



GRANTS AND PROCUREMENT CASES

REPORT 2022-2024



European
Ombudsman

GRANTS AND PROCUREMENT CASES

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Executive summary

The purpose of this report is to evaluate the impact of the European Ombudsman's work in the areas of grants and procurement cases.

The report covers grants and procurement cases that the Office handled in 2022-2024 for which a decision has already been taken or for which an inquiry is still ongoing. The report distinguishes between admissible and inadmissible cases and classifies them into different categories and subcategories depending on the issues identified.

The report concludes with the following key findings:

- The main issues complained about are the same in both areas: the award procedure and the project or contract implementation;
- Most issues identified in procurement cases concern the award procedure. The issues identified in grants cases concern both the award procedure and the project implementation;
- More issues were identified in procurement cases than in grants cases, in proportion to the number of cases received;
- We found similar issues in both areas, and in particular in relation to the lack of clarity of applicable rules and communication issues;
- During the reporting period, one instance of maladministration was found in a grants case, and four instances of maladministration were found in procurement cases;
- Most suggestions for improvements and solution proposals were accepted and implemented by the EU body in both areas, with a few exceptions. In grants cases, many issues were

solved in the course of the inquiry at the initiative of the EU body, when the Ombudsman highlighted the issue to the EU body, or noted a lack of clarity regarding the EU bodies' actions on the matter at the opening stage of the inquiry;

- In both areas, the main institution complained about is the Commission, as well as the executive agencies;
- We received more complaints concerning grants than procurement;
- 64% of the grants complaints and 60% of the procurement complaints are admissible;
- The number of inadmissible grant cases has decreased during the reporting period. This may be linked to a [strategic initiative](#) of the Office on this topic. No similar decrease happened in procurement cases despite the strategic initiative;
- 34% of grants cases and 29% of procurement cases are closed with a finding that there were not sufficient grounds to inquire, which is the most common finding in both areas (along with findings of no maladministration in procurement cases).

1. Introduction

1.1. Objective

The purpose of this report is to evaluate the impact of the European Ombudsman's work in the area of grants and procurement. It aims to (i) provide an overview of the different categories of grants and procurement cases and their outcome; (ii) identify recurring issues; and (iii) examine the development in the Office's approach in these areas. Moreover, it aims to examine current trends in grants and procurement cases to determine possible areas of future work.

1.2. The Ombudsman's role and relevance in this area

The EU makes financial contributions in the form of grants to support projects or organisations that further EU interests or help implement an EU programme or policy. The EU also allocates part of its budget to public procurement, used for services and goods necessary for the functioning of the European institutions or the implementation of EU policies. Therefore, the Office receives complaints concerning the actions of EU Institutions, Bodies, Offices and Agencies ('IBOAs') in the areas of grants and procurement.

In general, grants and procurement cases involve complaints from beneficiaries or applicants to EU funds, as well as from indirectly involved parties and other stakeholders, mainly concerning the award of grants and contracts and issues related

to their implementation¹. The Ombudsman's role in these cases is to ensure that the IBOAs manage funding programmes and calls for tenders appropriately. This requires that they act in line with the relevant legal framework, and deal with applicants and recipients of EU funds in a fair manner and in compliance with the principles of good administration.

The Ombudsman's role is thus not to re-evaluate a project proposal or tender, or to mediate in contractual disputes. Typical actions by the Ombudsman in these areas include asking the IBOAs to provide clearer information on a matter or to clarify the applicable legal framework asking the IBOAs to consider further evidence and/ or to waive (partially) recovery orders; asking the IBOAs to ensure that it acts in accordance with the applicable legal framework and principles of good administration.

1.3. Scope and methodology

The report covers grants and procurement cases handled by the Office between 1 January 2022 and 31 December 2024².

1. A list of common topics in grants and procurement complaints to the EO will be presented in the classification that has been established for the purpose of this audit (see section III of the report).

2. This includes cases submitted before 1 January 2022, but closed between 1 January 2022 and 31 December 2024, as well as cases closed in 2025 (up to 24 January 2025) but which were registered in 2024. This also includes on-going inquiries.

Cases touching upon the topic of EU funds, but that do not primarily concern EU grants and procurement have not been included in the findings of this report³. In addition, complaints in relation to investment funds from the European Investment Bank (EIB) have not been included in this report⁴.

The report covers inadmissible cases as they may indicate a systemic problem that may be worth looking at for the purpose of this report.

The data was extracted from our case-handling database (CMS). The identified cases were first classified by year and (in)admissibility. They were then classified by subject matter, outcome and by IBOA concerned. The data collected was then examined with a view to identify possible trends and systemic issues. While the report distinguishes between grants and procurement cases, there are key similarities in both areas. The two areas will be assessed successively and compared for each section of this report.

3. For instance, cases related to infringement complaints on Member States' management of allocated EU funds, as well as cases regarding access to documents requests related to EU funds.

4. These cases concern the EIB's specific investment funds. We have identified 11 cases about the EIB (5 admissible and 6 inadmissible). This includes cases about environmental and social standards in the projects financed by the EIB (02030/2020/NH; 01875/2024/SF; 01991/2022/SF), and more general cases about the EIB's funding of projects (01230/2022/PB; 01164/2023/MIK; 01455/2023/MIK; 01890/2023/KW; 01916/2023/NCR; 01247/2024/MIG; 00894/2024/IJ; 02221/2024/KW).

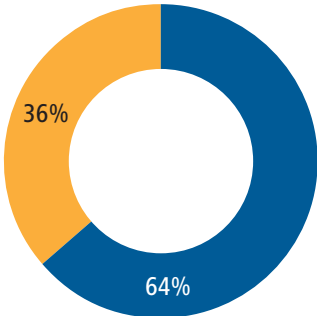
2. Admissibility of grants and procurement cases

2.1. Total number of grants and procurement cases

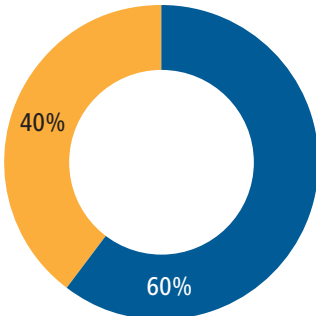
During the reporting period, there was a total of **121 complaints in the area of grants**, 77 of which were admissible (approximately 64%) and 44 were inadmissible (approximately 36%).

In the area of procurement, there was a total of **68 complaints**, 41 of which were admissible (60%) and 27 were inadmissible (40%).

Outcome all cases (2022-2024) – Grants



Outcome all cases (2022-2024) – Procurement



● Inadmissible complaints ● Admissible complaints

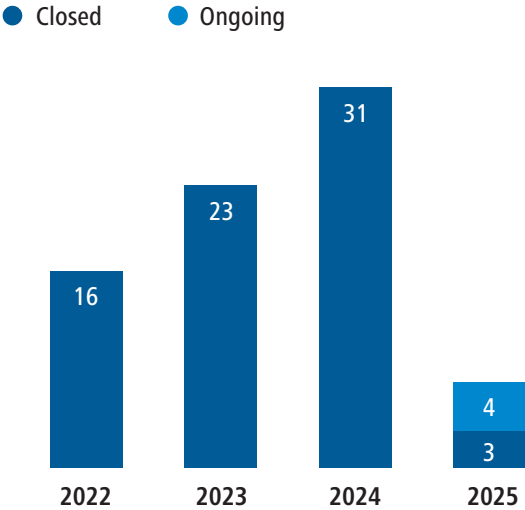


2.2. Number of admissible cases

2.2.1. Grant cases

During the reporting period, we received **77 admissible cases**: 16 were closed in 2022, 23 were closed in 2023, 31 were closed in 2024, 3 were closed in 2025, and 4 are still ongoing⁵.

Number of admissible cases – Grants



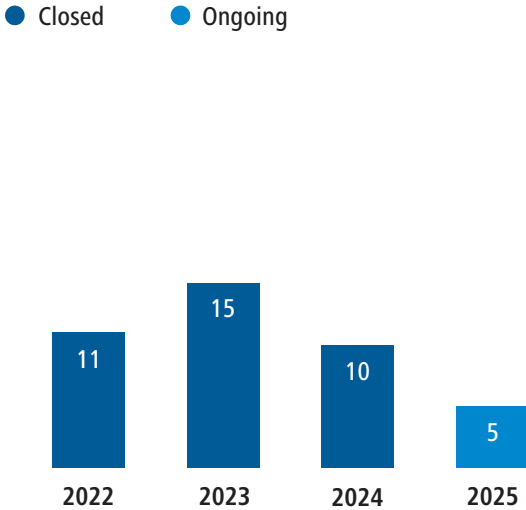
During the reporting period, the number of admissible grants cases closed by the Office nearly doubled (with an increase of approximately 94% between 2022 and 2024).

5. Numbers last updated on 24 January 2025.

2.2.2. Procurement cases

During the reporting period, we handled **41 admissible cases**: 11 cases were closed in 2022, 15 were closed in 2023, 10 were closed in 2024, and 5 are still ongoing⁶.

Number of admissible cases – Procurement



Contrary to grants cases, the number of admissible procurement cases that the Office handled has fluctuated during the reporting period.

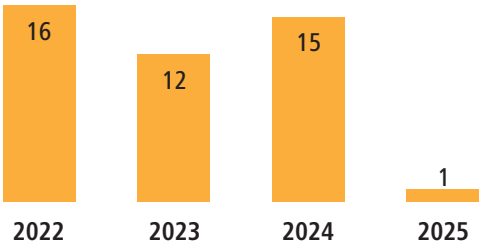
6. Numbers last updated on 24 January 2025.

2.3. Number of inadmissible cases

2.3.1. Grants cases

During the reporting period, we closed **44 inadmissible grants cases**: 16 cases were closed in 2022, 12 were closed in 2023, 15 were closed in 2024, and one was closed in 2025.

Number of inadmissible cases – Grants



During the reporting period, the number of inadmissible grants cases handled by the Office varied between 12 and 16. Thus, while there was a sharp increase in the number of admissible grants cases handled by the Office, there was no corresponding change in the number of inadmissible grants cases handled by the Office.

