

Exchange of experience from complaint handling and possible investigations in parallel by the European Ombudsman and national ombudsmen - Issues related to the application of EU law at the national and EU level

Second Regional ENO meeting, at the Office of the Portuguese Ombudsman

Office of the Provedor de Justica, Lisboa, Rua do Pau de Bandeira 9

Monday 9 December

14.00: Welcome coffee

14.15: Introductory remarks and presentation of the working method

14.30: Shared management of EU funds - Ombudsmen's monitoring of compliance (the Charter of Fundamental Rights, environmental law, accessibility law) by national administrations when using EU Funds and the European Ombudsman's monitoring of the European Commission's supervisory role over the disbursement of Funds

Funds concerned:

Asylum, Migration and Integration Fund, Internal Security Fund, and EU Structural and Investment Funds (ESIF), in particular, the Cohesion Fund, the European Social Fund and the European Agricultural Fund for Rural Development.

Law concerned:

- *Charter of Fundamental Rights of the European Union* (in particular the right to good administration and the principle of non-discrimination, the right to be heard, and to be provided with reasons, in this context individual examination requirement);
- *Regulation 1303/2013 on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund* (gender equality, disability and sustainable development related requirements, transparency in selection procedures for funding; handling of complaints concerning ESI Funds);
- *Regulation 513/2014 establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management;*
- *Regulation 516/2014 establishing the Asylum, Migration and Integration Fund.*

16.30: Migration and asylum: Expulsions/Administrative Decisions/Monitoring of forced return under Returns Directive and/or as the OPCAT body/Children's rights/Family reunification/Visas for third country family members.

Law concerned:

- *United Nation's Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;*
- *United Nation's Convention on the Rights of the Child;- Charter of Fundamental Rights of the European Union;*
- *Directive 2013/32/EU on common procedures for granting and withdrawing asylum;*
- *Directive 2011/95/EU on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted;*
- *Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals;*
- *Council Directive 2003/86/EC on the right to family reunification;*
- *Directive 2004/38/EC on the right of citizens of the Union and their family members to move freely within the territory of the Member States.*

19.00: Dinner at the invitation of the European Ombudsman in the presence of Professor Lucia Amaral, *Provedor de Justica*

Tuesday, 10 December

09.30: Right to free movement and equal treatment (employment, social affairs, inclusion):

- Monitoring of/by national bodies promoting equal treatment and supporting workers.
- Unemployment benefits in cross-border situations.
- Recognition of professional qualifications/diplomas
- European Public Employment Services (EURES). 'Reactivate' programme.

Law concerned:

- *Directive 2005/36/EC on the recognition of professional qualifications;*
- *Directive 2014/54/EC on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers;*
- *Regulation (EU) 2016/589 on a European network of employment services (EURES), workers' access to mobility services and the further integration of labour markets.*

11.30: Cross-border health care. Functioning of focal points/authorities responsible for reimbursement claims

Law concerned:

- *Directive 2011/24/EU on the application of patients' rights in cross-border healthcare.*

12.00: Concluding remarks:

(How to proceed if the competent (state) authorities do not accept the proposed action? How do ombudsman institutions communicate human rights issues in hostile environments? Other questions?)

13.00: Lunch (sandwiches)