



European Network of Ombudsmen



**YEARS**  
*Anniversary*  
Report





**30**  
**YEARS**  
*Anniversary*  
Report

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# Foreword



**Red Europea de Defensores del Pueblo**  
**Europäisches Verbindungsnetz der Bürgerbeauftragten**  
**European Network of Ombudsmen**  
**Réseau européen des Médiateurs**  
**Rete europea dei difensori civici**

When the first European Ombudsman, Jacob Söderman, took office in September 1995, one of his first priorities was to establish regular and effective cooperation with ombudsmen throughout Europe. In 1996, Mr Söderman established what is now known as the European Network of Ombudsmen, or simply ENO. In his own words, ENO was created to *'make citizens' rights under EU law a living reality at all levels within the Union and its Member States.'*

Since its very first days, ENO's primary focus has been on ombudsmen's review of administrative activity in the implementation of EU law. Given that the responsibility for the implementation of EU law lies primarily with the Member States, the Network initially included the national ombudsmen from the fifteen Member States that made up the EU at the time. As Europe's regions are so directly involved in the implementation of EU law and the distribution of EU funds, the Network was extended to include regional ombudsmen. Today, ENO covers ombudsmen and similar bodies at the European, national, and regional levels. It also includes the national ombudsmen of Norway, Iceland, and the applicant countries for EU membership.

In the EU alone, ENO includes **more than 60 ombudsmen offices**. This broad and comprehensive platform gives our Network a privileged perspective not only on the challenges faced by these institutions, each one at its own level, but also, and above all, on the main issues that concern citizens when exercising their rights across Europe.

The European Ombudsman coordinates ENO, but our network is a collective endeavour. Each member has an equal opportunity to contribute to and benefit from it. Indeed, this Report to the European Parliament is the result of joint work by national and regional ombudsmen from the EU Member States and the European Ombudsman.

This year marks the 30<sup>th</sup> anniversary of the establishment of the European Network of Ombudsmen – thirty years of unwavering commitment to independence, fairness, and cooperation between ombudsmen.

As we commemorate this important milestone, the ENO Report to the European Parliament serves as a testament to the evolving role and impact of national and regional ombudsmen on the implementation of EU law in the Member States.

Ombudsmen's functions and areas of focus have shifted significantly over the years. For much of our history, many of these changes could be presented as a steady and continual path of expansion and evolution, with new bodies brought within their jurisdiction and new functions added, allowing ombudsmen not only to remedy individual injustices, but also to address the systemic issues and injustices that drive them.

That said, throughout this growth and change over three decades, what has remained steady is the application of EU law in ombudsmen's interventions, alongside their national laws and constitutions. In this Report, there are countless examples of how EU law, including the Charter of Fundamental Rights of the European Union, has helped ombudsmen to argue their cases and ultimately make a difference in people's lives.



Ombudsmen and liaison officers at the European Parliament in Brussels, during the Annual European Network of Ombudsmen Conference 2025.

Without the power to make legally binding decisions, ombudsmen cannot be a mechanism for the enforcement of EU law. Nonetheless, ombudsmen can be effective in promoting compliance with legal rights and obligations under EU law. The objective of the Report is to show how this has been the case for the past thirty years.

Through this Report we reflect on ENO's past and consider our history and achievements. The Report starts with a tribute to all the ombudsmen who joined ENO before us and contributed to the development of this Network. We build on their legacy to do better every day. This Report is also a tribute to all the people of the European Union who have trusted their ombudsmen and brought their concerns forward.

The third chapter shows the impact of national and regional ombudsmen on the implementation of EU law in the Member States, through their interventions following complaints and on their own initiative, as well as through monitoring based on special mandates originating from EU legislation. Ombudsmen in the EU have clearly proved themselves to be defenders of fundamental rights and guardians of democracy and the rule of law.

The fourth and fifth chapters of the Report demonstrate these developments. The fourth chapter highlights ENO's innovative cooperation tools, such as parallel inquiries into issues that extend beyond a single EU Member State and queries about EU law interpretation. The fifth chapter guides us through major ENO conferences and other joint activities, enabling the exchange of best practices and the effective dissemination of information about developments in EU law and policies.

As the commemorative statements in the second chapter demonstrate, the Report also sets the stage for thinking about the continuing need for and importance of ombudsmen's work going forward, particularly in an increasingly complex and continuously changing environment where societal expectations evolve, trust in public institutions becomes harder to earn, distinctions between public and private are becoming less clear, and technology continues to advance rapidly. The last chapter of the Report looks to the future of our offices, which must involve advanced technologies, but always under the guidance of ombudsmen.

I extend my thanks to all the ombudsmen who contributed to this project and helped bring together the history of the ENO. I am deeply grateful to the Finnish, Estonian, and Czech Ombudsmen's offices for having drafted the ENO Code of good practice for ombuds institutions in the use of technological systems and for the engagement of all ENO offices in shaping the Code's content.

This Report signals ENO's commitment to a shared future. We will continue to bring to light what needs to change to improve the implementation of EU law across the Union.

We are seeing a common European administrative culture take shape, built on shared laws, procedures, and tools. This is why it is crucial that we work together now on our common concerns, challenges, and goals as guardians of good administration. That means bridging the gap between administrative performance and citizens' expectations. Our role isn't just reactive anymore – it's proactive and transformative. ENO is a platform for shared learning, shared standards, and shared tools. It is through this collaboration that we can strengthen our collective capacity to defend not only good administration, but also to actively promote good governance in a rapidly changing Europe.

Here is my call to action: by standing together – as ombudsmen, as oversight bodies, as a bridge between institutions and citizens – we can help ensure that European governance, even in uncertain times, remains efficient, effective, participatory, and worthy of citizens' trust.

As the ENO coordinator, I offer the ENO 30-Year Report with gratitude, pride, and enduring confidence in the future of this vital community.



*Teresa Anjinho*

Teresa Anjinho, European Ombudswoman

# Tribute – EU Ombudsmen 1996-2026

## Chapter 1

## EUROPEAN OMBUDSMEN

Teresa ANJINHO (Portugal) 2025-present  
 Emily O'REILLY (Ireland) 2013-2025  
 P. Nikiforos DIAMANDOUROS (Greece) 2003-2013  
 Jacob SÖDERMAN (Finland) 1995-2003

## AUSTRIA

### Board 2026-2031

Christophe LUISSE  
 Bernhard ACHITZ  
 Gaby SCHWARZ

### Board 2019-2025

Bernhard ACHITZ  
 Gaby SCHWARZ (since 2022, replacing Werner AMON)  
 Walter ROSENKRANZ until 2024  
 Werner AMON until 2022

### Board 2013-2019

Gertrude BRINEK  
 Günther KRÄUTER  
 Peter FICHTENBAUER

### Board 2007-2013

Peter KOSTELKA  
 Gertrude BRINEK (since 2008, replacing Maria Theresia FEKTER)  
 Terezija STOISITS  
 Maria Theresia FEKTER until 2008

### Board 2001-2007

Peter KOSTELKA  
 Rosemarie BAUER  
 Hilmar KABAS (replacing Ewald STADLER)  
 Ewald STADLER until 2006

### Board 1995-2001

Horst SCHENDER  
 Ingrid KOROSEC  
 Christa KRAMMER (since 1999, replacing Evelyne MESSNER)  
 Evelyne MESSNER until 1998

## Regional Ombudsmen

### Tyrol

Doris WINKLER-HOFER 2022-present  
 Maria Luise BERGER 2016-2022  
 Josef HAUSER 2004-2016  
 Johannes PEZZEI 1999-2004  
 Helmuth TSCHIDERER 1989-1999

## Vorarlberg

Klaus FEURSTEIN May 2021-present  
 Florian BACHMAYR-HEYDA 2015-2021  
 Gabriele STRELE 2009-2015  
 Felix DÜNSER 1997-2009 (two mandates)  
 Nikolaus SCHWÄRZLER 1985-1997 (two mandates)

## BELGIUM

David BAELE (NL) | Jérôme AASS (FR) 2020-present  
 David BAELE (NL) | Catherine DE BRUECKER (FR) 2020-2021  
 Guido HERMAN (NL) | Catherine DE BRUECKER (FR) 2013-2020  
 Guido SCHUERMANS (NL) | Catherine DE BRUECKER (FR) 2006-2013  
 Herman WUYTS (NL) | Pierre-Yves MONETTE (FR) 1997-2006

## Regional Ombudsmen

### Flanders

Myriam PARYS March 2024-present  
 Erwin JANSSENS March 2023-March 2024 (acting)  
 Bart WEEKERS 2010-2023  
 Bernard HUBEAU 1999-2010 (two mandates)

### Wallonia and Brussels-Wallonia Federation

Nicolas LAGASSE 2025-present  
 Marc BERTRAND 2012-2025 (two mandates)  
*This institution is the result of the merger of its predecessors, the Ombudsman of the Walloon region and the Ombudsman of the French Community.*

### German-speaking community of Belgium

Marlene HARDT 2017-present (two mandates)  
 Cédric LANGER 2010-2017

### Brussels

Catherine DE BRUECKER 2022-present

## BULGARIA

Velislava DELCHEVA 2025-present  
 Diana KOVACHEVA 2020-2025  
 Maya MANOLOVA 2015-2019  
 Konstantin PENCHEV 2010-2015  
 Ginyo GANEV 2005-2010

## CROATIA

Tena ŠIMONović EINWALTER 2021-present  
Lora VIDOVIĆ 2013-2021  
Jurica MALČIĆ 2004-2013  
Ante KLARIĆ 1996-2004

## CYPRUS

Maria STYLIANOU-LOTTIDES 2017-present  
Eliza SAVVIDOU 2011-2017  
Eliana NIKOLAOU 1998-2011  
Nikos CHARALAMBOUS 1991-1998

## THE CZECH REPUBLIC

Eva KOSTOLANSKÁ 2026-present  
Stanislav KŘEČEK 2020-2026  
Anna ŠABATOVÁ 2014-2020  
Pavel VARVAŘOVSKÝ 2010-2013  
Otakar MOTEJL 2000-2010

## DENMARK

Christian BRITTEN LUNDBLAD 2025-present  
Henrik BLOCH ANDERSEN 2024-2025 (acting)  
Niels FINGER 2019-2024  
Henrik BLOCH ANDERSEN November 2019 (acting)  
Jørgen STEEN SØRENSEN 2012-2019  
Hans GAMMELTOFT-HANSEN 1987-2012

## ESTONIA

Ülle MADISE 2015-present  
Indrek TEDER 2008-2015  
Allar JÕKS 2001-2008  
Eerik-Juhan TRUUVÄLI 1993-2000

## FINLAND

Jari RÄMAN 2026-present  
Petri JÄÄSKELÄINEN 2010-2025  
Riitta-Leena PAUNIO 2002-2009  
Lauri LEHTIMAJA 1995-2001

### Deputy ombudsmen

Susanna LINDROOS-HOVINHEIMO 2026-present  
Mikko SARJA 2023-present  
Pasi PÖLÖNEN 2017-2023  
Maija SAKSLIN 2010-2026  
Jussi PAJUOJA 2009-2017  
Jukka LINDSTEDT 2005-2009  
Petri JÄÄSKELÄINEN 2002-2009  
Ilkka RAUTIO 2001-2005  
Jaakko JONKKA 1998-2001  
Riitta-Leena PAUNIO 1996-2001

## FRANCE

### *Le Défenseur des droits*

François-Noël BUFFET 2026-present  
Claire HÉDON 2020-2026  
Jacques TOUBON 2014-2020  
Dominique BAUDIS 2011-2014

### *Le Médiateur de la République*

Jean-Paul DELEVOYE 2004-2011  
Bernard STASI 1998-2004  
Jacques PELLETIER 1992-1998

## GERMANY

### Regional Ombudsmen

#### Baden-Württemberg

Beate BÖHLEN 2019-2027  
Volker SCHINDLER 2017-2019

#### Bavaria

Wolfgang FACKLER 2023-present  
Michael HOFMANN 2020-2023  
Klaus HOLETSCHEK 2018-2020

#### Berlin

Alexander OERKE 2022-present

#### Mecklenburg-Vorpommern

Silvio WITT 2025-present  
Christian FRENZEL 2024-2025  
Matthias CRONE 2011-2024  
Bernd SCHUBERT 2006-2011  
Heike LORENZ 2000-2006  
Frieder JELEN 1995-2000

**Rhineland-Palatinate**

Martin HALLER 2026-present  
 Barbara SCHLEICHER-ROTHMUND 2018-2026  
 Dieter BURGARD 2010-2018  
 Ulrich GALLE 1995-2010

**Thuringia**

Claudia DEMOCH 2026-present  
 Kurt HERZBERG 2013-2025  
 Silvia LIEBAUG 2007-2013  
 Karsten WILSDORF 2001-2007

**Schleswig-Holstein**

Anke ERDMANN 2026-present  
 Samiah EL SAMADONI 2014-2026  
 Birgit WILLE 2001-2014  
 Sigrid WARNICKE 1995-2001  
 Eugen GLOMBIG 1988-1995

**GREECE** 

Andreas I. POTTAKIS 2022-present (acting)  
 Andreas I. POTTAKIS 2016-2022  
 Kalliopi SPANOU 2011-2015  
 Giorgos KAMINIS 2003-2010  
 P. Nikiforos DIAMANDOUROS 1998-2003

**HUNGARY** **Commissioner for Fundamental Rights**

Imre JUHÁSZ 2025-present  
 Ákos KOZMA 2019-2025  
 László SZÉKELY 2013-2019  
 Máté SZABÓ 2012-2013 (served out the remainder of his term following the merger)

**Parliamentary Commissioners for Civil Rights  
(General/Civil Rights)**

Máté SZABÓ 2007-2011|2012 (transitioned into the unified post)  
 Barnabás LENKOVICS 2001-2007  
 Katalin GÖNCZÖL 1995-2001

**Parliamentary Commissioners for the Rights of National and Ethnic Minorities**

Erő KÁLLAI 2007-2011|2012  
 Jenő KALTENBACH 1995-2007

**Parliamentary Commissioners for Future Generations  
(Environmental Issues)**

Sándor FÜLÖP 2008-2012  
 András JÓRI 2008-2011

**IRELAND** 

Ger DEERING 2022-present  
 Peter TYNDALL 2013-2021  
 Emily O'REILLY 2003-2013  
 Kevin MURPHY 1994-2003

**ITALY** **National Coordination of the Ombudsmen of the Italian Regions and Autonomous Provinces**

Marino FARDELLI 2022-present (Lazio)  
 Sandro VANNINI 2022-2022 (Tuscany)  
 Andrea NOBILI 2019-2021 (Marche)  
 Enrico FORMENTO DOJOT 2021-2022 (Aosta Valley)  
 Fabrizio DI CARLO 2017-2019 (Abruzzo)  
 Lucia FRANCHINI 2013-2017 (Tuscany)  
 Antonio CAPUTO 2011-2013 (Piedmont)  
 Samuele ANIMALI 2009-2010 (Marche)  
 Donato GIORDANO 2007-2009 (Lombardy)  
 Maria Grazia VACCHINA 2003-2007 (Aosta Valley)  
 Romano FANTAPPIÉ 1998-2003 (Tuscany)  
 Giorgio SCIACCHITANO 1996-1998 (Liguria)  
 Lucio STRUMENDO 1994-1996 (Veneto)

**Regional Ombudsmen****Abruzzo**

Umberto DI PRIMIO 2024-present  
 Giandonato MORRA 2023-2024  
 Fabrizio DI CARLO 2016-2021  
 Nicola SISTI 2012-2016  
 Giuliano GROSSI 2009-2012  
 Nicola SISTI 2004-2009  
 Giovanni MASCIOCCHI 1996-2004

**Aosta Valley**

Adele SQUILLACI 2022-present  
 Enrico FORMENTO DOJOT 2012-2022  
 Flavio CURTO 2007-2012  
 Maria Grazia VACCHINA 1995-2006 (two mandates)

### Basilicata

Rocco Salvatore FUINA 2025-present  
Antonia FIORELLI 2014-2024  
Catello APREA 2007-2013  
Silvano MICELE 2003-2007  
Giulio STOLFI 1998-2002

### Bolzano

Veronika MEYER 2024-present  
Gabriele MORANDELL 2014-2024  
Burggi VOLGGER 2004-2014  
Werner PALLA 1992-2004

### Campania

Bruno DE MARIA 2023-present  
Giuseppe FORTUNATO 2018-2023  
Francesco Eriberto D'IPPOLITO 2017-2018  
Francesco BIANCO 2013-2017  
*Vacant 2010-2013*  
Girolamo SIBILIO 2008-2010  
Vincenzo LUCARIELLO 2004-2008

### Emilia-Romagna

Guido GIUSTI 2023-present  
Carlotta MARÙ 2018-2023  
Gianluca GARDINI 2014-2018  
Daniele LUGLI 2008-2013  
Antonio MARTINO 2003-2007  
Paola GALLERANI MONACI 1998-2003  
Ernesto TILOCCA 1995-1997  
Carlo FALQUI MASSIDDA 1985-1997

### Friuli Venezia Giulia

Arrigo DE PAULI 2024-present  
Arrigo DE PAULI 2019-2024  
*Temporary abolition of the office (2008-2019)*  
Caterina DOLCHER 2003-2008  
Gianpaolo TOSEL 2001-2003  
Domenico GIAVEDONI 1995-2001

### Lazio

Marino FARDELLI 2021-present  
Alessandro LICHERI 2016-2021  
Felice Maria FILOCAMO 2002-2016  
Rosario DI MAURO 1995-2002

### Liguria

Francesco COZZI 2023-present  
Francesco LALLA 2011-2023  
Annamaria FAGANELLI 2004-2010  
Antonio DI GIOVINE 2001-2004  
Giorgio SCIACCHITANO 1995-2000

### Lombardy

Gianalberico DE VECCHI 2021-present  
Carlo LIO 2017-2021  
Donato GIORDANO 2004-2016 (two mandates)  
Alessandro BARBETTA 1995-2004 (two mandates)

### Marche

Giancarlo GIULIANELLI 2021-present  
Andrea NOBILI 2015-2021  
Italo TANONI 2010-2015  
Samuele ANIMALI 2006-2010  
Giuseppe COLLI 2001-2005  
Giorgio de SABBATA 1996-2000

### Molise

Maria SPADAFORA 2025-present  
Paola MATTEO 2022-2023  
Leontina LANCIANO 2017-2022  
*Vacant 2013-2017*  
Pietro DE ANGELIS 2007-2013

### Piedmont

Paola BALDOVINO 2026-present  
Paola BALDOVINO 2021-2026  
Augusto FIERRO 2015-2021  
Antonio CAPUTO 2009-2015  
Francesco INCANDELA 2004-2009  
Bruno BRUNETTI 1996-2004  
Vittorio DE MARTINO 1981-1996

### Sardinia

Rosanna MURA 2026-present  
Marco ENRICO 2023-2026  
*Vacant 2020-2023*  
Felice CONTU 2014-2020  
*Vacant 2005-2014*  
Francesco SERRA 2000-2005  
Giuseppe CONTINI 1996-1999  
Giovanni VIARENGO 1992-1996

**Trento**

Sandro RAIMONDI 2025-present  
 Giacomo BERNARDI 2024-2025  
 Gianna MORANDI 2019-2024  
 Daniela LONGO 2014-2019  
 Raffaello SAMPAOLESI 2009-2014  
 Donata BORGONOVO RE 2004-2009  
 Fabio BORTOLOTTI 1999-2004  
 Alberto OLIVO 1994-1999

**Tuscany**

Lucia ANNIBALI 2023-present  
 Sandro VANNINI 2018-2023  
 Lucia FRANCHINI 2011-2017  
 Giorgio MORALES 2004-2011 (two mandates)  
 Romano FANTAPPIÉ 1997-2003 (two mandates)  
 Massimo CARLI 1994-1996

**Umbria**

Fabrizio SCHETTINI 2025-present  
 Marcello PECORARI 2019-2025  
*Vacant 1996-2019*  
 Giorgio BASTISTACCI 1992-1996

**Veneto**

Mario CAMEL 2024-present  
 Mario CAMEL 2021-2024  
 Vittorio BOTTOLI 2001-2011 (two mandates)  
 Lucio STRUMENDO 1994-2000

*Calabria, Puglia, Sicilia: the ombudsman legislation exists, but no office holder has been appointed.*

**LATVIA** 

Karina PALKOVA 2025-present  
 Juris JANSONS 2011-2025  
 Romāns APSĪTIS 2007-2010

**LITHUANIA** **Term 2023-2028**

Erika LEONAITĖ (Head of Office)  
 Aleksandr RADČENKO since April 2026  
 Jolita MILIUVIENĖ since November 2023

**Term 2018-2023**

Augustinas NORMANTAS until November 2021  
 Milda VAINIUTĖ 2018-2023  
 Erika LEONAITĖ since December 2021

**Term 2013-2018**

Augustinas NORMANTAS (Head of Office)  
 Raimondas ŠUKYS

*2010 – the Seimas (Parliament) of the Republic of Lithuania passed a law under which the number of the Seimas Ombudspersons was reduced.*

**Term 2008-2013**

Albina RADZEVIČIŪTĖ until February 2010  
 Romas VALENTUKEVIČIUS (Head of Office)  
 Augustinas NORMANTAS

**Term 2004-2008**

Albina RADZEVIČIŪTĖ (replacing Elvyra BALTUTYTĖ)  
 Virginija PILIPAVIČIENĖ since January 2025  
 Augustinas NORMANTAS in 2005 (replacing Kęstutis VIRBICKAS)  
 Elvyra BALTUTYTĖ until 2005  
 Romas VALENTUKEVIČIUS  
 Rimantė ŠALAŠEVIČIŪTĖ until January 2005  
 Kęstutis VIRBICKAS until 2005  
 Zita ZAMŽICKIENĖ

**Term 1999-2004**

Leonarda KUODIENĖ  
 Genovaitė RAČINSKIENĖ  
 Kęstutis MILKERAITIS  
 Romas VALENTUKEVIČIUS  
 Zita ZAMŽICKIENĖ (replacing Albertas VALYS in October 2000)  
 Albertas VALYS

**Term 1995-1999**

Julius JASAITIS  
 Albertas VALYS in February (replacing A. J. JANKAUSKAS)  
 Algirdas Juozapas JANKAUSKAS until February 1997  
 Stasys STAŽYS  
 Nijolė ŠIDAGIENĖ  
 Algirdas TAMINSKAS

## LUXEMBOURG

Claudine KONSBRUCK 2025-present  
Claudia MONTI 2017-2025  
Lydie ERR 2011-2017  
Marc FISCHBACH 2004-2011

## MALTA

Joseph ZAMMIT MCKEON 2023-present  
Anthony C. MIFSUD 2016-2023  
Joseph Said PULLICINO 2005-2016  
Joseph SAMMUT 1995-2005

## NETHERLANDS

Reinier VAN ZUTPHEN 2015-2027  
Frank VAN DOOREN 2014-2015 (acting)  
Alex BRENNINKMEIJER 2005-2014  
Roel FERNHOUT 1999-2005  
Marten OOSTING 1987-1999

## POLAND

Sylvia GREGORCZYK-ABRAM 2026-present  
Marcin WIĄCEK 2021-2026  
Adam BODNAR 2015-2021  
Irena LIPOWICZ 2010-2015  
Janusz KOCHANOWSKI 2006-2010  
Andrzej ZOLL 2000-2006  
Adam ZIELIŃSKI 1996-2000  
Tadeusz ZIELIŃSKI 1992-1996

## PORTUGAL

Luísa NETO 2026-present  
Maria Lúcia AMARAL 2017-2025  
José DE FARIA COSTA 2013-2017  
Alfredo José DE SOUSA 2009-2013  
Henrique NASCIMENTO RODRIGUES 2000-2009  
José MENÉRES PIMENTEL 1991-2000

## ROMANIA

Renate WEBER 2019-present  
Victor CIORBEA 2014-2019  
Ecaterina TEDORESCU December 2013-May 2014 (acting)  
Anastasiu CRIȘU January 2013-December 2013  
Valer DORNEANU 2012-2013 (acting)  
Gheorghe LANCU 2011-2012  
Ioan MURARU 2001-2011  
Paul MITROI 1997-2001

## SLOVAKIA

Róbert DOBROVODSKÝ 2022-present  
Mária PATAKYOVÁ 2017-2022  
Jana DUBOVCOVÁ 2012-2017  
Pavel KANDRÁČ 2002-2012 (two mandates)

## SLOVENIA

Simona DRENIK BAVDEK 2026-present  
Peter SVETINA 2019-2026  
Vlasta NUSSDORFER 2013-2019  
Zdenka ČEBAŠEK-TRAVNIK 2007-2013  
Matjaž HANŽEK 2001-2007  
Ivan BIZJAK 1994-2000

## SPAIN

Ángel GABILONDO PUJOL 2021-present  
Francisco FERNÁNDEZ MARUGÁN 2017-2021 (acting)  
Soledad BECERRIL BUSTAMANTE 2012-2017  
María Luisa CAVA DE LLANO Y CARRIÓ 2010-2012 (acting)  
Enrique MÚGICA HERZOG 2000-2010  
Fernando ÁLVAREZ DE MIRANDA Y TORRES 1994-1999

### Regional Ombudsmen

#### Andalusia

Jesús MAEZTU GREGORIO DE TEJADA 2024-present (acting)  
Jesús MAEZTU GREGORIO DE TEJADA 2013-2024 (two mandates)  
José CHAMIZO DE LA RUBIA 1996-2013 (three mandates)

## Aragón

Concepción GIMENO GRACIA 2024-present  
 Javier HERNÁNDEZ GARCÍA 2023-2024  
 Ángel DOLADO PÉREZ 2018-2023  
 Fernando GARCÍA VICENTE 1998-2018  
 Juan BAUTISTA MONSERRAT 1993-1998

## Basque Country

Mikel MANCISIDOR DE LA FUENTE 2026-present  
 Inés IBÁÑEZ DE MAEZTU IZAGUIRRE 2025-2026 (acting)  
 Manuel LEZERTUA RODRÍGUEZ 2015-2025  
 Julia HERNÁNDEZ VALLES 2015-2021 (acting)  
 Iñigo LAMARCA ITURBE 2004-2015  
 Mercedes AGÚNDEZ BASTERRA 2000-2004 (acting)  
 Xabier MARKIEGI CANDINA 1995-2000

## Canary Islands

María Dolores PADRÓN RODRÍGUEZ 2024-present  
 Rafael YANES MESA 2018-2024  
 Jerónimo SAAVEDRA ACEVEDO 2011-2018  
 Manuel ALCAIDE ALONSO 2001-2011  
 Fernando GIMÉNEZ NAVARRO 1996-2001

## Castile and León

Tomás QUINTANA LÓPEZ 2018-present  
 Javier AMOEDO CONDE 2005-2018  
 Manuel GARCÍA ÁLVAREZ 1995-2005

## Catalonia

Esther GIMÉNEZ-SALINAS I COLOMER 2022-present  
 Rafael RIBÓ I MASSÓ 2004-2022  
 Anton CAÑELLAS I BALCELLS 1993-2004

## Galicia

María Dolores FERNÁNDEZ GALIÑO 2019-present  
 Milagros OTERO PARGA 2015-2019  
 José Julio FERNÁNDEZ RODRÍGUEZ 2012-2015 (acting)  
 Benigno LÓPEZ GONZÁLEZ 2007-2012  
 José Ramón VÁZQUEZ SANDES 2002-2007  
 José CORA RODRÍGUEZ 1990-2002

## Navarre

Patxi VERA DONAZAR 2022-present  
 Francisco Javier ENÉRIZ OLAECHEA 2007-2022  
 María Jesús ARANDA LASHERAS 2001-2007

## Valencia

Ángel LUNA GONZÁLEZ 2019-present  
 Ángel LUNA GONZÁLEZ July 2019-November 2019  
 José CHOLBI DIEGO 2009-2019  
 Carlos MORENILLA JIMÉNEZ 2008-2009 (acting)  
 Bernardo DEL ROSAL BLASCO 2001-2006  
 Emilia CABALLERO ÁLVAREZ 2000-2001 (acting)  
 Luis Fernando SAURA MARTÍNEZ 1998-2000  
 Arturo LIZÓN GINER 1993-1998

*Castilla-La Mancha had a regional ombudsman office from 2001 to 2011. The incumbents were Henar MERINO SENOVILLA and José Manuel MARTÍNEZ CENZANO. The institution was suppressed by the regional government in December 2011.*

## SWEDEN

Erik NYMANSSON 2021-present (Chief Ombudsman)  
 Katarina PÅHLSSON 2019-present  
 Per LENNERBRANT 2019-present  
 Thomas NORLING 2018-present  
 Elisabeth RYNNING 2016-2021 (Chief Ombudsman)  
 Cecilia RENFORS 2013-2019  
 Lars LINDSTRÖM 2011-2019  
 Stefan HOLGERSSON 2016-2017  
 Elisabet FURA 2012-2016 (Chief Ombudsman)  
 Lilian WIKLUND 2011-2016  
 Hans-Gunnar AXBERGER 2008-2013  
 Cecilia NORDENFELT 2011-2012 (Chief Ombudsman)  
 Cecilia NORDENFELT 2005-2012  
 Mats MELIN 2004-2011 (Chief Ombudsman)  
 Anna-Karin LUNDIN 2002-2004  
 Nils-Olof BERGGREN 1999-2007  
 Kerstin ANDRÉ 1998-2010  
 Suzanne KNÖÖS 1997  
 Stina WAHLSTRÖM 1992-1996  
 Jan PENNLÖV 1990-2002  
 Claes EKLUNDH 1987-2003 (Chief Ombudsman)

## UNITED KINGDOM

(1996 until 2020)

*Devolution (2002-2003): While the office originally covered health service complaints for England, Scotland, and Wales, separate ombudsman offices were established for Scotland and Wales, focusing this specific position primarily on the NHS in England alongside its UK-wide central government remit.*

Rob BEHRENS 2017-2024

Julie MELLOR 2012-2017

Ann ABRAHAM 2002-2011

*Ceased to oversee Welsh NHS complaints in late 2003 due to the creation of the Public Services Ombudsman for Wales.*

Michael BUCKLEY 1997-2002

*Ceased to oversee Scottish NHS complaints in late 2002 following devolution and the creation of the Scottish Public Services Ombudsman.*

William REID 1990-1996

### Regional Ombudsmen

#### Gibraltar

Dilip Dayaram TIRATHDAS 2017-2020

Mario HOOK 2003-2017

Henry PINNA 1999-2002

#### Northern Ireland

Marie ANDERSON 2016-2023

Tom FRAWLEY 2000-2016

Jerry BURNS 1991-1999

#### Scotland

Rosemary AGNEW 2017-2025

Jim MARTIN 2009-2017

Alice BROWN 2002-2009

#### Wales

Nick BENNETT 2014-2022

Peter TYNDALL 2008-2013

Adam PEAT 2005-2008

National and regional ombudsmen in the European Union

- National ombudsmen institutions
- Regional ombudsmen institutions
- National and regional ombudsmen institutions



# Commemorative statements

## Chapter 2



## European Network of Ombudsmen

### Europe

*At a seminar I organised at the end of September in Strasbourg, to which all national ombudsmen or equivalent bodies were represented, we agreed to start cooperation with a view to promoting the correct application of Community law for the benefit of European citizens. The European Commission and the petitions committee of the European Parliament were also present. Cooperation that is carried out in full equality and with great flexibility aims in particular to be able to refer the citizen as quickly as possible to the competent body to deal with his case. In addition, the possibility of organising joint seminars, conducting mutual visits and exchanging information will be explored in order to increase knowledge of Community law at all levels. All offices will appoint a staff member who will be particularly responsible for promoting cooperation with the other offices.*

*I hope that this cooperation, which was fully conceived in the spirit of the original Spanish initiative of 1990, will be as successful as possible and will contribute to the correct application of Community law at all levels both in the Community institutions and in the Member States.*

**Jacob Söderman**

Speech | Spain, 09 December 1996

*I am delighted to be given the opportunity to contribute some reflections for the report commemorating the 30 years since the founding of the European Network of Ombudsmen. I consider the Network, yet another achievement of the first European Ombudsman, Jacob Söderman, as one of the pivotal instruments made available to me during my term of office, with which successfully to push forward and promote the fortunes of this important institution. It is indeed the case that the Network encapsulates the very best of the EU. Warmest congratulations to Marta Hirsch-Ziembińska, an old and respected colleague, who worked hard for bringing this report forward, and to Teresa Anjinho, incumbent Ombudsman for supporting this initiative.*