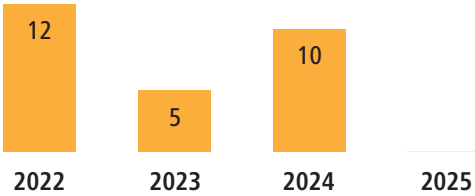
In 2022, we closed as many inadmissible grants cases as we closed admissible ones (50%). In 2023 and 2024, we closed more admissible grants cases than inadmissible ones (34% of grants cases closed were inadmissible in 2023 and 32% in 2024).

The most common reason to declare a case inadmissible was the lack of appropriate prior administrative approaches (28 complaints or 64% of inadmissible grants cases). The second reason for declaring cases inadmissible was because the complainant was not an EU citizen, resident or an EU registered legal person (11 complaints or 25% of inadmissible cases). This can be explained by the fact that certain EU grants are awarded to non-EU complainants, in particular by EU delegations.

2.3.2. Procurement cases

During the reporting period, we closed **27 inadmissible procurement cases**: 12 cases were closed in 2022, 5 were closed in 2023, and 10 were closed in 2024.

Number of inadmissible cases – Procurement



The number of inadmissible procurement cases fluctuated during the audit period. It is interesting to note that, while there was an increase in the number of admissible procurements cases closed in 2023, the number of inadmissible procurement cases in 2023 dropped to 5.

In 2022, the percentage of inadmissible procurement cases closed compared to admissible cases closed was 47%. In 2023, this percentage dropped to 25%, but increased again to 50% in 2024.

Similar to inadmissible grants cases, the most common reason to declare a case inadmissible was the lack of appropriate prior administrative approaches (14 complaints or 52% of inadmissible procurement cases). The second reason for declaring a complaint inadmissible was because the complainant was not an EU citizen, resident or an EU registered legal person (9 complaints or 33% of inadmissible procurement cases).

2.3.3. Remarks

During each of the years taken into account in the report, there was an increase in the number of admissible grants cases handled while the number of inadmissible cases remained stable. In 2023, there was a similar increase in admissible procurement cases, which, however, decreased again in 2024.

This trend could be explained by the Office's strategic initiative on the information provided by the European Commission to unsuccessful bidders in the context of calls for proposals or tenders⁷. In particular, the Office noted that the unclear wording of the remedy section in letters sent to unsuccessful candidates who participated in calls for proposals, calls for tenders and contests organised by the Commission or by its executive agencies resulted in complainants turning to the Ombudsman without having made the necessary prior administrative approaches to the body concerned. We closed the strategic initiative in July 2023, after the Commission agreed to make certain changes to the model letters or templates, making the information on available remedies clearer.

It is interesting that, while the Office was more satisfied with how the Commission had updated the templates in the area of procurement than in grants, the impact of the strategic initiative seems to have been more evident in grants cases.

7. SI/1/2022/LM, available here: <https://www.ombudsman.europa.eu/en/doc/closing-note/en/172044>

3. Categories of admissible grants and procurement cases

For this section of the report, admissible grants and procurement cases have been classified by considering the different stages of a grant and a procurement procedure, the nature of the complaint, and the topic at issue. Some cases fall into multiple categories⁸, while concerns that were peripheral to the main complaint are not taken into account⁹.

A classification of inadmissible grants and procurement cases is also available in Annex 1 to this report.

3.1. Subject matters of grants and procurement cases

The issues raised in grants and procurement cases are often similar in both areas. This section introduces the categories for each area. The first two subject matters have been further classified in subcategories.

3.1.1. Award procedure

There are three subcategories concerning the award procedure:

- **The call for proposals (for grants)/ for tenders (for procurement):** issues related to the publication and management of call for proposals/ for tenders, including compliance with ex-ante or ex-post publicity requirements, the choice of procedure, adherence to call conditions, legal requirements (e.g. environmental, human rights, and social standards), and compliance with the general principles applicable to grants or procurement. It also encompasses issues with the evaluation committee¹⁰ and technical challenges faced during the submission process.
- **Evaluation process:** complaints concerning the evaluation of a proposal/ tender. This includes the assessment of exclusion, eligibility, selection, and award criteria, as well as the financial and operational capacity of the applicant in grants and procurement cases. Such complaints are generally submitted by applicants or tenderers contesting the rejection of their proposal/ tender by the IBOA concerned.

8. The total percentage in each graph in the sections below exceeds 100% because some cases fall into multiple categories.

9. For instance, a conflict of interest may be mentioned as a side allegation in a complaint, but not considered as a key aspect of the case. In such case, the complaint would not be categorised under "conflict of interest". Another approach would mean reading in details the notes in all cases and would be excessive.

10. Such matters should be distinguished from issues regarding the evaluation of a proposal by the evaluation committee, where the issue concerns the evaluation of the proposal itself, and not the composition of the committee, which is decided at the publication stage, when the call for proposals/ tenders is issued.

- **Award decision:** complaints challenging the decision to award a grant/ contract to a specific entity, including concerns about fairness, transparency, or adherence to the requirement of the procedure by the awarded entity. Such complaints are generally submitted by other grants applicants/ tenderers, or by third parties¹¹.

3.1.2. Grant project/ contract implementation

There are five subcategories concerning the project/ contract implementation:

- **Grant/ contract amendment:** complaints related to changes to the grant's/ contract's terms, conditions or scope, such as extensions to project timelines, modifications to project activities or participants (for grants), the revision of the contractually agreed prices (for procurement).
- **Suspension or termination of the grant agreement/ the contract:** complaints related to decisions of the IBOAs to suspend or terminate the grant agreement/ the contract¹².
- **Management of EU funds:** complaints related to the management of awarded EU funds, including disputes over ineligibility of costs and recovery decisions, as well as other payment issues¹³.
- **Other implementation issues:** complaints about specific challenges encountered during project implementation, unforeseen operational difficulties, safety concerns, or other specific circumstances not covered by the above categories¹⁴.

11. For instance companies, NGOs.

12. For instance based on a breach of contract or grant decision.

13. For instance reimbursement of costs claimed by a partner, payments requests from subcontractors, or delays in payment.

14. This category only concerns grant cases, as all procurement cases at implementation stage fit in the other subcategories. In grants cases identified for this audit, this includes: issues concerning performance guarantees; salary premium; the consequences of a change of supervisor and rejection to transfer the grant to another institution.

- **Monitoring concerns:** concerns about monitoring processes, oversight quality, or dissatisfaction with project/ contract activities, outcomes or results. Such complaints are generally raised by third parties, including stakeholders or external observers.

3.1.3. Other categories

There are five independent categories:

- **Issues involving indirect participants:** this relates to concerns raised by individuals or entities that participate in EU funded activities but do not have a direct legal relationship with the EU body complained about. This includes employees, consultants or experts hired by the entity receiving EU funds. Such issues typically relate to the roles, actions, or performance of these individuals or entities in fulfilling responsibilities under an EU-funded project or contract, and include, in particular, cases related to contract termination by the primary beneficiary/ contractor.
- **Failure to reply (FTR)¹⁵:** the institution complained about failed to reply to correspondence related to a grant or a procurement.
- **Conflict of interest:** cases where individuals or entities allegedly have personal, financial, or professional interests that could influence the awarding, management, or execution of EU grants or contracts.
- **OLAF/ fraud:** cases about or involving the European Anti-Fraud Office (OLAF), which include issues like alleged fraud, corruption and serious breach of legal obligations by recipients of EU funds¹⁶.

15. FTR cases will not be examined separately for the purpose of this audit. However, it could be considered to extract the FTR cases separately in future audits, in order to determine whether there is a trend in the context of call for proposals (as it was done for the 2021 staff report).

16. This category only concerns grant cases.

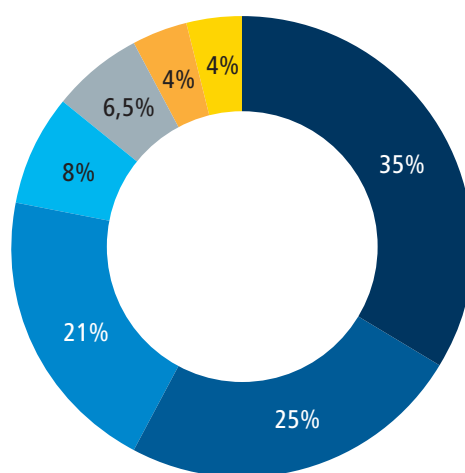
- **Other:** this concerns remaining complaints that do not fit under the above categories including complaints where the subject matter is vague/ unclear or complaints that concern specific issues¹⁷.

3.2. Classification by subject matter of admissible grants cases

Most admissible grants complaints concern the **project implementation** (27 complaints or 35% of all admissible grants complaints). The complaints received in this category mostly concern the management of EU funds (14 complaints), monitoring concerns (4 complaints), suspension or termination of the grant agreement (4 complaints), other implementation issues (4 complaints) and grant amendment (2 complaints).

The second category in which we received a high number of admissible grants complaints concerns the **award procedure** (19 complaints or 25% of all admissible grants complaints). The complaints received in this category concern the evaluation process (14 complaints), the call for proposals (5 complaints), and the award decision (3 complaints).

Categories admissible cases (2022-2024) – Grants



- project implementation
- award procedure
- FTR
- other
- issues involving indirect participants
- OLAF/fraud
- conflict of interest

17. Other: This concerns remaining complaints that do not fit under the above categories including complaints where the subject matter is vague/ unclear or complaints that concern specific issues.

Number of grants complaints per subject matter during the audit period

		2022	2023	2024	2025	Ongoing	2022-2024
Award procedure*	The call for proposals	1	3	1	0	0	5
	Evaluation process	7	1	2	1	2	13
	Award decision	1	0	2	0	0	3
Project implementation**	Grant amendment	0	0	2	0	0	2
	Suspension or termination of the grant agreement	1	2	0	1	0	4
	Management of EU funds	2	2	8	1	1	14
	Other implementation issues	0	2	2	0	0	4
	Monitoring concerns	1	2	1	0	0	4
Issues involving indirect participants		1	1	3	0	0	5
FTR		3	6	7	0	0	16
Conflict of interest		0	1	1	0	1	3
OLAF/ fraud		0	1	1	0	1	3
Other		1	3	2	0	0	6

* Two cases are listed twice, under two subcategories. The total number of cases about project implementation is 19.

