if an institution fails to act in accordance with the law, fails to respect the principles of good administration, or violates fundamental rights. Examples of problems the Ombudsman has dealt with are:

- Late payment
- Contractual disputes
- Problems with calls for tender
- Refusal of access to documents
- Unnecessary delay
- Violation of fundamental rights

WHAT CAN YOU NOT COMPLAIN ABOUT?

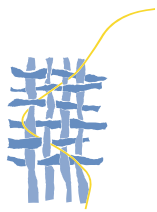
The European Ombudsman's mandate is limited to investigating complaints against EU institutions and bodies. The Ombudsman cannot investigate:

- complaints against national, regional or local authorities in the Member States, even when the complaints are about EU matters;
- the activities of national courts or ombudsmen;
- complaints against businesses or private individuals.

But if you approach him with problems in these areas, he will do his best to advise you where to turn.

WHY COMPLAIN?

Businesses and associations frequently participate in EU projects and calls for tender, and thus have direct contact with EU institutions. If you encounter problems, you can turn to the Ombudsman. He offers free, fast and flexible services. Sometimes a telephone call from the Ombudsman's services to the institution concerned is enough to solve the problem.



WHERE CAN YOU GET MORE INFORMATION?

If you feel that the European Ombudsman might be able to help you, please visit his website for more information or contact his Office :

The European Ombudsman
1, av. du Président Robert Schuman
BP 403
FR-67001 Strasbourg Cedex
France

Tel. (33) 388 17 23 13
Fax (33) 388 17 90 62

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Examples of cases handled by the European Ombudsman

○ LATE PAYMENT

The European Commission paid invoices totalling over EUR 17 000 to a small company, which turned to the Ombudsman after it had sent the institution seven reminders. The Commission explained that the delay was due to technical changes in budgetary procedures and gave reassurances that matters had now been reviewed. After the Ombudsman pointed out that small and medium-sized enterprises (SMEs) are particularly vulnerable to the effects of delays in payment, the Commission also agreed to pay interest.

○ PROBLEMS WITH CALLS FOR TENDER

The Ombudsman found no maladministration with regard to the European Parliament's decision to reject a complainant's bid following a call for tenders. However, he pointed out that a statement Parliament had made concerning its discretion in such procedures did not seem to be borne out by the text of the call for tenders in this particular case or to be consistent with the principles of good administration regarding the exercise of discretionary powers.

○ UNNECESSARY DELAY

The Commission took a decision on an infringement complaint after the Ombudsman called on it to deal with the case. He argued that the Commission's claim that it was unable to reach a political consensus on how to proceed did not relieve it of its duty to deal properly with the complaint. A German provider of sports betting services had complained to the Commission after the German authorities ordered him to stop offering his services, thus forcing him to close his business. In the complainant's view this constituted a violation of the freedom to provide services.

○ CONTRACTUAL DISPUTES

The Commission granted compensation of EUR 21 000, on an *ex gratia* basis, to a small company after the Ombudsman found that it had given the company insufficient time to prepare a proposal in the framework of a research and development contract. This ultimately led to the proposal being deemed ineligible due to an error it contained. The Commission stressed that it was anxious not to harm SMEs and acknowledged that exceptional circumstances had made it difficult for the complainant to execute the contract correctly.

○ REFUSAL OF ACCESS TO DOCUMENTS

The European Investment Bank (EIB) gave partial public access to an audit report, after a complaint was made to the Ombudsman. In addition, it agreed to give the relevant company private access to sections of the report that specifically concerned the group to which the company belonged. The report concerned an EU-funded project in Africa in which the group had participated. The EIB had initially refused access to the report.

○ VIOLATION OF FUNDAMENTAL RIGHTS

The Ombudsman criticized the Commission for failing to show that it had struck a fair balance between the need to pursue sound financial management of its grants and the right of the complainant, a non-governmental organisation in the field of environment, to be treated fairly and with due respect for the presumption of innocence. The Commission had rejected the organisation's request for financial assistance under a Community programme, because the organisation was subject to a preliminary judicial inquiry.