



## Press release No. 13/2012

# Ombudsman welcomes Commission's announcement that it will review the "Early Warning System"

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The European Ombudsman investigates complaints about maladministration in the EU institutions and bodies. Any EU citizen, resident, or an enterprise or association in a Member State, can lodge a complaint with the Ombudsman. The Ombudsman offers a fast, flexible and free means of solving problems with the EU administration.

**For more information:**  
[www.ombudsman.europa.eu](http://www.ombudsman.europa.eu)

**Contact:**  
Gundi Gadesmann,  
Media and External  
Relations Officer,

T. +32 2 284 26 09

[gundi.gadesmann@ombudsman.europa.eu](mailto:gundi.gadesmann@ombudsman.europa.eu)

Twitter:  
[@GundiGadesmann](https://twitter.com/GundiGadesmann)

**The European Ombudsman, P. Nikiforos Diamandouros, has welcomed the European Commission's announcement that it will review its "Early Warning System" (EWS). The EWS consists of a database containing the names of persons or companies deemed to pose a threat to the financial interests of the European Union. The review covers changes aimed at ensuring that the operation of the EWS respects fundamental rights, such as the right to be heard. The Commission's announcement follows the Ombudsman's inquiry and subsequent public consultation about the EWS.**

Mr Diamandouros said: "The EWS is an important means of protecting EU funds. It is in the interest of European citizens that the EWS works correctly. I commend the Commission's intention to introduce adequate checks and balances, so as to ensure that the operation of the EWS complies with the Charter of Fundamental Rights of the European Union, which is binding on all EU institutions."

**Commission has to guarantee the right to be heard**

The EWS allows EU officials to check, among others, whether participants in an EU call for tenders are suspected of fraud. The EU administration may block or suspend contracts or payments, if the person or company concerned is listed on the EWS.

The Ombudsman received several complaints about the operation of the EWS. He therefore launched an inquiry, including a public consultation to which many stakeholders contributed. Participants criticised the fact that individuals and companies are not systematically informed about their inclusion on the EWS. They

also pointed out that it is unclear how a person or company included on the EWS can lodge an appeal.

After his inquiry, the Ombudsman called on the Commission to guarantee the rights of persons or companies to be heard before they are included on the EWS. In addition, he asked the Commission to respect the right of access to the file and to ensure that it informs persons of their rights to complain to the Ombudsman or to go to court.

In its reply to the Ombudsman's recommendation, the Commission announced that it intends to revise the EWS in 2013. It promised to take into account both the Ombudsman's findings, as well as the outcome of an ongoing court case about the EWS ("the Planet case").

The Ombudsman welcomed the Commission's announcement and called for certain interim measures to ensure respect for fundamental rights in the period leading to the EWS review. He has asked the Commission to inform him about those interim measures.

The full text of the Ombudsman's decision is available at:

<http://www.ombudsman.europa.eu/en/cases/decision.faces/en/11731/html.bookmark>