** One case is listed twice, under two subcategories. The total number of cases about project implementation is 27.

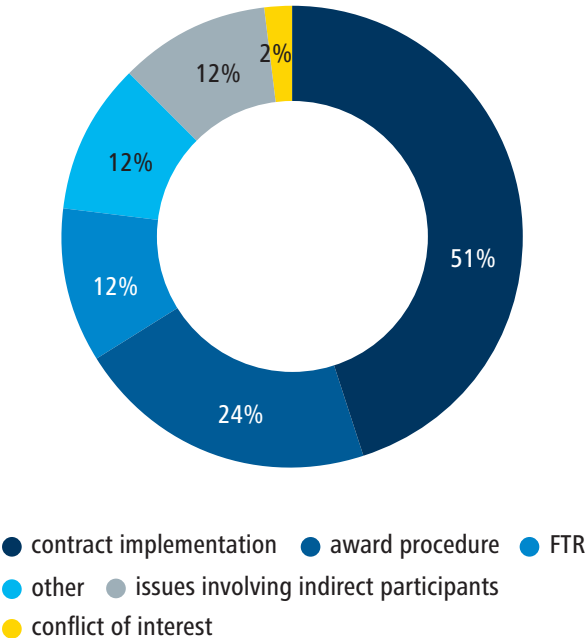
By comparing different categories, there is a slight decrease in cases concerning the award procedure and an increase of complaints concerning the project implementation, in particular the management of EU funds and other implementation issues. The overall increase in admissible grants cases in certain categories is in line with the general increase in the total number of admissible grants cases.

3.3. Classification by subject matter of admissible procurement cases

Most admissible procurement complaints concern the **award procedure** (21 complaints or 51% of all admissible procurement complaints). The complaints received in this category mostly concern the evaluation process (14 complaints), the call for tenders (7 complaints) and the award decision (3 complaints).

The second category concerns the **contract implementation** (10 complaints or 24% of all admissible procurement cases). The complaints received in this category mostly concern the management of EU funds (5 complaints).

Categories admissible cases (2022-2024) – Procurement



Number of procurement complaints per subject matter during the audit period

		2022	2023	2024	Ongoing	2022-2024
Award procedure***	The call for tenders	2	2	1	2	7
	Evaluation process	4	6	3	1	14
	Award decision	1	0	1	1	3
Contract implementation	Suspension or termination of the contract	0	1	0	0	1
	Management of EU funds	1	3	1	0	5
	Other implementation issues	0	1	0	1	2
	Monitoring concerns	0	2	0	0	2
Issues involving indirect participants		3	0	2	0	5
FTR		2	1	1	0	4
Conflict of interest		1	2	1	1	5
Other		0	1	0	0	1

*** Three cases are listed twice, under two subcategories. The total number of cases about award procedure is 21.

The number of cases per category is overall steady, with some minor fluctuations. The increase in 2023, in particular regarding the evaluation process, is in line with the overall increase of admissible procurement cases that year.

3.4. Remarks

On the basis of the above data, it can be noticed that, for grants cases, there was a similar amount of cases regarding both the project implementation (with 35% of the total of grants cases) and the award procedure (with 25% of all grants cases). However, when it comes to procurement cases, the portion of cases regarding contract implementation is much lower (24% of the total number of procurement cases), while cases concerning the award procedure represent more than half of all procurement cases.

4. Outcome of admissible grants and procurement cases

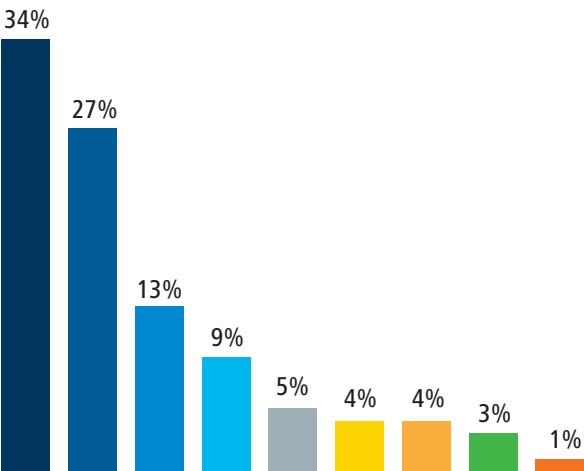
4.1. Outcome of admissible grants cases (2022-2024)

The Ombudsman opened an inquiry in around 66% of admissible cases. **34% of the admissible complaints**, or 26 cases, **were closed because there were not sufficient grounds to open an inquiry.**

In 13% of the admissible cases, or 10 cases, the Ombudsman closed the inquiry finding **no maladministration.**

The Ombudsman found one instance of maladministration¹⁸.

Outcome admissible (2022-2024) – Grants



- No grounds to inquire
- Settled by the institution (including FTRs)
- No maladministration
- No further inquiries justified
- Ongoing
- Dropped by the complainant
- Dealt with or being considered by another body
- Solution (partly) achieved
- Maladministration

18. In this case 00533/2022/PB, the Ombudsman found maladministration concerning one aspect of the complaint and no maladministration concerning another aspect of the complaint. Therefore, the case has been counted as having both maladministration and no maladministration outcomes.

Case reference and title	Inquiry and outcome	Follow-up to inquiry
<p>533/2022/PB</p> <p>The European Innovation Council and SMEs executive agency (EISMEA) terminating a grant agreement because the grant recipient had lost its status as SME</p>	<p>The EO found maladministration in how EASME handled the termination of the grant agreement, notably the delay involved and communication issues.</p> <p>However, in this same case, we found no maladministration in EASME's decision to terminate the grant agreement.</p>	

27% of the cases were settled by the institution, which can be explained by the high number of FTR cases (16 FTR cases). Six cases were closed because the IBOAs had settled the issue at stake (in one case, following a proposal for a solution).

In 12 grants cases, the Ombudsman made suggestions for improvement, solution proposals (which were achieved/partially achieved) or the issue was settled by the institution in the course of the inquiry¹⁹.

Case reference and title	Inquiry and outcome	Follow-up to inquiry
<p>1227/2021/LM</p> <p>The decision by the European Commission to consider ineligible certain costs declared in the context of a grant contract with an NGO</p>	<p>In the course of the inquiry, the Ombudsman had asked the Commission to explain in more details its position on the need to justify staff costs by way of timesheets. In its reply, the Commission recognised that the staff costs and VAT related costs were eligible, and agreed to correct the recovery order. The case was thus closed as settled by the Commission.</p>	

19. Excluding FTRs and issues regarding lack of clear information provided.

Case reference and title	Inquiry and outcome	Follow-up to inquiry
<p>383/2020/SF</p> <p>The European Commission's decision to recover from a partner in an EU-funded programme funds that were withheld by a bank</p>	<p>The EO proposed that the Commission reconsider its decision that the complainant bears the risk for the insolvency of the local bank where it had deposited unused EU funds.</p> <p>The Commission rejected the Ombudsman's assessment but accepted the suggestion to open an amicable settlement procedure with the complainant regarding the possibility for the Commission to reimburse funds withheld, legal fees and banking costs related to the guarantee and bank interests.</p> <p>Further to the solution proposal, the EO welcomed the Commission's willingness to open an amicable settlement process with a view to sharing the economic burden of the loss of the funds with the complainant.</p> <p>To avoid similar situations arising in the future, the EO suggested that the Commission should examine in which circumstances it would be fair and equitable that contractors in a situation like the one of the complainant bear the risk of the insolvency of a bank. The EO also suggested that it should ensure that contractors in a situation like the one of the complainant have the opportunity to express their views in audit proceedings directly and not through intermediaries only.</p>	<p>While the Commission did not accept the suggestion to provide further information on the risks associated with opening bank accounts in developing countries, it explained that these specific types of implementation will no longer be used. Thus, in the future, only third countries governments, or bodies governed by public law will be entrusted with the implementation of EDF monies.</p> <p>The Commission accepted the last suggestion and informed the EO that it would add explicit instructions in the Terms of Reference for the expenditure verification report to ensure that auditors will involve both the partner country and the private contractor.</p>

Case reference and title	Inquiry and outcome	Follow-up to inquiry
<p>533/2022/PB</p> <p>The termination by the Executive Agency for Small and Medium-sized Enterprises (EASME) of a grant agreement because the grant recipient lost its status as small and medium-sized enterprise (SME)</p>	<p>The EO suggested that EASME draw up guidelines for handling situations where a change during a project will most likely lead to the termination of the grant agreement. In addition, EASME should ensure that all negative decisions concerning grant agreements inform beneficiaries about all potential redress mechanisms, including the right to turn to the Ombudsman and when to turn to the Ombudsman as opposed to taking legal action. Finally, EASME should review whether the provisions in grant agreements concerning possible termination could be drafted in a clearer manner.</p>	<p>EASME accepted all three suggestions, and provided concrete examples of their practical implementation. Following its first follow-up letter, EASME sent to the EO a copy of the new guidelines adopted. Those guidelines expressly refer to the EO's case in the background explanations, clearly noting the EO's relevance and impact in such cases.</p>
<p>1505/2022/FA</p> <p>How the European Commission sought to recover costs following the audit of an EU-funded project on the rehabilitation of victims of torture</p>	<p>In the course of the inquiry, the Ombudsman asked the Commission to clarify its position regarding the possibility to pay the remaining amount of the debt in instalments and on the possibility for the Commission to recover the remaining amount of the debt directly from the project partner at issue.</p> <p>In its reply to the Ombudsman, the Commission proposed an amicable solution, which was shared with the complainant. In its final position on the matter, the Commission concluded that the documents provided by the complainant proved its inability to pay the remaining amount of the debt. The Commission thus cancelled the recovery order and issued a new one to the project partner in question for the remaining amount of the debt. The case was thus closed as settled by the Commission.</p>	
<p>355/2023/VB</p> <p>The decision of the European Education and Culture Executive Agency (EACEA) to recover funds paid to the recipient of a grant under Erasmus Mundus programme</p>	<p>In this case, the complainant took issue with the EACEA's decision to recover costs related to student's trips, and with how the EACEA calculated the duration of the study programme.</p> <p>The EO suggested that, in cases where unit costs are used to cover travel costs and where student's inbound trips are expected to take place months after the outbound trip, the EACEA (and the European Commission) should consider defining the unit (used for the calculation of unit costs) as a single leg of the trip instead of a round trip.</p>	<p>The EACEA (and the Commission) have formally rejected the Ombudsman's suggestion. However, they have described measures that are now in place that would prevent the issue from happening again in the future.</p>