**P. Nikiforos Diamandouros**

*The European Network of Ombudsmen (ENO) encapsulates the essence of the EU at its best. Ombudsmen from every Member State not just share their experiences, but in their diversity enrich our collective understanding of how best to bridge the gap between those who govern and those who are governed.*

**Emily O'Reilly**

## Austria

*As Austrian Ombudspersons, we value the ENO Network as a trusted forum for cooperation that enables the exchange of experiences and best practices among colleagues across the Europe. This broadens our perspectives and deepens our understanding of different institutional approaches and solutions. ENO fosters a strong sense of unity within the European Ombudsman community, which is built on collegiality, trust and mutual respect. It creates opportunities for meaningful collaboration, particularly in areas where complaints extend beyond national borders. Austria is grateful for the continued efforts invested in the ENO network and pleased to actively participate in and contribute to the network's ongoing development and success.*

Christoph Luisser, Gaby Schwarz, Bernhard Achitz

## Belgium

*As Federal Ombudsman (Dutch-speaking), I see the European Network of Ombudsmen (ENO) as a valuable platform for exchanging expertise and strengthening our ability to address citizens' concerns in a European context. This cooperation enhances the consistency and quality of our work, and will remain essential in responding to future cross-border challenges.*

David Baele

*The network established by the European Ombudsman has fostered a spirit of fruitful collaboration between ombudsmen. The initiatives launched by the European Ombudsman address topical issues and facilitate meetings and exchanges that enrich the ombudsmen's practice and provide them with ideas and tools to improve the way they operate. Thank you and many happy returns!*

Jérôme Aass

## Bulgaria

*The Ombudsman of the Republic of Bulgaria highly values the spirit of cooperation and solidarity that characterises the European Network of Ombudsmen. This unique partnership, built on mutual trust, openness, and respect, provides an invaluable platform for the exchange of knowledge, experience, and good practices among ombudsman institutions across Europe.*

*The Network enables us to learn from one another, to develop effective approaches to addressing emerging challenges, and to enhance our capacity to protect the rights and legitimate interests of citizens. Through regular dialogue and close cooperation, we are better equipped to respond to issues that increasingly transcend national borders, including the protection of fundamental rights, good administration, consumer protection, digitalisation, and access to justice.*

*For the Ombudsman of the Republic of Bulgaria, active participation in the European Network of Ombudsmen is both an opportunity and a responsibility. It allows us to contribute to the development of common standards of excellence while drawing on the collective expertise of our European partners. The exchange of experience and coordinated action within the Network strengthen the effectiveness, independence, and public trust in our institutions.*

*By working together, we reaffirm our shared commitment to safeguarding democracy, upholding the rule of law, promoting transparency and accountability in public administration, and ensuring respect for human rights throughout Europe. We firmly believe that cooperation among ombudsman institutions not only enhances the protection of individual rights but also contributes to building more resilient, responsive, and citizen-centred public institutions for the benefit of present and future generations.*

Velislava Delcheva

## Croatia

*The past thirty years of the European Network of Ombudsmen show that cooperation between independent ombudsman institutions is an essential part of Europe's democratic and rule-of-law architecture. For the Ombudswoman of the Republic of Croatia, the Network provides an important framework for the exchange of expertise, mutual support and dialogue on issues where citizens' complaints intersect with EU law and shared European standards. Its value lies in connecting the national and European levels, helping ombudsman institutions link individual cases with broader systemic challenges, and encouraging public authorities to translate standards and recommendations into practice. At a time of growing pressure on democratic institutions and fundamental rights, safeguarding the independence, accessibility and effectiveness of ombudsman institutions will remain essential for the protection of rights and for citizens' trust in institutions across Europe.*

Tena Šimonović Einwalter

## Cyprus

*ENO is far more than a network; it is a beacon that gives voice to the voiceless by fostering solidarity among institutions, strengthening cooperation and advancing the rule of law founded upon the shared values of our European family. ENO is not simply a network; it is a reflection of our common struggles and aspirations.*

Maria Stylianou

## The Czech Republic

*To mark the 30<sup>th</sup> anniversary of the European Network of Ombudsmen, I would like to express my gratitude for this exceptional collaborative platform. In an era where many challenges increasingly transcend national borders, collaboration between ombuds institutions is essential. By sharing our experiences, seeking common solutions, and working together to protect individuals' rights, we can strengthen public trust in democratic institutions and European values. I look forward to the Public Defender of Rights of the Czech Republic continuing to play an active role within this inspiring network.*

Eva Kostolanská

## Denmark

*For the Danish Parliamentary Ombudsman, the European Network of Ombudsmen has been an invaluable forum for cooperation, knowledge-sharing and mutual support for many years. The Network provides access to expertise on EU law and administration, helping the Ombudsman address complex issues with a European dimension. It also facilitates the exchange of best practices and strengthens cooperation between national and European oversight institutions. Through the Network, the Danish Ombudsman has gained important knowledge that supports monitoring mandates based on EU legislation, including the oversight of forced return operations. The Network also helps ensure that citizens are directed to the competent ombudsman and promotes effective protection of rights across Europe. On the occasion of the European Ombudsman's 30<sup>th</sup> anniversary, I warmly acknowledge and celebrate this important contribution to good administration, transparency and accountability in the European Union.*

Christian Britten Lundblad

## Estonia

*As Estonian Chancellor of Justice, I truly value the European Network of Ombudsmen (ENO) as a space where colleagues across the EU can meet, share ideas and support one another. When I took office in 2015, the ENO meeting was the first major international ombuds gathering I attended, and it offered a wonderful opportunity to meet many European colleagues and begin building professional relationships that have continued ever since. ENO gives us the chance to learn from each other, compare our approaches and address common challenges together – especially where national administration meets EU law. I am confident that ENO will continue to grow in importance, helping us strengthen cooperation, protect fundamental rights consistently across Europe, and ensure that good administration remains a lived reality for people in an increasingly complex and digital public sector.*

Ülle Madise

## Finland

*The Parliamentary Ombudsman of Finland proudly honours the enduring and fruitful cooperation within the European Network of Ombudsmen, a partnership that embodies our shared dedication to good administration, transparency, and the protection of fundamental rights throughout Europe. Established through the vision of Jacob Söderman – the first holder of the office of the European Ombudsman – ENO stands as a lasting testament to Finland's commitment to strengthening accountability across borders. With respect for this legacy, we look to the future with renewed resolve to deepen our collaboration and uphold the highest standards of justice and public trust for generations to come.*

Jari Råman

## France

*The ENO is a forum for exchange that contributes to feed in the comparative work carried out by our institutions. On the one hand, this leads us to scrutinise our own practices in the light of those of our counterparts. On the other hand, these exchanges help to enrich and strengthen our expertise as Ombudsmen in all the areas within our remit. This network, built around the European Ombudsman, also enables us to collectively adopt common positions at European level and, at the same time, to give greater weight to the recommendations we make to our national authorities.*

Claire Hédon

## Germany

*For three decades, the European Network of Ombudsmen has stood for close cooperation, mutual trust and a shared commitment to safeguarding citizens' rights across Europe. As Chair of the German Bundestag's Committee on Petitions, I deeply value the exchange of experience within the Network and the important contribution it makes to strengthening good administration and the effective application of European law. I warmly congratulate the ENO on its 30<sup>th</sup> anniversary and wish the Network every success in continuing this important work in the years ahead.*

Hülya Düber

## Greece

*The European Network of Ombudsmen (ENO) has been a valuable forum for the community of Ombudsmen to share common concerns, exchange best practices and solidify cross-jurisdictional cooperation.*

*As the Greek Ombudsman, I cannot emphasise enough the pivotal role that the ENO is destined to play in upholding the Charter of the EU and promoting good governance across the Union.*

Andreas Pottakis

## Hungary

*For thirty years, the European Network of Ombudsmen has rested on a single proposition: that the rights conferred by European Union law are worth little unless individuals can vindicate them before an independent authority close to home. The Office of the Commissioner for Fundamental Rights of Hungary has seen that proposition tested in concrete cases – from equal treatment and the protection of national minorities to the rights of persons with disabilities and those seeking protection from war. Membership of the Network has allowed the Hungarian Ombudsman to situate national practice within a shared European framework, to learn from counterparts, and to speak with greater authority where domestic remedies fall short. On this anniversary, the Office reaffirms the Network's founding purpose – that good administration and fundamental rights are not abstractions, but obligations owed to every person within the Union's reach.*

Imre Juhasz

## Ireland

*In these challenging times co-operation among Ombudsman Organisations is more important than ever. Sharing our experiences, insights and our resolutions will enhance our effectiveness in carrying out our roles, particularly in the area of European Law. The ENO provides an important forum for this information sharing and I hope that ENO will continue to facilitate and encourage such co-operation.*

Ger Deering

## Italy

### National Coordination/Lazio

*The thirtieth anniversary of the European Network of Ombudsmen represents thirty years of dialogue, cooperation and a shared commitment to bringing institutions closer to citizens and making their rights effective. For Italy, participation in the Network has been and continues to be a fundamental opportunity to exchange experiences among the different Italian regions and with European Ombudsmen, within an institutional system in which Ombudsman services are organised predominantly at regional level and in the Autonomous Provinces. Looking ahead, we are called upon to strengthen this cooperation in the face of the new challenges posed by digitalisation, artificial intelligence and the transformations taking place in our societies, ensuring that innovation always remains at the service of people and their rights. The Italian Coordination renews its commitment to contributing to an ever stronger European Network, one that remains close to citizens and capable of building, together, a common culture of human rights protection and good administration.*

**Marino Fardelli**

### Abruzzo

*The thirtieth anniversary of the European Network Ombudsman (ENO) is testimony to the institutional importance that the European network of ombudsmen has assumed and the importance that the ombudsman has for European citizens. Whether the competence of the Ombudsman is national or regional as in the case of Italy, what these thirty years give us back is the picture of an independent guarantor authority, which is free of charge at the service of citizens to protect their rights and maintain or recover their trust in the public administration and therefore in the institutions. In such a delicate geopolitical phase, the Network of Ombudsmen, capable of listening to and defending citizens' rights, can also contribute to making the European institutions stronger and closer. Supporting the Network of Ombudsmen means strengthening the culture of law and respect, authentic expressions of real democracy. For this reason, the Abruzzo region will continue to make its contribution to the ENO.*

*Cordiali saluti*

**Umberto Di Primio**

## Latvia

*On the occasion of the 30<sup>th</sup> anniversary of the institution of the European Ombudsman, the Ombudsperson of the Republic of Latvia, Ms Karina Palkova, extends her sincere congratulations to the European Ombudsman, Ms Teresa Anjinho, and to the institution as a whole, commending its significant contribution to the promotion of good governance, transparency, and the protection of citizens' rights at the level of the European Union.*

*The mission of the European Ombudsman – to oversee the activities of EU institutions and to address complaints concerning instances of maladministration – closely aligns with the mandate of the Ombudsman institution in Latvia to ensure that national and local authorities act in compliance with legal provisions and uphold fundamental human rights principles.*

*Over the years, cooperation within the European Ombudsman Network has proven highly valuable, strengthening our shared objectives through the exchange of experience and the development of common standards.*

*We look forward to continuing and further deepening this productive collaboration in the years ahead, with the aim of enhancing the protection of citizens' rights and reinforcing public trust in institutions.*

**Karina Palkova**

## Lithuania

*On behalf of the Seimas Ombudspersons' Office of the Republic of Lithuania, we extend our sincere congratulations to the European Network of Ombudsmen on the occasion of its 30<sup>th</sup> anniversary. The principle guiding our institution – “**Everyone counts**”, closely reflects the values underpinning the work of the ENO: ensuring that public administration remains fair, accountable and responsive to individuals. Since Lithuania's accession to the European Union in 2004, we have had the privilege of witnessing and contributing to more than two decades of the Network's development and cooperation. We look forward to continuing our shared efforts to strengthen good administration, protect human dignity and promote trust in public institutions across Europe.*

Erika Leonaitė

## Luxembourg

*Happy 30<sup>th</sup> birthday ENO!*

*Thank you for:*

- allowing us to share our best practices
- facilitating better access to information
- making our important work more visible.

Claudine Konsbruck

## Malta

*For thirty years, the European Network of Ombudsmen has demonstrated the strength of cooperation in protecting rights and promoting good administration across Europe, with Malta supporting and actively contributing to its work since the beginning. The Network continues to provide a practical and effective platform for sharing expertise and addressing challenges linked to EU law and public administration. Its future depends on the continued commitment of its members, and active participation remains key to ensuring that ENO delivers for people across Europe.*

Joseph Zammit McKeon

## Poland

*The Commissioner for Human Rights of the Republic of Poland marks the anniversary of the European Network of Ombudsmen as an opportunity to celebrate a remarkable example of cross-border collaboration in the service of citizens. By connecting institutions and facilitating the exchange of experience and good practices, the Network has become a valuable framework for promoting good administration. Building on this foundation, we look forward to continuing our joint efforts to uphold fundamental rights and strengthen public confidence in administration.*

Marcin Wiącek

## Portugal

*The twentieth century, often referred to as "The Long Twentieth Century", marks a period of profound transformation and turbulence. Revolutions in technology, ideology, and geopolitics reshaped the global landscape, culminating in an era characterised by both unprecedented progress and widespread conflict. This century witnessed two world wars, the rise and fall of colonial empires, the Cold War, and the emergence of new global powers. Amidst these seismic shifts, the European Network of Ombudsmen (ENO) constitutes a most relevant framework to build common paths to address them.*

*Despite the diversity of institutional models among its members, this global community shares common concern and commitment to upholding the principles on which the European Union is founded, in a context where European Union law and policies have an ever-greater impact on daily life in the Member State.*

*ENO challenge lies in creating a cohesive strategy and can serve as a bridge in this endeavour, promoting understanding and collaboration. By fostering an environment of mutual respect and shared learning, ENO provides a key forum for dialogue, exchange of expertise, and collaboration among Ombudsperson institutions. By facilitating cooperation and acting as a vital link with EU institutions, ENO plays a fundamental role in promoting and protecting people's rights across the European Union.*

Luísa Neto

## Romania

*Working together for our people has been the aim of ENO from the very beginning and is becoming more and more a reality these days. Every meeting we have attended in recent years has proven that we must remain united as a genuine team to protect our institutions for the sake of the rights and freedoms of our citizens. More and more joint initiatives have taken place; more and more online meetings have been held on topics of outmost importance for our beneficiaries. The feeling of belonging to a network dedicated to the protection of human rights is stronger than ever and I am sure we will continue on this path. Happy anniversary ENO!*

**Renate Weber**

## Slovakia

*On the occasion of the 30<sup>th</sup> anniversary of the European Network of Ombudsmen, I wish to express my appreciation for three decades of cooperation built on mutual trust, shared values and a common commitment to protecting people in their dealings with public authorities. For the Public Defender of Rights of the Slovak Republic, the Network represents an important space for dialogue, exchange of experience and strengthening of ombudsman institutions across Europe. In times when democratic institutions, the rule of law and fundamental rights face renewed challenges, cooperation among ombudsmen is more important than ever. The European Network of Ombudsmen reminds us that the protection of rights does not stop at national borders, but is a shared European responsibility.*

**Robert Dobrovodský**

## Slovenia

*For 30 years, the European Network of Ombudsmen has been a trusted forum for cooperation, learning and the protection of fundamental rights. Today, however, Europe needs more than the exchange of experience – it needs coordinated oversight of the cross-border challenges that affect us all. I am convinced that the ENO has an even greater role to play in the future, particularly in addressing emerging challenges that increasingly transcend national borders. I am particularly pleased that, in this anniversary year, the Slovenian Human Rights Ombudsman, with the support of the European Ombudsman, launched within the ENO the first horizontal parallel inquiry entitled Implementation and Effectiveness of Climate Policies, opening a new chapter of practical cooperation on issues of common European concern, particularly in the field of climate change and the protection of the right to a healthy living environment. Together with the European Ombudsman's work on good administration, access to documents, artificial intelligence and the transparency of the Omnibus package, this demonstrates that the ENO is evolving to meet the challenges of our time. I warmly congratulate the Network on its 30<sup>th</sup> anniversary and wish it continued success in protecting rights, strengthening good administration and fostering cooperation across Europe.*

**Simona Drenik Bavdek**

## Spain

*As European ombuds institutions, we must be highly observant of and focused on the specific, real-life issues raised by citizens. We have earned the trust of millions of people by seeking fair solutions to their problems with public authorities. Our work as mediators must not be stifled by pointless bureaucratic procedures. For this reason, constant communication can boost the European Network of Ombudsmen's work, which is based on fostering trust in the institutions we have established by helping them find more effective ways of serving the public.*

*The 30<sup>th</sup> anniversary of the ENO Network is an occasion to celebrate the strengthening of our cooperation and of the European Ombudsman as an institution. These joint efforts strengthen the effective application of European Union law in everyday life by ensuring access to essential public services, respect for rights at borders, the principle of equality, and excellence in public administration. Thanks to the ENO, we can share these achievements and have created a vital and secure working environment to tackle practices that disregard or infringe upon citizens' rights.*

Ángel Gabilondo Pujol

## Andalusia

*The Defensor del Pueblo Andaluz has, since its creation, been closely linked to the values upheld by the European Network of Ombudsmen (ENO). We share the principle that inspires all ombudsman institutions: the protection of citizens' rights. Our cooperation with and commitment to the ENO follow this same path. In an increasingly interconnected world, where the European Union plays a role in almost every aspect of our lives, building bridges is more important than ever. The recent meeting of ENO liaison officers clearly demonstrated the value of institutional synergy, providing an opportunity to put coordination and direct communication into practice. During these sessions, we exchanged good practices and reflected on how best to address cross-border challenges. In 2026, we face major challenges in our daily work that go beyond the scope of action of any individual regional Ombudsman institution. For this reason, it is essential to rely on a growing and dynamic network. Only through inter-institutional cooperation, we will be able to face today's challenges effectively.*

*Such cooperation must be guided by European values and chase a common goal: ensuring that public administrations act in accordance with the principles of democracy and in the best interests of citizens.*

Jesús Maeztu Gregorio de Tejada

## Basque Country

*The Ararteko values the European Network of Ombudsmen (ENO) as a key platform for strengthening cooperation among ombudsman institutions. This collaboration enables members to exchange best practices and align their work with the highest European standards, supporting the effective implementation of EU law by public authorities. The Ararteko's commitment to ENO has moved beyond dialogue into tangible outcomes, such as contributing to parallel investigations and participating in queries. The Ararteko remains dedicated to leveraging ENO's collaborative frameworks to safeguard the rights of our citizens and address the common challenges facing people across Europe. Protecting people's rights, ensuring the proper functioning of public administration, remaining close and responsive to citizens and their concerns, and fostering loyal interinstitutional cooperation are essential to meeting the shared challenge we face: safeguarding high-quality democracy in Europe.*

Mikel Mancisidor de la Fuente

## Catalonia

*In the 21<sup>st</sup> century, public authorities face the challenge of addressing complex, intractable and unpredictable "wicked" problems in which the European Union has an essential role to play in governance networks. In the current context, characterised by plural, diverse and fragmented societies, EU law must lay the foundations that shape and guarantee the rights of all citizens.*

Esther Gimenez-Salinas i Colomer

**Sweden** 

*As Chief Parliamentary Ombudsman at the Swedish Parliamentary Ombudsmen, established in 1809, I for one am certainly convinced of the eternal necessity of judicial review of public authorities. For 30 years, the European Ombudsman has played a vital role in upholding the principles of good administration, transparency and accountability within the Institutions of the European Union. This anniversary offers an opportunity to recognise its important contribution to the integrity and legitimacy of the Union's public administration. Given the gradual erosion of rights around the world, ombudsman offices have a key role to play in their protection, and EU law serves as a reference framework for defining the scope and limits of the exercise of these rights.*

**Erik Nymansson**

# Impact of national and regional ombudsmen on the implementation of the EU law in the Member States

## Chapter 3

# Introduction

National and regional ombudsmen in the EU Member States examine complaints about administrative authorities under their remit, independently and impartially, with a view to ensuring that citizens' rights are respected and that public services improve their functioning. Some may also launch *ex officio* inquiries and issue special reports focusing on the application of relevant EU legislation.<sup>1</sup>

In the exercise of their core functions, they ensure that administrations comply not only with national law and the Constitution, but also with their obligations under EU law<sup>2</sup>, including the Charter of Fundamental Rights of the European Union.<sup>3</sup> Complaints concerning administrative actions based on EU law are handled in the same way as other complaints.<sup>4</sup>

EU law may constitute a direct reference point for institutional oversight when complaints, *ex officio* actions or administrative practices fall under the scope of European law, and particularly where there is a conflict with national law or where European law provides a higher standard of protection for fundamental rights.<sup>5</sup>

When dealing with complaints, ombudsmen may be confronted with issues of EU law primacy over national law and of direct applicability of EU regulations and implementing acts.

The issues dealt with by ombudsmen relate to practically all fields of EU law. Therefore, the entire corpus of the *acquis communautaire*, as well as the jurisprudence of the Court of Justice of the European Union (CJEU), may be invoked by the Ombudsman daily in the handling of complaints and the undertaking of own initiative investigations, with a view to upholding legality, transparency and the rule of law at national level.<sup>6</sup>

Where appropriate, ombudsmen may seek a practical solution, formulate findings on maladministration, or issue recommendations to the administration.

This Chapter of the Report includes examples, **chosen by national and regional ombudsmen from the EU Member States**, on how they apply European law when they supervise administrations and what is their impact on the implementation of EU law in all possible fields by national and regional administration. Depending on the Ombudsman's mandate, that impact may be *twofold*.

.....  
1 Remarks of the Greek Ombudsman who issued special reports on waste management and recycling, agricultural subsidies, reception, identification and asylum procedures for non-EU country nationals, recognition of academic qualifications, professional rights, the free movement of persons and provision of services, energy transition, digital transition of public sector.

2 The Luxembourgish Ombudsman pointed out in her contribution that, in accordance with the Ombudsman's Statute, a complaint may be submitted when an authority "*contravenes the conventions, laws and regulations in force*". This term is not limited to purely national norms. European Union regulations, by virtue of their direct applicability and binding force *in toto* under the Treaties, are unequivocally "*regulations in force*" in Luxembourg. They form part of the domestic legal order without any need for transposition. Consequently, a public authority that fails to apply a directly applicable EU regulation (e.g., a customs code, a data protection rule) contravenes the law as defined by the Ombudsman's mandate. Directives, unlike regulations, generally require transposition into national law, as they bind Member States "*as to the result to be achieved*" (Article 288 TFEU). For the Ombudsman, they remain relevant in several respects. First, once transposed, the implementing national provisions form part of the applicable legal framework governing administrative action. Second, persistent failure to transpose, or incorrect implementation, may constitute an element of maladministration, particularly in light of the principle of sincere cooperation under EU law. Third, where provisions of a directive are sufficiently clear, precise and unconditional, they may, in a vertical context, be invoked against the State and support the duty to interpret national law, so far as possible, in conformity with EU law.

3 Either as National Human Rights Institution or in terms of maladministration within their general mandate. The Belgian Federal Ombudsman pointed out in their report that the set of standards of good administration on which the Federal Ombudsman bases its assessment of complaints intersects with key Charter guarantees, including the right to good administration (Article 41) and the right to an effective remedy (Article 47). Depending on the matters handled, the assessment of the Federal Ombudsman may also concern substantive rights such as social security (Article 34) or asylum (Articles 18 and 19).

4 Remarks of the Federal Belgian Ombudsman and of the Estonian Chancellor of Justice.

5 Remark by the Spanish Ombudsman (*Defensor del Pueblo*).

6 Remarks by the Greek Ombudsman in relation to his Office.

**First**, by inquiring into complaints, launching *ex officio* inquiries and through different interventions foreseen in the ombudsmen's mandates, which may also be interventions before the courts, either national, including Constitutional Courts<sup>7</sup> or the CJEU<sup>8</sup>, or interventions in the legislative process<sup>9</sup>. Their recommendations may aim at ensuring that EU regulations are implemented correctly<sup>10</sup>, and they may examine the actual effectiveness of national systems that implement or develop European obligations, particularly in complex areas (such as the reception of applicants for international protection and the safeguards for vulnerable persons<sup>11</sup>). As cases reported in this Chapter show, ombudsmen may need to take a stance, in given circumstances of a case, how conflicts between directly applicable EU rules and national constitutional or statutory requirements should be resolved (especially where EU law leaves limited discretion to national authorities) and how EU law affects the timing and legal effects of national legislation implementing a directive, particularly where implementation is delayed.<sup>12</sup> Finally, ombudsmen may intervene in operational contexts involving EU agencies.<sup>13</sup>

The Subchapter 3.1 is about this impact.

**Second**, ombudsmen may have an impact on the implementation of EU law by national and regional administrations by monitoring EU law compliance based on EU law mandates. Many ombudsmen have more than one monitoring mandate. This may place them in a complex position at the intersection of coordination, monitoring and fundamental rights protection. The mandates under EU law involve ensuring coherent reporting across multiple actors, safeguarding independence while maintaining constructive cooperation with public authorities and sometimes private stakeholders and securing effective access to information and operational environments. In highly sensitive areas such as migration, environmental protection and digital regulation, these roles are further marked by political sensitivity, high public expectations and the need to balance transparency with confidentiality.<sup>14</sup> Some ombudsmen, specifically regional ombudsmen, may not have a specific formal mandate to monitor and oversee compliance with EU law, but in practice perform this function to the extent that they receive complaints that constitute a valuable source for detecting real problems in the implementation of EU law.<sup>15</sup> Ombudsmen may then choose to transfer such complaints to the European or other ombudsmen, in accordance with their competence.<sup>16</sup>

The Subchapter 3.2 is about the impact of monitoring.

.....  
7 The Romanian Ombudsman (People's Advocate) reported that her office has a constitutional right to complain to the Constitutional Court every time it considers that a law of the Parliament or an ordinance of the Government (having the same power as the law) violates constitutional rights. In the last seven years, more than 50 such complaints were sent to the Constitutional Court and in many of them, the Office invoked the case-law of the CJEU, thus decisions which are based on the interpretation of EU law. Most of the time it has been successful. It can also carry out a judicial review of individual administrative acts and has developed a strategic litigation programme for individuals whose cases are worth supporting as examples for the entire administration. In some instances, it based cases on EU law.

8 Polish Ombudsman's interventions. See pages 34 and 35 of the Report.

9 For instance, the Cypriot Ombudsman (Commissioner) reported that the Office is regularly consulted by public authorities during the preparation of draft legislation, policies and administrative measures. The Office frequently submits observations and recommendations, particularly in areas relating to equality, non-discrimination, migration and asylum, data protection, disability rights and other fundamental rights. The Commissioner also participates in Parliamentary Committee discussions concerning legislation affecting human rights and fundamental freedoms. Through written opinions and interventions, the Office promotes the incorporation of European and international human rights standards into domestic law. The Belgian Federal Ombudsman reported that it exercises an advisory function alongside its core mandate of complaint handling and investigations. This advisory role is carried out on a regular but not systematic basis, depending on requests from Parliament. In this context, the Federal Ombudsman provides opinions and advice on legislative and policy proposals (e.g. Opinion on the proposal for a resolution on preventing breaches of contract by the federal government).

10 The Spanish Ombudsman gave two examples of such recommendations: in relation to EU Digital COVID Certificate and Regulation (EU) 2021/953.

11 Set forth in Directive (EU) 2024/1346 which replaced Directive 2013/33/EU.

12 Cases contributed by the Finnish Ombudsman in the section 'Aviation and Transport'.

13 Remarks by the Spanish Ombudsman who referred to recommendations on applicable safeguards and standards in national actions involving Frontex Regulation (EU) 2019/1896, including data protection requirements.

14 Remarks by the Belgian Federal Ombudsman.

15 Remarks by the Catalan regional Ombudsman who reported that this happens for example when dealing with complaints on environmental issues.

16 The Catalan regional Ombudsman pointed out that, in accordance with its Statute (Law 24/2009), the Office has an obligation to transfer.

In addition, ombudsmen may also activate supranational oversight mechanisms, such as infringement procedures, by sharing with the European Commission their special reports.<sup>17</sup> Finally, in their work involving EU law, ombudsmen may use EU soft law instruments such as the *European Code of Good Administrative Behaviour*, which sets out principles such as lawfulness, proportionality, impartiality, and the duty to give reasons. Ombudsmen have recommended at the relevant national level that the Code serve as a national benchmark.<sup>18</sup> For an Ombudsman, failure to respect the Code principles constitutes a failure to fulfil the administration's mission, even without a specific legal violation.

While Ombudsmen generally fulfil their mandates effectively, including reporting and monitoring functions, their impact remains dependent on the follow-up given to their non-binding recommendations.<sup>19</sup> Without the power to make legally binding decisions, or other legal instruments (such as the power to prosecute) an ombudsman cannot be a mechanism for enforcement of the EU law. Nonetheless, ombudsman may be effective in promoting compliance with legal rights and duties under EU law.

This Chapter compiles the contributions of 27 national and regional ombudsmen from 23 EU Member States. The period covered by their contributions ended in June 2026.

.....  
<sup>17</sup> The Catalan regional Ombudsman reported that it had forwarded to the European Ombudsman, the European Commission and the Council of Europe a number of special reports, such as *Human rights regression in Spain: elected officials' freedom of expression and the separation of powers*, the report *The violation of fundamental rights and freedoms arising from the criminal justice reaction following October 1, and application of Article 155 of the Spanish Constitution* and the report *Drets i usos lingüístics dels infants i adolescents a Catalunya. L'escola com a garant de la igualtat d'oportunitats* [Language rights and language use among children and adolescents in Catalonia. School as a guarantor of equal opportunities].

<sup>18</sup> Ombudsmen of Luxembourg and Portugal.

<sup>19</sup> Remark by many ombudsmen who contributed to the report. The Hungarian Ombudsman pointed out that when acting as an equality body its decisions are binding.

## 3.1 Impact through interventions following complaints and on own initiative

### 3.1.1 Good Administration

The concept of "good administration" is core to the ombudsmen's work since it transforms basic legal obligations of administration into tangible, everyday civil service standards to better serve the public. It centres on preventing and remedying maladministration – such as unfairness, unreasonable delays, or lack of transparency – within public bodies. Ombudsmen whose mandates are defined as dealing with maladministration may interpret that term as also including violations of human and fundamental rights.

Article 41 of the Charter of Fundamental Rights of the European Union '*The Right to Good Administration*' grants individuals legally enforceable rights against arbitrary or poor conduct by EU institutions, bodies, offices and agencies. The national Ombudsmen may however base their argumentation on this article in cases concerning national administrations, and even if the case does not involve application of EU law. In addition, Ombudsman offices may rely on principles of good administration, as the ones codified in the non-binding *European Code of Good Administrative Behaviour* to better argue their cases before national administrations. The principles of good administration may either be contrasted with the law or understood as including (but not limited to) the correct application of legal rights and principles. Their important role in the Ombudsman's work was behind the intervention *ex officio* in the Portuguese case referred to below.



## Estonia

### Case No. 7-4/131375 – Responding to individuals' petitions (15 April 2014)

#### EU law concerned

Article 41 (Right to good administration) of the Charter of Fundamental Rights of the European Union; *European Code of Good Administrative Behaviour*; European Parliament Resolution 2012/2024 (INL) on a Law of Administrative Procedure of the EU; judgement of the CJEU (T-193/04, *Tillack v Commission*)

#### Facts of the case and the main legal question raised by the Ombudsman

The Chancellor of Justice found that the Financial Supervision Authority had failed to answer, or had answered late, several individuals' petitions, in breach of the statutory obligation to respond. The key question was whether such failures are compatible with the right to good administration, including EU-level standards requiring timely, reasoned, and transparent responses.

#### Results of the Ombudsman's intervention

The Chancellor found that failure to respond to petitions constitutes a violation of the right to good administration, confirmed by EU-level standards. A recommendation was issued to the Financial Supervision Authority to improve its administrative practice, and the authority promised to change its practices.

