



An information sheet for businesses and organisations

Document - 03/12/2012

Helping you settle problems with the EU administration

Businesses, NGOs, associations, universities, research centres, municipalities, interest groups, and other organisations can complain to the European Ombudsman about maladministration in the EU institutions, bodies, offices, and agencies.

What can you complain about?

Maladministration means poor or failed administration. This can occur, for example, in the framework of EU-funded projects or programmes. Businesses and other organisations are also frequently in direct contact with EU institutions in the context of tenders and contracts, participation in consultation procedures, lobbying activities, or attempts to gain access to important documents or information concerning their area of activity. Examples of problems the Ombudsman has dealt with are:

- Late payments
- Contractual disputes
- Problems with calls for tender
- Lack of transparency/refusal of access to documents
- Unnecessary delays
- Violations of fundamental rights

Why complain?

The Ombudsman aims to achieve friendly solutions that satisfy both the complainant and the institution involved. He offers free, fast, and flexible services. In many situations, the Ombudsman provides a useful alternative remedy to the courts.

What can you not complain about?

The European Ombudsman's mandate is limited to the EU institutions, bodies, offices, and agencies. The Ombudsman cannot investigate complaints against:



- national, regional, or local authorities in the Member States, even when the complaints are about EU matters;
- national courts or ombudsmen;
- 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.

Where can you get more information?

Please visit the Ombudsman's website (<http://www.ombudsman.europa.eu>) for more information, to lodge a complaint, or to contact his Office. You can lodge a complaint in any of the official EU languages.

Examples of cases handled by the European Ombudsman

NGO receives EUR 70 000 from the Commission

The Ombudsman helped settle a dispute between the European Commission and an NGO concerning an EU project launched as part of the "European Migration Dialogue". After an audit, the Commission issued a recovery order for more than EUR 130 000 because the NGO had not delivered on time supporting documents regarding staff costs. The Commission eventually accepted a friendly solution proposal from the Ombudsman and refunded EUR 70 000 to the NGO.

Late payment complaints

The Ombudsman has received many complaints from companies, research centres, NGOs, universities, and other associations involved in EU-funded projects and contracts about late payments by the Commission. After an investigation on his own initiative in 2010 and a public consultation on this issue, the Ombudsman concluded that both the number of late payments and the overall sums of money affected by delays had decreased considerably in recent years. He will, however, continue to monitor the situation.

Improved transparency in the Medicines Agency

The European Medicines Agency (EMA) approves and monitors medicines placed on the EU market, with a view to protecting public health. It receives information concerning suspected adverse reactions to drugs from the competent authorities in the Member States and from pharmaceutical companies. In several cases, the Ombudsman recommended the disclosure



of adverse reaction reports, clinical studies, and trial reports. The EMA eventually adopted improved transparency rules, including ones providing for a much broader access to its documents.

Complaint concerning an anti-trust procedure

The microchip producer Intel lodged a complaint with the Ombudsman, alleging that the Commission had failed to take minutes of an important meeting which directly concerned the Commission's anti-trust investigation of Intel. The Ombudsman criticised the Commission for failing to make a proper note of that meeting, and for not including the agenda of the meeting in its investigation file. The Commission improved its investigation procedures accordingly.

OLAF grants access to documents

The European Anti-Fraud Office, OLAF, opened an inquiry concerning allegedly false Spanish certificates for the import of bananas. On the basis of a request made by OLAF, the Belgian customs authorities opened an investigation involving two Belgian companies. The companies turned to the Ombudsman after OLAF refused access to documents concerning its investigation into the alleged falsification. OLAF eventually accepted the Ombudsman's friendly solution proposal and released the documents.

Dispute solved between the Commission and a cultural association

The Ombudsman helped the Commission to settle a payment dispute with a German cultural association. The Commission initially refused to pay the outstanding sum of EUR 6 000 for an exhibition on 28 European regions, arguing that it had not been duly notified about reallocations in the budget. It eventually accepted the Ombudsman's proposal for a friendly solution and agreed to pay the association the outstanding sum of EUR 6 000, as well as more than EUR 1 500 in interest.