Case reference and title	Inquiry and outcome	Follow-up to inquiry
<p>429/2022/SF</p> <p>The refusal by the European Commission to reimburse staff costs claimed by a partner carrying out an EU programme for supporting higher education in the ASEAN region</p>	<p>The EO proposed that the Commission review its decision on the costs it deemed ineligible and pay the complainant the amount it had withheld.</p>	<p>The Commission accepted the proposal for a solution and agreed with the Ombudsman’s assessment. It stated that it will proceed with the payment of the costs at issue.</p>
<p>2481/2023/FA</p> <p>How the European Commission sought to recover funds from the coordinator of a consortium that carried out an EU-funded project</p>	<p>In the course of the inquiry, the Ombudsman asked the Commission for clarifications concerning why the Commission had decided to recover the overall amount from the coordinator of the project when the findings of the audit established amounts to be recovered from each project partner.</p> <p>In the context of the inquiry, the Commission reassessed the case and found that it was in fact possible to calculate the share of the grant and amounts to be recovered for each project partner. On this basis, the Commission proposed to cancel the debit note sent to the complainant and to initiate individual recovery procedures from each project partner concerned. The case was thus closed as settled by the Commission, which accepted to cancel the debit.</p>	
<p>1942/2023/KW</p> <p>The decision of the European Education and Culture Executive Agency (EACEA) to ask partial pay back of an EU grant - Tempus programme</p>	<p>In the course of the inquiry, the Ombudsman asked the EACEA for clarifications on the issues raised by the complainant concerning the EACEA’s decision to recover funds after an external audit found ineligible certain costs in relation to staff costs for printing.</p> <p>In reply, the EACEA proposed to reverse the decision to recover the funds by offsetting, cancel the debit note to the coordinator and formally notify each of the Ukrainian beneficiaries of its intention to recover the ineligible staff costs. The case was closed as settled by the EACEA.</p> <p>The Ombudsman followed up on the remaining issues, especially the ineligible costs regarding staff and printing. In the course of the inquiry, the EACEA informed the Ombudsman that it will not seek to recover from the Ukrainian beneficiaries funds related to ineligible staff costs.</p>	

Case reference and title	Inquiry and outcome	Follow-up to inquiry
<p>1523/2024/KW</p> <p>How the European Union Agency for the Space Programme (EUSPA) dealt with a request for amendment of a grant agreement for an EU-funded project, HORIZON 2020 Project TranSec (776355)</p>	<p>In the course of the inquiry, the Ombudsman’s sought to organise a meeting with the EUSPA to seek clarifications regarding the case. The meeting request contained language indicating that the Ombudsman was not convinced by the EUSPA’s approach on the matter. The EUSPA replied to the Ombudsman’s meeting request by agreeing to exceptionally amend the grant agreement with the complainant retroactively, provided that it is properly requested by the complainant. The EO thus closed the case as settled by the EUSPA.</p>	
<p>OI/5/2023/KR</p> <p>How the European Commission ensures that there are no conflicts of interest with external experts who assist it in evaluating projects under the European Defence Fund</p>	<p>The EO suggested that the Commission should require the candidate experts to submit a completed and signed declaration of interest, with a view to improving its capacity to identify and mitigate risks of conflicts of interest. The EO also suggested that the Commission use a template for assessing potential conflicts of interest that experts declare, which would ensure that it systematically assess all relevant aspects related to direct, indirect and potential conflicts of interest that the applicable code of conduct provides for.</p>	<p>The case was closed on 9 December 2024. We asked the Commission to reply to the Ombudsman’s suggestions by 13 June 2025.</p>
<p>1264/2024/FA</p> <p>The European Commission’s recovery of funds paid to an NGO in the context of an EU funded project in Burkina Faso</p>	<p>The complainant claimed that the Delegation was wrong in finding that certain costs related to its project implemented in Burkina Faso under the Emergency Trust Fund for Africa were ineligible.</p> <p>In the course of the inquiry, the Ombudsman asked the Commission to address the complainant’s comments regarding its decision to recover certain funds. In the context of the inquiry, the Commission reassessed the matter and found that the costs that had previously been declared ineligible could be considered as eligible under the grant agreement. The Commission thus explained that, following an internal procedure, it intends to cancel the debit note and to pay the complainant the remaining amount of the grant. The case was thus closed as settled.</p>	

Case reference and title	Inquiry and outcome	Follow-up to inquiry
<p>130/2024/FA</p> <p>How the European Health and Digital Executive Agency (HaDEA) followed-up on the findings of the European Anti-Fraud Office (OLAF) following an investigation into an entity that participated in EU-funded projects under the Horizon 2020 programme</p>	<p>The EO suggested that when HaDEA informs an entity of findings against it, HaDEA should also inform the entity concerned if such findings may result in its registration in the EU Early Detection and Exclusion System (EDES) database.</p>	<p>EASME accepted all three suggestions, and provided concrete examples of their practical implementation. Following its first follow-up letter, EASME sent to the EO a copy of the new guidelines adopted. Those guidelines expressly refer to the EO’s case in the background explanations, clearly noting the EO’s relevance and impact in such cases.</p>

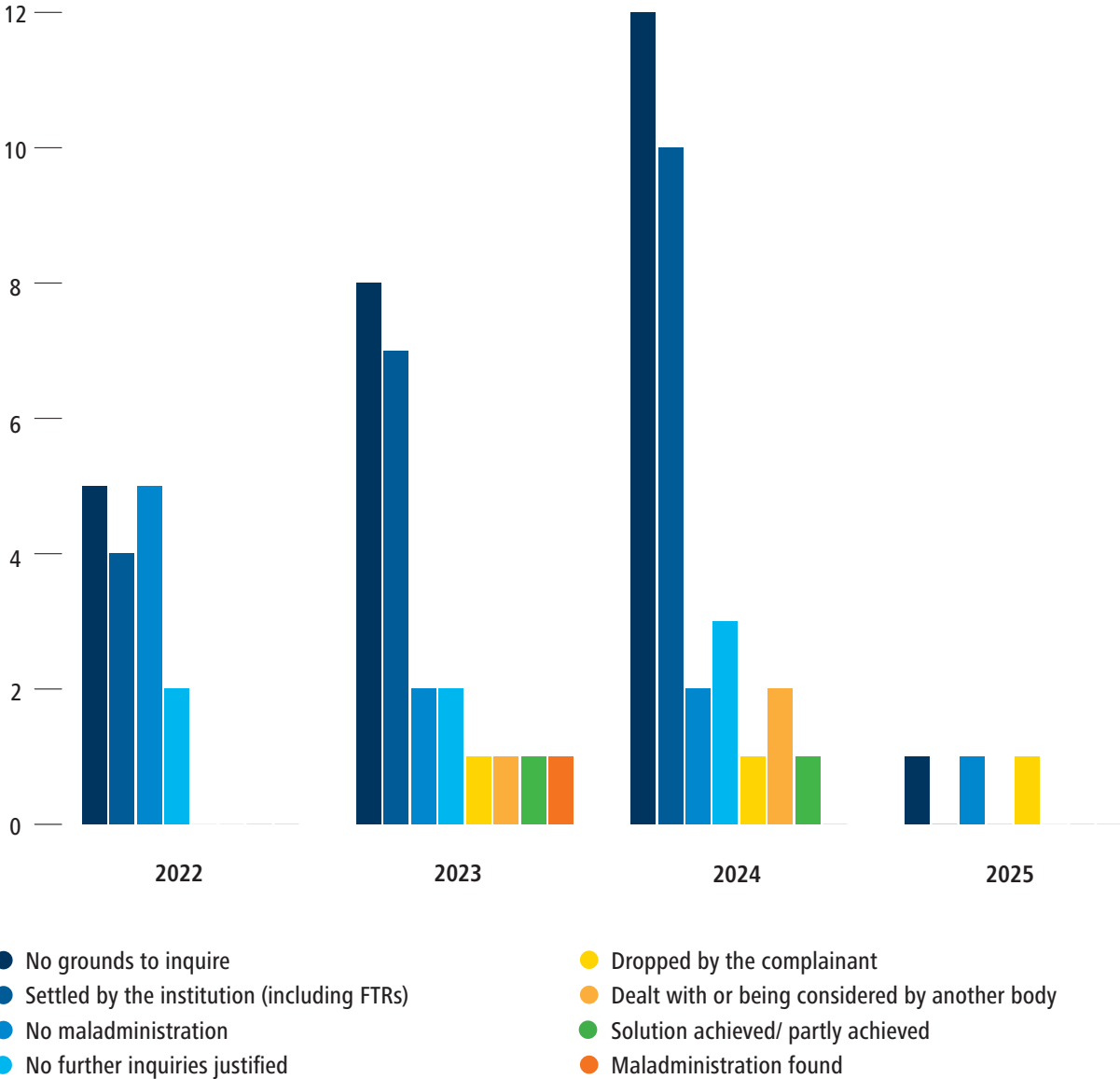
The shortcomings identified in the above cases often relate to similar matters, in particular:

- The **management of allocated EU funds**, in particular in the context of disputes over ineligibility of costs and recovery decisions. In a few cases, our inquiries have resulted in the cancellation of recovery orders by the IBOAs concerned;
- The lack of **clarity** in the conditions and requirements provided in calls for proposals or in the applicable rules/ guidelines resulted in misunderstandings on how to submit a grant;
- Issues regarding **communication** with applicants and beneficiaries.

Moreover, some issues identified in grants cases tend to be very specific to the case at hand.