Decision (PDF)

## Portugal

### Case P-15/11 / Recommendation 1/B/2012 – Code of Good Administrative Behaviour (19 January 2012, OII)

#### EU law concerned

Article 41 (Right to good administration) of the Charter of Fundamental Rights of the European Union; European Parliament Resolution on the *European Code of Good Administrative Behaviour* (C5-0438/2000 – 2000/2212 (COS))

#### Facts of the case and the main legal question raised by the Ombudsman

Following the European Parliament's adoption in 2001 of the *European Code of Good Administrative Behaviour* – based on a proposal by the European Ombudsman and setting out principles for EU institutions in their relations with citizens – the Portuguese Ombudsman noted the absence of any equivalent instrument at national level. The key question was whether Article 41 of the Charter of Fundamental Rights of the European Union and the *European Code of Good Administrative Behaviour* supported the adoption of a national equivalent instrument.

#### Results of the Ombudsman's intervention

The Ombudsman recommended the adoption, within the national legal system, of a Code of Good Administrative Behaviour, with a view to ensuring a high-quality, transparent Public Administration that serves citizens.

Recommendation 1/B/2012

## 3.1.2 EU values and democratic principles

ENO celebrates its 30<sup>th</sup> anniversary in a year when, for the first time, the CJEU found a self-standing breach of Article 2 of the Treaty on European Union (TEU) by a Member State (Case C-769/22 *Commission v Hungary*). Article 2 of the TEU defines the fundamental constitutional core of the EU, establishing that the Union is founded on values of respect for human dignity, freedom, democracy, equality, the rule of law, and human rights. Numerous ombudsmen's cases referred to below but also in other sections of the ENO Report show that ombudsmen may be guardians of EU values and that values such as *equality* are common to the Member States under their jurisdiction. The description of the Polish Ombudsman's intervention before the Court of Justice of the European Union (CJEU) to safeguard the rule of law in Poland as well as the intervention of the Portuguese Ombudsman related to the EU democratic principles found a prominent place in this section of the ENO Report.



### Rule of law

#### Poland

##### Written submission to the Court of Justice of the EU in case C-521/21

##### EU law concerned

Articles 2, 6(1)-(3) and 19(1) TEU, read in conjunction with Article 47 (Right to an effective remedy and to a fair trial) of the Charter of Fundamental Rights of the European Union

##### Facts of the case and the main legal question raised by the Ombudsman

In 2021, the Ombudsman (the Commissioner for Human Rights) of Poland joined the District Court of Poznań in a request for a preliminary ruling of the CJEU. The question concerned the status of judges of the Polish common courts appointed between

2018 and 2024 at the request of the National Council of the Judiciary (KRS), which had been formed in a faulty procedure. In its submission to the CJEU, the Commissioner noted that a person appointed as a judge at the request of a National Council of the Judiciary – formed in violation of the law – is a judge, but that his or her status is tainted by a legal defect whose significance must be assessed case by case. The mere fact of appointing a judge of a common court at the request of the current National Council of the Judiciary cannot automatically lead to the undermining of his status as a court established by law. It is necessary to analyse additional individual circumstances related to the appointment and status of such a judge.

### Results of the Ombudsman's intervention

On 24 March 2026, the CJEU (Grand Chamber) ruled that an irregularity in the appointment of a judge is not, in and of itself, sufficient to conclude that the judge is not independent. A comprehensive assessment of all the circumstances surrounding the appointment of that judge is necessary. Thus, the CJEU upheld the Ombudsman's opinion. The CJEU noted that, according to existing case-law, a national court may disregard the assessment of a superior court, including a constitutional court, if, in light of the Court's interpretation, it finds that such assessment is not in accordance with EU law. This also applies where a general court is bound by a ruling of a national constitutional court which, in its view, is contrary to EU law. The CJEU held that, in order to restore public confidence in the judicial system and ensure respect for the principle of the separation of powers, Poland should establish a regulatory framework allowing for an assessment – taking into account the nature and gravity of the irregularities committed during the judicial appointment procedure – of whether persons improperly appointed to judicial office may continue to perform their duties.

Decision link

## Democratic principles

### Portugal

#### Case R-0434/05 – Parliamentary Competences Regarding EU Participation of 22 June 2005

##### EU law concerned

EU Treaties

##### Facts of the case and the main legal question raised by the Ombudsman

A complaint was received concerning the fact that the legislation required by Article 161(n) of the Portuguese Constitution had not been adopted, rendering Parliament unable to effectively exercise its EU scrutiny competence. The Ombudsman recommended the adoption of the required legislation.

##### Results of the Ombudsman's intervention

The recommendation was accepted. In 2006, Law 43/2006 was adopted, defining the competences of the Assembly of the Republic with regard to monitoring, examining and issuing opinions on Portugal's participation in the process of building the European Union, and the exercise of the powers of national parliaments under the EU Treaties.

Decision (PDF)

## Non-discrimination

### Rights of persons with disabilities

#### Portugal

##### **Case Q-6601/12 regarding parking card for a person with disabilities, decision of 3 July 2015**

###### **EU law concerned**

Article 26 of the Council Recommendation No. 98/376/EC on a parking card for people with disabilities, Regulation 1107/2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air

###### **Facts of the case and the main legal question raised by the Ombudsman**

A parking permit for persons with disabilities was denied to a person with a 95% visual impairment, as certified by a Medical Certificate of Multi-Purpose Disability. This permit allows the use of public parking spaces reserved for vehicles transporting persons with disabilities. The request was refused based on national legislation which, at the time, provided that the permit could only be granted to persons with motor disabilities.

The European Union recommended that Member States introduce a parking card for persons with disabilities based on a uniform model, in accordance with Council Recommendation No. 98/376/EC. National legislation adopted a restrictive concept of reduced mobility, granting the parking card only to persons with motor disabilities or with severe multiple disabilities. As a result, the Ombudsman recommended that national legislation be amended so that eligibility for the parking card would include, in addition to the two existing categories, persons with permanent visual impairments resulting in a degree of disability equal to or greater than 95%.

###### **Results of the Ombudsman's intervention**

The recommendation was accepted, and the law in question was amended.

Decision (PT)

#### Cyprus

##### **Case C/N 1910/2021 decision of 13 October 2023**

###### **EU law concerned**

Articles 21 (Non-discrimination) and 26 (Integration of persons with disabilities) of the Charter of Fundamental Rights of the European Union; principles of equality, accessibility and non-discrimination of persons with disabilities

###### **Facts of the case and the main legal question raised by the Ombudsman**

The case concerns the examination of an application for the acquisition of citizenship submitted by a person with a disability. The investigation examined whether the prohibition on acquiring Cypriot citizenship based on a mental capacity assessment constituted disability discrimination. The Commissioner found that the restriction on acquiring Cypriot citizenship based on a mental capacity assessment amounted to disability discrimination in the circumstances of the case and recommended that the relevant legislation be reviewed.

###### **Results of the Ombudsman's intervention**

The applicable legislation was amended and the complainant acquired the Cypriot citizenship, upon the reassessment of his application.

Decision (EL)

##### **Case A/P 1583/2022 concerning discrimination against teachers with disabilities wishing to be appointed as Directors of the State Institutes for Further Education, report of 21 February 2023**

###### **EU law concerned**

Articles 3, 5 and Recital 20 of Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, CJEU cases: C-312/17 *Surjit Singh Bedi v Bundesrepublik Deutschland* and C-485/20 *HR Rail SA*

###### **Facts of the case and the main legal question raised by the Ombudsman**

The complaint concerned revised eligibility criteria for appointments to the State Institutes for Further Education (K.I.E.), which increased the required teaching service from ten to fifteen years. The complainant alleged that the new criterion disproportionately affected teachers with disabilities who had previously benefited from reasonable accommodation. The key legal questions raised were whether the increase of the required years of service from ten to fifteen years for appointment to K.I.E. positions, without accommodating teachers with disabilities already benefiting from reasonable accommodation, constituted disability discrimination and a failure to provide reasonable accommodation under Directive 2000/78/EC.

The Commissioner found that the new criterion created an additional barrier for teachers with disabilities and effectively withdrew a previously recognised reasonable accommodation. It was concluded that teachers with disabilities who had already benefited from this accommodation should continue to be eligible for K.I.E. positions under the previous ten-year criterion. The Ministry was therefore requested to take the necessary measures to allow the affected teachers to apply under the previous ten-year criterion.

### Results of the Ombudsman's intervention

The intervention reinforced the practical application of Directive 2000/78/EC by emphasising that seemingly neutral employment criteria may constitute indirect disability discrimination where they remove existing accommodations or create new barriers for persons with disabilities.

Decision (EL)

### Case C/N 2567/2021 concerning reasonable accommodation for a student with a disability during the Pancyprian Access Examinations, decision of 21 March 2022

#### EU law concerned

EU equal treatment and non-discrimination principles concerning disability and reasonable accommodation

#### Facts of the case and the main legal question raised by the Ombudsman

The complaint concerned the refusal to provide a student with a disability with a differentiated examination paper as a reasonable accommodation during the Pancyprian Access Examinations, despite the student's long-standing use of such accommodation throughout secondary education. The complainant alleged disability discrimination and unequal access to higher education.

The key legal questions raised were whether the refusal to provide a differentiated examination paper as a reasonable accommodation during the Pancyprian Access Examinations constituted disability discrimination and violated the student's right to equal access to education and higher education.

#### Results of the Ombudsman's intervention

The Commissioner found that the refusal to provide a differentiated examination paper constituted disability discrimination and unjustifiably restricted the student's equal access to higher education. A binding recommendation was issued requiring the provision of reasonable accommodations based on the student's individual needs. The recommendation further clarified that such accommodations must be assessed individually and should not be applied automatically or universally.

The Ministry complied with the binding recommendation, enabling the student's admission to the University of Cyprus and reinforcing the obligation to provide individualised reasonable accommodation in education.

Decision (EL)

## Equal treatment of women and men – gender pay gap

### Spain

#### *Ex officio* case regarding the application of the CJEU judgment of 15 May 2025 on the gender pay gap supplement (250163739)

#### EU law concerned

Articles 4 and 7(1)(b) of Directive 79/7/EEC on the principal of equal treatment for men and women and Article 23 (Equality between women and men) of the Charter of Fundamental Rights of the European Union

#### Facts of the case and the main legal question raised by the Ombudsman

Article 60 of the Consolidated Text of the Spanish General Social Security Law (TRLGSS), as amended by Spanish Royal Decree-Law 3/2021, established that the gender pay gap reduction supplement was a measure primarily aimed at women, whilst men were subject to additional conditions. The judgment of the CJEU of 15 May 2025 in joined cases C-623/23, *Melbán* and C-626/23, *Sergamo* declared that the design of this measure was incompatible with Directive 79/7/EEC. Following that ruling, the Spanish Ombudsman initiated an *ex officio* action to ascertain what guidance public authorities would issue pending amendment of the law. The State Secretariat replied that a draft amendment to Article 60 was "under review" and, in the meantime, the Directorate General for Social Security Planning (DGOSS) approved Interpretative Criterion 11/2025, followed by management criteria, to grant the supplement to men on the same terms as women, maintaining the rule that the supplement is payable to the parent with the lower pension.

Given the primacy of EU law, the main legal questions raised were how the Spanish public authorities should implement the CJEU judgement of 15 May 2025 with immediate effect until Article 60 of the TRLGSS was amended as regards men's equal access to the supplement, the fact that only one parent can receive the supplement, and the possible termination of a supplement that has already been granted to the other parent.

#### Results of the Ombudsman's intervention

The Spanish Ombudsman did not issue a 'classic' recommendation, but rather requested information and called for operational criteria on how to proceed in the face of an immediately enforceable European ruling. The public authorities accepted the substance of the argument. They acknowledged that the judgment had a "two-fold effect", requiring both an amendment to the law and, in the meantime, transitional operational criteria for men and women in line with the European ruling.

The outcome was successful in operational terms, but only partially so from a regulatory perspective. In practical terms, the DGOSS issued Interpretative Criterion 11/2025 on 1 July 2025, and the Social Security authorities published new guidance establishing that Article 60 “must be applied to men in the same way as it is applied to women”. In addition, the 16 National Social Security Institutes (INSS) issued Management Criterion 12/2025, dated 2 July 2025, to implement this policy in terms of recognising men’s entitlement to the gender pay gap supplement. The administrative criterion introduced specific provisions, including the recognition of men’s entitlement for pensions accrued from 4 February 2021, retroactive financial effects, and the retention of the condition that only the parent with the lower pension can receive the supplement. Legally speaking, the legislative reform was still pending as the Ministry itself had indicated that the draft amendment to Article 60 was still “under review”. Furthermore, the legal text published in the Official State Gazette (BOE) continued to set out the additional requirements for men. The Spanish Ombudsman concluded the action pursuant to Article 31 of Spanish Organic Law 3/1981.

Link: not available

## Discrimination on the grounds of age

### Portugal

#### Case Q/2068/2020 and Recommendation 1/B/2021 of 10 November 2021

##### EU law concerned

Articles 10 and 19 of the TFEU, Article 21 (Non-discrimination) of the Charter of Fundamental Rights of the European Union and Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation

##### Facts of the case and the main legal question raised by the Ombudsman

The Ombudsman had received several complaints regarding the refusal of access to professions on the grounds that applicants exceed the maximum age limit for admission laid down by law, such as the Judicial Police, the Public Security Police, the National Republican Guard and the municipal police.

Age is a prohibited ground of discrimination, as established by international human rights law, European Union law, and the Constitution. Although differences in treatment based on age may be permissible, they must be proportionate and justified by a legitimate aim. Within the EU framework, particular importance is given to the commitments undertaken by the Portuguese State in the process of European integration and under the founding Treaties (Articles 10 and 19 of the TFEU), notably the explicit prohibition of discrimination on grounds of age set out in Article 21(1) of the Charter of Fundamental Rights. Directive 2000/78/EC aims to establish a general framework for combating discrimination and applies to “conditions for access to employment, to self-employment or to occupation, including selection criteria and recruitment conditions, whatever the branch of activity and at all levels of the professional hierarchy, including promotion” (Article 3(1)(a)).

##### Results of the Ombudsman’s intervention

The Ombudsman issued a recommendation calling for an inter-ministerial debate and a subsequent review of the existing legal framework regarding the prohibition of age discrimination in access to public sector employment. It was considered necessary to reflect on the need to adjust the legal framework in the field of public employment to promote equal treatment in relation to age and, in this way, prevent the prejudices often associated with certain age groups in recruitment practices.

Decision (PT)

## Cyprus

**Case C/N/4/2020 concerning age discrimination against retired members of the Union of Cyprus Journalists, decision of 18 November 2022**

### EU law concerned

Directive 2000/78/EC; Directive 2000/43/EC; CJEU jugements C-388/07 *The Incorporated Trustees of the National Council on Ageing (Age Concern England) v Secretary of State for Business, Enterprise and Regulatory Reform* and C-416/13 *Mario Vital Pérez contra Ayuntamiento de Oviedo*

### Facts of the case and the main legal question raised by the Ombudsman

The complaint concerned an amendment to the Union of Cyprus Journalists (UCJ) Articles of Association which prevented retired regular members from standing for election to the Board of Directors while retaining their voting rights. The complainants alleged age discrimination, and the Commissioner examined the compatibility of the amendment with EU equal treatment legislation. The key legal question raised was whether the exclusion of retired regular members of the UCJ from the right to stand for election constituted age discrimination contrary to Directive 2000/78/EC and, if so, whether it could be justified under Article 6(1) of the Directive.

### Results of the Ombudsman's intervention

The Commissioner found that the exclusion of retired members constituted unjustified age discrimination contrary to Directive 2000/78/EC and issued a binding recommendation requiring the removal of the discriminatory provision and the revocation of its approval by the Registrar of Trade Unions.

The intervention resulted in full compliance. The discriminatory provision was revoked, and subsequent elections were conducted under revised rules restoring equal participation rights for retired members.

Decision (EL)

## Discrimination on the grounds of origin, gender, sexual orientation, ethnicity

## Cyprus

**Ex officio case AYT.10/2024 concerning discrimination on the grounds of origin, decision of 8 November 2024**

### EU law concerned

Article 21 (Non-discrimination) of the Charter of Fundamental Rights of the European Union, Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law

### Facts of the case and the main legal question raised by the Ombudsman

The investigation was launched based on the own-initiative functions of the Ombudsman, following reported attacks against delivery workers, raising concerns of discrimination and racially motivated violence linked to the victims' origin. The assessment was conducted under Article 21 of the Charter and Council Framework Decision 2008/913/JHA, examining whether a possible racial or ethnic bias motive had been adequately identified and investigated.

### Results of the Ombudsman's intervention

The Commissioner found that the Police were required to investigate the incidents as potentially motivated by racist bias, in accordance with Article 35A of the Criminal Code.

Following the Ombudsman's intervention, the Police issued guidance on the identification and handling of racist incidents, strengthened coordination through district liaison officers, increased monitoring and patrols in high-risk areas, engaged with delivery companies and couriers and adopted operational measures aimed at improving the prevention, investigation and response to racism-related incidents.

Decision (EL)

## Austria

### Case concerning blood donations of male homosexuals and bisexuals

#### EU law concerned

Articles 6(a) and 168(4)(a) TFEU, Article 21 (Non-discrimination) of the Charter of Fundamental Rights of the European Union, Annex III to Directive 2004/33/EC on technical requirements for blood and blood components, Case C-528/13 *Geoffrey Léger v Ministre des Affaires sociales, de la Santé et des Droits des femmes*

#### Facts of the case and the main legal question raised by the Ombudsman

In 2019, Austria adapted its Blood Donation Regulation by eliminating the general prohibition of blood donations from male homosexuals and bisexuals. However, they were still barred from donating blood for twelve months after their last sexual intercourse. In contrast, heterosexual donors were only prevented from giving blood if they admit to having had sexual intercourse with more than three partners during the previous year or to having engaged in casual sex within the previous four months.

The key legal questions raised by the Ombudsman were: (1) To what extent is the unequal treatment of homosexual and bisexual men vis-à-vis heterosexual men in the context of blood donation justified on grounds of blood safety? (2) Can the same level of protection against infectious diseases be ensured through less discriminatory measures based on individual risk rather than sexual orientation?

#### Results of the Ombudsman's intervention

It is scientifically undisputed that at-risk sexual conduct by heterosexual and homosexual donors can have the same implications in terms of the risk of infection for blood products. However, male homosexuals and bisexuals were by virtue of their status, assumed to be involved in promiscuous sexual activity. In accordance with Annex III to Directive 2004/33/EC, people whose sexual behaviour carries a high risk of infection are excluded from donating blood in accordance with statutory provisions. However, this does not justify a blanket ban on gay or bisexual men who had intercourse in the past year. In addition, in 2015, the European Court of Justice ruled that a blanket ban on blood donations by homosexual and bisexual men amounted to unlawful discrimination due to sexual orientation and called for differentiated risk assessments to be carried out at national level on the basis of epidemiological data (Judgement of the CJEU C-528/13, *Léger*).

In 2022, discrimination against homosexual, bisexual, and transgender persons in relation to blood donation was ended. A new Regulation on Blood Donation (*Blutspendeverordnung*) has been in force since September 2022. A ban on donating blood is now only dependent on individual at-risk conduct, and not on sexual orientation or sexual identity. In the same way as for heterosexual persons, homosexual and bisexual men and transgender persons are now only asked about the number of sexual partners they have had during the three months prior to donating blood.

Decision – Annual Reports 2022 (pp. 208-209), 2021 (pp. 221-222), 2020 (p. 154), 2010 (pp. 284-286)

## Catalonia (Spain)

The Catalan Regional Ombudsman has also analysed possible situations of discrimination in access to health services, as in the case of restrictions on homosexuals donating blood, following the judgement of the CJEU in Case C-528/13 *Geoffrey Léger v Ministre des Affaires sociales, de la Santé et des Droits des femmes*.

Link: not available

### 3.1.3 Movement of people throughout the European Union



One of the most concrete ways for EU citizens to experience daily what the European Union means, is the liberty it entails as regards movement across Member States. This apparently straightforward achievement in fact consists of an intrinsic network of complex and diverse EU legislation. This legislation brings with it many legal and factual questions, not only regarding its implementation at national level, but also and especially regarding its practical application.

Considering the proximity between citizens and national or regional ombudsmen, it does not come as a surprise that these ombudsmen play a vital role in assisting citizens when they are confronted with difficulties resulting from the movement across Member States. Ombudsmen often serve as the initial point of contact for the application of EU law at the national level, providing citizens with a low threshold opportunity to keep moving forward.

A first set of cases referred to in this section deals with the foundational pillars of the Internal Market: the four freedoms that guarantee that people, goods, services and capital can move freely throughout the EU territory (Article 26 TFEU)<sup>20</sup>. Ombudsmen have not only assisted in the factual reopening of closed borders between Member States, but also in addressing intangible barriers to free movements, such as restrictions on access to discounted public transport or to allowances, non- recognition of certificates and qualifications, limited rights for EU family members, challenges in coordinating social security systems, difficulties with obtaining a driving licence in another Member State and the denial of access to bank accounts.

National and regional ombudsmen also intervened in cases that do not directly concern the four freedoms as such but are nevertheless clearly linked to the movement of people, such as limited or lost voting rights, administrative changes following from (same sex) marriages in another Member State, the transfer of sentenced persons and the protection of consumer rights.

Across the wide range of cases arising from the movement of people within the EU, it is clear that ombudsmen act as guardians of the EU citizens. Not only do they help remove both physical and legal barriers, but they also identify and

<sup>20</sup> And even beyond. The Internal Market not only includes the 27 EU Member States, but also three EEA EFTA States (Iceland, Liechtenstein and Norway).

challenge direct and indirect discrimination between a State's own citizens and those from other Member States. They often do so by applying CJEU case-law to individual cases. They consequently raise the problematic situation with the relevant authorities, which in the vast majority of cases accept the recommendations put forward by the ombudsmen. In some instances, they initiate legal proceedings or bring the matter to the attention of the European Commission, the European Parliament or the European Ombudsman for further action at supranational level.

The high number and variety of cases related to the people's movement across the EU, which ombudsmen selected for the ENO Report, demonstrate that national and regional ombudsmen in the EU, positioned at the heart of Member States' administrations, offer EU citizens a low-threshold mechanism to resolve issues arising from movement within the Union. Thus, they help ensure that freedom of movement endures as one of the European Union's proudest achievements.

The cases are presented below under the following **21 headings**:

1. Border crossing between Member States (page 43);
2. Healthcare (page 43);
3. Equal treatment of EU mobile citizens (page 45);
4. Recognition of certificates (page 49);
5. Recognition of qualifications (page 49);
6. Recognition of military service (page 51);
7. Residence rights for EU family members who are non-EU citizens (page 51);
8. Students from non-EU countries and members of the EU citizens' family (page 52);
9. ID documents for EU citizens (page 53);
10. Driving license (page 53);
11. Social Security (page 54);
12. Recognition of judgments in criminal matters (page 57);
13. Taxation (page 58);
14. Freedom of Establishment (page 59);
15. Brussels IIa Regulation (page 60);
16. Technical regulations for products (page 60);
17. Placing products on the market (page 61);
18. Languages of harmonised product standards (page 61);
19. Consumers rights and protection (page 62);
20. Financial system (page 64);
21. Insurance law in cross-border matters (page 65).

## Border crossing between Member States

### Basque Country (Spain)

#### Closure of pedestrian bridge at border crossing between Spain and France

##### EU law concerned

Articles 26 and further TFEU (on the internal market)

##### Facts of the case and the main legal question raised by the Ombudsman

The Ombudsman of the Basque Country received several complaints about the closure of the Avenida pedestrian bridge between Irun (Spain) and Hendaye (France) in 2021. The Ombudsman was concerned that the closure represented an interference with the right of free movement of residents on both sides of the border, which had a considerable negative impact on local trade and cross-border business.

The case provides a clear example of the usefulness of the ENO. The Basque Ombudsman decided to contact not only the Spanish national Ombudsman, but also the French Défenseur des droits and, via an ENO query procedure<sup>21</sup>, the European Ombudsman. The latter in turn transmitted the query to the Commission, that provided its reply on the compatibility with EU law. In its reply, the Commission set out the applicable legal framework (the Schengen Border Code) under which Member States may introduce temporary border controls along internal EU borders. It also provided links to useful resources to monitor the application of border controls and the reasons justifying them and provided an update on the current state of play on the revision of the Code.

##### Results of the Ombudsman's intervention

The amended Code of Schengen of 2024 introduced the obligation on Member States to assess the likely impact of the reintroduction of internal border controls on the movement of persons within the area without internal border control and the functioning of the cross-border regions, taking into account the strong social and economic ties between them. Moreover, France reopened the pedestrian bridge on 30 October 2023.

Decision link

<sup>21</sup> The ENO query procedure is described in the Chapter 4 of the ENO Report.

## Healthcare

### Croatia

#### Automatic loss of mandatory health insurance for Croatian students studying in other EU Member States

##### EU law concerned

Article 21 TFEU on the right of EU citizens to move and reside freely within the territory of the Member States; Directive 2004/38/EC on the right of EU citizens and their family members to move and reside freely; Regulation (EC) No 883/2004 on the coordination of social security systems, especially Article 1(j), defining "residence" as the place where a person habitually resides, Article 1(k), defining "stay" as temporary residence, and Article 19, concerning access to necessary healthcare during a stay in another Member State; Regulation (EC) No 987/2009 laying down the procedure for implementing Regulation 883/2004, especially Article 11 on the criteria for determining residence; CJEU case-law on habitual residence and free movement, including Case C-255/13 *I*, Case C-589/10 *Wencel*, Case C-90/97 *Swaddling*, Case C-345/09 *van Delft* and Case C-224/98 *D'Hoop*; the European Commission's guidance on the right of free movement of EU citizens and their families, in particular the guidance stating that students who move temporarily to another Member State to study may remain habitually resident in their Member State of origin and remain covered by that Member State's social security system.

##### Facts of the case and the main legal question raised by the Ombudsman

Following the 2023 amendments to the Croatian Mandatory Health Insurance Act, Croatian students studying full-time in another EU Member State who reported temporary departure from Croatia were automatically deregistered from the Croatian compulsory health insurance scheme. As a result, they lost access to a Croatian-issued European Health Insurance Card (EHIC) and were often required to arrange and pay for health insurance in the Member State of study, while also being left without compulsory health insurance coverage in Croatia. To assess the scope of the issue, the Ombudswoman requested data from the Ministry of the Interior, which confirmed that, as of December 2023, 11,010 Croatian nationals aged 18 and over had registered temporary departure to another EU Member State for the purpose of education (schooling or studies). After receiving complaints from students and their families, the Ombudswoman initiated a systemic inquiry. She sought explanations from the Croatian Health Insurance Fund and the Ministry of Health and obtained an independent expert opinion from the Department of European Public Law, Faculty of Law, University of Zagreb. The key legal question was whether the practice of the Croatian Health Insurance Fund of automatically deregistering Croatian students from the national compulsory health insurance, solely

because they had registered temporary departure from Croatia while studying in another EU Member State, was compatible with EU law. More specifically, the question was whether such automatic deregistration was compatible with the EU rules on the coordination of social security systems, which require a distinction between temporary stay and habitual residence, and whether the competent national authorities were required to assess each student's habitual residence individually, taking into account the criteria laid down in Article 11 of Regulation (EC) No 987/2009, before deregistering the student from the national compulsory health insurance. The Ombudswoman also questioned whether this practice, and the interpretation of the 2023 amendments to the Croatian Mandatory Health Insurance Act on which it was based, constituted a restriction on the right to free movement under Article 21 TFEU by placing Croatian students at a disadvantage because they exercised their right to study in another EU Member State.

The Ombudswoman issued recommendations to the Government of the Republic of Croatia that the Mandatory Health Insurance Act be implemented in conformity with EU law, that the practice of automatic deregistration from the national compulsory health insurance be abolished, and that Croatian citizens regularly studying in another EU Member State retain compulsory health insurance in Croatia regardless of registration of temporary departure, while ensuring that students are properly informed about their rights. The Croatian Government in its opinion on the Ombudswoman's recommendations maintained that students regularly studying in another EU Member State generally did not have to report temporary departure from Croatia and therefore retained compulsory health insurance (in spite of provisions of the Residence Act). However, complaints received by the Ombudswoman showed that many students reported temporary departure believing they were legally required to do so and were consequently automatically deregistered from the national compulsory health insurance. The Government's opinion did not clarify how the status of students who had already lost their compulsory health insurance as a result of that practice would be restored. The Ombudswoman therefore maintained that the existing legal framework and its practical application did not provide sufficiently clear and predictable rules for students exercising their right to free movement. She maintained her recommendations and reiterated them in her Annual Report submitted to the Croatian Parliament. She also provided an opinion during amendments of the relevant law.

As these initiatives did not lead to any changes, the Ombudswoman referred the matter to the European Ombudsman through an ENO query procedure. The European Ombudsman asked the European Commission to clarify whether the Croatian practice was compatible with EU law. The Commission clarified that automatic deregistration from compulsory health insurance solely on the basis of registration of temporary departure is not

compatible with the EU rules on the coordination of social security systems because the national institution must first carry out an individual assessment of all relevant circumstances in order to determine the person's habitual residence in accordance with Article 11 of Regulation (EC) No 987/2009, rather than relying solely on the registration of temporary departure under national law.

### Results of the Ombudsman's intervention

The Croatian Government has not implemented the Ombudswoman's recommendations, and neither the Mandatory Health Insurance Act nor the administrative practice of the Croatian Health Insurance Fund has been amended. The Ombudswoman, building on the reply from the European Commission to the query initiated by the European Ombudsman, continues to monitor the implementation of her recommendations through dialogue with the competent authorities. She repeated the recommendations in her 2025 Annual Report submitted to the Croatian Parliament in March 2026. The Ombudswoman keeps receiving complaints concerning this issue. This demonstrates that the Croatian legal framework and its practical application remain unclear causing legal uncertainty for Croatian students planning to study in other EU Member States.

Decision link: 2024 Annual Report (recommendation 17)  
2025 Annual Report (recommendation 14)

## Luxembourg

### Prior authorization for cross-border healthcare

#### EU law concerned

Directive 2011/24/EU (on the application of patients' rights in cross-border healthcare) and Regulation No (EC) 883/2004 on the coordination of social security systems

#### Facts of the case and the main legal question raised by the Ombudsman

The case concerned a refusal by the Luxembourgish National Health Fund (CNS) to grant a request for prior authorization for a hospital consultation abroad. The CNS justified the refusal by referring to the provisions of the Law of 1 July 2014, that transposed Directive 2011/24/EU. The Luxembourgish Ombudsman, however, pointed out that, according to Article 20(2) of Regulation (EC) No 883/2004, prior authorization and reimbursement must be granted if the treatment is provided for under the legislation of the competent Member State and if it is impossible to provide it in the country of residence within a medically acceptable timeframe, taking into account the applicant's state of health and the progression of their illness. The Ombudsman argued that the Luxembourg law transposing the Directive cannot be invoked to justify a refusal to apply Article 20(2) of Regulation (EC) No 883/2004.

**Results of the Ombudsman's intervention**

The CNS was receptive to the Ombudsman's arguments and granted authorization to the complainant.

Link: not available

**Ireland****Administration of schemes that fund necessary medical treatment – Case 2022/2023 (April 2023)****EU law concerned**

Directive 2011/24/EU on the application of patients' rights in cross-border healthcare, Council Regulation (EEC) 1408/71 on the application of social security schemes to employed persons and their families moving within the Community and Council Regulation (EEC) 574/72 on the procedure for implementing Regulation 1408/71

**Facts of the case and the main legal question raised by the Ombudsman**

The Irish Ombudsman investigated the administration by the Health Service Executive (HSE) of schemes that funded necessary medical treatment in the EU/EEA or UK: the Treatment Abroad Scheme (TAS), the EU Cross Border Directive (CBD) Scheme and the Northern Ireland Planned Healthcare Scheme (NIPHS). The investigation was prompted by a number of complaints received from patients who, having travelled abroad for treatment, faced great difficulty seeking a reimbursement of their costs under these schemes. The purpose of the investigation was to improve the HSE's administration of the schemes, to identify any barriers for patients accessing the schemes, to propose possible improvements in the administration of the schemes and to provide greater clarity for patients. The investigation was also an opportunity to monitor the HSE's implementation of recommendations previously made in a 2018 investigation of the TAS.

