



## Decision of the European Ombudsman in the case 119/2020/JN on how the European Court of Auditors handled a complaint about alleged irregularities in a public procurement procedure

Decision

**Case** 119/2021/JN - **Opened on** 11/02/2021 - **Decision on** 11/02/2021 - **Institution concerned** European Court of Auditors ( No maladministration found ) |

Strasbourg, 11/02/2021

Complaint 119/2020/JN

**Subject:** Decision of the European Ombudsman in the above case on how the European Court of Auditors handled a complaint about alleged irregularities in a public procurement procedure

Dear Ms X,

On 15 January 2021, you submitted a complaint to the European Ombudsman against the European Court of Auditors (ECA) concerning the above issue. You consider that the ECA was wrong not to refer the matter to the European Anti-Fraud Office (OLAF) and that its justification for not doing so was incorrect.

After a careful analysis of all the information you provided with your complaint, we have decided to close the inquiry with the following conclusion:

**There was no maladministration by the European Court of Auditors.**

In your complaint, you refer to 'Decision No 43-2017 ' [1] . However, that decision does not imply that the ECA is required to forward to OLAF all notifications of alleged fraud from third parties. It is only when the ECA suspects fraud, either based on its audit work or based on information provided by a third party, that it should forward the relevant information to OLAF.

In this case, we note that the ECA decided not to refer the matter to OLAF because it considered that the material you had provided did not reveal fraud. This is a reasonable justification.



We consider that the ECA is not required to make the same in-depth analysis as OLAF would do, as the EU anti-fraud body. In this context, there is nothing to suggest that the ECA's conclusions were not reasonable.

Finally, we note that the ECA advised you that you could consider turning directly to OLAF. It also provided you with the link to OLAF's dedicated webpage.

Although we appreciate that you may be disappointed with this outcome, we hope that you will find these explanations helpful.

Your complaints against the European Commission (reference 118/2021/JN) and OLAF (reference 120/2021/JN) have been dealt with separately and you will receive separate replies regarding those complaints.

Yours sincerely,

Tina Nilsson Head of the Case-handling Unit

[1] Decision No 43-2017 on cooperation between the European Court of Auditors (ECA) and the European Anti-Fraud Office (OLAF) concerning cases of suspected fraud identified by the ECA during its audit work or provided to it as unsolicited denunciations from third parties:  
[https://ec.europa.eu/anti-fraud/sites/antifraud/files/eca-decision-43-2017-on-cooperation-with-olaf\\_en.p](https://ec.europa.eu/anti-fraud/sites/antifraud/files/eca-decision-43-2017-on-cooperation-with-olaf_en.p)