Regarding the outcome of grants cases, we note that many issues identified were solved in the course of the inquiry, at the initiative of the EU body, when the EO highlighted the issue to the EU body, or noted a lack of clarity regarding the EU bodies’ actions on the matter. This indicates a willingness from EU bodies to engage with the Ombudsman’s “soft suggestions” at opening stage and to address issues arising in grants cases. In other cases, all suggestions made were accepted and changes were implemented. In two cases, however, the EU body (partially) rejected the solution proposed or the suggestions made. However, in such cases, the EU body explained how the issue would not arise in the future.

Outcome admissible (2022-2024) – Grants



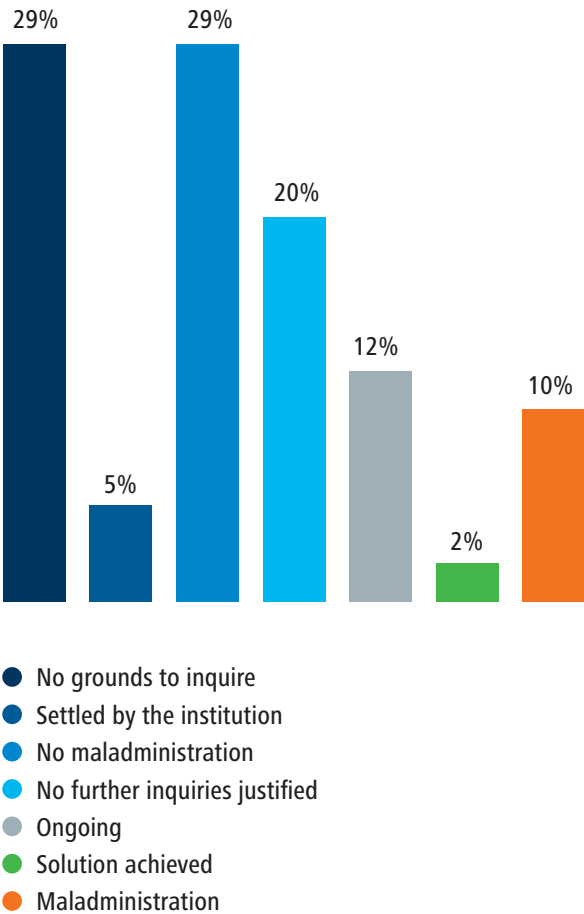
4.2. Outcome of admissible procurement cases (2022-2024)²⁰

The Ombudsman opened an inquiry in around 69% of the admissible cases. **29% of admissible complaints**, or 12 cases, **were closed because there were not sufficient grounds to open an inquiry.**

In 29% of admissible cases, or 12 cases, the Ombudsman closed the inquiry with a **no maladministration decision.**

Four instances of maladministration²¹ were found in procurement cases during this period.

Outcome admissible (2022-2024) – Procurement



20. The total percentage in each graph in the sections below exceeds 100% because three cases have been identified with two outcomes.

21. In cases 00147/2022/KT and 02196/2019/NH, the Ombudsman found maladministration concerning one aspect of the complaints and no maladministration concerning another aspect of the complaints. Therefore, the cases have been counted as having both maladministration and no maladministration outcomes.

Case reference and title	Inquiry and outcome	Follow-up to inquiry
<p>1756/2021/LM</p> <p>How the European Commission carried out a procurement procedure for expert medical services in Luxembourg</p>	<p>The EO found maladministration in the Commission’s failure to provide timely information to the complainant on the relative advantages of the successful tenderer and the value of the contract.</p> <p>However, there was no maladministration by the European Commission in how it evaluated the complainant’s offer.</p>	
<p>147/2022/KT</p> <p>How the European External Action Service (EEAS) dealt with the working relationship with an external expert who was employed through a contractor</p>	<p>The EO found maladministration in how the EEAS informed the complainant about the imminent termination of his employment contract.</p>	
<p>2196/2019/NH</p> <p>How the EU Delegation to Mauritania handled a contract for auditing and accounting services</p>	<p>The EO found maladministration in how the Delegation handled the communication with the complainant, in particular in providing comments on draft audit reports and explaining clearly its decisions, amounted to maladministration.</p> <p>However, the EO did not find maladministration in how the Delegation handled the subsequent amicable settlement procedure, nor in the decision to reject an audit report and to terminate the contract.</p>	
<p>1139/2022/LM</p> <p>How the European Commission carried out a procurement procedure for support to the Western Balkans Investment Framework</p>	<p>The EO found that the Commission did not correctly evaluate the professional experience of an expert in the context of a replacement. The EO also considered that the absence of a second standstill period before signing the contract with the second ranked tenderer amounted to maladministration by the Commission.</p>	

Out of the three findings of maladministration, two findings concern communication issues and one finding concerns a breach of applicable rules.

5% of the cases were settled by the institution, including FTRs (2 cases). Contrary to grants cases, FTRs represent a minority of cases.

During the audit period, the Ombudsman issued suggestions for improvement in 7 cases and achieved a solution in 1 case.

Case reference and title	Inquiry and outcome	Follow-up to inquiry
<p>521/2021/LM</p> <p>Whether a requirement in a call for tenders for architectural services organised by the European Foundation for Improvement of the Living and Working Conditions (Eurofound) was unnecessarily restrictive</p>	<p>The EO found that a certain requirement in a call for tenders for the procurement of architectural services was not clearly justified, but closed the inquiry with the conclusion that no further inquiries were justified into the case because the contract had not been awarded.</p> <p>For any future calls for tenders for the provision of architectural services, the EO suggested that Eurofound specify its needs in more detail and set out clearly the works envisaged having regard to the nature of the building. In particular, it should define which authorisation is necessary to perform the service legally and, from a technical point of view, what kind of prior experience would enable the tenderer to perform the service, while striking a balance with the need to ensure the broadest possible competition. This information will allow potential tenderers to decide if and how to submit a tender.</p>	<p>In reply to the Ombudsman’s suggestion, Eurofound informed the Ombudsman that, due to budgetary constraints, it had decided to postpone indefinitely many procurement procedures, including the one at issue. If and when the procedure will be launched, Eurofound will take due consideration of the EO’s suggestion.</p>
<p>717/2022/LM</p> <p>How the EU Capacity Building Mission (EUCAP) Somalia dealt with a procurement procedure for the provision of private security services</p>	<p>The complainant’s expression of interest to participate in the procurement procedure was never received by EUCAP Somalia. The EO suggested that it should verify if there were issues with its electronic system and, if issues are identified, put in place a system for receiving electronic tenders that guarantee that tenders are correctly received and stored in accordance with the requirements laid down in the Financial Regulation.</p>	<p>In reply to the EO’s suggestion, EUCAP Somalia said to have done the checks requested by the Ombudsman without identifying any issues. While the issue that happened in this case remains unexplained, EUCAP Somalia found that the Ombudsman has no elements to challenge EUCAP Somalia’s statement.</p>

Case reference and title	Inquiry and outcome	Follow-up to inquiry
<p>2109/2021/LM</p> <p>The decision by the Translation Centre for the Bodies of the European Union (CdT) to reject a bid in a call for tenders for editing services</p>	<p>The Ombudsman considered that the CdT was wrong to reject the complainant's tender. The Ombudsman proposed as a solution that the CdT does not renew the current framework contract for the concerned lot and, instead, carry out a new procurement procedure, providing greater clarity as to what documents tenderers are expected to submit.</p> <p>The CdT accepted the proposal not to renew the framework contract and revised the wording of the documentation used in procurement procedures, in order to ensure that tenderers have clarity as regards which supporting documents they have to submit. However, it decided not to launch a new procedure for the services covered by this framework contract because it no longer needed such services.</p>	
<p>147/2022/KT</p> <p>How the European External Action Service (EEAS) dealt with the working relationship with an external expert who was employed through a contractor</p>	<p>The EO suggested the EEAS to take measures to prevent similar incidents related to working relationships in the future. In particular, the EEAS should immediately remove from its online platform the message informing the complainant about the termination of his employment contract. It should also apologise in writing to the complainant for having posted the message on a platform that was visible to others.</p>	<p>The EEAS responded concretely and constructively to the EO's suggestions for improvement. The EEAS has deleted from its online platform the message informing the complainant about the termination of his employment contract; apologised in writing to the complainant; and announced awareness raising sessions, in the course of 2023, for the statutory staff responsible for the working relationships with external experts. It has now confirmed that these sessions took place and gave details about the content and staff participation.</p>

Case reference and title	Inquiry and outcome	Follow-up to inquiry
<p>1139/2022/LM</p> <p>How the European Commission carried out a procurement procedure for support to the Western Balkans Investment Framework</p>	<p>The EO suggested that the Commission should remind evaluation committees that their evaluation of candidates should be based solely on the criteria set out in the call. In future similar situations, where the Commission decides to award a contract to a lower ranked tenderer due to problems with the highest ranked tender, the Commission should run a second standstill period before signing the contract with the actual successful tenderer. The Commission should amend the applicable Practical Guide to ensure that its staff and tenderers are aware of this requirement.</p>	<p>In its reply to the EO's suggestions, the Commission acknowledged the EO's findings and took some specific steps to implement the EO's suggestions. In particular, the Commission will clarify to the evaluation committees during the bi-annual training sessions on the Practical Guide, that the evaluation of tenders should be based solely on the criteria set out in the call, notably in case of evaluation of proposed replacements for key experts.</p> <p>The Commission said that it would further update the practical guide on contract procedures for European Union external action (PRAG), addressing the EO's suggestion for a second standstill period. Upon verification, it appears that this has been done*.</p>
<p>438/2023/PGP</p> <p>How the Translation Centre for the Bodies of the European Union assessed a tender in the field of translation and editing services</p>	<p>The EO suggested that, in future calls for tenders, the Translation Centre for the Bodies of the European Union make clear what it expects to receive in the letters of recommendation from tenderers, in terms of 'quantifiable quality indicators'.</p>	<p>In its reply to the EO's suggestions, the Translation Centre took into account the EO's suggestions for improvement and envisages a new approach to procurement procedures.</p> <p>It is not clear though if the new process has started yet. In the context of another complaint, 251/2024/KW, the CdT was asked whether it had already applied the new approach. Unfortunately, to this date, no reply was received.</p>

* See section 2.10.1.1. Notifications to the tenderers, standstill period of the PRAG: *"In case the evaluation committee revises its initial award recommendation on the basis of examination of information received in the standstill period, and recommends to award the contract to another tenderer, a further standstill period has to be respected following the notification of the new award decision to all unsuccessful tenderers."* Available here: <https://wikis.ec.europa.eu/display/ExactExternalWiki/2.+Basic+rules#id-2.Basicrules-#.Toc2.10.1.1>.