**Results of the Ombudsman's intervention**

The investigation report made 21 findings and recommendations. Eighteen of the recommendations were directed at the HSE while three were focussed on the Department of Health. The HSE implemented all recommendations. The recommendations made to the Department of Health concerning the NIPHS were forward-looking and related to any possible future developments that might put the NIPHS on a legislative footing.

Decision link

**Equal treatment of EU mobile citizens****Estonia****Access to public transport fare concessions – Case 6-4/210495 (17 March 2021)****EU law concerned**

Articles 18 and further TFEU (on non-discrimination, citizenship of the Union and free movement of persons), Case C-212/06 *Government of the French Community and Wallon Government v Flemish Government*, Case C-103/08 *Arthur Gottwald v Bezirkshauptmannschaft Bregenz* and Case C-201/12 *Elodie Giersch and Others v État du Grand-Duché de Luxembourg*

**Facts of the case and the main legal question raised by the Ombudsman**

The case concerned a system of public transport fare concessions established by Tartu City Council in Estonia. Under the applicable rules, certain categories of persons, including pensioners, were entitled to discounted or free public transport. A complaint was raised by an individual residing in Estonia who received a pension from another EU Member State. The person was denied access to the concession because the benefit was linked to receiving a pension from Estonia. The Chancellor of Justice examined whether such differentiation was justified. It found that linking eligibility for concessions solely to the origin of the pension could result in unequal treatment of persons in comparable situations. This raised concerns regarding compliance with the principles of free movement and of equal treatment and non-discrimination under EU law.

**Results of the Ombudsman's intervention**

Following the intervention of the Chancellor of Justice, the Tartu City Council amended its practice and extended eligibility for public transport concessions to persons receiving pensions from other EU Member States.

Decision link

**Luxembourg****Family allowance for cross-border worker****EU law concerned**

Article 45 TFEU (on free movement of workers), Case C-802/18 *Caisse pour l'avenir des enfants* and joined cases C-296/24 to C-307/24 (Twelve requests for a preliminary ruling under Article 267 TFEU from the Court de Cassation, Luxembourg)

### **Facts of the case and the main legal question raised by the Ombudsman**

The issue concerned the payment of family allowance by the *Caisse pour l'avenir des enfants* to cross-border workers for children supported by them, but with whom they had no legal parent-child relationship (e.g. stepfamily). Following judgments by the CJEU in 2020 and 2025, it turned out that the criteria used by the *Caisse pour l'avenir des enfants* were discriminatory. The Luxembourgish Ombudsman therefore issued multiple recommendations to bring the national legislation in line with EU (case) law.

### **Results of the Ombudsman's intervention**

A first request of the Ombudsman, to rectify the cases affected by the refusal of a family allowance between 2016 and 2020 was refused by the *Caisse pour l'avenir des enfants*. Following the CJEU judgment of 2025, the Ombudsman reiterated its recommendation to bring the national law in line with the EU (case) law, and the Luxembourgish Ministry is currently analysing the legislative amendments required to do so.

Link: not available

## **Ireland**

### **Right to reside and social housing support**

#### **EU law concerned**

Directive 2004/38/EC (on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States)

### **Facts of the case and the main legal question raised by the Ombudsman**

An EU citizen had been living in Ireland for just over a year when her husband died. She applied to the Roscommon County Council for social housing support. Her application was refused. The Council said she had not been 'employed' in Ireland for 52 weeks and could not, therefore, prove that she had a 'right to reside' in Ireland.

The Council's decision was based on a 2012 Housing Circular (41/2012). The Circular had not been updated to meet the provisions of The European Communities (Free Movement of Persons) Regulations (SI 548/2015) which had transposed EU Directive 2004/38/EC into Irish Law. The Circular was not consistent, therefore, with Irish and EU law and did not provide sufficient guidance on all avenues through which a person may establish a right to reside. The Irish Ombudsman found that the means by which the woman could be considered as having a right to reside permanently in Ireland was overlooked by the Council because they were not explicitly recognised in an out-of-date Circular.

### **Results of the Ombudsman's intervention**

The Council decided to reassess the woman's application and the Department of Housing, Local Government and Heritage informed all Local Authorities to have regard to Regulations SI 548/2015 in their decision-making. The legislative programme for 2026 moreover included draft legislation regarding eligibility of non-Irish nationals for social housing, including the provision for 'legal residence' as an eligibility criterion in any assessment for social housing support.

Decision link: Annual Report, chapter 4, case 4

## **Finland**

### **Returning migrant's right to vote in EU elections in home country – Case 2018/4/09 (25 August 2010)**

#### **EU law concerned**

Article 10 of the TEU (on the right to participate in the democratic life of the EU), Articles 20(2) (on EU citizenship rights, including voting rights), 22(2) (on the right to vote and stand in the European Parliament elections in the Member State of residence) and 18 (on non-discrimination on grounds of nationality) TFEU, Council Directive 93/109/EC (on the European Parliament elections), Articles 39 (Right to vote and to stand as a candidate at elections to the European Parliament) and Article 21 (Non-discrimination) of the Charter of Fundamental Rights of the European Union

### **Facts of the case and the main legal question raised by the Ombudsman**

After the complainant moved to Spain, the Spanish authorities reported that he would exercise his voting rights for the EU elections there and the Finnish authorities removed him from the Finnish electoral register. When moving back to Finland, the complainant did not formally notify the Spanish authorities that he no longer wished to vote there. As a result, he was considered registered in Spain and thus ineligible to vote in Finland. The complainant only discovered the issue at a late stage, when the electoral register was already final. He therefore could not exercise his voting rights for the 2009 European Parliament elections in either country.

The Finnish Ombudsman concluded that the loss of voting rights was formally based on EU law, which was correctly implemented in national legislation and legitimately aimed at preventing double voting. However, the Ombudsman considered the outcome problematic from the perspective of fundamental rights. In practice, the system could result in individuals losing their right to vote entirely if they were unaware of the need to submit a

formal declaration to change their voting state. The key deficiency was not the legal framework itself but its practical application, particularly the lack of adequate information provided to citizens. The authorities had not ensured that individuals were sufficiently informed about the steps required to exercise their rights.

#### Results of the Ombudsman's intervention

The Ombudsman did not make a finding of illegality but emphasised the need for improved information practices and encouraged authorities to adopt more proactive measures, such as direct communication to affected individuals. The Ombudsman also noted the ongoing EU-level efforts to simplify the system.

Decision link

## The Czech Republic

### Voting rights in municipal elections – Case 20/2014/SZD (21 July 2014)

#### EU law concerned

Articles 20(2)(b) and 22 TFEU (on the voting rights of EU citizens), Council Directive 93/109/EC (on the European Parliament elections), Council Directive 94/80/EC (on municipal elections, in particular articles 2(1)(c), 3 and 4(1)), Directive 2004/38/EC (on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, in particular Article 8) and Case C-808/21 *Commission v Czech Republic*

#### Facts of the case and the main legal question raised by the Ombudsman

The case concerned the difference in Czech law on voting rights of EU citizens as regards the European Parliament (EP) elections and municipal elections. For EP elections, EU citizens registered for permanent or temporary residence could vote, whereas in municipal elections Czech law limited active and passive voting rights to EU citizens with permanent residence. The Ombudsman considered this condition only seemingly equal, because permanent residence for Czech citizens was an address-registration concept, while for other EU citizens it meant a residence status usually obtainable only after several years of residence. The Ombudsman also criticised the exclusion of non-Czech EU citizens from membership of Czech political parties or movements, because this restricted the effective exercise of their passive electoral rights.

#### Results of the Ombudsman's intervention

The Ombudsman's interpretation on active voting rights and the direct applicability of EU law was confirmed by subsequent case-law, such as the decision of the Regional Court in Brno

of 19 September 2014 (no. 64 A 6/2014) and the judgment of the CJEU on 19 November 2024 in Case C-808/21. Legislative amendments subsequently granted active voting rights from 2019 and allowed EU citizens to stand as non-party candidates. From 1 January 2026, EU citizens may also become members of political parties and movements in the Czech Republic.

Decision link

## Romania

### Administrative change of surname following a marriage legally concluded in the United Kingdom with a person of the same sex – Timiș Tribunal Judgment No. 609/2020

#### EU law concerned

Article 7 of the Charter of Fundamental Rights of the European Union (Respect for private and family life), Article 8 of the European Convention on Human Rights (on the right to private life), judgment of the Romanian Constitutional Court No. 534/2018, CJEU Cases 41-69 *ACF Chemiefarma v Commission* and C-367/95 P *Commission v Sytral and Brin's France*

#### Facts of the case and the main legal question raised by the Ombudsman

A Romanian citizen applied to the Timișoara Directorate for Persons Records for the administrative change of his surname, invoking a marriage legally concluded in the United Kingdom with a person of the same sex. The administrative authority rejected the request, considering that a marriage between persons of the same sex could not constitute a duly justified ground.

The Romanian People's Advocate considered that (i) the refusal was unjustified, infringed the right to private life guaranteed by Article 8 of the European Convention of Human Rights (ECHR) and Article 7 of the Charter and disregarded the binding considerations of Constitutional Court Decision No. 534/2018, and (ii) that the administrative act was not properly reasoned.

#### Results of the Ombudsman's intervention

The Timiș Tribunal allowed the action brought by the People's Advocate through Judgment No. 609/2020, annulled the decision of the President of the Timiș County Council and ordered the authority to issue a new decision approving the administrative change of the complainant's surname.

Link: not available

## Registration of a marriage certificate – Case 35690 (21 December 2023)

### EU law concerned

Articles 1 (Human dignity) and 7 (Respect for private and family life) of the Charter of Fundamental Rights of the European Union

### Facts of the case and the main legal question raised by the Ombudsman

Following a final court judgment approving the change of sex from 'female' to 'male', the man concerned requested the registration by the Romanian local authorities of his updated British marriage certificate in the Romanian civil status registers. The authorities, however, refused this request by relying on the initial civil status document (a marriage between persons of the same sex) and by disregarding the legal effects of the final court judgment concerning the change of sex.

The Romanian People's Advocate brought the matter before the administrative court, finding that the authority had incorrectly applied the law by relying on a civil status document that had subsequently been amended, while disregarding the declaratory effects of the court judgment concerning the change of sex. The People's Advocate requested that the authorities be ordered to issue the prior approval and to proceed with the registration of the updated marriage certificate.

### Results of the Ombudsman's intervention

The Olt Tribunal ordered the local authorities to issue the prior approval and to register the updated British marriage certificate. The judgment is not final and is under appeal.

Decision link

### Requirement of knowledge of the Romanian language for persons applying for the reacquisition of Romanian citizenship

### EU law concerned

Article 18 (Non-discrimination) of the Charter of Fundamental Rights of the EU and Article 20 TFEU (EU citizenship), CJEU Case C-369/90 *Micheletti and others v Delegación del Gobierno en Cantabria*, Case C-179/98 *Belgian State v Mesbah*, Case C-200/02 *Zhu and Chen v Secretary of State for the Home Department* and Case C-135/08 *Rottmann v Freistaat Bayern*, Article 3(1) of the European Convention on Nationality (on the competence of Member States) and Article 14 of the European Convention on Human Rights (on the prohibition of discrimination)

### Facts of the case and the main legal question raised by the Ombudsman

The Romanian People's Advocate analysed two legal issues as regards the Romanian Citizenship Law No. 21/1991. First, whether imposing proof of knowledge of the Romanian language as a requirement for the reacquisition of citizenship pursuant to Article 10 of Law No. 21/1991 was compatible with the principles of equality and non-discrimination, given that the applicants concerned were born in countries where Romanian was neither an official nor a commonly spoken language, unlike applicants under Article 11, who were predominantly native Romanian speakers. Second, whether the system for verifying citizenship status and the three-year time limit for examining applications were compatible with the requirements of an efficient and proportionate administrative mechanism.

The People's Advocate found that the contested provisions were constitutional. The requirement of knowledge of the Romanian language represented a legitimate choice of the legislature, as an expression of State sovereignty, confirmed by the consistent case-law of the CJEU and by Article 3(1) of the European Convention on Nationality. The differentiated legal treatment between applicants under Articles 10 and 11 had an objective and reasonable justification, pursued a legitimate aim and complied with the principle of proportionality, being consistent with Article 16(1) of the Constitution and with the European Court of Human Rights (ECtHR) standards concerning non-discrimination. As regards the citizenship certificate, the People's Advocate held that equivalent mechanisms already existed in the legislation in force, through the procedure for clarifying citizenship status via diplomatic and consular channels, provided for in article 13(3)-(5) of Law No. 21/1991 and article 35 of Law No. 248/2005.

### Results of the Ombudsman's intervention

The Constitutional Court was not notified. The People's Advocate's intervention was limited to a constitutional and legality review and did not produce direct administrative or judicial effects in favour of the complainant.

Link: not available

## Recognition of certificates

### Spain

**EU Digital Covid Certificate – Case 21010687  
(10 August 2021)**

#### EU law concerned

Article 5(3) of Regulation (EU) 2021/953 (on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID-19 pandemic)

#### Facts of the case and the main legal question raised by the Ombudsman

The Spanish national Ombudsman received a large number of complaints about the issuing and the use of the EU Digital COVID Certificate in Spain. It therefore investigated whether the model and management of the certificate in Spain complied with the requirements of Regulation (EU) 2021/953 to prevent unjustified restrictions or inequalities in the exercise of the right to free movement. The Ombudsman identified multiple practical issues related to mobility, such as the lack of a clear indication of what 'completion' of a vaccination series entailed when, according to Spanish health guidelines, certain individuals who had recovered from COVID or received a heterologous booster were considered fully vaccinated. The Ombudsman also examined barriers to obtaining a certificate of recovery when the diagnosis had been made using an antigen test or other methods and assessed the potential impact on equal treatment and freedom of movement.

#### Results of the Ombudsman's intervention

The Spanish national Ombudsman made three recommendations to the Spanish authorities: (1) adapt the model to explicitly reflect that the vaccination course has been 'completed' in accordance with Article 5(3) of Regulation (EU) 2021/953, (2) request that the European Commission amend the Regulation to expand recovery-verification methods and, in the meantime, coordinate confirmatory PCR testing, and (3) coordinate regional approaches to ensure proportionality and safeguards. The recommendations were accepted.

Decision link

## Recognition of qualifications

### Finland

**Recognition when not holding qualifications conferring the right to practise in Member State of education – Case 2164/4/15 (9 June 2016)**

#### EU law concerned

Articles 45 (free movement of workers) and 49 (freedom of establishment) TFEU, Directive 2005/36/EC (on the recognition of professional qualifications), Case C-340/89 *Vlassopoulou v Ministerium für Justiz, Bundes- und Europaangelegenheiten Baden-Württemberg*, Case C-313/01 *Morgenbesser v Consiglio dell'Ordine degli avvocati de Genova* and Case C-298/14 *Brouillard v Etat belge*

#### Facts of the case and the main legal question raised by the Ombudsman

The case concerned the recognition of the complainant's qualifications acquired in another Member State to practise as a psychologist in Finland. The Finnish supervisory authority for Welfare and Health (Valvira) considered that recognition under Directive 2005/36/EC was not possible because the complainant did not hold a qualification conferring the right to practise as a psychologist in the Member State where he studied.

The Finnish Ombudsman found that Valvira's conclusion was legally correct, but identified several shortcomings in the handling of the case. The processing of the application was delayed without sufficient justification and Valvira had not clearly demonstrated that it had explicitly applied the relevant CJEU case-law requiring an overall assessment of qualifications under the principles of free movement. In addition, the communication regarding legal remedies was incomplete, as the complainant was not fully informed of the consequences of withdrawing his application.

#### Results of the Ombudsman's intervention

The Ombudsman did not issue a formal reprimand but criticised the procedural deficiencies and drew the authority's attention to the need to apply EU case-law more systematically, ensure timely processing, and improve guidance practices. It also requested that Valvira reviewed its procedures for advising applicants on the recognition of foreign qualifications.

Decision link

## Malta

### **Application for recognition of engineer qualification – Case OMB-25-6334 (4 November 2025)**

#### **EU law concerned**

Directive 2005/36/EC (on the recognition of professional qualifications)

#### **Facts of the case and the main legal question raised by the Ombudsman**

A Greek national, registered as a Professional Engineer in Spain, applied to the Periti Warranting Board for recognition of his qualification as a Perit Inġinier Ċivili in Malta under Directive 2005/36/EC. Despite submitting the requested documentation, he experienced prolonged delays, unclear instructions, and shifting requirements. The Board, for example, initially required the complainant to establish residence in Malta and obtain a Maltese ID to access the application system, which prevented him from applying.

The Ombudsman concluded that the Board had breached Directive 2005/36/EC and the national law transposing it by imposing disproportionate requirements, misinterpreting establishment criteria, and failing to comply with statutory deadlines. This amounted to maladministration and an unlawful restriction on the complainant's right to access the profession.

#### **Results of the Ombudsman's intervention**

As the Periti Warranting Board did not react to the Ombudsman's Final Opinion, the Ombudsman forwarded the report to the Prime Minister. Again, no reply was received. The Ombudsman therefore referred the Final Opinion to the House of Representatives. Eventually, in March 2026, the Office of the Prime Minister informed the Ombudsman that the recommendations were being accepted and would be implemented by June 2026.

Decision link

## Belgium

### **Recognition of professional qualifications in health sector – Recommendation 2010/03 (2010-2013)**

#### **EU law concerned**

Directive 2005/36/EC (on the recognition of professional qualifications)

#### **Facts of the case and the main legal question raised by the Ombudsman**

In 2010, the Belgian Federal Ombudsman issued a recommendation to the Belgian FPS Public Health regarding the recognition of professional qualifications for non-sectoral health professions obtained in another EU Member State. Until then, the FPS automatically refused such recognition when the received training/education differed from the Belgian requirements. Decisions were also often not taken within the applicable statutory time limits.

#### **Results of the Ombudsman's intervention**

Following the recommendation from the Belgian Federal Ombudsman, that took account of the applicable Directive 2005/36/EC, the FPS since 2013 allows the applicants to demonstrate their knowledge and skills via compensation measures, such as an aptitude test or an adaptation period. The taking of decisions within the statutory time limits, however, remains problematic in some cases.

Links: Annual Report of 2011 in Dutch (page 154) and in French (page 153), Annual Report of 2012 in Dutch (page 154) and in French (page 153), and Annual Report of 2013 in Dutch and French (page 115).

## Recognition of military service

### Cyprus

**Discrimination as regards recognition of military service for promotion purposes – Cases C/N 674/18, C/N 41/21, C/N 464/21 (26 April 2023)**

**EU law concerned**

Articles 18, 20, and 45 TFEU (non-discrimination on grounds of EU citizenship and free movement of workers)

**Facts of the case and the main legal question raised by the Ombudsman**

Greek teachers working in Cyprus complained that military service performed in the Greek Army was not credited for promotion purposes, unlike service in the Cyprus National Guard, which was credited under applicable legislation. The Commissioner (Ombudsman) found that the complainants had been subjected to discriminatory treatment contrary to the principle of equal treatment and free movement rights.

**Results of the Ombudsman's intervention**

The Commissioner concluded that article 35B(4)(c) of the Public Education Service Law was incompatible with both EU law and the Constitution, and should therefore be amended. Developments in implementation are being monitored.

[Decision link](#)

## Residence rights for EU family members who are non-EU citizens

### Spain

**Additional requirement of national identity document – Case 12010229 (9 May 2014)**

**EU law concerned**

Article 10(2) of Directive 2004/38/EC (which governs the documentation sufficient for the issuance of the residence card of a family member of a Union citizen)

**Facts of the case and the main legal question raised by the Ombudsman**

The Spanish Ombudsman identified that Spanish administrative practice required applicants for a residence card of a family member of a Union citizen to provide a national identity document, which constituted an additional barrier not required by EU law. The Ombudsman found this additional requirement to be inconsistent with Directive 2004/38/EC and recommended that the General Secretariat for Immigration authorise the issuance of the residence card to all applicants who meet the requirements set out in Article 10(2), without imposing the additional national identity document requirement.

**Results of the Ombudsman's intervention**

The recommendation was accepted and implemented.

[Decision link](#)

## Estonia

### State fees and validity of residence cards – Case No 7-4/250356 (16 March 2026)

#### EU law concerned

Articles 11(1) and 25(2) of Directive 2004/38/EC (on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States)

#### Facts of the case and the main legal question raised by the Ombudsman

The Chancellor of Justice of Estonia investigated whether the imposition of a higher state fee and the issuance of residence cards with a validity period shorter than five years were compatible with Directive 2004/38/EC. Firstly, the Estonian Police and Border Guard Board required a state fee of EUR 115 for issuing a residence card to a family member of an EU citizen, while the fee for issuing an identity document to Estonian citizens was generally EUR 45. The Chancellor of Justice found that this difference was incompatible with Article 25(2) of Directive 2004/38/EC, which prohibited charging higher fees than those imposed on nationals for comparable documents. Secondly, residence cards were issued with a validity period shorter than five years, to align their duration with the validity of the EU citizen's identity document. This practice was found to be contrary to Article 11(1) of Directive 2004/38/EC, which required that residence cards be issued for at least five years, unless there are specific reasons to limit the duration.

The Chancellor of Justice of Estonia submitted a query to the European Ombudsman regarding its interpretation of Directive 2004/38/EC. The European Ombudsman consequently contacted the European Commission, that confirmed the interpretation put forward by the Chancellor of Justice.

#### Results of the Ombudsman's intervention

The Chancellor of Justice requested the Estonian Police and Border Guard Board to reimburse the part of the state fee that exceeded the lawful amount. In addition, it recommended that the authorities ensured compliance with EU law by issuing residence cards with a validity period of five years as a general rule. The case was pending (recommendation made on 16 March 2026) when the contribution to the ENO Report was submitted.

Link: not available

## Students from non-EU countries and members of the EU citizens' family

## Portugal

### Classification as international student – Case Q-5670-2016 / Recommendation 1/A/2018 (13 April 2018)

#### EU law concerned

Directive 2004/38/EC (on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States) and Articles 18, 20, and 21 TFEU (on non-discrimination and citizenship of the Union)

#### Facts of the case and the main legal question raised by the Ombudsman

Complaints revealed that non-EU country nationals, who were family members of Portuguese citizens or other EU nationals, were being classified as "international students" under Portuguese higher education law – which defined the category solely by the absence of Portuguese nationality – resulting in less favourable conditions, including higher fees. The Ombudsman found the legislation incompatible with EU law, which provides that free movement rights must be extended to family members irrespective of nationality.

#### Results of the Ombudsman's intervention

A recommendation was issued to the Minister of Science, Technology and Higher Education to amend the definition of 'international student' to ensure compatibility with EU equal treatment obligations. The recommendation was accepted and implemented: family members of Portuguese or EU nationals are no longer classified as international students regardless of their nationality.

Decision link

## ID documents for EU citizens

### Estonia

#### Collection of identity documents via representative or personal appearance – Case 7-4/211290 (8 July 2022)

##### EU law concerned

Regulation (EU) 2019/1157 (on strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement), Regulation (EU) 2015/1502 (on setting out minimum technical specifications and procedures for assurance levels for electronic identification means) and Regulation (EU) No 910/2014 (on electronic identification and trust services for electronic transactions in the internal market)

##### Facts of the case and the main legal question raised by the Ombudsman

The Estonian Chancellor of Justice examined whether the national rules allowing collection of identity documents via a representative were compatible with the requirements of Regulation (EU) 2019/1157. It was found that the national provision could lead to situations where the mandatory personal appearance requirement under EU law, in order to establish a secure biometric link between the individual and the document, was not properly ensured. The Chancellor of Justice also emphasised the duty of the national authorities to provide individuals with accurate and complete information about the applicable legal framework – including the role of EU law – when handling administrative procedures.

##### Results of the Ombudsman's intervention

The Chancellor of Justice addressed the Estonian Ministry of the Interior and clarified that EU law is directly applicable and takes precedence over conflicting national provisions. The Ministry repealed the relevant national provision.

Decision link

## Driving license

### Estonia

#### Requirement of normal residence when applying for driving licence – Case 6-1/211426 (12 August 2021)

##### EU law concerned

Directive (EC) 2006/126 (on driving licences), general principles of EU law and CJEU Case C-664/13, *Nimanis*

##### Facts of the case and the main legal question raised by the Ombudsman

The case concerned the requirement of normal residence when applying for a driving licence in Estonia. Under national law, the concept of residence was interpreted in a restrictive manner, relying heavily on formal registration data. The Chancellor of Justice examined whether this approach was compatible with Directive 2006/126/EC. It found that Estonian legislation did not fully reflect the definition of the Directive and failed to take into account situations where individuals reside temporarily abroad while maintaining their centre of life in Estonia. The Chancellor of Justice raised concerns that such a restrictive interpretation could hinder individuals' ability to obtain a driving licence and thereby indirectly affect their free movement within the EU.

##### Results of the Ombudsman's intervention

The Chancellor of Justice recommended clarifying the national regulation to better align it with EU law.

Decision link

## Belgium

### Access to Belgian driving licence for students from another Member State studying in Belgium – Intervention (2025)

#### EU law concerned

Article 7 of Directive 2006/126/EC (on driving licences)

#### Facts of the case and the main legal question raised by the Ombudsman

The Belgian Federal Ombudsman received complaints from two students regarding the refusal by the Belgian Federal Public Service (FPS) Mobility and Transport to issue driving licences to them. The students were nationals from a different Member State and were studying in Belgium. Although they passed the driving test in Belgium, the authorities refused to grant them driving licences, as their studies did not fall within the notion of 'studies organised by a recognised educational institution'. The Belgian Federal Ombudsman, however, noted that this restrictive notion was contrary to Article 7 of the applicable Directive 2006/126/EC and the case-law of the CJEU (in particular case C-293/83 of 13 February 1985, *Françoise Gravier v City of Liège*).

#### Results of the Ombudsman's intervention

Following the reasoning by the Belgian Federal Ombudsman, the FPS Mobility and Transport issued the driving licences to the complainants and committed to take the reasoning into account when reviewing the regulatory framework.

Links: in Dutch and in French

## Social Security

## Spain

### Long-term care/benefits for persons residing in another Member State – Case 20020370 (17 February 2021)

#### EU law concerned

Regulation (EC) No 883/2004 (on the coordination of social security systems, in particular Articles 21, 35, 41 and 70) and Regulation (EC) No 987/2009 (on the procedure for implementing Regulation (EC) No 883/2004)

#### Facts of the case and the main legal question raised by the Ombudsman

The Spanish national Ombudsman examined whether a person insured in Spain and residing in another Member State was entitled, under the applicable European coordination rules, to long-term care/benefits, without being subject to requirements that would prevent them from exercising the right to move and reside freely in the EU. The Ombudsman identified the risk of unequal treatment if actual residence in the competent Member State was required for care to be recognised.

#### Results of the Ombudsman's intervention

The Spanish national Ombudsman issued a reminder to the Spanish authorities regarding the general applicability and direct effect of EU regulations. It furthermore requested the authorities to provide additional documentation (notification to the interested party and internal legal opinions) to verify that the coordination framework was properly implemented. After a lengthy exchange of correspondence, the Spanish national Ombudsman concluded that the public authorities had provided a well-reasoned response in accordance with national and European Union regulations.

Decision link

## Estonia

### Payment of social benefits in cross-border situation – Case 7-4/141336 (5 January 2015)

#### EU law concerned

Regulation (EC) No 883/2004 (on the coordination of social security systems) and Regulation (EC) No 987/2009 (on the procedure for implementing Regulation (EC) No 883/2004)

#### Facts of the case and the main legal question raised by the Ombudsman

A complainant had been receiving family benefits from Finland, which were discontinued. At the same time, the Estonian Social Insurance Board did not immediately grant the corresponding

benefit, leaving the individual temporarily without support. The Estonian Chancellor of Justice examined whether the Estonian authority had correctly applied EU law, requiring Member States to ensure continuity of social protection in cross-border situations. It found that the mechanism for provisional payment under Article 7 of Regulation (EC) No 987/2009 must be applied where necessary to prevent individuals from being left without support.

#### **Results of the Ombudsman's intervention**

The Chancellor of Justice made a proposal to the Estonian Social Insurance Board to bring its practice into conformity with EU law, in particular by ensuring the use of provisional payment mechanisms in cross-border situations. The Board promised to change its administrative practices.

Decision link

## **The Czech Republic**

### **Coordination of social security systems if benefit does not exist in new primarily competent state – Case 1732/2023/VOP (20 June 2024)**

#### **EU law concerned**

Regulation (EC) No 883/2004 (on the coordination of social security systems, in particular Articles 1(i), 11 and 68) and Regulation (EC) No 987/2009 (on the procedure for implementing Regulation (EC) No 883/2004, in particular Articles 2(1) and 59)

#### **Facts of the case and the main legal question raised by the Ombudsman**

As both the mother, residing in the Czech Republic with their daughter, and the father, residing in Spain, were economically inactive, the Czech Labour Office granted them parental allowance since the day when their daughter was born. After a few months, the Office decided to stop providing this allowance because the father had started working in Switzerland, that became the new primarily competent state for providing family benefits. However, after fruitless efforts to arrange those benefits in Switzerland and after exhausting all savings, the mother turned to the Czech Public Defender of Rights. The Defender urged the Labour Office to continue to provide the benefit as a compensatory supplement, given that there was no equivalent in Switzerland to the Czech parental allowance.

#### **Results of the Ombudsman's intervention**

The complainant received the parental allowance that she was entitled to from the Czech Labour Office.

Decision link

## **Belgium**

### **Coordination of social security systems – Interventions**

#### **EU law concerned**

Regulation (EC) No 883/2004 (on the coordination of social security systems)

#### **Facts of the case and the main legal question raised by the Ombudsman**

The Belgian Federal Ombudsman regularly examined complaints concerning the coordination of social security systems. These complaints related to, amongst others, health insurance issues. For example, the Federal Ombudsman handled complaints on the reimbursement of healthcare costs provided to Belgian nationals who were temporarily or permanently residing in another EU Member State, or to EU citizens in Belgium. The Federal Ombudsman also intervened in cases on the invalidity benefits granted to Belgian nationals or EU citizens, often involving recognised periods of invalidity in different Member States. Other complaints related to unemployment insurance, such as the export of the entitlement to Belgian unemployment benefits during a period of job-seeking in another Member State, or the entitlement to unemployment benefits in the Member State of residence on the basis of professional activity pursued in another Member State. The Federal Ombudsman also regularly intervened in cases related to the determination of applicable legislation, as it was not always clear which Member State's social security scheme applied or what it meant in practice, for example for frontier workers or for EU citizens who pursued an activity as an employee in one Member State and as a self-employed person in another.

#### **Results of the Ombudsman's intervention**

The Federal Ombudsman analysed the cases and, where necessary, consulted the federal authorities concerned with a view to finding a solution. In many cases, the Federal Ombudsman's intervention contributed to a positive outcome.

Link: not available

### **Continuity of social rights of frontier workers – Recommendation AA 16/01 (2016)**

#### **EU law concerned**

Regulation (EC) No 883/2004 (on the coordination of social security systems)

#### **Facts of the case and the main legal question raised by the Ombudsman**

A Belgian resident worked almost his entire career in the Netherlands as a frontier worker. When he reached the Belgian statutory retirement age, his unemployment benefits ended, while his Dutch pension, subject to a higher pension age, was not yet payable, leaving him with little or no social income.

The Belgian Federal Ombudsman considered that, although the EU rules were correctly applied, it was clear that differences between national social security systems could create protection gaps for former frontier workers. It therefore issued a recommendation and called for national measures to ensure continuity of social rights pending a European solution. In 2017, together with the Pensions Ombudsmen Service, the Federal Ombudsman brought the issue to the attention of the Benelux Parliament and supported proposals for a temporary bridging solution.

#### **Results of the Ombudsman's intervention**

In 2018, a Royal Decree was adopted allowing former frontier workers to continue receiving unemployment benefits after the age of 65, provided they were not yet entitled to a foreign pension and they met the applicable conditions. This partially addressed a concrete gap in social protection.

