

THE EUROPEAN OMBUDSMAN



P. NIKIFOROS DIAMANDOUROS

Presentation
European Ombudsman
P. Nikiforos Diamandouros

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*** check against delivery***

Europe & Entrepreneurs - Facts, gaps, delays and prospects

Looking into the gap.....

Introduction

Ladies and Gentlemen, I am very pleased to be here today at the Annual Congress of Eurochambres and wish to thank the conference organizers for giving me an opportunity to share with you the perspective of the European Ombudsman with regards to how to bridge the gap between Europe and the European business community.

Some of you may not be familiar with my function. In brief, I investigate complaints about maladministration in the European institutions and bodies. I receive around 4000 complaints per year from citizens, companies and associations. Many of them - approximately one quarter – concern lack of transparency in the EU institutions, including the refusal to give information or to grant access to documents.

The majority of complaints concern the European Commission. I hasten to add that this does not mean that the Commission is the institution with the worst administration. It simply reflects the fact that the Commission is **the** EU institution most citizens, companies or associations are dealing with.

The Ombudsman offers a free, fast and flexible service. Sometimes, a telephone call from my staff to the institution concerned is enough to solve a problem.

Open for business

I wish to emphasize that my services are also available to the European business community. In fact, this community is also one of our most important target groups. Thousands of companies in all Member States are involved in EU-projects and calls for tender. And some of them do encounter problems with the EU institutions. The typical complaints I receive from companies concern late payments for EU projects, problems with tender procedures, and refusal to give information or to grant access to documents.

An illustrative example of the type of cases we usually deal with, concerns late payments to EU contractors. Over the years, we have

solved a number of such cases. This is particularly important for small and medium-sized enterprises, which are completely dependent on these bills being paid on time.

The Ombudsman as an alternative to courts

In some cases, turning to the Ombudsman can provide a more effective solution than bringing an action before the courts. Of course, the right to go to court is fundamental and, in some cases (for example, where there are complex issues of fact, or when a binding legal decision is essential) going to court is the more appropriate remedy.

However, there are several advantages to the Ombudsman's services. First of all, there are no costs involved in submitting a complaint to the Ombudsman, and we are normally quicker than the courts. Secondly, we are more flexible. To give you an example: The complainant does not have to be personally affected by maladministration to be able to submit a complaint. Thirdly, whenever I find maladministration in the EU institutions I try to achieve a friendly solution. Instead of ruling "guilty" or "not guilty", this gives me the opportunity to ensure a win-win outcome, satisfying both the complainant and the institution involved.

Last but not least, I have the power to start inquiries on my own-initiative, if I think there is an issue of maladministration in one of the EU institutions. Here are you two examples directly related to the business community:

A few years ago, we started an own-initiative inquiry on late payment by the European Commission. We closed the case when the Commission promised to improve their payment policy. However, we are closely following developments regarding the problem of late payment and might follow up on that issue if necessary.

And currently, another own-initiative inquiry is ongoing. We are examining the possibility of new ways to settle disputes between the Commission and its contractors or sub-contractors, such as mediation.

The European business community and the EU institutions

A competitive European economy needs close co-operation between the business community and the European institutions. And it is my task to facilitate this co-operation and to contribute to its improvement by

identifying what is going wrong and by helping the EU institutions to rectify problems.

Companies all over the EU often express their dissatisfaction with Europe and its institutions. They are calling for a more effective and service-minded EU administration. But, against this background, it is surprising for me to see how few companies actually make use of their right to complain to the Ombudsman if they encounter problems with the EU institutions.

Only 5% of all the complaints I receive come from companies or associations, although it is mainly these entities which are in direct contact with Brussels, and not the ordinary citizen. On the other hand, the fact that, unlike the majority of complaints from individual citizens, around half of the complaints from the business community are within my mandate suggests that businesses more often than not have real and substantive complaints about which the Ombudsman can potentially help.

Conclusion

In order to achieve a more effective and service-minded EU administration, we need the help of European companies. They have to point out what is going wrong. I can therefore only encourage the business community to turn to me whenever problems arise with one of the EU institutions. It is only by identifying those problems that the institutions will be able to solve them. I am there to help promote that process and move things forward. A good relationship between the European companies and the EU administration is a crucial precondition for creating a competitive Europe.

Thank you very much for your attention.