Case reference and title	Inquiry and outcome	Follow-up to inquiry
<p>1659/2022/VB</p> <p>The European Commission's decision to seek 'liquidated damages' from a company providing IT services</p>	<p>The EO suggested that the Commission take action to ensure that the information it provides in the different documents available to contractors is consistent and clear and that it does not leave room for different interpretations as occurred in this case.</p> <p>The Commission should consider excluding from the calculation of liquidated damages situations where contractors propose the same consultant, in the context of different parallel requests for services from users of the framework contract, and where that consultant becomes unavailable because they have been accepted in one of the requests. Should this not be possible, the Commission should ensure that this is explicitly stated in the applicable rules.</p> <p>The Commission should reflect on whether it was fair to seek liquidated damages from the complainant under quality indicator DP-3 and in relation to the two requests where the unavailability of the consultants was due to the Commission's decision to accept them in the context of another request.</p>	<p>In its reply to the EO's suggestions, the Commission accepted the first suggestion. It remains to be seen in practice if this new formulation is sufficiently clear.</p> <p>The Commission partially accepted the second suggestion. It did not agree to eliminate from the calculation of liquidated damages situations where contractors propose the same consultant, in the context of different parallel requests for services from users of the framework contract, and where that consultant becomes unavailable because they have been accepted in one of the request. However, it agreed to at least make this explicit in the applicable rules.</p> <p>The Commission also complied with the Ombudsman's last suggestion to reflect on whether its decision to impose damages was fair.</p>
<p>1756/2021/LM</p> <p>How the European Commission carried out a procurement procedure for expert medical services in Luxembourg</p>	<p>The EO suggested that the Commission should consider providing as much information as possible about the contract value and relative advantages of the successful tenderer when informing unsuccessful tenderers already in the rejection letter.</p> <p>When asked for information about the relative advantages of the successful tender and the contract value, the Commission should ensure that it respects the obligation to provide such information during the standstill period and, in any case, before signing the contract with the successful tenderer.</p> <p>When the information referred to above is provided only at the end of the standstill period, the Commission should ensure that it respects the obligation to delay the signature of the contract to offer unsuccessful candidates a meaningful opportunity to provide comments.</p>	<p>In its reply to the EO's suggestions, the Commission said that, in this case, it did provide the information required under the Financial Regulation but did not commit to inform unsuccessful tenderers already in the rejection letter about the contract value and relative advantages of the successful tenderers. It was proposed not to insist on this point and monitor over time whether we receive other complaints on this issue.</p> <p>The Commission acknowledged the delay in replying to the complainant.</p> <p>The Commission did not address the EO's last suggestion. As with the first suggestion, it was proposed to monitor whether we receive more complaint on this issue.</p> <p>It was suggested to considered that the Commission partially accepted the EO's suggestions.</p>

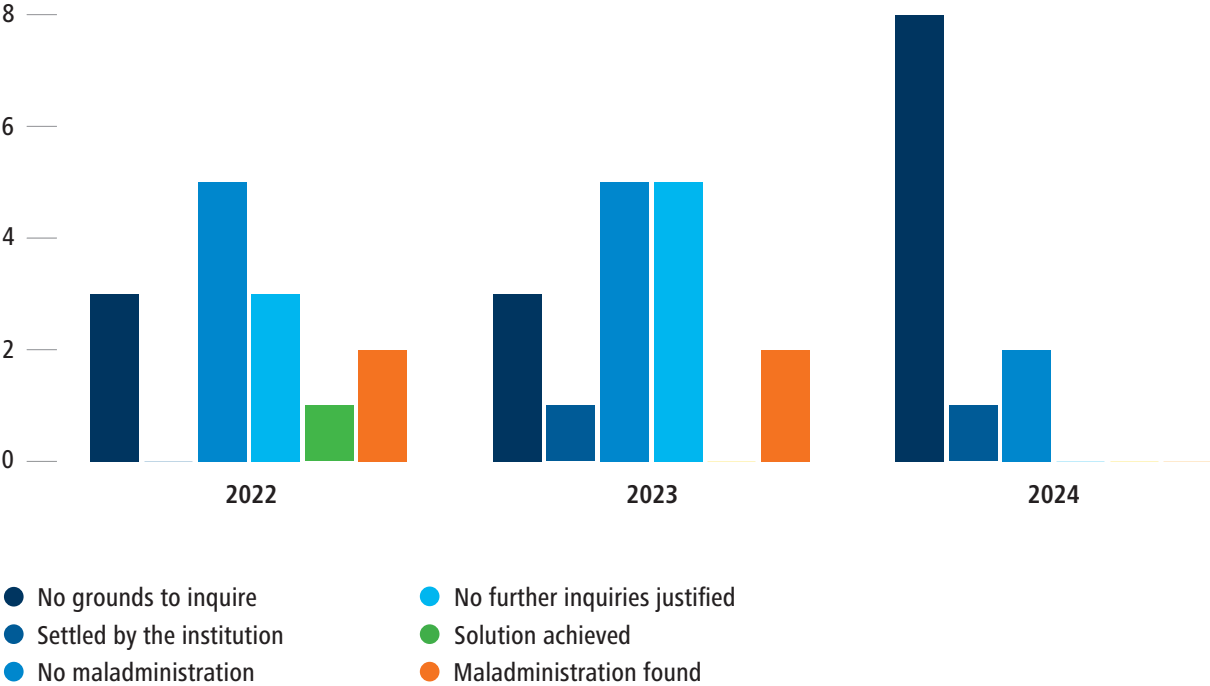
The shortcomings identified in the above cases often relate to similar matters, in particular:

- The lack of clarity in the conditions and requirements provided in calls for tenders or in the contracts resulted in misunderstandings on how to submit a tender/ interpret the contract;
- The failure to comply with the conditions of a call for tender;

- Issues regarding communication with tenderers and contractors.

Regarding the outcome of procurement cases, contrary to grants cases, only one case was solved following a solution proposal made by the Ombudsman. In most cases, all suggestions made were accepted and changes were implemented. In two cases, the EU body only partially accepted the suggestions made.

Outcome admissible (2022-2024) – Procurement



4.3. Remarks

In proportion to the number of cases received in each area, we made more suggestions for improvement and/ or proposed solutions in procurement cases than in grants cases. The same conclusion can be drawn regarding cases closed with a finding of maladministration.

Overall, we found similar issues in both areas, and in particular in relation to the lack of clarity of applicable rules and communication issues. However, the issues identified in procurement cases are recurrent while in grant cases, the issues identified seem more specific for each case.

Most issues identified in procurement cases concerned the award procedure. This may be linked to the fact that many cases concerning the implementation stage were closed as inadmissible, and we thus had fewer admissible cases in this regard.

The issues identified in grants cases concerned both the implementation of projects and the award stage. This is in line with the similar numbers of admissible cases in both fields.

In both areas, the EU bodies generally accepted the EO's suggestions/solutions proposals and have implemented some concrete measures to address them, with a few exceptions for which the suggestions made or the solution proposed was rejected. In grants cases, many issues were proactively settled by the EU body in the course of the inquiry.

Overall, in grants and contracts cases, we rarely, at the initial stage, close cases with a finding of no maladministration (we have 3 desk inquiries in procurement and 4 cases in grants).²²

About one third of all grants and procurement cases were closed as no grounds. We also closed more cases as no grounds in 2024 in both areas. Based on an analysis of no grounds cases, we generally closed cases with this conclusion because:

- We do not have a complete picture of the facts and/or legal framework which would allow us to make a finding of no maladministration. However, from the information received and the position of the EU body, we find nothing that would indicate that the position of the EU body is wrong and which would warrant opening an inquiry. This is common in grants and procurement cases because the legal framework is complex and some documents may not be publicly available to the complainant/ the Office.
- The allegations of the complainant are not substantiated and/or are unclear. We thus rely on the reasonableness of the reply from the EU body concerned.
- The EU body took a decision on the merits of a proposal/tender, where it enjoys a wide margin of discretion. We have generally closed such cases with a no ground to inquire decision if the assessment of the complaint did not indicate a manifest error of assessment by the EU body concerned.

22. Some of these cases concern, for example, issues over compliance with eligibility conditions. In such cases, the Ombudsman take a clear position whether the complainant fulfils or not such conditions.

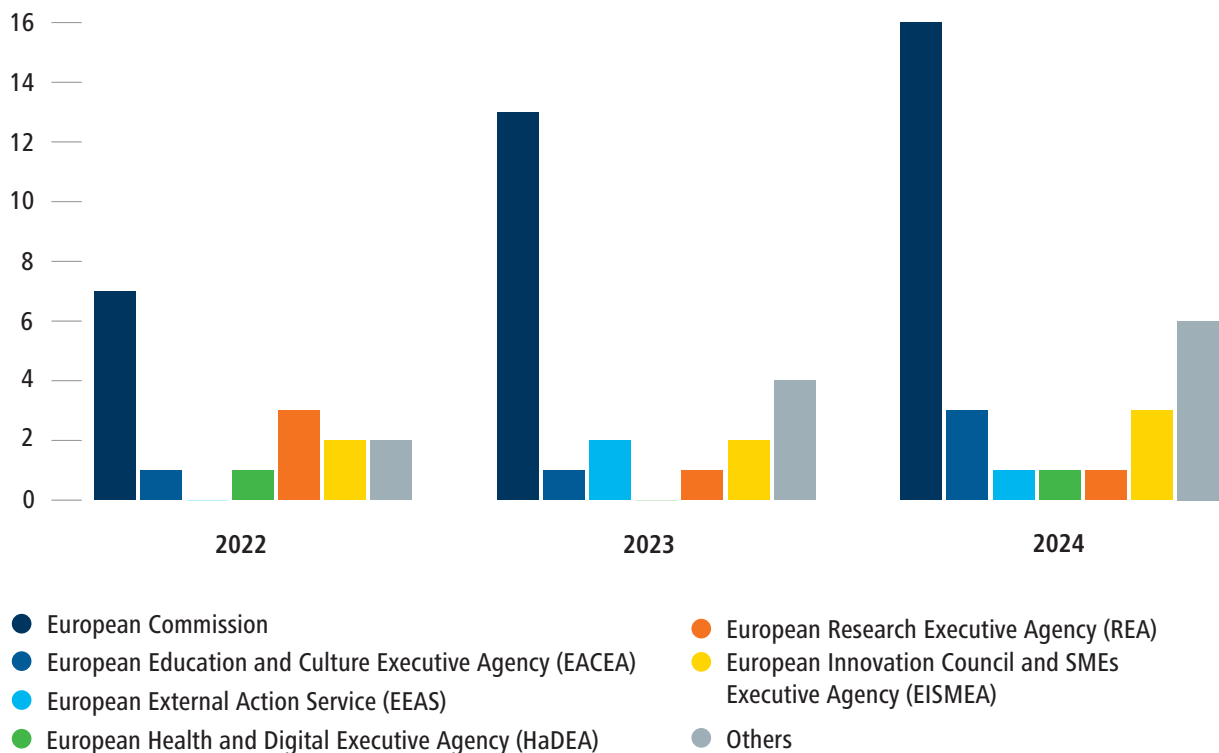
5. The institutions, bodies, offices and agencies concerned