Links: Recommendation 2016, Annual Reports of 2016 (pages 27-32 and 199), 2017 (pages 42, 185 and 195) and 2018 (page 71)

## **Bolzano (Italy)**

### **Access to local healthcare services**

#### **EU law concerned**

Regulation (EC) No 883/2004 (on the coordination of social security systems, in particular Article 24) and Regulation (EC) No 987/2009 (on the procedure for implementing Regulation (EC) No 883/2004, in particular Article 32)

#### **Facts of the case and the main legal question raised by the Ombudsman**

A German citizen who had decided to spend his retirement years in the Province of Bolzano contacted the Ombudsperson's Office due to problems with the issuance of his Italian health insurance card. The 69-year-old pensioner receives a pension from a German pension insurance institution and remains insured with his German health insurance fund, despite having transferred his principal residence to Italy.

#### **Results of the Ombudsman's intervention**

The regional Ombudsman of Bolzano advised him to apply for an S1 form from his health insurance provider in Germany and subsequently submit it to the South Tyrolean Health Authority. EU citizens can use the S1 form to register themselves and/or their family members for healthcare coverage when they reside in one EU Member State but are insured for healthcare in another EU Member State. The form is issued individually for each person and not for an entire family.

In this way, the issue was successfully resolved.

Link: not available

## **Trento (Italy)**

### **Access to local healthcare services**

#### **EU law concerned**

Regulation (EC) No 883/2004 (on the coordination of social security systems, in particular Article 24) and Regulation (EC) No 987/2009 (on the procedure for implementing Regulation (EC) No 883/2004, in particular Article 32)

#### **Facts of the case and the main legal question raised by the Ombudsman**

An Italian citizen living in Trento complained to the regional ombudsman that she was discriminated against, compared to other Italian citizens, in access to local healthcare services because the relevant health authority asked her to pay EUR 2 000 per year for her enrolment in the provincial health service. The complainant had acquired a small pension in Germany where she worked during three years in the fifties. She did not meet requirements to get a pension from Italy.

#### **Results of the Ombudsman's intervention**

The regional Ombudsman found that the decision of the local health authority was in accordance with the EU law. That law provides that, first, if a person is no longer enrolled in the health insurance fund of the EU country which pays the pension, that person cannot have access to free healthcare in another EU country when s/he resides as the medical expenses should be reimbursed by the health care authority of the country providing the pension. Second, that person will have access to health care in the country of residence under the same conditions as nationals by voluntarily enrolling in a national health service (for a fee) paying the annual premium.

Link: not available

## Romania

### Consideration of contribution periods in other EU Member State for determining child-raising allowance – Case 14203 (13 May 2025)

#### EU law concerned

Regulation (EC) No 883/2004 (on the coordination of social security systems, in particular Article 11(3)(a)), Regulation (EC) No 987/2009 (on the procedure for implementing Regulation (EC) No 883/2004, in particular Articles 12, 60(2) and 60(3)) and Articles 21 (Non-discrimination) and 34 (Social security and social assistance) of the Charter of Fundamental Rights of the European Union

#### Facts of the case and the main legal question raised by the Ombudsman

The complainant completed contribution periods both in Romania and in another EU Member State. When applying for the child-raising allowance for a child up to the age of 2 years, the Braşov County Agency for Payments and Social Inspection refused to take into account the contribution periods completed in the other EU Member State and refused to grant the allowance on the basis of the income earned in Romania.

The Romanian People's Advocate considered that this refusal constituted a failure to apply the principle of aggregation of insurance periods provided for in Regulation (EC) No 883/2004, resulting in discrimination against mobile EU workers compared to persons who contributed exclusively in Romania. It decided to bring the matter before the court.

#### Results of the Ombudsman's intervention

The Braşov Tribunal ordered the Braşov County Agency for Payments and Social Inspection to issue a decision establishing the claimant's entitlement to the allowance, taking into account the totality of the income earned in Romania and in the other EU Member State, as well as the payment of the retroactive financial entitlements together with statutory interest calculated from the date on which the entitlement arose. The judgment was under appeal at the time of the submission of the contribution to the ENO Report.

Decision link

## Recognition of judgments in criminal matters

### Slovakia

#### Transfer of sentenced person – Case 2038/2022/VOP (6 December 2023)

#### EU law concerned

Council Framework Decision 2008/909/JHA (on the application of the principle of mutual recognition to judgments in criminal matters)

#### Facts of the case and the main legal question raised by the Ombudsman

A Slovak citizen was detained in a psychiatric institution following criminal proceedings in the Czech Republic. His transfer to Slovakia was refused by the Slovak courts because the person concerned was, given his mental health issues, declared not criminally responsible for his crimes, and was confined in a psychiatric institution and not a prison. According to the Slovak legislative transposition of Framework Decision 2008/909/JHA, this constituted a mandatory reason for refusal of transfer.

The Slovak Public Defender of Rights investigated whether the reasons for refusal of transfer were to be considered mandatory or optional under EU law. To obtain clarifications on this point, it contacted the European Ombudsman through the query procedure, who in turn consulted the European Commission.

#### Results of the Ombudsman's intervention

Following the clarifications by the Commission, it became clear that the reasons for refusal of transfer in the applicable EU legislation were meant to be optional and that the transposition into Slovak law was thus incorrect. The Slovak Public Defender of Rights therefore intervened in the legislative process on replacing the Slovak law on national cooperation in criminal matters. Its recommendation was accepted, and the proposed law recognised the reasons for refusal as optional instead of mandatory.

Link: not available

## Taxation

### Finland

**Taxation of owners of vehicles registered in one Member State and living in another – Case EOAK/1219/2018 (28 June 2018)**

#### EU law concerned

Article 21 TFEU (on the right of EU citizens to move and reside freely within the territory of the Member States)

#### Facts of the case and the main legal question raised by the Ombudsman

The Finnish Transport Safety Agency had failed to send a vehicle tax invoice to a vehicle owner residing in Portugal. As a result, the owner's vehicles were subject to a driving ban due to non-payment of the tax. The issue resulted from a regulatory requirement under Finnish law: if a vehicle used in Finland is owned by a person living abroad, a Finland-based holder must be registered. Without such registration, the tax invoice was sent only to the address recorded in the register, which could prevent the owner from receiving it.

The Finnish Ombudsman did not issue a formal finding of incompatibility but expressed clear concerns that the national provision was problematic in light of Article 21 TFEU. The requirement to designate a Finland-based holder imposed additional obligations only on persons residing abroad and could therefore hinder the effective exercise of free movement rights, particularly where it led to negative consequences such as vehicle use bans. The lack of clear justification, especially given developments in EU cross-border cooperation mechanisms, further weakened the requirement's compatibility with the EU law principles of proportionality and necessity.

#### Results of the Ombudsman's intervention

The Finnish Ministry of Transport and Communications agreed that the provision was no longer justified and could be problematic from a free movement perspective. The Ministry committed to repealing the provision and improving administrative guidance for individuals living abroad.

Decision link

### Catalonia (Spain)

**Interventions *ex officio* on the common system of value added tax**

#### Intervention

##### EU law concerned

Council Directive 2006/112/EC (on the common system of VAT, as amended by Directive 2009/47/EC)

#### Facts of the case and the main legal question raised by the Ombudsman

In the area of taxation, the Catalan regional Ombudsman office recommended adapting state regulations to the possibilities raised by Directive 2006/112/EC on the common system of value added tax, such as applying lower rates to funeral or cultural services. It also insisted on the need to guarantee legal certainty in the interpretation of tax concepts in accordance with European law.

#### Results of the Ombudsman's intervention

The VAT on funeral services has not been modified and remains at 21%, despite the fact that initiatives to reduce it have been debated and approved by the Spanish Congress of Deputies.

Link: Recommendation

### Belgium

#### Taxation of immovable property

Case reference and date: unknown

##### EU law concerned

Articles 63 TFEU and 40 EEA-Agreement (on the free movement of capital), Article 260 (1) and (2) TFEU (on the compliance by Member States with a judgment by the CJEU)

#### Facts of the case and the main legal question raised by the Ombudsman

The CJEU found Belgian tax law incompatible with the free movement of capital as it used a different valuation method for immovable property income depending on the property's location. Domestic property was taxed on the basis of cadastral income, while foreign property was taxed on the (in principle higher) actual rental value. As Belgium failed to take the measures needed to comply with the judgment of 12 April 2018 (C-110/17 *European Commission v Kingdom of Belgium*), the CJEU confirmed that failure in its judgment of 12 November 2020 (C-842/19 *Commission v Belgium (Revenus immobiliers étrangers)*) and imposed a lump sum and a daily penalty payment until full compliance.

### Results of the Ombudsman's intervention

The Belgian Federal Ombudsman intervened by questioning the tax administration's handling of pending objections and litigations, in particular as regards the absence of interim administrative guidance pending legislative reform. In the end, Belgium reformed the regime through the Law of 17 February 2021 and Circular 2021/C/21.

Link: not available

## Poland

### VAT on e-books

#### CJEU Case C-390/15

#### EU law concerned

Taxation, value added tax (VAT), Article 98(2) of, and point 6 of Annex III to Council Directive 2006/112/EC (on the common system of VAT, as amended by Directive 2009/47/EC)

#### Facts of the case and the main legal question raised by the Ombudsman

The Polish Ombudsman (the Commissioner for Human Rights) applied to the Constitutional Tribunal (K 61/13) to challenge provisions of the Polish VAT Act that applied a reduced 5% rate to paper books but the standard 23% rate to e-books, implementing Directive 2006/112/EC. The Tribunal referred two questions to the CJEU: (1) whether point 6 of Annex III to the Directive was invalid for failure to consult the European Parliament; and (2) whether Article 98(2), in conjunction with that Annex, violated the principle of fiscal neutrality by excluding reduced rates for electronic publications. This was the first CJEU preliminary ruling triggered by a reference from the Polish Constitutional Tribunal, itself prompted by the Polish Ombudsman.

#### Results of the Ombudsman's intervention

The CJEU (March 2017) found no procedural breach and held the different VAT treatment justified and proportionate, as applying a reduced rate to electronically supplied e-books would undermine the coherent exclusion of all electronic services from reduced rates. Despite this ruling, the Ombudsman's intervention fed into a wider policy debate: as of 1 November 2019, Polish law was amended to apply a uniform preferential 5% VAT rate to all books regardless of format, and 8% to e-press.

CJEU judgment C-390/15

## Freedom of establishment

## Portugal

### Participation in architecture competition based on Portuguese nationality

#### Case R-4505/96 – Recommendation 45/A/98 (28 June 1998)

#### EU law concerned

Article 52 of the Treaty establishing the European Economic Community (on the freedom of establishment)

#### Facts of the case and the main legal question raised by the Ombudsman

The Association of Portuguese Architects co-organised an award competition that was open only to Portuguese architects. The Portuguese Ombudsman found that the exclusion of architects established in Portugal, who were nationals from a different Member State, violated the freedom of establishment as protected by Article 52 of the Treaty establishing the EEC.

#### Results of the Ombudsman's intervention

The Portuguese Ombudsman recommended that the Portuguese Association of Architects should not organize or take part in architecture competitions that excluded architects who did not hold the Portuguese nationality.

Annual Report of 1998

## Brussels IIa Regulation

### Finland

#### Child protection of Finnish children residing outside the EU

Case EOAK/3173/2019 (16 December 2020)

##### EU law concerned

Council Regulation (EC) No 2201/2003 ('Brussels IIa Regulation' on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, in particular Article 14) and the 1996 Hague Child Protection Convention

##### Facts of the case and the main legal question raised by the Ombudsman

The case concerned the need for child protection of Finnish children living in the al-Hol camp in Syria. The Finnish authorities said that they were unable to provide consular services or carry out child protection actions due to the absence of diplomatic presence and functioning local authorities.

The Finnish Ombudsman examined whether Finnish authorities had international jurisdiction under EU law to act in the matter. Since the children had been residing outside the EU for a prolonged period, neither the habitual residence nor presence criteria under the Brussels IIa Regulation and the 1996 Hague Convention were fulfilled. Consequently, under Article 14 of the Brussels IIa Regulation, the question of jurisdiction fell to be determined under Finnish national law.

##### Results of the Ombudsman's intervention

While no breach of EU law was identified, the Ombudsman emphasised that EU law did not exclude the need for Member States to act within their own legal systems where EU jurisdiction rules do not apply. It thus underlined the importance of national mechanisms complementing EU law in order to safeguard children's rights in such cases.

Decision link

## Technical regulations for products

### Estonia

#### Prohibition on the use of specific material for outdoor advertising

Case 6-4/260156 (10 February 2026)

##### EU law concerned

Directive (EU) 2015/1535 of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services and Regulation (EC) No 1907/2006 of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), and establishing a European Chemicals Agency

##### Facts of the case and the main legal question raised by the Ombudsman

An entrepreneur challenged an amendment to the Tallinn City Council Regulation No. 9, which prohibited the use of polyvinyl chloride (PVC) as a material for outdoor advertising surfaces starting from 1 January 2026. The restriction effectively limited the types of materials that could be used in advertising structures. The Estonian Chancellor of Justice examined whether the municipality of Tallinn had the competence to impose such a restriction and whether the measure complied with EU law. The ban constituted a rule affecting product characteristics, as it directly regulated the materials that could be used in products placed on the market.

The Chancellor of Justice concluded that the contested provision was contrary to EU law. The restriction constituted a technical regulation that should have been notified under Directive (EU) 2015/1535. Furthermore, the municipality exceeded its competence by regulating product composition, an area governed by EU internal market law.

##### Results of the Ombudsman's intervention

The Chancellor of Justice made a proposal to the Tallinn City Council to repeal the contested provision. The Council confirmed that it would initiate a draft to repeal the PVC-related ban at the earliest opportunity.

Decision link

## Placing products on the market

### Estonia

#### Assessment of applications for placing plant protection products on the market

Case 7-4/230674 (31 May 2023)

#### EU law concerned

Regulation (EC) No 1107/2009 (concerning the placing of plant protection products on the market)

#### Facts of the case and the main legal question raised by the Ombudsman

The Chancellor of Justice examined delays in the processing of applications for placing plant protection products on the market in Estonia. Producers submitted applications for authorisation, modification, or renewal of permits, which were not decided within the specific deadlines as established by Regulation (EC) No 1107/2009. The Chancellor of Justice investigated why the competent authority failed to comply with these deadlines. It concluded that administrative difficulties or lack of resources do not justify the failure to comply with EU law, as this would undermine the effectiveness and uniform application of the EU internal market rules.

#### Results of the Ombudsman's intervention

The Estonian Ministry of Rural Affairs committed to finding solutions for the identified issues.

[Decision link](#)

## Languages of harmonised product standards

### Finland

#### Availability of EU official languages of harmonised product standards for the construction sector

Case 4212/2/13 (25 October 2013)

#### EU law concerned

Regulation (EU) 305/2011 (on harmonised conditions for the marketing of construction products), harmonised European standards (CEN) as developed by the European Committee for Standardisation, Article 20 (Equality before the law) and Article 21 (Non-discrimination) of the Charter of Fundamental Rights of the European Union

#### Facts of the case and the main legal question raised by the Ombudsman

The Finnish Ombudsman received complains concerning the availability of harmonised construction product standards in Finland's national languages. Those standards were generally only published in English, French and German, and no EU rule required them to be available in all official languages. As a result, operators in Finland could be required to comply with technically binding standards that were not available in Finnish or Swedish.

The Ombudsman did not find a clear legal obligation at EU level requiring harmonised standards to be published in all official EU languages. It considered that this reflected a legislative choice within the EU framework and fell outside its competence as a national authority to challenge directly. However, the Ombudsman identified the situation as problematic from a fundamental rights perspective. The limited linguistic availability of standards that were effectively binding could undermine equality and create practical barriers to market access and legal certainty for economic operators in different Member States. At the national level, the Ombudsman emphasised that authorities must ensure that those subject to such standards receive sufficient information in national languages to safeguard their rights. At the same time, it noted that national solutions are constrained, particularly due to copyright restrictions on standards.

#### Results of the Ombudsman's intervention

The Finnish Ombudsman brought the issue to the attention of the European Ombudsman, highlighting the need for consideration at EU level.

[Decision link](#)

## Consumer rights and protection

### Spain

#### Notion of 'basic rate' as interpreted by the CJEU

Case 19000865 (1 March 2019)

##### EU law concerned

Article 21 of Directive 2011/83/EU (on consumer rights)

##### Facts of the case and the main legal question raised by the Ombudsman

In response to a request for a preliminary ruling, the CJEU interpreted the concept of 'basic rate' as enshrined in Article 21 of Directive 2011/83/EU. According to that provision, Member States must ensure that, when a trader operates a telephone line for the purpose of contacting him by telephone in relation to a contract concluded, the consumer is not bound to pay more than the basic rate when contacting the trader.

Following the judgment by the CJEU of 2 March 2017 (C-568/15), the Spanish national Ombudsman recommended to the Spanish authorities to amend Article 21 of the Spanish General Consumer Protection Law (RDL 1/2007) in order to bring the definition of 'basic rate' in the Spanish legislation in line with the interpretation by the CJEU.

##### Results of the Ombudsman's intervention

The Spanish authorities accepted the recommendation by the Ombudsman. The case thus provides for a successful example of Spain amending its legislation to bring it in line with EU case-law.

Decision link

### Catalonia (Spain)

#### Interventions concerning contractual transparency, the right to withdraw consent and consumer protection in digital environments

##### EU law concerned

Directive 2011/83/EU (on consumer rights)

##### Facts of the case and the main legal question raised by the Ombudsman

In the field of consumer affairs, the Catalan regional Ombudsman office has incorporated the principles of Directive 2011/83/EU, especially with regard to contractual transparency, the right of withdrawal and consumer protection in digital environments.

##### Results of the Ombudsman's intervention

The recommendations of the Catalan regional Ombudsman are framed within the context of European policies aimed at strengthening consumer rights, such as the New Deal for Consumers.

Link: not available

### Belgium

#### Energy support payments when fuel bought from foreign supplier – Intervention (2024)

##### EU law concerned

Article 28 TFEU (on the free movement of goods)

##### Facts of the case and the main legal question raised by the Ombudsman

The Belgian Federal Ombudsman received multiple complaints regarding an energy support payment system of the Belgian government. Amongst the diverging issues, the Belgian Federal Ombudsman noted an indirect violation of the EU rules on free movement. Following an observation by the Belgian Council of State during the legislative process, the applicable law in theory allowed for a support payment to be awarded when the fuel was bought from a foreign supplier. In practice, however, the applicable IT control system was accessible only to Belgian companies. Foreign suppliers therefore could not enter their data on fuel supplies, making it impossible for the Belgian administration to detect a possible case of fraud. As a consequence, energy support payments requests were systematically refused when the fuel was bought from a foreign supplier.

##### Results of the Ombudsman's intervention

The recommendation of the Belgian Federal Ombudsman to implement an EU-compliant IT control system was unfortunately rejected by the Belgian authorities.

Links: in Dutch and in French (see also the references to the more detailed report on the provided webpages)

### Bulgaria

#### Advocacy for Consumer Rights – amendment of the Unfair Commercial Practices Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005

##### EU law concerned

Directive 2005/29/EC

### Facts of the case and the main legal question raised by the Ombudsman

In 2016, the Ombudsman institution received complaints concerning the dual quality of products distributed in Bulgaria. In February 2017, an association of women on maternity leave filed a complaint regarding the dual quality of purées and other food products intended for infant and child nutrition. In February 2017, the Ombudsman of the Republic of Bulgaria initiated quality inspections of food products through the Bulgarian Food Safety Agency. The Ombudsman also organised a public hearing at the National Assembly with the participation of key national stakeholders. The objective was to launch an advocacy campaign promoting amendments to EU legislation that would:

- Prohibit the discriminatory practice of marketing products of different quality under the same branding across EU Member States;
- Establish an effective EU-wide monitoring and enforcement mechanism through the creation of a dedicated EU body or a coordinated network of national authorities; and
- Introduce sanctions for these unfair commercial practices.

On 16 March 2017, the Bulgarian Ombudsman addressed the European Ombudsman with a query to raise concerns about the dual quality of food products marketed in different EU Member States. The Bulgarian Ombudsman highlighted the growing public concern that consumers in some countries, including Bulgaria, were receiving products of lower quality despite identical branding and packaging than in western countries. In response, on 10 April 2017, the European Ombudsman requested the European Commission, through the query procedure, to clarify its approach to addressing the issue. Specifically, the Commission was asked to explain its planned actions and the expected timeline for eliminating the practice of marketing food products of different quality in different Member States. The European Ombudsman also sought information on how the Consumer Protection Cooperation (CPC) Network and the High-Level Forum for a Better Functioning Food Supply Chain could contribute to tackling the problem. Furthermore, the European Ombudsman requested clarification on the interpretation of Articles 5 and 8 of the General Food Law Regulation, read together with Recital 8. In particular, the Commission was asked whether these provisions could be understood as prohibiting the marketing of food products of different quality in different geographical markets within the European Union, as well as the practice of selling two versions of the same product – one healthier than the other – while presenting them to consumers as identical products.

At the end of 2017, the Ombudsman of Bulgaria submitted a petition on the issue of the dual quality of food products to the European Parliament's Committee on Petitions. The petition was successfully presented and supported by the Committee in early 2018, further raising the profile of the issue at the European level.

### Results of the Ombudsman's intervention

The inquiry helped streamline the work on this issue by promoting both a more thorough investigation and a fact-based discussion among the relevant EU institutions. At the same time, it sought clarification from the European Commission on the interpretation of the existing EU legal framework, thereby contributing to a better understanding of the rules applicable to the marketing of products with differing composition across Member States. As a result, the European Commission undertook a number of important initiatives. It requested its Joint Research Centre (JRC) to work with national experts, industry representatives, and consumer organisations to develop common principles and recommendations for product selection, sampling, and testing. These guidelines were intended to ensure a harmonised methodology for comparative product testing across the European Union. To support this work, the Commission allocated EUR 1 million to enable national authorities to carry out comparative tests. The Commission also proposed an amendment to Article 6 of the Unfair Commercial Practices Directive as part of the New Deal for Consumers legislative package. The proposed amendment clarified that marketing a product as identical to one sold in other Member States, while it has significantly different composition or characteristics, constitutes an unfair commercial practice and is therefore prohibited under EU law.

In April 2018, within the framework of Bulgaria's rotating Presidency of the Council of the European Union, the Ombudsman of Bulgaria organised a high-level forum dedicated to the dual quality of food products. The event brought together European and national stakeholders to discuss possible solutions. During the forum, the then European Commissioner Vera Jourová announced that the European Commission would address the issue through the New Deal for Consumers, marking an important political commitment to ending the practice of double standards in food products. Later that year, the Ombudsman of Bulgaria appealed to the heads of ombudsman institutions across Europe, encouraging them to advocate with their respective Members of the European Parliament in support of the proposed legislative changes included in the New Deal for Consumers package.

These efforts contributed to the growing political support for stronger consumer protection measures. In 2019, the European Parliament adopted the New Deal for Consumers, which recognised the marketing of food products of the same brand but with significantly different composition or quality as an unfair commercial practice. The report on better enforcement and the modernization of EU consumer protection rules was adopted by a large majority, receiving 474 votes in favour, 163 against, and 14 abstentions.

Link: not available

## Financial system

### Portugal

#### Access restriction to casinos

**Case R-2846/11 – Recommendation 10/A-8/B/2012  
(8 September 2012)**

#### EU law concerned

Directive 2005/60/EC (on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing, in particular Article 10) and Commission Directive 2006/70/EC (laying down implementing measures for Directive 2005/60/EC)

#### Facts of the case and the main legal question raised by the Ombudsman

The Portuguese Ombudsman received multiple complaints from family members of addicted gamblers. The complaints revealed the fragility of the access restriction system to slot machine rooms and other gaming areas in casinos. It appeared that many pathological gamblers continued to gamble in casinos during the period in which they were prohibited from frequenting those establishments.

Amongst the diverging issues, the Ombudsman noted that the Portuguese legislator had wrongly transposed Article 10 of Directive 2005/60/EC. The national legislation limited the requirement of that article, on the identification and identity verification of casino customers, to customers who purchased or exchanged gaming tokens (or other conventional tokens) for an amount of EUR 2 000 or more. All other customers were exempt from this obligation when they did not reach that threshold and when such transactions were not recorded. The Ombudsman concluded that this constituted a breach of Article 10 of Directive 2005/60/EC and recommended that the Portuguese Minister for the Economy and Employment clarified the transposition and communicated any doubts to the European Commission.

#### Results of the Ombudsman's intervention

The recommendation was accepted.

[Decision link](#)

### Estonia

#### Access to basic payment account

**Case 6-1/191286 (10 March 2020)**

#### EU law concerned

Directive (EU) 2014/92 (on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features), Commission Recommendation (EU) 2011/442 (on access to a basic payment account), European Parliament Report A7-0197/2012 (on recommendations to the Commission on access to basic banking services) and European Commission Impact Assessment SEC(2011)0906 (on access to a basic payment account)

#### Facts of the case and the main legal question raised by the Ombudsman

The Estonian Chancellor of Justice addressed the issue of access to basic payment services in Estonia. It was found that certain individuals were unable to open or maintain a bank account, often due to the banks' risk assessments related to anti-money laundering requirements. However, under EU law, every consumer legally residing in the European Union has the right to access a basic payment account. This right is essential for participation in everyday economic life. The Chancellor of Justice noted that, in practice, the right to a basic payment account was not always effectively guaranteed. Financial institutions applied restrictive criteria, which could result in the exclusion of individuals from essential financial services. The Chancellor of Justice thus found that, while anti-money laundering obligations are important, they must be balanced with the rights conferred by EU law, ensuring proportionality and access to essential services.

#### Results of the Ombudsman's intervention

The Chancellor of Justice issued a memorandum calling on the competent authorities to improve the framework ensuring access to basic payment services, including the consideration of additional measures to guarantee access in practice. The authorities committed to finding a solution to the issue.

[Decision link](#)

## Slovenia

### Access to basic payment account

#### Multiple complaints

##### EU law concerned

Directive (EU) 2014/92 (on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features)

##### Facts of the case and the main legal question raised by the Ombudsman

The Slovenian Ombudsman received multiple complaints from individuals who were unable to open even a basic payment account with Slovenian banks. Some complainants stated that this prevented them from receiving social assistance or a pension. The Ombudsman examined the Slovenian legislation transposing Directive 2014/92/EU and found that certain provisions might be incompatible with the Directive, in particular because they allowed banks' broad discretion to refuse or terminate access to a basic payment account.

##### Results of the Ombudsman's intervention

After addressing the Ministry of Finance and the Bank of Slovenia, the Ombudsman remained unconvinced by their explanations. The Ombudsman therefore informed the European Commission of a possible failure to properly implement Directive 2014/92/EU. The Ombudsman considered that the broad and unclear national grounds for refusing or terminating a basic payment account could undermine the objective of the Directive: to ensure access to basic payment services and prevent financial exclusion.

Link: not available

## Insurance law in cross-border matters

### Finland

#### Injured parties of a traffic accident with a cross-border element

##### Case EOAK/783/2020 (17 May 2021)

##### EU law concerned

Directive 2009/103/EC ('Motor Insurance Directive' on the insurance against civil liability in respect of the use of motor vehicles, in particular articles 21 and 24)

##### Facts of the case and the main legal question raised by the Ombudsman

A Finnish citizen was involved in a traffic accident in Slovenia in October 2018 with a German-insured vehicle. He submitted a compensation claim to the Finnish Motor Insurers' Centre, which acted as the claims representative of the German insurer in Finland under the Motor Insurance Directive 2009/103/EC. The complainant did not receive a response for a long period of time and later complained to the Finnish Financial Supervisory Authority (Fiva), which also failed to respond promptly. Eventually, in July 2020, Motor Insurers' Centre issued a compensation decision, but the complainant criticised the lack of reasoning and the long delay.

The Finnish Ombudsman examined whether the national framework ensured that the objectives of the Motor Insurance Directive were effectively realised in practice, especially as regards the protection of injured parties in cross-border accidents. It also looked into the structural issue arising from the Finnish system, where the same entity, the Motor Insurers' Centre, acted both as a claims representative and as the compensation body under the Directive.

##### Results of the Ombudsman's intervention

The Ombudsman identified structural shortcomings in the legal framework from the perspective of EU law, emphasising that the Motor Insurance Directive aimed to strengthen the position of injured parties by allowing them to pursue claims in their state of residence and by requiring Member States to ensure access to a compensation body if the claims representative fails to fulfil its obligations. In the case at hand, the Finnish Motor Insurers' Centre acted both as the claims representative and as the compensation body. The Ombudsman found this dual role problematic for the effective implementation of EU law and for the protection of the rights of injured parties, as it could undermine the availability of an independent remedy.

Decision link

### 3.1.4 Asylum and Migration

Ombudsmen are increasingly dealing with complaints on asylum and migration matters from migrants and EU citizens, regarding local asylum services, border guards, and integration/reception agencies.

Complaints referred to by ombudsmen in their contributions to this Report relate practically to all EU laws on asylum and migration, which, as from June 2026, are replaced by the laws of the EU Pact on Migration and Asylum, in addition to the Visa Schengen Code, Returns Directive and Temporary Protection Directive activated in 2022 to offer assistance to people fleeing the war in Ukraine.

Most complaints concern the detention conditions at the borders, the processing of asylum applications and the processing of visa and residence applications by the national immigration offices and consular services, namely long waiting and processing times, incomplete information and communication, lack of reasoning in decisions, and case handling that is not sufficiently people-oriented or fails to consider fundamental rights. If many complaints concern similar issues that needed to be addressed by the same national administration, ombudsmen at times decide to address the matter either by launching *ex officio* inquiries or in another structural manner<sup>22</sup>. Ombudsmen may also intervene in the context of EU operations at the borders when the EU agencies are in charge.

In their decisions and recommendations, ombudsmen challenge the direct application of EU regulations by the national authorities from the prism of the Charter of Fundamental Rights of the European Union, and when dealing with the national laws implementing EU directives, often base their reasoning on the case-law of the CJEU and the European Court of Human Rights (ECtHR).

All decisions/recommendations referred to in this Chapter have the same features. Ombudsmen recall time and again that migration management and border control must always be implemented in accordance with fundamental rights, the rule of law and principles of good administration. They point to legal standards governing detention and restrictions on liberty, emphasising that any such measures must be lawful, necessary and proportionate. They emphasise the importance of procedural safeguards, effective remedies, access to justice and give particular attention to the rights of children.

Ombudsmen recommendations are not binding. However, the sample of cases referred to in this Chapter shows that in three thirds of cases the recommendations are accepted, on occasions resulting in structural change of national law and procedures.

By dealing with complaints and launching *ex officio* interventions, ombudsmen support national policymakers and the relevant authorities in improving the functioning of migration services on the one hand, and ensure respect for the rights of migrants and migrant citizens and help restore trust in public authorities on the other.



<sup>22</sup> The Federal Belgian Ombudsman issued a report on migration: <https://www.federaalombudsman.be/fr/rapport-relatif-aux-services-de-migration>.

## Visas and passports

### Austria

#### Numerous complaints submitted since 2019 until 2025

##### EU law concerned

Article 23(1) and Article 32(1) of the EU Visa Code (Regulation 810/2009) and Article 41 (Right to good administration) of the Charter of Fundamental Rights of the European Union

##### Facts of the case and the main legal question raised by the Ombudsman

The Austrian Ombudsman Board (AOB) addressed recurring complaints about excessive delays in visa proceedings and insufficiently reasoned refusals by Austrian embassies. The AOB criticised the routine – often unjustified – use of the consultation mechanism provided for in Article 22 of EU Visa Code with the Ministry of Interior, which caused avoidable delays beyond the statutory 15-45 days' time limit, as well as the practice of issuing generic, template-based refusals.

##### Results of the Ombudsman's intervention

The Ministry of Foreign Affairs undertook structural reforms, including restructuring embassy email systems to improve the handling of visa correspondence and increase administrative efficiency.

Decisions: The Annual AOB reports (2019, 2022, 2023, 2024, 2025) in which these cases are reported, are available on the AOB website (e.g. 2024 report)

### Belgium

#### Recommendations 2025/09 to 2025/14 (24 November 2025)

##### EU law concerned

Article 5(1) of Directive 2003/86/EC (family reunification), Article 7 (Respect for private and family life) of the Charter of Fundamental Rights of the European Union and Article 8(1) ECHR (right to family life), and Case C-1/23 PPU *Afrin*

##### Facts of the case and the main legal question raised by the Ombudsman

The Belgian Federal Ombudsman examined complaints about the mandatory in-person attendance requirement for *visa applications at Belgian diplomatic posts*. This requirement sometimes obliged applicants to undertake dangerous or costly travel to a diplomatic post or face family separation. The Ombudsman identified disproportionate interference with the right to family life, uneven quality in refusal reasoning across posts, and overly narrow access to remote applications.

##### Results of the Ombudsman's intervention

Six formal recommendations were issued to the Immigration Office, the Federal Public Service Foreign Affairs, and the Federal Parliament, calling for greater flexibility, individual assessment, broader remote application possibilities, and harmonised reasoning of decisions. The recommendations are pending at the time of contributing to the ENO Report.

Decision link (NL) Decision link (FR)

#### Recommendation 2014/02 (2014)

##### EU law concerned

Article 32(1) of the Visa Code (Regulation 810/2009), the Schengen Borders Code (Regulation 562/2006), Article 7 (Respect for private and family life) of the Charter of Fundamental Rights of the European Union and Article 8 ECHR (rights of the child and private life), CJEU Case C-84/12 *Koushkaki*

##### Facts of the case and the main legal question raised by the Ombudsman

The Federal Ombudsman received complaints from Belgian nationals and legally residing non-EU nationals whose close family members abroad were refused short-stay visas on the speculative ground that they would overstay, in situations involving family ties protected under Article 8 ECHR. The Ombudsman identified recurrent structural deficiencies, including incorrect information, speculative risk assessments, unreasonable evidence requirements, and lack of individualised examination, which in some cases led to prolonged family separation (in such sensitive circumstances, as pregnancy, birth, very minor children).

##### Results of the Ombudsman's intervention

Structural recommendations were issued to diplomatic posts and the Immigration Office calling for careful, individual, and proportionate visa assessments in line with Article 8 ECHR. The recommendations were followed, and short-stay visas were granted in several individual cases.

Decision link (NL) Decision link (FR)

#### Recommendation 2021/01 (June 2021)

##### EU law concerned

Article 11 of the Visa Code (Regulation 810/2009), Article 24 (The rights of the child) of the Charter of Fundamental Rights of the European Union and Article 8 ECHR (rights of the child and private life), Article 16 Convention on the Rights of the Child

### **Facts of the case and the main legal question raised by the Ombudsman**

During the COVID-19 pandemic, the Immigration Office refused a visa application from a minor de facto partner seeking to visit his partner in Belgium, on the ground that the applicable travel exception for stable and durable de facto partners required age of majority. The Ombudsman found no legal basis for age requirement and concluded that imposing one violated both the non-discrimination principle and the minors' right to private life.

### **Results of the Ombudsman's intervention**

A formal recommendation was issued calling on the Immigration Office not to impose age requirement on de facto partners who can demonstrate a stable and durable relationship and who meet the entry conditions. The recommendation was rejected by the Immigration Office.

Decision link (NL) Decision link (FR)

### **Recommendation 2023/02 (24 March 2023)**

#### **EU law concerned**

Article 24 (The rights of the child) of the Charter of Fundamental Rights of the European Union and Article 3 of the UN Convention on the Rights of the Child (best interests of the child)

### **Facts of the case and the main legal question raised by the Ombudsman**

A minor child, registered as Congolese at birth but subsequently recognised as Gambian following paternal recognition, needed to travel with his football team outside the Schengen area. The Immigration Office refused to adjust his nationality in the national register on the ground that no passport had been produced, despite the Gambian authorities having issued a travel document in lieu of a passport. The Ombudsman found the Immigration Office's approach to be excessively formalistic and failing to give due consideration to the child's best interests.

### **Results of the Ombudsman's intervention**

A recommendation was issued calling on the Immigration Office to approve the nationality adjustment without delay. The recommendation was complied with in this individual case.

Decision link (NL) Decision link (FR)

## **Slovakia**

### **Case No. 4712/2025/VOP (27 January 2026)**

#### **EU law concerned**

Article 41 (Right to good administration) and Article 47 (Right to an effective remedy and to a fair trial) of the Charter of Fundamental Rights of the European Union, Article 32 of the Visa Code (Regulation 810/2009), and CJEU case-law requiring that applicants receive at least the essence of the reasons for a visa refusal in order to exercise an effective remedy

### **Facts of the case and the main legal question raised by the Ombudsman**

The complainant challenged the refusal of a Schengen visa for her partner, who was considered to be a security threat based on an unfavourable opinion from the Slovak Ministry of Interior. During the appeal, the Public Defender issued interim recommendations to the Ministry of Foreign and European Affairs on how to formulate reasoning and what constitutes the minimal essence of the statement of reasons.

### **Results of the Ombudsman's intervention**

Although the visa application was again refused, the Ministry's revised reasoning was found to be sufficiently specific to constitute the "essence of reasons", enabling the complainant to challenge the refusal before an administrative court with full exercise of the right to an effective remedy.

Link: not available

## Residence permits

### Belgium

#### Recommendations 2024/04 and 2024/05 (9 January 2025)

##### EU law concerned

Article 20 TFEU (EU citizenship), Article 10 of Directive 2004/38/EC (free movement), Article 7 (Respect for private and family life) of the Charter of Fundamental Rights of the European Union and Article 8 ECHR, and CJEU Case C-34/09 *Zambrano* and Case C-246/17 *Diallo*

##### Facts of the case and the main legal question raised by the Ombudsman

The Federal Ombudsman addressed complaints concerning children born in Belgium who acquired Belgian nationality to avoid statelessness, but whose parents' right of residence was being challenged or denied by the Immigration Office. The Ombudsman found that denying parents' residence rights put those Belgian-national children at risk of family separation contrary to their fundamental rights, e.g. the right to family life.

##### Results of the Ombudsman's intervention

Recommendations were issued to the Immigration Office and the Minister of Justice to ensure parents can obtain residence rights and that related applications are processed within a six-month period. The recommendations are pending at the time of contributing to the ENO Report.

Decision link (NL) Decision link (FR)

#### Recommendation 2024/01 (25 July 2024)

##### EU law concerned

Article 25 of Directive 2016/801, which requires Member States to grant non-EU students who complete their studies in an EU Member State a post-study residence permit valid for at least nine months (another referred EU provision: Council Regulation (EC) No 1030/2002)

##### Facts of the case and the main legal question raised by the Ombudsman

The Federal Ombudsman found that Belgian administrative practice did not consistently comply with Article 25 of Directive 2016/801. Complaints showed that administrative delays reduced effective post-study stays below the nine-month minimum required by the Directive.

##### Results of the Ombudsman's intervention

Formal recommendations were issued to the Secretary of State for Asylum and Migration and to the Immigration Office calling for legislative or administrative amendments to guarantee the full nine-month post-study period. The current Minister for Asylum and Migration confirmed in a letter of 6 February 2026 that the regulations would be amended; however, as no binding structural guarantee has yet been introduced, the Ombudsman considered the follow-up insufficient and reiterated the recommendations.

Decision link (NL) Decision link (FR)

#### Recommendation 2022/02 (15 September 2022)

##### EU law concerned

Article 34 of Directive (EU) 2016/801 (conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing)

##### Facts of the case and the main legal question raised by the Ombudsman

The Federal Ombudsman examined complaints from non-EU country nationals who did not receive a renewal decision on their residence permit before expiry. They received only temporary documents that did not allow travel or guarantee full exercise of rights. The Ombudsman found that Belgian legislation and practice insufficiently safeguarded EU-law-based residence rights during pending renewal procedures, as the 90-day statutory maximum limit was frequently exceeded and consequences arising from delays were disproportionate.

##### Results of the Ombudsman's intervention

A recommendation was issued to the Federal Parliament calling for legislative amendments to mitigate the negative effects of administrative delays through procedural safeguards and proportionate sanctions. The recommendation had not yet been implemented when the contribution to the ENO Report was submitted, and the Ombudsman continues to receive related complaints.

Decision link (NL) Decision link (FR)

## Slovenia

### EU law concerned

Directive 2003/109/EC concerning the status of non-EU country nationals who are long-term residents

### Facts of the case and the main legal question raised by the Ombudsman

The Ombudsman identified a systemic problem concerning the implementation of Directive 2003/109/EC as regards long-term residents. Slovenian legislation (Aliens Act) did not provide long-term resident status to certain non-EU nationals holding permanent residence permits based on family ties with Slovenian or EU citizens, although the Directive did not allow for such an exclusion.

### Results of the Ombudsman's intervention

The Ombudsman issued and repeated recommendations calling for the Aliens Act to be amended. The Ministry of the Interior acknowledged the gap, but the recommendation had not been followed for several years.

Link: not available

## Asylum issues

### Belgium

#### Recommendation 2019/37 (2019)

### EU law concerned

Article 30 of the Asylum Procedures Directive (2013/32/EU) – which requires confidentiality of asylum applications – Article 2 (Right to life) and Article 4 (Prohibition of torture) of the Charter of Fundamental Rights of the European Union and Articles 2 and 3 of the ECHR

### Facts of the case and the main legal question raised by the Ombudsman

An asylum seeker raised concern that the Federal Public Service (FPS) Finance might transmit his personal data to his country of origin through the CRS (Common Reporting Standard) framework for automatic exchange of financial information for tax purposes. Since tax year 2018, persons in the Belgian “waiting register” were classified as non-residents and their data could be processed under the CRS framework. The Ombudsman found that transmitting such data could allow the country of origin to infer that the individual had applied for protection, thereby exposing them and their family to harm.

### Results of the Ombudsman's intervention

The intervention resulted in structural reform: the FPS Finance accepted that personal data of applicants and beneficiaries of international protection should not be transmitted to countries of origin via CRS, revised its instructions to banks accordingly, and granted data subjects the practical possibility to request erasure of their data through their bank.

Decision link (NL) Decision link (FR)

#### Recommendation 2022/01 (4 February 2022)

### EU law concerned

Articles 2 and 23 of the Qualification Directive (2011/95/EU), Article 24 (The rights of the child) of the Charter of Fundamental Rights of the European Union and Article 3 of the UN Convention on the Rights of the Child, and CJEU Case C-652/16 *Ahmedbekova* and Case C-91/20 *LW*

### Facts of the case and the main legal question raised by the Ombudsman

Following complaints about the practice of denying a derivative status to parents of minor children granted international protection in Belgium (instead of referring them to a discretionary regularisation procedure), the Ombudsman assessed whether the absence of a specific legal status for such parents undermined

the best interests of the child. The Ombudsman concluded that the discretionary procedure failed to guarantee family unity, legal certainty and stability in line with the best interests of the child.

#### Results of the Ombudsman's intervention

A recommendation was issued to the Federal Parliament calling for a specific legal status for parents of protected minor children. The recommendation was implemented by the Act of 10 March 2024, which, as from 1 September 2024, introduced a right to family reunification for parents accompanying their minor child with international protection.

Decision link (NL) Decision link (FR)

## Lithuania

### Decision in cases No. 5D-2025/2.1-465 and 5D-2025/2.1-389 (21-25 July 2025)

#### EU law concerned

Regulation (EU) 2016/399 (Schengen Borders Code), Articles 14(1)-(3) (refusal of entry and right of appeal); Directive 2013/32/EU, Article 6(2) (effective opportunity to lodge an asylum application); Regulation (EU) No. 604/2013 (Dublin III), Articles 4(1)-(2) (right to information)

#### Facts of the case and the main legal question raised by the Ombudsman

Following reports that officers at a border control point with Belarus refused to accept asylum applications from five Kenyan and Sudanese nationals on 30 March 2025, the Seimas Ombudsperson opened an own-initiative investigation. Three further incidents were identified: Somali citizens' oral and written asylum requests were disregarded at Medininkai; a Russian national's repeated attempts to apply at Kena and Kybartai railway crossings went unprocessed; and two Burundian nationals at Šalčininkai received refusal-of-entry decisions despite expressing their wish for asylum. The key legal question was whether Border Guard officers ensured effective access to the asylum procedure and complied with the Schengen Borders Code, when processing non-EU country nationals who expressed an intention to seek asylum.

#### Results of the Ombudsman's intervention

The Ombudsperson found that unjustified obstacles to the right to apply for asylum at Lithuanian border control points were confirmed. In the Somali, Russian, and Burundian incidents, officers had sufficient indications of an asylum intention and were therefore obliged to take active steps to ensure access to the procedure. The Burundian case conduct was also found incompatible with the obligation to treat persons respectfully. Recommendations were issued to the State Border Guard Service

(VSAT) to ensure access to asylum procedures and respectful conduct, provide information in a language understood by applicants, preserve body-camera recordings, and issue refusal-of-entry decisions in conformity with the Schengen Borders Code. VSAT reported follow-up measures, including a June 2025 instruction on asylum procedure accessibility and targeted training, but considered it unnecessary to issue an additional instruction on compliance with the Schengen Borders Code.

Decision link 1 Decision link 2

## Catalonia (Spain)

### Protection of unaccompanied migrant children and age determination procedures (multiple interventions, 2015-2026)

#### EU law concerned

European Parliament Resolution 2012/2263(INI) on unaccompanied minors and the Charter of Fundamental Rights of the European Union

#### Facts of the case and the main legal question raised by the Ombudsman

The Catalan regional Ombudsman addressed complaints about age determination procedures applied to unaccompanied migrant children in Catalonia, particularly the unreliable or indiscriminate use of medical tests, the disregard of valid identification documents, and the risk of children being treated as adults and losing protective status. The Ombudsman concluded that age assessment tests should be applied proportionately and only when justified, that valid documentation must not be disregarded without reasonable grounds, and that the best interests of the child must prevail in line with EU standards.

#### Results of the Ombudsman's intervention

Several recommendations were issued to relevant authorities, including the child protection directorate (DGPPIA), calling for greater institutional involvement, continuity of protection for children with documentation, improved social integration support, extended assistance beyond the age of majority, and stronger coordination with the Public Prosecutor's Office. The interventions helped raise awareness and promote more rights-based approaches, though structural implementation challenges remain.

Link: not available

## Temporary protection for Ukrainians

### The Czech Republic

#### Decision in case 2375/2024/VOP (23 June 2024)

##### EU law concerned

Temporary Protection Directive 2001/55/EC, Article 13 (right to suitable accommodation); Article 1 (Human dignity), Article 24 (The rights of the child), Article 25 (The rights of the elderly), Article 26 (Integration of persons with disabilities), and Article 34 (Social security and social assistance) of the Charter of Fundamental Rights of the European Union; Reception Conditions Directive 2013/33/EU

##### Facts of the case and the main legal question raised by the Ombudsman

From 1 July 2023, Czech law (Lex Ukrajina) limited state-funded humanitarian accommodation to the first 150 days following the grant of temporary protection; only 'vulnerable persons' simultaneously qualifying for a humanitarian allowance were exempt. From October 2023, the Ministry of the Interior narrowed the definition further, requiring both formal vulnerable status and entitlement to the humanitarian allowance. Families where any member worked or received a pension lost access to free accommodation, even for their vulnerable members.

##### Results of the Ombudsman's intervention

The Czech Ombudsman found that the Czech humanitarian accommodation system was incompatible with Article 13 of the Temporary Protection Directive, which guarantees suitable accommodation to all temporary protection holders and must be interpreted considering human dignity and the Reception Conditions Directive. The report was sent to the Ministry of the Interior, which maintained that the current system complies with Article 13. Individual redress was achieved in two documented cases: a bereaved family was re-accommodated after leaving to attend to a dying relative in Ukraine, and a father was accommodated together with his family. The systemic issue remained unresolved: Ukrainians have trouble finding suitable housing after having benefited from humanitarian housing (available to all new arrivals for 90 days after temporary protection is granted).

[Decision link](#)

#### Decision/Recommendation in case 14372/2022/VOP and other cases (22 February 2023, 19 February 2024, 3 April 2025)

##### EU law concerned

Temporary Protection Directive 2001/55/EC, Articles 1, 2(c), 2(d), 4, 7, 8(1), 11, 25, 28, and 29; Council Implementing Decision (EU) 2022/382 of 4 March 2022; Article 47 (Right to an effective remedy and to a fair trial) of the Charter of Fundamental Rights of the European Union

##### Facts of the case and the main legal question raised by the Ombudsman

The Ministry of Interior declared applications of several Ukrainians inadmissible on the ground that they already held temporary protection status in other Member States, pursuant to Article 5(1)(d) of the Czech Act No. 65/2022 Sb. (Lex Ukrajina). Article 5(2) of Lex Ukrajina further excluded judicial review of such inadmissibility decisions. The Ombudsman examined whether EU law permits a Member State to declare inadmissibility in such cases, and whether the exclusion of judicial review complies with Article 47 of the Charter of Fundamental Rights of the European Union and Article 29 of the Temporary Protection Directive.

##### Results of the Ombudsman's intervention

The Ombudsman found that the agreed non-application of Article 11 of the Temporary Protection Directive means there are no territorial restrictions on where persons may apply, and temporary protection status is declaratory in nature. The Czech inadmissibility provisions go beyond the exhaustive exclusion grounds in Article 28 of the Directive and therefore violate EU law. The exclusion of judicial review was found to violate Article 47 (Right to an effective remedy and to a fair trial) of the Charter of Fundamental Rights of the European Union. The Ombudsman's conclusions were subsequently cited and endorsed by Czech regional administrative courts. A follow-up Ombudsman investigation (April 2025) confirmed that the Ministry of Interior continued to reject applications as inadmissible despite the case-law (CJEU Case C-753/23 *Krasiliva*) which confirmed the Ombudsman's original position. The exclusion of judicial review remains enshrined in law.

[Decision link 1](#) [Decision link 2](#) [Decision link 3](#)

## Returns, procedures at the borders – Reception conditions

### Estonia

**Case No. 7-7/212357 (21 January 2022)**

#### EU law concerned

Directive 2008/115/EC (returns), Directive 2013/33/EU (reception conditions), and the Dublin Regulation (604/2013), as well as joint CJEU Cases C-924/19 PPU and C-925/19 PPU *FMS and Others v Országos Idegenrendészeti Főigazgatóság Dél-alföldi Regionális Igazgatóság*

#### Facts of the case and the main legal question raised by the Ombudsman

The Ombudsman (Chancellor of Justice) examined the situation of a foreign national subject to an entry ban who was held in a transit zone while awaiting removal from Estonia, without the situation being formally classified as detention. The Ombudsman found that classification must be based on factual circumstances: where a person is confined to a restricted area and cannot leave, this constitutes detention within the meaning of EU law – regardless of how the authorities formally label the situation – and all applicable procedural safeguards (including judicial review and time limits) must therefore apply.

#### Results of the Ombudsman's intervention

The Police and Border Guard Board was informed of the obligation to correctly qualify deprivation of liberty situations and indicated it would seek a legally compliant solution.

[Decision link](#)

### France

**Décision n° 2024-061 (23 April 2024)**

#### EU law concerned

Schengen Borders Code (Regulation 2016/399), the Return Directive (2008/115/EC), the Asylum Procedures Directive (2013/32/EU), and the Reception Conditions Directive (2013/33/EU)

#### Facts of the case and the main legal question raised by the Ombudsman

The Ombudsman (*Défenseur des droits*) investigated procedures applied to non-EU country nationals, including minors and asylum seekers, at the French-Italian internal border in the context of border controls maintained since 2015. The Ombudsman found that France's practices – including arrests outside authorised zones, systematic entry refusals without individual assessment, illegal detention in substandard facilities, and barriers to asylum access for minors – were incompatible with EU law.

#### Results of the Ombudsman's intervention

The Ombudsman intervened in proceedings before the *Conseil d'État*, which led to a referral to the CJEU (C-143/22 *ADDE e.a.*), where the Court ruled that entry refusals at internal borders must comply with the standards and procedures of the Return Directive. Recommendations were issued to the Minister of Interior to cease illegal pushback practices, define authorised checkpoints precisely, end arbitrary detention and ensure effective access to asylum and child protection services.

[Decision link](#)

### Lithuania

**Decision in case No. 4D-2023/1-223 (12 June 2023)**

#### EU law concerned

Directive 2013/32/EU, Article 31 (examination of applications within six months); Directive 2013/33/EU, Articles 2(h) (definition of detention), 8 (grounds and conditions for detention), 9 (guarantees for detained applicants), and 11 (vulnerable persons and minors in detention)

#### Facts of the case and the main legal question raised by the Ombudsman

A Tajik asylum-seeking family with minor children was placed in the Foreigners Registration Centre in Pabradė without freedom of movement within Lithuania. No formal detention decision had been issued, making judicial challenge impossible. The Ombudsperson's key question was whether placement in a closed facility without individual assessment, without consideration of less restrictive alternatives, and without a reviewable decision constituted unlawful detention under EU asylum reception standards.

#### Results of the Ombudsman's intervention

The complaint was found justified. The Ombudsperson concluded that confinement to a designated place, from which a person cannot leave freely, constitutes detention under the Reception Conditions Directive, requiring individual assessment, consideration of alternatives, and necessity and proportionality. Detention of minors must be a last resort for the shortest possible time. Following the Constitutional Court's ruling of 7 June 2023, the Migration Department issued amended certificates restoring the family's freedom of movement; they were subsequently transferred to the Refugee Reception Centre.

[Decision link](#)

## Slovenia

### Own-initiative action concerning the compatibility of national migration legislation with EU law and the Charter of Fundamental Rights of the European Union

In 2021, the Ombudsman addressed the European Commission on its own initiative regarding amendments to the Slovenian Aliens Act, which introduced special rules for a “complex migration crisis”. Under these rules, the police could, in certain circumstances, redirect non-EU country nationals back to the neighbouring country from which they had entered Slovenia, including persons who might need international protection. The Ombudsman considered that the amendment raised serious concerns under the Charter (the right to apply for asylum, the principle of non-refoulement, the prohibition of collective expulsion and the right to an effective remedy) and EU asylum law. The Ombudsman emphasised that EU asylum law imposes obligations on Member States which they cannot disregard or unilaterally circumvent.

Link: not available

## Spain

### Reception conditions Case 22024878 (3 November 2022)

#### EU law concerned

Directive 2013/33/EU on reception conditions, particularly its provisions on vulnerable persons (Article 21)

#### Facts of the case and the main legal question raised by the Ombudsman

The Spanish Ombudsman intervened following complaints about persistent obstacles to accessing the reception system for applicants for international protection, including a family unit with two children and a disabled person who faced delays and inappropriate referrals, and an applicant who received no housing or financial resources for months. The Ombudsman found that fast access to decent reception conditions was not being effectively ensured for those without sufficient resources, and that coordination and monitoring mechanisms were inadequate.

#### Results of the Ombudsman’s intervention

An urgent recommendation was issued calling for immediate facilitation of the family’s access to the reception system and compliance with reception standards. The recommendation was accepted.

Decision link

### (Special) Frontex case

#### Case 22001642, Frontex Operational Plans (27 March 2024)

#### EU law concerned

Regulation (EU) 2019/1896 (European Border and Coast Guard), data protection requirements under Regulation (EU) 2018/1725, and findings of the European Data Protection Supervisor’s audit (fieldwork October 2022)

#### Facts of the case and the main legal question raised by the Ombudsman

The Spanish Ombudsman investigated the conditions of interviews conducted by Frontex teams deployed on joint operations in Spain, following concerns raised in 2022. The Ombudsman found that operational plans agreed between Frontex and Spanish authorities lacked adequate legal safeguards, that the voluntary nature of interviews was questionable in contexts of deprivation or restriction of liberty, and that risks to data protection and fundamental rights were present.

#### Results of the Ombudsman’s intervention

Recommendations were issued calling for explicit safeguards in operational plans, limitations on interview content and duration, improved information provision and interpreting services, guaranteed confidentiality, and submission of required documents. At the time of contributing to the ENO Report, the matter was pending, as the State Secretariat for Security had forwarded the recommendations to Frontex.

Decision link

## Catalonia (Spain)

Multiple interventions of the Catalan regional Ombudsman under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and Directive 2012/13/EU, advocating for: the closure of immigration detention centres and arguing that irregular residence status cannot justify detention; rights-based interpretation of the right of defence.

Link: not available

## Family Reunification

### Belgium

#### Recommendation 2015/05 (2015)

##### EU law concerned

Recital 2, Articles 2 and 5 of the Return Directive (2008/115/EC), Article 7 (Respect for private and family life) of the Charter of Fundamental Rights of the European Union and Article 8(1) ECHR, and the CJEU Case C-34/09 *Zambrano*

##### Facts of the case and the main legal question raised by the Ombudsman

The Federal Ombudsman intervened following complaints from parents of a minor Belgian child who sought family reunification. They were refused consideration by the Immigration Office solely because of a pre-existing entry ban. Applicants were required to leave Belgium and apply for lifting of the ban from abroad. The Ombudsman found the practice to constitute a disproportionate interference with the right to family life.

##### Results of the Ombudsman's intervention

A recommendation was issued calling for case-by-case assessment of family reunification applications, irrespective of prior entry bans. The recommendation was implemented: the Immigration Office now examines such applications where the dependency relationship with the Belgian child is established, a position subsequently confirmed by case-law.

Decision link (NL) Decision link (FR)

### Luxembourg

##### EU law concerned

Directive 2003/86/EC on the right to family reunification and CJEU Case C-550/16 *A et S contre Staatssecretaris van Veiligheid en Justitie*, which held that a person who was under 18 at the time of entry and of lodging an asylum application must be classified as a minor even if they attain majority during the asylum procedure

##### Facts of the case and the main legal question raised by the Ombudsman

The national Ombudsman and the Ombudsman for Children and Young People (OKAJU) intervened in support of family reunification for the adult sister of a minor boy granted refugee status in Luxembourg. The Ombudsman argued by analogy that the same reasoning should apply to siblings of unaccompanied minors who reach majority during the processing of the minor's protection application, so that the date of the granting protection or of the family reunification application does not determine the minor's status.

##### Results of the Ombudsman's intervention

The Minister resolved the case in favour of the young woman.

Link: not available

## 3.1.5 Environment

Over the years, Ombudsmen have handled complaints and own-initiative investigations raising many issues related to environmental impact assessments, public participation in environmental decision-making, protection of species, waste pollution and climate protection and, in this context, protection of fundamental rights. In their interventions, they argued for appropriate and full transposition of EU environmental directives and proper implementation of EU regulations. Ombudsmen might also have targeted national legislation to ensure full compliance with EU environmental law and the Charter of Fundamental Rights of the European Union. In some instances, ombudsmen decided to approach the European Commission and inform it about their assessment that there might be an infringement of EU law in cases dealt with by them. The task before Ombudsman institutions has been how to effectively protect people and safeguard the rights of those already affected by environmental problems. Cases referred to below clearly show that ombudsmen delivered on this task, as their recommendations were consistently accepted.



### Environmental impact assessment

#### Catalonia (Spain)

##### **Ex officio intervention concerning the construction of an offshore gas storage platform**

##### **EU law concerned**

Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment

##### **Facts of the case and the main legal question raised by the Ombudsman**

The Catalan regional Ombudsman investigated possible irregularities in the environmental assessment, such as the lack of an adequate seismic risk assessment and the fragmentation of the project to avoid a complete environmental assessment.

##### **Results of the Ombudsman's intervention**

The Ombudsman recommended a review of the compensation granted to the developer by the State. The Ombudsman also approached the European Commission encouraging it to examine whether the compensation constituted unlawful State aid under EU rules.

[Link to report submitted to Parliament \(ES\)](#)

### **Case concerning very high voltage line – HVL (impact assessment, transparency, public participation)**

#### **EU law concerned**

Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment

#### **Facts of the case and the main legal question raised by the Ombudsman**

The Catalan regional Ombudsman office recommended reinforcing transparency and public participation, while also engaging with the European Commission through a query to the European Ombudsman (Q2/2008/JMA). This query sought to verify compliance with Directive 85/337/EEC on environmental impact assessment, emphasising the importance of the right to information and the right to participation recognised by EU law.

#### **Results of the Ombudsman's intervention**

The Commission's services examined the project's environmental impact assessment and concluded that there was no evidence to suggest a breach of Article 6 of the Directive. Furthermore, it was explained that there was no standardised mechanism in place to ensure public participation.

Decision: (p. 197)

## **Portugal**

### **Ex officio case P-8/96, Recommendation 31/B/99 concerning the adoption of appropriate legislative measures to ensure full transposition of Directive 97/11/EC on the assessment of the effects of certain public and private projects on the environment**

#### **EU law concerned**

Directive 97/11/EC on the assessment of the effects of certain public and private projects on the environment

#### **Facts of the case and the main legal question raised by the Ombudsman**

The Ombudsman took the initiative to draw Parliament's attention to issues raised by the national legislation then in force concerning environmental impact assessments. The Portuguese legislation applicable to plans and projects which, due to their location, size or characteristics, were likely to have significant effects on the environment, did not fully transpose Council Directive 97/11/EC amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment.

Regarding European Union law, it was recommended that appropriate legislative measures be adopted to ensure full transposition, in its exact terms, of Council Directive 97/11/EC amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, specifically to: introduce into Portuguese law the requirements

contained in Annex III to Council Directive 97/11/EC, establishing the criteria and thresholds according to which the projects listed in Annex II to that Directive are subject to an environmental impact assessment, and to enshrine, for reasons of legal certainty and security, a classification of the projects to be subject to an environmental impact assessment; to give greater prominence to the public consultation regime, as set out in Directive 85/337/EEC, as amended by Directive 97/11/EC, in Articles 6 and 9 thereof; and to address the issue of transboundary environmental impacts, with particular attention to the provisions of Article 7 of Council Directive 97/11/EC.

#### **Results of the Ombudsman's intervention**

In 2000, the legal framework for environmental impact assessments of public and private projects likely to have a significant effect on the environment was adopted, transposing into national law Directive 85/337/EEC as amended by Council Directive 97/11/EC of 3 March 1997.

The Ombudsman continued to monitor the matter and in 2023 issued another recommendation, since there were some deficiencies in the transposition of these directives (Recommendation 6/B/2003).

Decision link (PT) (p. 218)

### **Ex officio case P-20/02 – Recommendation 6/B/2002**

#### **EU law concerned**

Directive 97/11/EC on the assessment of the effects of certain public and private projects on the environment

#### **Facts of the case and the main legal question raised by the Ombudsman**

Some issues were identified in the transposition of Council Directive 97/11/EC of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment into national law. The national legislation raised doubts and was partially deficient in relation to the Directive as regards projects which, by virtue of their special characteristics, size or nature, should be subject to environmental impact assessment.

The Ombudsman recommended the transposition into Portuguese law of the provisions set out in Annex III to Council Directive 97/11/EC, which establishes the relevant selection criteria for the assessment of projects subject to an environmental impact assessment. The Ombudsman also recommended amending the provisions of national legislation to bring them in line with the assessment criteria set out in that annex.

#### **Results of the Ombudsman's intervention**

The recommendation was accepted.

Recommendation link (PT)

## Spain

### Decision/Recommendation of 26 June 2020 (Case 20002109)

#### EU law concerned

Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment

#### Facts of the case and the main legal question raised by the Ombudsman

The Spanish Ombudsman reviewed a project in which the associated documentation indicated that an environmental impact assessment (EIA) was necessary. A recommendation was issued advising the developer to begin the EIA required for the project. The Ombudsman raised the following question - whether the project must undergo a standard environmental impact assessment in accordance with EU environmental legislation. A recommendation was made to launch the required EIA, thereby strengthening environmental protection.

#### Results of the Ombudsman's intervention

The recommendation was accepted. This is a significant case as it consolidates the application of EU environmental law in national practice. Acceptance of the recommendation means that the public authorities have reviewed the procedure for establishing whether an environmental assessment is required, thereby strengthening environmental protection.

Decision link (ES)

## Protection of species

### Basque Country (Spain)

#### Decision of 14 November 2017 concerning the inclusion of wolves in the Basque catalogue of threatened species

#### EU law concerned

Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora

#### Facts of the case and the main legal question raised by the Ombudsman (*Ararteko*)

The Basque Wolf Association had submitted to the Basque Government a request for the initiation of the listing procedure of the wolf in the Basque Catalogue of Threatened Species of Wild and Marine Fauna and Flora. To this end, the association submitted a report on the precarious situation of the wolf population within the Basque Country.