5.1. The institutions, bodies, offices and agencies in grants and procurement admissible cases

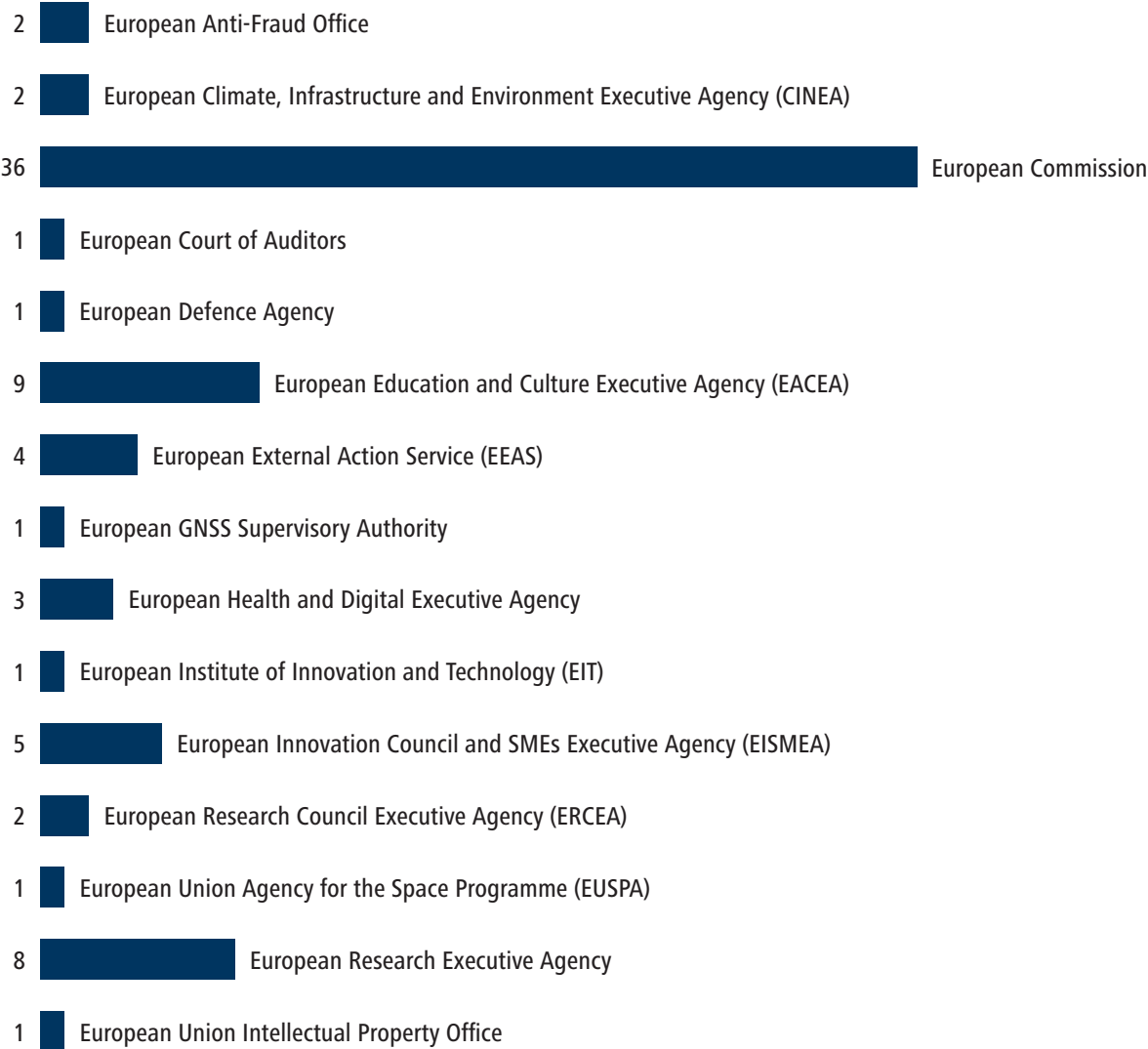
5.1.1. Grants cases

Cases about the European Commission accounted for the largest number of admissible cases (47%). This is because the Commission is the largest institution and manages most EU funds.

EU body complained about (2022-2024) – Grants



EU body complained about (2022-2024) – Grants





The Commission oversees the EU budget and implements funding programs across different policy areas, mostly through various Directorates-General (DGs). The Commission delegates the management of a large number of funding programmes to its executive agencies, which explains the high number of cases about the European Education and Culture Executive Agency (EACEA)²³ (12%), the European Research Executive Agency²⁴ (10%), and the European Innovation Council and SMEs Executive Agency (EISMEA)²⁵ (6%).

During the audit period, the most common institutions complained about remained overall the same. There is an increase in the number of complaints about the European Commission, which is in line with the increase in the number of grants cases received.

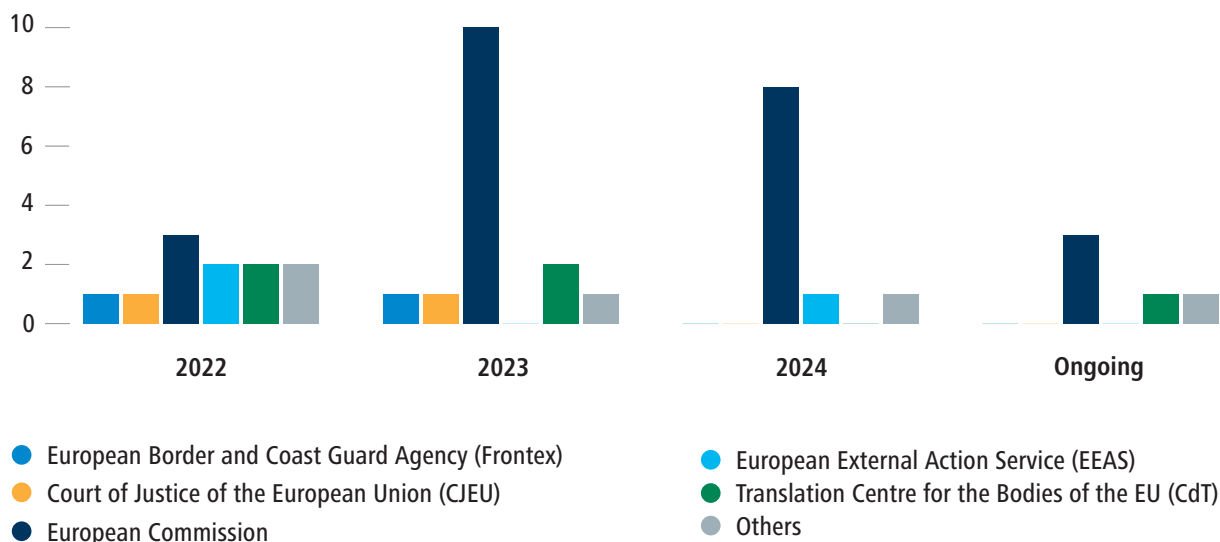
23. The EACEA manages funds for education, culture, audiovisual, sport, citizenship and volunteering. EACEA's funding programmes are: Erasmus +; Creative Europe; the European Solidarity Corps; the Citizens, Equality, Rights and Values programme (CERV); Intra-Africa Academic Mobility Scheme (under NDICI Global Europe). EACEA's overall budget for the 2021-2027 programming period amounts to €9.1 billion.

24. The REA is a funding body for research and innovation which manages EU research grants, including the Horizon 2020 and Horizon Europe research framework, the Research Fund for Coal and Steel, the Promotion of agricultural products, and the EU Mission: A Soil Deal for Europe. REA's overall budget for the 2021-2027 programming period amounts to €22.7 billion.

25. EISMEA's mission is to provide support to European innovators, researchers, businesses, regions and consumers. EISMEA has been entrusted with the implementation of the following (parts of) Union programmes: Horizon Europe, pillar III (the European Innovation Council and European Innovation Ecosystems); European regional Development Fund (Interregional Innovation Investments I3 Instrument); Single Market Programme (SME pillar; internal market; support to standardisation; customers).

5.1.2. Procurement cases

EU body complained against (2022-2024) – Procurement



The Commission accounted for the largest number of admissible cases (59%). As for grants, this is because the Commission is the largest institution. We also had a high number of cases about the Translation Centre for the Bodies of the EU (CdT) (12%). As this is a relatively small EU body, this shows a potential pattern in mismanagement of procurement procedures by the CdT. In this regard, we made suggestions for improvement to the CdT in two cases, in 2022 and 2023, both concerning the lack of clarity regarding the information and documents to be submitted when applying for a tender²⁶. We have one ongoing case about the CdT regarding similar issues, in which the preliminary indication is that there is maladministration²⁷.

Compared to 2022, in 2023 and 2024, there was an increase in the number of procurement cases about the Commission. The increase in 2023 may be explained by the general increase in the number of admissible procurement cases that year.

26. 2109/2021/LM and 438/2023/PGP, see the table at page 28.

27. 251/2024/KW, see the table at page 29.

EU body admissible cases (2022-2024)

2	European Border and Coast Guard Agency (Frontex)
2	Court of Justice of the European Union (CJEU)
1	European Centre for Disease Prevention and Control (ECDC)
24	European Commission
3	European External Action Service (EEAS)
0	European Education and Culture Executive Agency (EACEA)
1	European Foundation for the Improvement of Living and Working Conditions (Eurofound)
1	European Union Agency for the Operational Management of Large-Scale IT Systems (eu-LISA)
1	European Agency for Safety and Health at Work (EU-OSHA)
5	Translation Centre for the Bodies of the European Union (CdT)
1	European Parliament



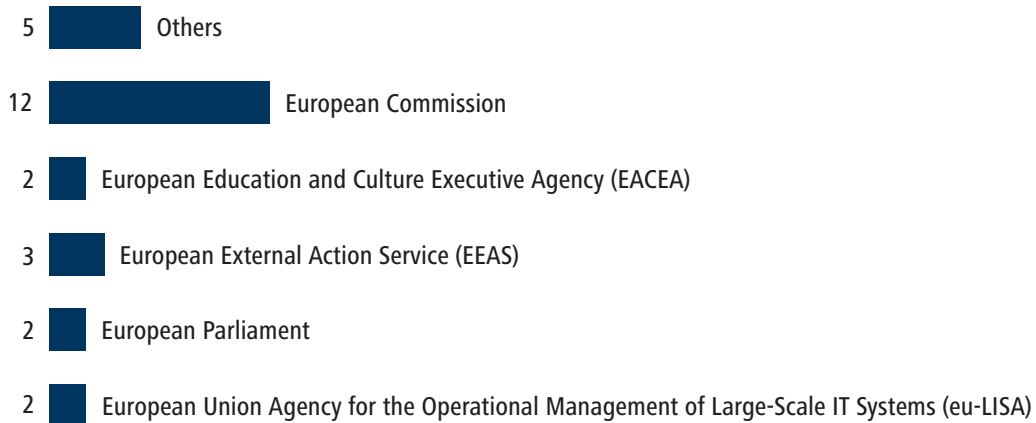
5.2. The institutions, bodies, offices and agencies in grants and procurement inadmissible cases

The largest number of inadmissible complaints concerned the Commission, with the European External Action Service (EEAS) second. This can be explained by the fact a certain number of complaints about the EEAS are submitted by non-EU complainants working in EU Delegations.

EU body complained about (2022-2024) – Grants inadmissible

- 2 ■ European anti-fraud office (OLAF)
- 2 ■ European Climate, Infrastructure and Environment Executive Agency (CINEA)
- 29 ■ European Commission
- 2 ■ European Education and Culture Executive Agency (EACEA)
- 4 ■ European External Action Service (EEAS)
- 2 ■ European Innovation Council and SMEs Executive Agency (EISMEA)
- 2 ■ European Research Executive Agency
- 1 ■ European Union Intellectual Property Office

EU body complained against (2022-2024) – Procurement inadmissible



As for inadmissible grants cases, the largest number of inadmissible procurement complaints concerned the Commission, with the EEAS second.

This is in line with the comments made regarding admissible grants and procurement cases and, in particular, regarding complaints submitted by non-EU complainants.

Conclusions

- The main issues complained about are the same in both areas: the award procedure and the project or contract implementation;
- Most issues identified in procurement cases concern the award procedure. The issues identified in grants cases concern both the award procedure and the project implementation;
- More issues were identified in procurement cases than in grants cases, in proportion to the number of cases received;
- We found similar issues in both areas, and in particular in relation to the lack of clarity of applicable rules and communication issues;
- During the audit period, one instance of maladministration was found in a grants case, and four instances of maladministration were found in procurement cases;
- Most suggestions for improvements and solution proposals were accepted and implemented by the EU body in both areas, with a few exceptions. In grants cases, many issues were solved in the course of the inquiry at the initiative of the EU body, when the Ombudsman highlighted the issue to the EU body, or noted a lack of clarity regarding the EU bodies' actions on the matter at the opening stage of the inquiry;
- In both areas, the main institution complained about is the Commission, as well as the executive agencies.
- We received more complaints concerning grants than procurement;
- 64% of the grants complaints and 60% of the procurement complaints are admissible;
- The number of inadmissible grant cases has decreased during the audit period. This may be linked to a strategic initiative of the Office on this topic. No similar decrease happened in procurement cases despite the strategic initiative;
- 34% of grants cases and 29% of procurement cases are closed with a finding that there were not sufficient grounds to inquire, which is the most common finding in both areas (along with findings of no maladministration in procurement cases).

Annex

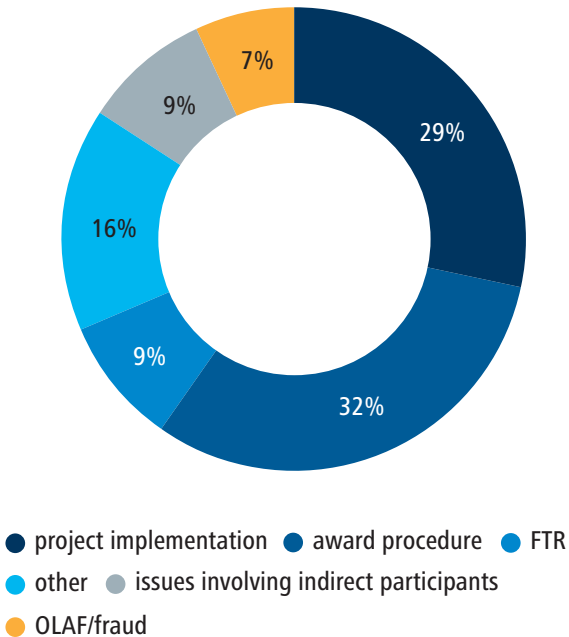
Classification by subject matter of inadmissible grants and procurement cases

Grants cases

Most of the 44 inadmissible grants cases concern the award procedure (14 complaints). The complaints received in this category mostly concern the evaluation process (7 complaints), and the award decision (5 complaints). The other categories where the Office received a high number of inadmissible cases concern the project implementation (13 complaints), and issues involving indirect participants (4 complaints). These figures for inadmissible grant cases are similar to those regarding admissible grant cases.

16% of all inadmissible grants cases concern 'other cases', meaning that there is a big variety of issues in inadmissible grants cases. This is also because inadmissible cases are sometimes unclear, in particular where complainants did not make the necessary prior administrative approaches.

Categories inadmissible cases (2022-2024) – Grants



Number of inadmissible grants complaints per subject matter during the audit period

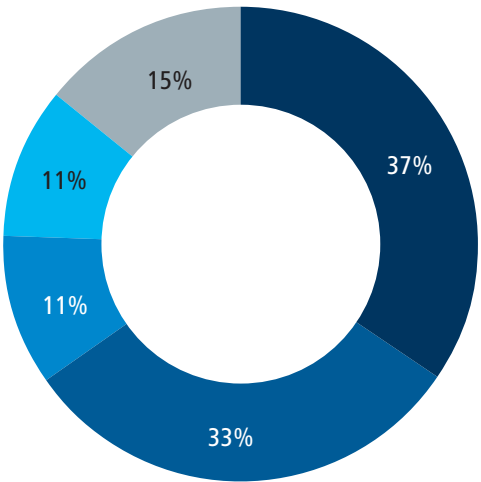
		2022	2023	2024	2025	2022-2024
Award procedure	The call for proposals	1	0	1	0	2
	Evaluation process	1	3	3	0	7
	Award decision	1	2	2	0	5
Project implementation	Management of EU funds	2	1	3	0	6
	Other implementation issues*	3	0	1	0	4
	Monitoring concerns	0	2	1	0	3
Issues involving indirect participants		2	1	1	0	4
FTR		3	1	0	0	4
OLAF/ fraud		2	0	1	0	3
Other		1	2	3	1	7

* This includes two cases about a grant amendment.

Procurement cases

When it comes to the different subject matters of the **27 inadmissible procurement cases**, most inadmissible cases concern the **contract implementation** (10 complaints). The other categories where the Office received a high number of inadmissible cases concern the award procedure (9 complaints) and issues involving indirect participants (4 complaints).

Categories inadmissible cases (2022-2024) – Procurement



- contract implementation
- award procedure
- FTR
- other
- issues involving indirect participants

Number of inadmissible grants complaints per subject matter during the audit period

		2022	2023	2024	Ongoing	2022-2024
Award procedure**	The call for tenders	2	0	1	0	3
	Evaluation process	4	1	0	0	5
	Award decision	2	0	1	0	3
Contract implementation***	Suspension or termination of the contract	2	0	0	0	2
	Contract amendment	2	0	0	0	2
	Management of EU funds	1	2	1	0	4
	Other implementation issues	1	0	1	0	2
	Monitoring concerns	1	0	0	0	1
Issues involving indirect participants		1	1	2	0	4
FTR		0	0	3	0	3
Other		1	0	2	0	3

** Two cases are listed twice, under two subcategories. The total number of cases about inadmissible award procedures is 9.

*** One case is listed twice, under two subcategories. The total number of cases about inadmissible contract implementation is 10.

Remarks

Overall, regarding both admissible and inadmissible grants and procurement cases, most cases concern the award procedure and the project/ contract implementation. This is because most complaints are submitted by applicants/ recipients of EU funds at different stages of the procedure. In addition, we have received a steady number of cases from indirect participants. This is because grants and procurement cases often include payments of EU funds to third entities.

Regarding procurement cases, the portion of inadmissible cases concerning contract implementation is a lot higher than for admissible cases (37% against 24%). Half of complaints regarding contract implementation are inadmissible (10 out of 20 complaints or 50%), and among those, 5 out of 10 are inadmissible because the complaint was submitted by a non-EU complainant²⁸. The portion of inadmissible procurement cases concerning the award procedure is much lower (9 out of 30 or 30%).

²⁸ We opened an own-initiative inquiry in only one of these cases.

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