The Basque Country responded informing the association that the administration was conducting a wolf census in the Basque Country, which was necessary in order to make any decisions regarding the classification of the species and its management requirements. The census report was completed, but the association received no information regarding further action taken in relation to their application.

The regional ombudsman (*Ararteko*) opened an inquiry and asked questions about the procedure for the inclusion of the wolf in the Basque catalogue of threatened species of fauna and flora. The *Ararteko* recommended that the Basque Government conclude the request filed by the association regarding the inclusion of the wolf in the Basque catalogue of threatened species. Moreover, it recommended that such decision should take into account the protection regime for this species provided by the Bern Convention and the EU Habitats Directive, as well as the conservation status of this species within its natural range and at local level in the Basque Country.

#### Results of the Ombudsman's intervention

The Basque Government accepted the *Ararteko's* recommendation and initiated the procedure for including the wolf in the Basque Catalogue of Threatened Species. In 2020, the wolf was included in the Basque Catalogue under the "Special interest" category.

Decision link (ES)

## Decision of 4 June 2025 concerning fisheries – glass eel fishing

### EU law concerned

Regulation (EC) No 1100/2007 establishing measures for the recovery of the stock of European eel; Regulation (EU) 2024/257 fixing the fishing opportunities for certain fish stocks and Regulation (EU) 2025/202 fixing the fishing opportunities for certain fish stocks

### Facts of the case and the main legal question raised by the Ombudsman (Ararteko)

An environmental NGO complained to the *Ararteko* about a new Decree of the Basque Government that introduced commercial glass eel fishing in the Basque Country. The complainant disagreed with the adoption of the Decree considering that the norm had failed to demonstrate its compliance with obligations arising from the critical conservation status of glass eel, recognised by the International Council for the Exploration of the Sea and the EU. Indeed, the EU had limited fishing opportunities and prohibited recreational fishing, allowing only commercial fishing to continue, subject to restrictions. The Basque Country's Eel Management Plan stipulated that glass eel fishery in the Basque Country was of a recreational nature, as there was no professional or commercial fishing activity as such.

The *Ararteko* raised the following key legal questions in its inquiry: the need to justify the protection of commercial fishing *ex novo*, the need to justify professional sentinel fishing programmes for glass eel, the need to bring fishing measures for glass eel in line with the provisions of the Basque Country's European Eel Management Plan and the need to promote public participation in environmental decision-making.

The *Ararteko* recommended that the Basque Government promote the revision of regulations governing glass eel fishing in the Basque Country, in order to align them with the measures for the recovery of the European eel population established under EU law.

### Results of the Ombudsman's intervention

The Basque Government accepted the *Ararteko*'s recommendation and decided to suspend the glass eel fishing season for 2025-2026. The suspension was followed by the creation of a working group involving representatives from the government, the scientific community and the fishing sector to draw a new management plan.

Decision link (ES)

## Catalonia (Spain)

### Inquiry into 770 complaints about administrative actions following Storm Gloria (2020)

### EU law concerned

Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds

### Facts of the case and the main legal question raised by the Ombudsman

In its supervision of actions by public authorities with regard to natural disasters, such as Storm Gloria in 2020, the Catalan regional Ombudsman office highlighted non-compliance with the Habitats and Birds Directives (92/43/EEC and 2009/147/EC), transferring 770 complaints to the European Commission and contributing to the activation of infringement proceedings by the latter.

### Results of the Ombudsman's intervention

The Government of Catalonia has adopted a number of measures aimed at protecting the Ebro Delta. These include the Temporary Programme for the Implementation of the Natura 2000 Network Management Instruments in Catalonia (2022-2025), and the plan to protect the natural environment and landscape of the Ebro Delta natural park.

Decision: *Resolució* – AO-00018/2020 : *Actuació d'ofici sobre l'emergència climàtica al delta de l'Ebre*

## Pollution and climate protection

### Basque Country (Spain)

#### Decision of 6 June 2025 concerning HCH pollution in former landfills

##### EU law concerned

Directive 75/442/CEE on waste; Directive 78/319/EEC on toxic and dangerous waste; Directive 91/156/EEC on waste; Directive 1999/31/EC on the landfill of waste

##### Facts of the case and the main legal question raised by the Ombudsman

In the Basque Country, between 1947 and 1987, HCH-lindane waste – a highly toxic substance and persistent in the environment – was improperly disposed of across various sites. In the 1990s, the Basque Government intervened by excavating contaminated soil and securing it in monitored safety cells, which was praised as a “best practice” by the European Parliament. Nevertheless, the legacy of lindane remains a challenge, with ongoing issues including poor water quality and persistent detection of leached contaminants in the river, stemming from uncontrolled historical deposits. Against this background, an environmental NGO filed a complaint with the regional ombudsman (*Ararteko*) stressing that current administrative measures had failed to permanently resolve the issue of uncontrolled HCH-lindane waste in abandoned landfills, and that these sites continue to pose a persistent environmental threat.

The *Ararteko* raised the following key legal questions in its inquiry – about the obligations to achieve effective prevention of uncontrolled dumping and to ensure the restoration of the environment at the polluters’ expense; the enforcement and sanctions obligations to ensure cessation of unauthorised discharges; the need for an effective action plan rather than monitoring.

The *Ararteko* recommended that the Basque Government promote the development of an action plan to permanently resolve the problem of lindane-HCH pollution that may persist in former uncontrolled landfills in Biscay.

##### Results of the Ombudsman’s intervention

The Basque Government has not yet responded to the *Ararteko*’s recommendation. Nevertheless, the authorities have announced that they are preparing an action plan with former landfills owned by private individuals to do necessary measures for environmental restoration and remediation of water pollution.

Decision link (ES)

### Estonia

#### Case No r 6-1/220349 Climate protection and restrictions on fundamental rights

##### EU law concerned

Regulation (EU) 2021/1119 (framework for achieving climate neutrality), Treaty on the Functioning of the EU (Article 288), European Natura 2000 Network, EU Emissions Trading System

##### Facts of the case and the main legal question raised by the Ombudsman

The Ombudsman (Chancellor of Justice) submitted a report to the *Riigikogu* (Estonian Parliament) addressing the legal challenges arising from climate protection measures and their impact on fundamental rights. Estonia has undertaken binding climate commitments – including the objective of achieving climate neutrality – which require significant changes in the economic activity across sectors such as energy, transport, construction, and industry. However, the Chancellor of Justice found that the legal framework regulating these changes was incomplete. Many necessary restrictions affecting individuals and businesses had not yet been clearly established in legislation, even though the deadlines for meeting climate targets were approaching. At the same time, climate measures may significantly restrict fundamental rights – including property rights and freedom to conduct a business. Such restrictions are only permissible if they are clearly defined by law, foreseeable, and proportionate. The case therefore highlighted the tension between the need for rapid climate action and the requirement to respect fundamental rights and the rule of law.

The Chancellor of Justice raised the questions as to whether the state may impose significant restrictions on fundamental rights to meet climate objectives – and under what conditions such restrictions comply with constitutional and EU law requirements, particularly the principles of legality, legal certainty, and proportionality.

##### Results of the Ombudsman’s intervention

The Chancellor of Justice found that climate protection may justify restrictions on fundamental rights – but only if such restrictions are clearly established by law and proportionate. The absence of sufficiently precise legal norms is problematic, as fundamental rights cannot be restricted based on vague or undefined obligations. The more intensive the restriction, the more precise and foreseeable the legal basis must be.

The Chancellor of Justice called on the legislator to establish a clear legal framework for climate-related obligations – ensuring that restrictions on individuals and businesses are defined in advance and allow sufficient time for adaptation. The case

contributed to initiating broader legislative discussions on the development of a climate law in Estonia – aiming to align climate objectives with EU environmental law, fundamental rights and legal certainty.

Decision link (EE)

## Lithuania

### **Decision/Recommendation of 11 April 2025 in case No 4D-2023/1-1054**

#### **EU law concerned**

Directive (EU) 2018/2001 (RED II) on renewable energy, Article 2 definitions of “waste”, “food and feed crops” and “residues” and Article 30 on verification of compliance with sustainability and greenhouse gas emission-saving criteria; Directive 2008/98/EC on waste framework – Article 3 on the definition of waste, Article 4 on waste hierarchy and Article 7 on waste list; Regulation (EU) No 68/2013 on the catalogue of feed materials and Implementing Regulation (EU) 2018/2067 on verification and accreditation under Directive 2003/87/EC, including provisions on verifying obligations and risk of material misstatement

#### **Facts of the case and the main legal question raised by the Ombudsman**

The Biofuels Association complained that the Environmental Protection Agency had acted bureaucratically or failed to act properly when checking suppliers’ annual greenhouse gas emission reports for fuels and energy. The association alleged that some fuel suppliers incorrectly declared biofuels produced from palm fatty acid distillate (PFAD), as being produced from waste or residues, thereby declaring more favourable greenhouse gas saving values than would apply if PFAD were treated as a food/feed crop-related product or by-product. The association had previously informed the Agency that PFAD should not be treated as waste/residue and requested information on how the Agency controlled such reports. It also asked for the 2020-2022 reports to be reassessed and for the 2020 share of biofuels from food and feed crops to be recalculated by including PFAD-based biofuels.

The Ombudsperson asked whether the Environmental Protection Agency properly fulfilled its duty to verify greenhouse gas reports and correctly applied EU and national rules on the classification of PFAD-based biofuels, or whether it acted merely formally and bureaucratically by relying on sustainability certificates without sufficiently checking whether the data complied with applicable legal requirements. A related question was whether the national calculation of the 2020 share of biofuels from food and feed crops had been logically and lawfully determined.

#### **Results of the Ombudsman’s intervention**

The Ombudsperson found the complaint justified in both parts: first, regarding the Agency’s improper actions/inaction when carrying out control of greenhouse gas reports; and second, regarding the determination of the 2020 share of biofuels produced from food and feed crops in road and rail transport. The Ombudsperson considered that the Agency had to assess information based on both EU and national law and that systematic non-compliance with applicable rules could be considered as bureaucratic and as affecting the public interest.

The Ombudsperson recommended that the Prosecutor General assess whether public-interest protection measures should be taken because of the Agency’s alleged systematic failure to apply the relevant calculation methodology and to verify reports properly. She also recommended that the Prime Minister instruct the Environment Minister to assess whether the reporting and verification procedure should be regulated in more detail; instruct the Energy Minister to consider recalculating and approving the 2020 share of biofuels from food and feed crops; establish a working group to evaluate the activities of companies that verified 2022–2024 reports; and assess whether legal definitions of waste, residues and by-products should be clarified.

Decision link (LT)

### 3.1.6 Personal data, AI and digital rights

The cases compiled in this section illustrate how ombudsmen across the EU have intervened to safeguard rights enshrined in the General Data Protection Regulation (Regulation 2016/679, GDPR), the Artificial Intelligence (AI) Act (Regulation 2024/1689), and the Digital Services Act (Regulation 2022/2065). The interplay of EU law, national law, and the Charter of Fundamental Rights of the European Union, is a key element of ombudsmen's interventions. Their work covers a diversity of fields, from data retention for law enforcement purposes to automated decision-making, consumer rights in digital environments, and the ethical deployment of AI systems. In dealing with these different themes, ombudsmen consistently highlight the need for proportionality, and legal certainty in digital governance.

The cases also highlight the structural and individual impacts of ombudsmen's interventions. Ombudsmen may bring to the attention of national authorities the need for legislative reforms to ensure respect for individual rights and obligations. Ombudsmen may also engage in debates on legislation concerning digital rights and monitor transposition of relevant EU law. In one of cases reported, the Ombudsman intervened in the proper implementation of a CJEU judgement.

Their interventions – whether through inquiries and recommendations, input during legislative processes, or requests for constitutional reviews – contribute to a more coherent, rights-based digital landscape across the EU.



#### Catalonia (Spain)

##### EU law concerned

Regulation 2016/679 on the protection of personal data (GDPR),  
Directive 2011/83/EU on consumer rights

##### Facts of the case and the main legal question raised by the Ombudsman

The Catalan regional Ombudsman regularly intervenes in cases involving issues such as excessive publication of personal data in administrative procedure, risks associated with the dissemination of national ID card numbers in digital environments, as well as transparency and the right to withdraw consent and consumer

protection in digital environments. More broadly, the Catalan regional Ombudsman's work continues to promote the principles of proportionality and data minimisation in the digital sphere.

##### Results of the Ombudsman's intervention

The Ombudsman has made recommendations framed within the context of European policies aimed at strengthening consumer rights, such as the New Deal for Consumers.

Link: not available

## Estonia

### EU law concerned

Regulation 2016/679 on the protection of personal data (GDPR), Regulation 2024/1689 on the Artificial Intelligence (AI) Act, Regulation 2019/947 on rules and procedures for the operation of unmanned aircraft, Article 8 (Protection of personal data) and Article 52 (Scope and interpretation of rights and principles) of the Charter of Fundamental Rights of the European Union

### Facts of the case and the main legal question raised by the Ombudsman

The Chancellor of Justice conducted an *ex officio* review of the legal framework governing personal data processing in law enforcement activities in Estonia. The review focused on the use of various surveillance measures, including camera systems and other technologies involving the processing of personal data. Given the intrusive nature of these measures, the Chancellor assessed whether the existing legal framework ensured adequate protection of individuals' fundamental rights. The Chancellor found that, this was insufficient in cases involving intensive interference with fundamental rights, including interference with privacy, as it only relied on general authorisations or vague legal bases. The Chancellor issued a memorandum recommending that the legislator clarify and specify the legal framework in question.

### Results of the Ombudsman's intervention

The case contributed to raising awareness of the need to align national legislation with EU data protection standards – and to ensure stronger safeguards for fundamental rights in the context of modern surveillance technologies.

Decision link

## Finland

### EU law concerned

Regulation 2016/679 on the protection of personal data (GDPR)

### Facts of the case and the main legal question raised by the Ombudsman

The Ombudsman initiated the case after observing problems in the Finnish Tax Administration's automated decision-making system. The system processes large volumes of tax data and produces decisions, reminders, and sanctions largely without human involvement. In some cases, errors occurred, including incorrect tax assessments and automated penalty decisions. Although errors can be corrected afterwards through appeals, concerns were raised about whether such a system ensures adequate legal protection at the decision stage. The Ombudsman examined whether decisions that have significant consequences

for individuals may be made without human involvement and without a clear legal basis expressly authorising such automation. The Ombudsman also considered whether the use of automation fulfilled the requirements of GDPR Article 22, which restricts decisions based solely on automated processing when they significantly affect individuals. The Ombudsman concluded that the Tax Administration's automated decision-making system did not meet constitutional and legal requirements. Although automation is necessary in mass administrative processes such as taxation, the current framework lacked a sufficiently explicit legal basis for fully automated decisions that directly affect individuals' rights and obligations. Moreover, the system raised serious concerns regarding legal protection, transparency, and official accountability.

### Results of the Ombudsman's intervention

The Ombudsman called for legislative action to establish a comprehensive legal framework for automated decision-making and brought the matter to the attention of the Ministry of Finance and the Tax Administration.

Link: not available

## Hungary

### EU law concerned

Regulation 2022/2065 – Digital Services Act, Regulation 2024/1689 – Artificial Intelligence (AI) Act

### Facts of the case and the main legal question raised by the Ombudsman

Acting on a complaint concerning the removal of unlawful online content, the Ombudsman (Commissioner for Fundamental Rights) identified administrative obstacles to enforce the Digital Services Act and recommended structural cooperation between the relevant authorities.

Dealing with this case was part of larger Commissioner's activity on artificial intelligence: the Office follows the fundamental rights implications of the AI Act, implemented domestically by Act LXXV of 2025, and the work of the Hungarian Artificial Intelligence Council established to assess the impact of such systems on fundamental rights.

### Results of the Ombudsman's intervention

The Commissioner recommended structured cooperation between the National Media and Information Communications Authority (designated as the Digital Services Coordinator for Hungary) and the National Office for the Judiciary.

Link: not available

## Poland

### EU law concerned

Regulation 2016/679 on the protection of personal data (GDPR), Directive 2016/680 on processing of personal data for law enforcement; Regulation 2024/1689 – Artificial Intelligence (AI) Act; Regulation 2022/2065 – Digital Services Act

### Interventions by the Ombudsman

The Ombudsman (Commissioner for Human Rights) made a series of legislative interventions on the transposition and application of EU digital and data protection law. The Commissioner urged the Minister of Digital Affairs to protect privacy standards in the Digital Omnibus negotiations taking place at the EU level (drawing on Proposal for a 'Digital Omnibus' COM/2025/837 final), raising concerns about proposed changes to the definition of personal data, Article 13 GDPR information obligations, and Article 33 GDPR breach notification. The Commissioner also submitted remarks on the draft national AI Act transposition law (UC71), stressing the need for an effective complaint mechanism, GDPR compliance in AI contexts, and broad stakeholder involvement in AI codes of conduct. The Commissioner additionally continued monitoring incomplete transposition of Directive 2016/680, established a dedicated working group on data processing by law enforcement authorities, and actively participated in parliamentary work on Digital Service Act transposition drafts.

### Results of the Ombudsman's intervention

Most of the Commissioner's comments on the UC71 AI Act transposition were incorporated or explained by competent authorities. Furthermore, the representatives of the Commissioner actively and successfully participated in Digital Service Act parliamentary proceedings. Digital Omnibus interventions were ongoing at the time of the submission of the ENO report. The working group on Directive 2016/680 remains active.

Link: not available

## Portugal

### EU law concerned

Regulation 2016/679 on the protection of personal data (GDPR), Directive 2002/58/CE on the processing of personal data and the protection of privacy in the electronic communications sector, Joined Cases C-293/12 and C-594/12 *Digital Rights Ireland*, and Article 6 (Right to liberty and security), Article 7 (Respect for private and family life), Article 8 (Protection of personal data) and Article 11 (Freedom of expression and information) of the Charter of Fundamental Rights of the European Union

### Facts of the case and the main legal question raised by the Ombudsman

In 2008, Portugal transposed Directive 2006/24/EC, which concerned the retention of data generated or processed through electronic communications services or public communications network. A few years later, however, that Directive was declared invalid by the Court of Justice of the European Union (CJEU), on the basis that such a wide collection, retention, and access to personal data violated the Charter of Fundamental Rights of the European Union, in particular respect for privacy and the protection of personal data. Consequently, the Portuguese national authority in charge of the topic ceased applying the law transposing the Directive. However, the national legislator then adopted a law that reproduced, in essence, the principles and practices prohibited by the CJEU (general and indiscriminate retention of data, which moreover could be stored outside of the EU territory). The Ombudsman addressed a recommendation to the Minister of Justice, urging for an amendment to the law in question so that the regime established therein would comply with EU law, and requested a constitutionality review of the law by the Constitutional Court.

### Results of the Ombudsman's intervention

Following Ombudsman's request, the Constitutional Court declared the unconstitutionality of the contested provisions. The law was subsequently amended in accordance with the case-law of the Constitutional Court.

Recommendation link

## Slovenia

### EU law concerned

Directive (EU) 2016/681 on the use of passenger name record data for the prevention, detection, investigation and prosecution of terrorists' offences and serious crime (PNR Directive)

### Facts of the case and the main legal question raised by the Ombudsman

In 2017, the Ombudsman lodged a request for constitutional review of provisions of the Police Tasks and Powers Act. The challenged provisions had been adopted to transpose Directive (EU) 2016/681 on the use of Passenger Name Record data. The Ombudsman argued that the national provisions did not define with sufficient clarity which personal data of air passengers could be processed for the purposes of preventing, detecting, investigating and prosecuting terrorist offences and serious crime. The Ombudsman also raised the issue of compatibility with the rights to privacy and personal data protection under the Charter of Fundamental Rights of the European Union. The Ombudsman proposed that the Constitutional Court submit a request for a preliminary ruling to the Court of Justice of the European Union (CJEU), which it did.

### Results of the Ombudsman's intervention

The CJEU later clarified the interpretation of the relevant provisions of the PNR Directive, and the Slovenian Constitutional Court subsequently decided the case considering that interpretation. This case demonstrates the Ombudsman's use of constitutional review proceedings and the preliminary reference mechanism to ensure that national legislation transposing EU law complies with fundamental rights.

Link: not available

## Access to digital services

### Estonia

### Decision/Recommendation in case No 7-4/170406 "Statistics on internet use among older persons" of 10 May 2017

### EU law concerned

Regulation (EC) No 808/2004 (statistics on the information society)  
Regulation (EU) No 2015/2003 (implementing Regulation (EC) 808/2004)

### Facts of the case and the main legal question raised by the Ombudsman

The case concerned the methodology used in studies on internet use and digital services, where persons aged over 74 were systematically excluded from the surveyed population. This raised concerns, as digitalisation increasingly affects all age groups – including those aged 74 and above – whose needs and experiences are relevant for the design of public and private services. Statistics Estonia explained that it follows the methodology established by Eurostat, according to which data are collected only for persons aged 16-74. As a result, older age groups were not included in national statistics used for policymaking. The Chancellor of Justice examined whether such an approach is justified, given the growing importance of digital inclusion. In this context, questions were submitted to the European Commission through the query procedure before the European Ombudsman. The European Commission clarified that EU law does not prohibit Member States from extending the target group beyond the 16-74 age range. However, the Commission also indicated that any modification of the Eurostat methodology would require agreement among Member States – and that, at this stage, no such agreement has been established.

In reply to the question whether the increasing digitalisation of services – at both national and EU level – ensures equal access for older persons and complies with the principles of non-discrimination and inclusion, the Chancellor of Justice found that the current approach to data collection may lead to the underrepresentation of older persons in the design of digital services – even though digitalisation increasingly affects this age group. While EU law establishes a harmonised statistical framework for persons aged 16-74, it does not prevent Member States from collecting additional data for older age groups. Therefore, national authorities remain responsible for ensuring that policymaking is based on sufficiently inclusive data.

### Results of the Ombudsman's intervention

The Chancellor of Justice recommended that Statistics Estonia extend data collection on internet use to persons older than 74 – to ensure that the needs of this age group are adequately reflected in the design of digital services. Statistics Estonia acknowledged the issue.

Decision link (ET)

### 3.1.7 Employment

The effective implementation of EU employment rules and social policy remains a cornerstone of the European Union's commitment to fair working conditions, job security and work-life balance. National ombudsmen play a critical role in ensuring that these rights are not only properly transposed into national legislation but also applied in practice by dealing with complaints, launching *ex officio* investigations and intervening before courts. The cases presented in this section do not refer to employment issues of those who used the EU freedom of movement<sup>23</sup>. They rather highlight how ombudsmen across the EU have investigated the effective transposition of EU directives protecting rights of all workers (Council Directive 1999/70/EC, Directive 2002/14/EC, Directive 2003/88/EC, and Directive 2019/1158), leveraging CJEU case-law to encourage compliance at the national level. A recurring theme is the abuse of fixed-term contracts, particularly in the public sector. The right to information and consultation of employees, as guaranteed by Directive 2002/14/EC and Article 27 of the Charter, emerged as another key area of ombudsmen's oversight. Finally, leave entitlements, particularly parental and annual leave, also regularly feature in ombudsmen's interventions.



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<sup>23</sup> Subparagraph 3.1.3 of this Report relates to these issues.

## Fixed-term contracts

### Basque Country (Spain)

#### EU law concerned

Council Directive 1999/70/EC concerning the framework agreement on fixed-term work

#### Facts of the case and the main legal question raised by the Ombudsman

From 2019, the Basque Ombudsman (*Ararteko*) received several complaints related to civil servants in temporary contracts. For instance, a complaint from a teacher and interim civil servant, who requested leave to care for a family member with a chronic illness/mobility issue. Although the teacher had served for several years and met the objective family criteria for that permit, the request was rejected on the basis that the teacher did not hold a full-year

vacancy post. The Ombudsman approached the case through the lenses of non-discrimination in fixed-term employment, which has been the subject of extensive CJEU case-law.

#### Results of the Ombudsman's intervention

The Ombudsman recommended the Basque Government to extend the entitlement to leave to care for relatives with chronic illnesses/mobility issue to temporary teaching staff, by applying arrangements that ensure it makes no difference whether the appointment is to a vacant post or not, or whether its duration covers a full academic year or not, provided that the duration is of a reasonable minimum.

Link: not available

## Catalonia (Spain)

### EU law concerned

Council Directive 1999/70/EC concerning the framework agreement on fixed-term work

### Facts of the case and the main legal question raised by the Ombudsman

Over the past years, the Catalan regional Ombudsman's several interventions concerned the stabilisation of temporary staff in light of Directive 1999/70/EC and CJEU relevant case-law, encouraging administration to address the abuse of fixed-term contracts. In this context, Spain adopted a new law, 20/2021, with extraordinary measures to reduce structural fixed-term employment through stabilisation. However, in Catalonia, doubts were raised about the compliance of that measure with the principles of equality, merit and ability, especially due to the overlap of competitive selection tests, which could limit the effective participation of candidates.

### Results of the Ombudsman's intervention

The Ombudsman addressed the question of selection tests. Despite the recommendation to avoid the overlap, the regional administration concluded that conducting the stabilisation process exams simultaneously was a reasonable and objective measure. They assure the selection process was conducted with principles of equality, merit and ability in mind, ensuring that no applicants were excluded and that all candidates were given equal opportunities. Furthermore, the administration argued that this measure is necessary to reduce temporary employment in the public sector to below 8%, in line with current regulations and the requirements of the European Commission.

Link: not available

## Portugal

### EU law concerned

Council Directive 1999/70/EC concerning the framework agreement on fixed-term work

### Facts of the case and the main legal question raised by the Ombudsman

The Ombudsman has received several complaints regarding the situation of teachers on fixed-term contracts in pre-school, primary and secondary education. The Ombudsman considered that the performance of teaching duties over several years under successive fixed-term contracts was in breach of EU law. In 2012, the Ombudsman drew the attention of the Minister for Education and Science to the discrepancy between the rules governing the performance of teaching duties in public pre-school, primary and secondary education establishments, and EU law, in particular Council Directive 1999/70/EC. The Ombudsman reported again on this matter in 2016. In parallel, there were infringement proceedings before the European Commission.

### Results of the Ombudsman's intervention

Measures were adopted to improve the situation of the teachers who were in the described circumstances.

Link to the decision

## Right to consultation and information

### Finland

#### EU law concerned

Directive 2002/14/EC on the consultation and information of employees, Article 27 (Workers' right to information and consultation within the undertaking) and Article 51 (Field of application) of the Charter of Fundamental Rights of the European Union

#### Facts of the case and the main legal question raised by the Ombudsman

The complainants criticised the Kuopio University Hospital (KYS) for its procedure in closing a psychiatric day ward. According to the complainants, staff were not properly heard in accordance with national cooperation legislation. The hospital had discussed the future of the unit in spring-summer 2019 and organised informal hearings with staff in June 2019. However, the actual cooperation procedure under the applicable legislation was only initiated on 31 July 2019, after plans to close the unit had already been prepared. The closure decision was subsequently taken in August 2019, and staff were reassigned to new positions. The key legal question concerned whether the procedure followed by the hospital complied with EU law requirements on employee information and consultation, particularly those laid down in Directive 2002/14/EC and reflected in Article 27 of the Charter of Fundamental Rights of the European Union. The Ombudsman examined whether the employer had ensured that employees were informed and consulted in a timely and meaningful manner, allowing them a genuine opportunity to influence the decision before it was effectively taken. This raised the broader EU law question of what constitutes effective implementation of consultation rights, including whether formal compliance with procedural steps is sufficient, or whether employees must be involved at a stage where their participation can actually affect the outcome.

#### Results of the Ombudsman's intervention

The Ombudsman found that although the hospital had formally carried out a cooperation procedure, it was initiated too late to meet the requirements of effective consultation. Because the consultation was delayed and took place after the decision to close the unit had already been made, the employees' right to information and consultation was not fully respected in substance, even if the basic procedural steps were formally followed. The Ombudsman therefore concluded that there were shortcomings in the procedure from the perspective of EU law effectiveness and fundamental rights protection. The Ombudsman brought these deficiencies to the attention of the hospital district, without taking further measures. The Ombudsman's decision was not published.

## Leave

### Belgium

#### EU law concerned

Council Directive 2010/18/EU on parental leave as replaced by Directive 2019/1158 on work-life balance for parents and carers

#### Facts of the case and the main legal question raised by the Ombudsman

The Belgian National Employment Office (RVA/ONEM) refused to grant parental leave allowances to a contractual employee of a foreign embassy in Belgium. The Federal Ombudsman, after looking into the issue, found that Belgium had incompletely transposed Directive 2010/18/EU and called for this right to be explicitly established in law. The Ombudsman issued a recommendation to the Federal Parliament concerning the absence of a legal framework for parental leave for contractual staff of foreign embassies and SHAPE (Supreme Headquarters Allied Powers Europe) in Belgium.

#### Results of the Ombudsman's intervention

The recommendation was accepted: in 2014, the Council of Ministers approved a Royal Decree laying down these rights, which can also be applied by other federal and non-federal authorities.

Decisions: Annual Report 2012 ((NL): *Jaarverslag* 2012, pp. 64, 134 and 142; (FR): *Rapport annuel* 2012, pp. 62, 133-134, 142). Annual Report 2013 (NL and FR: *Jaarverslag/Rapport annuel* 2013 p. 59)

## Romania

### EU law concerned

Directive 2003/88/EC concerning certain aspects of the organisation of working time, Article 31 (Fair and just working conditions) of the Charter of Fundamental Rights of the European Union

### Facts of the case and the main legal question raised by the Ombudsman

The Ombudsman received a complaint from a personal assistant working at the Dumbrăveni Commune Mayor's Office. Upon termination of the individual employment contract, the local authority refused to pay financial compensation for the annual leave entitlement accrued but not taken throughout the entire period of employment. The Ombudsman brought the case to the Suceava Tribunal to challenge the unjustified refusal of the local authority to provide financial compensation for unused paid annual leave, a right which cannot be lost or extinguished upon termination of the employment relationship.

### Results of the Ombudsman's intervention

The Suceava Tribunal allowed the action, found the refusal to be unjustified, and ordered the Mayor to pay financial compensation for the unused annual leave, updated in line with the inflation rate and together with default statutory interest calculated from the due date. The complainant will then receive full financial compensation for the unused annual leave. The judgment is not final and is currently under appeal.

[Link to the action](#)

## Spain

### EU law concerned

Directive 2019/1158 on work-life balance for parents and carers, especially Articles 5 (postponement and flexible ways of taking parental leave), 8 (financial payments), and 20 (transposition and other family-related leave and benefits)

### Facts of the case and the main legal question raised by the Ombudsman

In 2024, the Spanish Ombudsman launched an investigation following complaints from public sector employees regarding the unequal application of the parental leave scheme introduced by Article 49(g) of the Basic Statute for Public Sector Employees (EBEP) following Spanish Royal Decree-Law 5/2023. Although the new provision recognised the individual right of up to eight weeks' leave to care for a child under the age of eight, several public authorities were rejecting applications or postponing decisions because implementing regulations and central guidelines were lacking. The Spanish Ombudsman investigated whether public authorities could refrain from providing uniform interpretative guidelines for the parental leave scheme until Directive 2019/1158 was fully transposed or if it should adopt provisional criteria to ensure that this right could be exercised in an effective, uniform, and legally secure manner.

### Results of the Ombudsman's intervention

The Ombudsman considered that the transitional legal framework was creating genuine uncertainty within the public sector and recommended that the State Secretariat issue guidance whilst full transposition and implementing regulations were still pending. The recommendation was reiterated because public authorities continued to cite the lack of implementing regulations rather than offering a uniform interim solution. The recommendation was not accepted. Subsequently, however, Spain completed the transposition of the Directive and introduced a legislative solution, extending paid leave for childbirth and childcare in the public sector to nineteen weeks and clarifying that the parental leave referred to in Article 49(g) of the EBEP is unpaid and has a maximum duration of eight weeks. It deemed that the requirement to provide payment or an allowance included in the Directive was met through the combined system of leave for childbirth and childcare, together with other existing family leave entitlements, including accumulated leave for breastfeeding. Following this reform, the Spanish Ombudsman closed the case.

[Link to the decision](#)

## Safety at work

### Catalonia (Spain)

#### EU law concerned

Directive 2009/148/EC (protection of workers from the risks related to exposure to asbestos at work) and European Parliament Resolution 2019/2182 (INL)

#### Facts of the case and the main legal question raised by the Ombudsman

The Catalan regional Ombudsman Office produced a special report in 2024 on the removal of asbestos from public spaces, which it regularly monitors. The report highlighted severe delays in local compliance and the urgent need for enhanced public resources.

#### Results of the Ombudsman's intervention

The Ombudsman's office issued a series of structural recommendations to tackle these shortcomings: establish a unified, comprehensive country-wide registry of asbestos-containing materials; accelerate the implementation of a pioneering Catalan law aimed at fully eradicating asbestos; provide enhanced financial and technical support to local administrations to manage the safe removal and disposal process. The administration accepted the recommendations. The Parliament of Catalonia has passed the Law on the Eradication of Asbestos in Catalonia, which incorporates an additional provision that grants the Ombudsman (*Síndic de Greuges*) responsibility for supervising and monitoring the asbestos removal process. The Ombudsman's Office also observes a public policy trend to promote and facilitate the removal of this dangerous material, as well as the availability of grants for citizens to cover the costs of both the removal (following the necessary protocols) and the proper management of the waste. The Ombudsman Office is aware of the intention, at the local level, to amend tax regulations to explicitly encourage the removal of asbestos from construction sites.

Report

### 3.1.8 Aviation and Transport

This section provides two examples on how ombudsmen ensure compliance with EU regulations establishing rights for air passengers and train passengers, in particular for passengers with disabilities and reduced mobility. While Member States appointed national enforcement bodies for handling complaints when airlines fail passengers, ombudsmen still receive complaints and ensure that the EU law is properly applied, and bodies entrusted with its enforcement comply with their duties.



#### Spain

##### **Case F08001855 – Air Passenger Rights (2008, Own Initiative Inquiry)**

###### **EU law concerned**

Regulation (EC) No 261/2004 on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights

###### **Facts of the case and the main legal question raised by the Ombudsman**

Following major aviation incidents in 2006, the Directorate-General for Civil Aviation (DGAC) was unable to process nearly 90,000 accumulated passenger complaints under Regulation 261/2004. Passengers continued to approach the Ombudsman over the authority's delayed responses and failure to impose

sanctions on airlines. Confusion was compounded by the absence of clear authority identification at airports. The key legal question was whether Spain was fulfilling its obligation, under Regulation 261/2004, to respond to complaints and sanction non-compliant airlines.

###### **Results of the Ombudsman's intervention**

The own-initiative investigation found that complaint handling needed improvement and responsibilities required clarification. The DGAC undertook to increase resources and improve passenger information. The case was closed without formal recommendations, but the DGAC was urged to comply with EU regulation.

Link: not available

## Finland

### Case EOAK/7064/2025 The publication of aeronautical NOTAM notices exclusively in English

#### EU law concerned

EU aviation regulatory law (air navigation services) combined with issues of EU law primacy over national language rights (Commission Implementing Regulation (EU) 2017/373, and the Treaty on the Functioning of the European Union (TFEU) – Article 288 (providing that regulations are directly applicable and binding) and Article 290 (providing for delegation of powers to the European Commission))

#### Facts of the case and the main legal question raised by the Ombudsman

The complaint was against the Finnish Transport and Communications Agency Traficom and Fintraffic Air Navigation Services Ltd. The complainant criticised the practice of publishing aviation notices NOTAM (Notice To Air Missions) only in English. According to the complainant, this posed a risk to flight safety, as Finnish should also be used given the national language framework. The authorities explained that NOTAMs are part of aeronautical information services regulated by EU law. Under the applicable EU implementing regulation, NOTAMs must be issued in English, although additional national-language versions may be provided if necessary. The responsible service provider (Fintraffic) had discontinued Finnish-language NOTAMs due to a lack of demand and to avoid inconsistencies arising from translation. Traficom had accepted this change, subject to the condition that the practice could be revisited if a need for national-language notices later emerged.

The Ombudsman assessed whether the use of English-only for NOTAMs was compatible with EU law obligations, national language legislation, and the protection of users' rights, particularly in the context of public administrative tasks carried out by a private entity. The case concerned how EU law governing aviation information services interacts with national rules on language rights in the performance of public administrative tasks.

In particular, the Ombudsman examined whether a service provider exercising a public task could limit official aviation safety communications to English based on EU regulations, despite national requirements to provide services in the official languages. A central issue was the interpretation of the relevant EU implementing regulation, which requires that NOTAMs be issued in English but also allows additional national-language versions where necessary. This raised the question of how the concept of "necessity" should be assessed and whether such an assessment can override general national obligations related to linguistic rights. More broadly, the case addressed how conflicts between

directly applicable EU rules and national constitutional or statutory requirements should be resolved, especially where EU law leaves limited discretion to national authorities.

#### Results of the Ombudsman's intervention

The Ombudsman concluded that there were no grounds to find unlawful conduct. The applicable EU implementing regulation required that NOTAMs be issued in English, and this rule took precedence over national legislation. The provision allowing additional national-language versions was interpreted as introducing a discretionary assessment based on actual need rather than imposing a general obligation. The authorities had reasonably concluded, based on the absence of demand and operational considerations, that there was no current need to produce NOTAMs in Finnish. This assessment fell within the scope of discretion allowed under EU law, and there was no indication that it had been exercised improperly. At the same time, the Ombudsman considered it important that the situation remains under review. In particular, the Ombudsman highlighted that the authorities had committed to reconsidering the issue if a need for national-language NOTAMs arises in the future, which supports the protection of linguistic rights in practice. No further measures were taken.

Decision not published

### Case EOAK/4806/2025 (20.11.2025) The language of the reporting system of the Finnish Transport and Communications Agency

#### EU law concerned

Regulation (EU) No 376/2014 (Occurrence Reporting Regulation) which requires reporting of aviation safety occurrences and use of common EU taxonomy and data-sharing system, and obliges Member States to establish reporting systems; EU implementation framework ECCAIRS2 (EU-wide reporting system developed under EASA coordination); Article 22 (Cultural, religious and linguistic diversity) of the Charter of Fundamental Rights of the European Union; relevant EU law principles (effectiveness and uniform implementation of EU systems, and integration of national systems into EU-wide administrative structures)

#### Facts of the case and the main legal question raised by the Ombudsman

The complaint was against the Finnish Transport and Communications Agency Traficom. The complainant criticised the transition of Finland's aviation safety occurrence reporting system to the EU-wide ECCAIRS2 system, arguing that it no longer complied with national language requirements. The previous reporting interface had been available in Finnish, Swedish and English, whereas the new system is primarily in English and lacks full support for national languages.

EU law requires Member States to collect and process occurrence reports using standardised data structures and to exchange data through a common European system. The ECCAIRS2 system implements this requirement and includes a detailed taxonomy with predefined categories that are only available in English.

The national authority acknowledged the limitations but explained that full translation would be technically complex and resource intensive. It had attempted to mitigate the issue by providing national-language guidance and partially localised interface elements.

The Ombudsman assessed whether the use of an English-language EU system was compatible with national language rights obligations and whether the measures taken by the authority were sufficient; how national language rights must be ensured when Member States implement EU-mandated administrative systems that are not fully available in national languages, and whether the obligation to use an EU-wide reporting system with standardised English-language taxonomy could justify limiting the practical use of Finnish and Swedish in administrative procedures.

The issue required balancing two sets of obligations: on the one hand, the need to ensure effective and uniform implementation of EU law through a common reporting system, and on the other hand, the requirement under national constitutional and statutory law to guarantee individuals the right to use official languages in dealings with authorities. The case also raised the broader question of whether technical or practical constraints related to EU systems can justify limitations on language rights, and what compensatory measures national authorities must adopt to ensure those rights are effectively realised in practice.

### Results of the Ombudsman's intervention

The Ombudsman concluded that the use of the EU-wide ECCAIRS2 system itself was justified and necessary to comply with EU law requirements on aviation safety reporting and data exchange. The system's structure, including its English-language taxonomy, could not be fundamentally altered at the national level without undermining the effectiveness of the EU framework.

However, the Ombudsman found that the current arrangement did not fully meet the requirements of national language legislation. In practice, users are required to interact with key parts of the system, such as dropdown classifications, in English, which limits their ability to use Finnish or Swedish in dealings with the authority.

At the same time, the Ombudsman recognised the practical constraints arising from the EU system and did not consider it appropriate to challenge its use. Instead, he emphasised that national authorities must take additional measures to ensure language rights are respected, particularly through improved guidance and support in national languages.

He therefore called on the authority to further develop its guidance and to continue actively promoting multilingual solutions at EU level. The matter did not lead to a finding of illegality but resulted in critical observations and recommendations for improvement.

Decision: *Liikenne- ja viestintäviraston raportointijärjestelmän kieli* (in Finnish)

### Case 651/4/15 concerning inaccessibility of restaurant cars in trains, decision of 22 June 2016

#### EU law concerned

Articles 21 and 23 of Regulation 1371/2007 on rail passengers' rights, Commission Decision 2008/164/EC, Technical standards for accessibility of railway systems (Persons with Reduced Mobility (PRM) – TSI) and Article 21 (Non-discrimination) of the Charter of Fundamental Rights of the European Union

#### Facts of the case and the main legal question raised by the Ombudsman

The complainant criticised the Finnish Transport Safety Agency (Trafli) for approving the accessibility arrangements of railway restaurant cars (Duetto Plus), arguing that they discriminated against persons with disabilities. Wheelchair users could not enter the restaurant car but were served separately at their designated seating areas. The regulatory framework was based on EU law. The trains complied with the PRM – TSI technical standards, which do not specifically require accessibility of restaurant cars. Instead, accessibility requirements are assessed at the level of the train as a whole. In addition, the Rail Passengers' Rights Regulation requires that persons with reduced mobility have access to services, including through assistance. Authorities interpreted the system as compliant with EU law: while direct access to the restaurant car was not possible, service was provided via assistance. However, the complainant argued that this resulted in unequal and segregated service. The Ombudsman examined whether Trafli's approval of the rolling stock complied with applicable legal obligations, taking into account the interaction between EU technical rules, passenger rights, and non-discrimination principles.

The case raised the question of how different layers of EU law should be interpreted and reconciled in practice. In particular, it concerned whether compliance with the technical harmonisation standards set out in the PRM – TSI is sufficient to fulfil the broader obligations under EU law regarding access to services for persons with disabilities. The Ombudsman examined whether the requirement in the Rail Passengers' Rights Regulation to ensure access to services implies that passengers must be able to access those services in the same way and location as others, or whether it is enough that equivalent services are provided through assistance, such as delivering products to a wheelchair user's seat.

More broadly, the case highlighted a structural tension between, on the one hand, EU internal market rules that establish uniform technical standards and limit national discretion, and on the other hand, EU fundamental rights and equality principles, which may call for a higher level of accessibility. The Ombudsman also noted that the interpretation of these overlapping obligations remains uncertain and could ultimately require clarification by the CJEU.

### Results of the Ombudsman's intervention

The Ombudsman concluded that there were no sufficient legal grounds to intervene in the Trafi's conduct, as the authority had acted in accordance with binding EU legislation and the applicable technical standards. The railway vehicles met the requirements of the PRM – TSI, and the authority could not impose additional national requirements beyond the harmonised EU framework. At the same time, the Ombudsman found the outcome unsatisfactory from the perspective of equality and participation of persons with disabilities. The current arrangement, where wheelchair users cannot physically access the restaurant car and instead receive service separately, raised legitimate concerns about unequal treatment and segregation. The Ombudsman emphasised that the issue reflects a structural gap and tension within EU law, rather than unlawful conduct by the national authority. He therefore encouraged the Finnish authorities to actively promote improvements at EU level, particularly by advocating for stricter accessibility requirements in future revisions of the PRM – TSI.

No formal reprimand was issued, but the Ombudsman forwarded his views to the relevant ministry and authority, and to the European Ombudsman (query Q8/2016/EIS) to support further development of EU regulation.

Decision (FI)

### Case EOAK/7321/2017 – Rules applicable to remotely piloted aircraft systems (20 August 2020)

#### EU law concerned

Regulation (EU) 2018/1139 (EASA Basic Regulation); Commission Implementing Regulation (EU) 2019/947 on the operation of unmanned aircraft; EU fundamental rights framework (right to privacy and data protection); principles of harmonisation vs. national regulatory autonomy and direct applicability of EU regulations

#### Facts of the case and the main legal question raised by the Ombudsman

The case concerned a complaint about a national aviation authority's regulation (OPS M1-32) governing the operation of drones and model aircraft. The complainant criticised both the content of the regulation and the role of a private association in its preparation and implementation. Concerns were also raised

about requirements related to designated flying areas and possible restrictions on freedom of association. During the Ombudsman's review, attention shifted to broader regulatory issues, including whether the legislative framework adequately addressed matters such as enforcement powers, legal certainty, and especially the protection of privacy in the growing use of remotely piloted aircraft for activities like aerial imaging. At the same time, EU law in this field was undergoing significant development. New EU aviation safety rules were being introduced and expanded to cover unmanned aircraft, including provisions directly applicable in Member States. These rules also addressed, at least indirectly, issues such as data protection and operational requirements.

The Ombudsman examined the relationship between national regulation and evolving EU law, particularly whether national rules needed adjustment in light of EU harmonisation and fundamental rights considerations. The case raised the question of how national regulation of drone operations should be adapted in light of evolving EU legislation and its interaction with fundamental rights. In particular, the Ombudsman examined whether the existing national framework adequately addressed key issues such as privacy protection, legal certainty, and enforcement powers, especially in a context where EU law is increasingly harmonising the field.

### Results of the Ombudsman's intervention

The Ombudsman concluded that there were no grounds for further intervention in the authority's conduct at this stage. The regulatory framework was in a transitional phase, with new EU legislation already adopted and becoming directly applicable, which significantly limited the scope for assessing or modifying national rules independently. At the same time, the Ombudsman emphasised that EU law expressly allows Member States to address issues such as privacy and data protection at the national level. It was highlighted that increasing drone use raises significant fundamental rights concerns, particularly regarding private life and personal data. Although no illegality or maladministration warranting stronger measures was identified, the Ombudsman stressed the importance of ensuring that these fundamental rights concerns are properly reflected in future regulatory developments. This view therefore was brought to the attention of the relevant national authorities to guide future legislative and administrative updates.

Link: not available

### 3.1.9 Public Health

This section illustrates the ombudsmen's efforts to ensure that the EU rules on accessibility, effectiveness and resilience of national health systems are complied with by national administrations. While the patients' rights in cross-border healthcare are referred to in the section 3.1.3 of this Report, the references below concern ombudsmen's interventions about health security in general and infectious diseases, as well as the implementation of the EU tobacco law. The intervention of the Catalan Regional Ombudsman to strengthen cancer prevention through early detection following the Council's relevant recommendations exemplifies the ombudsmen's close watching of all EU developments improving peoples' lives.



#### Spain

##### **Case 20001706 – Lyme Disease / Borreliosis: Prevention and epidemiological surveillance (launched 1 July 2020, ongoing)**

##### **EU law concerned**

European Parliament Resolution of 15 November 2018 on Lyme disease; Commission Implementing Decision (EU) 2018/945 on the communicable diseases and related special health issues to be covered by epidemiological surveillance

##### **Facts of the case and the main legal question raised by the Ombudsman**

The complaint sought to ascertain what measures Spain had taken to implement the European Parliament's 2018 resolution on Lyme disease. The relevant authority responded that the disease was already listed in national order SSI/445/2015 and was being incorporated into RENAVE (*Red Nacional de Vigilancia*

*Epidemiológica*) surveillance protocols, though the pandemic caused delays. The Ombudsman requested further details on protocols, diagnosis, treatment and tick control. The key question was whether Spain was implementing sufficient coordinated measures on epidemiological surveillance, diagnosis and prevention as required by the EU framework.

##### **Results of the Ombudsman's intervention**

The case remains open. In April 2026, the Ombudsman again requested up-to-date information on the implementation of the 2018 resolution. Practical progress is nonetheless visible: the government committed to mandatory country-wide surveillance and specific protocols, and in March 2026, the Ministry of Health published Lyme Disease Clinical Management Guidelines.

Link: not available

## Catalonia (Spain)

**Various Interventions: EMA drug withdrawal, Digital COVID Certificate, and cancer screening programmes (2007-ongoing)**

### EU law concerned

EU public health law and the role of the European Medicines Agency (EMA); Regulation (EU) 2021/953 on the EU Digital COVID Certificate; Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work; EU recommendations on cancer screening programmes

### Facts of the case and the main legal question raised by the Ombudsman

The Catalan regional Ombudsman undertook three main public health interventions linked to EU law: (1) it played a role in the European Medicine Agency's withdrawal in 2007 of a drug with adverse effects (in this context it submitted a query to the European Ombudsman – Q7/2008/JMA); (2) it intervened to correct inequalities in access to the Digital COVID Certificate and extend its coverage under Regulation (EU) 2021/953; (3) it promoted the adaptation of cancer screening programmes to European recommendations. The common legal question was whether regional public health authorities were implementing EU health standards effectively and guaranteeing equal access to EU-derived health rights.

### Results of the Ombudsman's intervention

The Catalan regional Ombudsman's intervention contributed to the removal of a harmful drug from the market. Inequalities in access to the Digital COVID Certificate were corrected and its coverage extended. Cancer screening programmes were adapted to European recommendations through the Ombudsman's recommendations to competent authorities.

Link: not available

## Finland

**Case EOAK/4315/2016 – New Tobacco Act and direct effect of the Tobacco Products Directive of 21 December 2017**

### EU law concerned

Directive 2014/40/EU (Tobacco Products Directive); general EU law principles: implementation obligation within a fixed deadline; possibility of direct effect of directives if transposition is delayed.

### Facts of the case and the main legal question raised by the Ombudsman

The complainant criticised the Finnish Tobacco Act (549/2016) for imposing restrictions retroactively from 20 May 2016 (the EU directive's transposition deadline), even though Finnish legislation entered into force only on 15 August 2016. He also alleged that inadequate communication by the Ministry of Social Affairs and Health and the supervisory authority (Valvira) caused confusion and economic harm to e-cigarette businesses. The key legal question was whether applying transitional rules tied to the EU directive's deadline constituted unlawful retroactivity, or whether it reflected the binding nature of EU law and the obligation to implement directives on time.

### Results of the Ombudsman's intervention

The Ombudsman found no unlawful retroactivity: the 20 May 2016 date derived from the binding EU implementation deadline, and individuals may under certain conditions rely on directive provisions against the state if national implementation is delayed. No illegality in the legislation was identified. However, the Ombudsman stressed that authorities must ensure EU-derived rules are clearly communicated and practically accessible to those affected, particularly where there is a gap between EU and national timelines.

Decision reference

### 3.1.10 Animal Welfare and Agri-Food

The two examples below show that ombudsmen's interventions may cover all possible fields of EU law, either following complaints or *ex officio*. In both cases, the ombudsmen kept insisting with administrations under their jurisdiction that the latter should comply with EU law requirements, and they were successful.



#### Austria

##### Tail-Docking of pigs (2019-2021)

###### EU law concerned

Article 4(2)(d) and Article 13 TFEU (agriculture and animal welfare); Point 8, Chapter I, Annex I to Directive 2008/120/EC, which only exceptionally permits tail-docking of pigs

###### Facts of the case and the main legal question raised by the Ombudsman

Austrian law permitted routine tail-docking of pigs, contrary to Directive 2008/120/EC. A 2019 European Commission audit confirmed Austria's practices were not in line with EU law. The responsible ministries delayed amending the Animal Protection Act, citing a pending commissioned study and the audit outcome. The key legal question was whether Austria had failed to fulfil its obligations under Directive 2008/120/EC.

###### Results of the Ombudsman's intervention

The Austrian Ombudsman Board (AOB) concluded that the legal situation needed to change to comply with EU requirements, and that waiting for an audit or research project is not a valid reason to delay compliance. The AOB followed up for four years. In 2023, a new amendment to the Federal Act on the Protection of Animals finally entered into force, bringing Austria into compliance with long-standing EU standards.

AOB Annual Reports 2019 (pp. 86-87) and 2022 (pp. 242-243)

#### Estonia

##### Hourly rate for food and veterinary supervision

###### Case 6-3/240140 (23 April 2024)

###### EU law concerned

Regulation (EU) 2017/625 (on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products)

###### Facts of the case and the main legal question raised by the Ombudsman

The Ombudsman (Chancellor of Justice) reviewed the legal framework governing the hourly rate charged for food and veterinary supervision in Estonia. The fees were imposed on operators subject to official controls in the food chain. Under EU law, such fees must be based on actual costs and calculated in a transparent and objective manner. The review, however, revealed that the national regulation establishing the hourly rate did not sufficiently demonstrate how the fee was calculated or how it corresponded to the actual costs incurred by the supervisory authority (lack of clarity and transparency). The Chancellor of Justice therefore found that the existing Estonian legal framework did not sufficiently ensure compliance with Regulation (EU) 2017/625.

###### Results of the Ombudsman's intervention

The Estonian Ministry of Regional Affairs and Agriculture accepted a proposal by the Chancellor of Justice to bring the legal framework in line with EU law and adjusted its approach accordingly.

Decision link

### 3.1.11 Common Foreign and Security Policy

This Report could not be complete without mentioning ombudsmen's possible interventions in relation to the EU common foreign and security policy. The Portuguese case below also provides an interesting example when the ombudsman must back away from triggering the review of EU law provisions due to the primacy of EU law.



#### Portugal

##### **Case E-PdJ/2022/22350 – Restrictive measures regarding Russia's actions in Ukraine (29 June 2022)**

##### **EU law concerned**

Council Decision (CFSP) 2022/351 of 1 March 2022 amending Decision 2014/512/CFSP; Council Regulation (EU) 2022/350 of 1 March 2022 amending Regulation (EU) No 833/2014 – both concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine

##### **Facts of the case and the main legal question raised by the Ombudsman**

The complainants asked the Ombudsman to request a constitutional review of a provision of Council Regulation (EU) 2022/350, arguing that blocking content of entities listed in Annex XV violated the constitutional right to freedom of the press and information. The key question was whether the Ombudsman could initiate a review of the constitutional conformity of an EU law provision, having regard to the principle of primacy of EU law and Article 8(4) of the Portuguese Constitution.

##### **Results of the Ombudsman's intervention**

The Ombudsman concluded that the conditions for a constitutional review of an EU law provision were not met, given the primacy of EU law. The complainants were informed of available EU-level remedies, including the right to petition the European Parliament and the then pending action for annulment before the General Court (T-125/22 *RT France v Council*).

[Decision \(PDF\)](#)

### 3.1.12 EU State Aid rules

One of the cornerstones of the proper functioning of the EU internal market is its competition policy. This policy is grounded in the basic economic principle that markets function better when companies compete fairly and on merit, rather than through unfair public support, collusion or market dominance. It therefore targets several practices that might reduce or distort competition, such as abuses of a dominant position, competition-restricting agreements, mergers and financial support from governments. As such, the EU competition policy seeks to safeguard consumer welfare, preserve a level playing field across the internal market and foster economic efficiency and innovation.

Once again, national and regional ombudsmen play a more significant role in upholding the EU competition values than may initially appear. This is particularly evident in the area of state aid. Given the direct relationship between EU businesses (in the broadest sense) and the Member State authorities in this domain, it is unsurprising that ombudsmen frequently intervene as a bridge between the parties concerned. As the following sample of cases show, they do so by identifying incorrect applications of the EU state aid rules, by clarifying those rules and by reconciling their application with other fundamental principles, such as legitimate expectations and legal certainty. Although the European Commission holds the primary enforcement authority under articles 107-109 TFEU, ombudsmen provide a complementary, citizen-centred mechanism to address grievances at the national level, thereby enhancing the EU competition policy's effectiveness.



#### Finland

##### **COVID-19 support for associations and foundations engaged in economic activities**

**Case EOAK/3843/2020 (17 June 2021)**

##### **EU law concerned**

Articles 107 (1), 108 TFEU (on state aid), Regulation (EU) 1407/2013 ('de minimis Regulation' on state aid), Case C-222/04 *Ministero dell'Economia e delle Finanze c. Cassa di Risparmio di Firenze SpA et al*

##### **Facts of the case and the main legal question raised by the Ombudsman**

Under the guidance of the Finnish Ministry of Economic Affairs and Employment, Business Finland (performing a public task)

categorically excluded associations and foundations from eligibility for COVID-19 disturbance funding, regardless of their economic activity. As a result, associations and foundations engaged in similar economic activities as companies were excluded from funding, while companies and cooperatives received support. The Finnish Ombudsman concluded that this exclusion was unlawful under the applicable state aid framework. Business Finland had departed from the established EU concept of an undertaking, which covers all entities engaged in economic activity regardless of their legal form or whether they pursue profit. The Ombudsman further found that this approach was inconsistent with the principle of equal treatment in public administration, as entities carrying out comparable economic activities were treated differently solely on the basis of their legal form.

### Results of the Ombudsman's intervention

There is no clear evidence that Business Finland formally amended the eligibility criteria of the COVID-19 disturbance funding scheme as it had already been closed before the decision was issued, and had been replaced by other support instruments, such as the general cost support scheme, which also covered associations and foundations. However, the Ombudsman's finding that excluding entities solely on the basis of their legal form was unlawful clarified the applicable legal framework and reinforced the EU law principle that all entities engaged in economic activity must be treated equally regardless of legal form.

Decision link

## Bavaria (Germany)

### Inability to subsidise a health care related study programme due to incompatibility with EU State aid rules

#### EU law concerned

Articles 107 and 108 TFEU (on state aid)

#### Facts of the case and the main legal question raised by the Ombudsman

A prospective student of the Master of Social Management at the University of Applied Sciences Munich, Germany, turned to the Bavarian regional Ombudsman, after the course was not offered in the academic year 2021/2022. The University explained that the course was entirely financed by fees paid by participants and, since the number of participants was too low that year, it could not offer the course in a cost-efficient manner. The University further explained that it was unable to receive subsidies to finance the programme due to the EU State aid rules.

The Bavarian Ombudsman contacted the European Ombudsman to obtain clarifications of the EU State aid rules through the ENO query procedure (Q3/2021/TE). The Bavarian Ombudsman was concerned that the rules could result in the study programme no longer being offered and pointed out that it concerned the health care sector, which was already suffering from a shortage of qualified young professionals.

#### Results of the Ombudsman's intervention

The European Ombudsman consulted the European Commission about the query. In its reply, the Commission in essence clarified that the educational service carried out by the Bavarian University could be regarded as an economic activity and the EU rules on State aid could be applicable to the educational service offered. However, the Commission also emphasised that it was not in possession of a complete set of information and that, even if financing the training programme with public money would be considered as State aid, depending on how the measure is

designed, it could still be authorised or block exempted. The information provided by the European Commission on the issue raised has been noted. However, the course had in the meantime been cancelled. No further measures were taken.

Link: not available

## Estonia

### Recommendation on the conditions for supporting electricity production from waste

#### Case 6-1/241300 (7 January 2025)

#### EU law concerned

Directive (EC) 2008/98 (on waste), Directive (EC) 2009/28 (on the promotion of the use of energy from renewable sources), Directive (EU) 2018/2001 (on the promotion of the use of energy from renewable sources), Case C-80/89 *Erwin Behn Verpackungsbedarf GmbH contre Hauptzollamt Itzehoe*, Case C-81/10 *France Télécom v European Commission* and Case C-349/17 *Eesti Pagar AS v Ettevõtlike Arendamise Sihtasutus and Majandus- ja Kommunikatsiooniministeerium*

#### Facts of the case and the main legal question raised by the Ombudsman

The Estonian legislator changed the conditions for granting support for electricity production from waste, affecting producers who had already made investments based on the previous regulatory framework. The amendments altered the eligibility criteria and scope of support, thereby impacting existing operators who had relied on earlier rules when making long-term investment decisions.

The Chancellor of Justice found that, although EU law allows for Member States' discretion in designing and modifying support schemes, such changes must comply with constitutional principles. In particular, the legislator must respect legitimate expectations and ensure legal certainty, especially where individuals have made significant investments based on existing rules. The case highlighted that, even where national measures fall within the scope of EU law, domestic constitutional safeguards, such as the protection of legitimate expectations, must be respected when altering existing support schemes.

#### Results of the Ombudsman's intervention

Following a proposal from the Chancellor of Justice, the *Riigikogu* (Estonian Parliament) adopted the necessary amendment to the law on 5 May 2025.

Link: not available

### 3.1.13 Criminal proceedings

EU national and regional ombudsmen may have jurisdiction over the police and be competent to investigate administrative practices, procedural delays, or maltreatment within police operations, just as they would any other government agency. Their mandate often includes inspecting police holding cells, detention areas, and station waiting rooms to ensure compliance with fundamental rights, on many occasions acting as the National Prevention Mechanism under the Optional Protocol to the UN Convention Against Torture (OPCAT). The Cypriot example below refers to the Ombudsman's successful recommendation to the police ensuring the latter's adherence to EU legal standards.



#### Cyprus

##### **Case A/p 1011/2025 Lawyer-client confidentiality; right to a fair trial**

##### **EU law concerned**

Directive 2013/48/EU on the right of access to the lawyer in criminal proceedings (Article 4; Recital 33); Article 6 (Right to liberty and security), Article 7 (Respect for private and family life) and Article 47 (Right to an effective remedy and to a fair trial) of the Charter of Fundamental Rights of the European Union

##### **Facts of the case and the main legal question raised by the Ombudsman**

The complaint concerned the confidentiality of a telephone communication between a detained woman and her lawyer at the Nicosia Central Police Station. Although the conversation took place without a third party in the room, a police officer remained immediately outside with the door partially open, raising concerns that the communication could be overheard and that full confidentiality was not ensured. The key legal question raised by the Ombudsman (the Commissioner for Administration and the Protection of Human Rights) was as to whether the conditions

under which the detainee communicated with her lawyer ensured the confidentiality required by EU and national law, given the possibility that the conversation could be overheard by a police officer positioned immediately outside the room.

##### **Results of the Ombudsman's intervention**

The Commissioner found that the arrangements in place failed to ensure the confidentiality of lawyer–client communications as required by Directive 2013/48/EU. It was concluded that the possibility of the conversation being overheard undermined the right of defence and the right to a fair trial. The Commissioner recommended that the Police adopt the necessary organisational, operational and technical measures to guarantee confidential communications between detainees and their lawyers. Following the Report, the Police reissued instructions emphasising detainees' right to confidential communication with their lawyers and reviewed existing detention practices. The intervention strengthened compliance with Directive 2013/48/EU and fair trial guarantees.

Full Report (in Greek)

## 3.2 Ombudsmen' monitoring role based on EU law

### Introduction

Monitoring compliance under different EU laws is either the task of ombudsmen (alongside their statutory tasks) or of other entities to which the EU Member States assigned such task. If the monitoring under a specific EU law is assigned to another entity, the ombudsman may control monitors and/or take an advisory role towards monitoring bodies and deal with complaints related to the relevant EU law providing for a specific monitoring.

In the EU Member States, each national ombudsman who is a member of ENO has at least one monitoring duty under EU law for which they issue a report each year.

Some ombudsmen perform monitoring functions under various EU laws at the same time. In their contributions to the ENO Report, ombudsmen pointed out that multi-monitoring mandates place their offices in a complex position at the intersection of coordination, monitoring and fundamental rights protection. This involves ensuring coherent reporting across multiple actors, safeguarding independence while maintaining constructive cooperation with public authorities and sometimes with private stakeholders as well and securing effective access to information and operational environments. In highly sensitive areas such as migration and digital regulation, these roles are further marked by political sensitivity, high public expectations and the need to balance transparency with confidentiality.<sup>1</sup> While traditionally focused on the investigation of complaints concerning maladministration and violations of rights, developments in European Union law have increasingly entrusted ombudsmen with both *ex-ante* and *ex-post* monitoring responsibilities aimed at safeguarding fundamental rights and ensuring compliance with EU legal obligations.<sup>2</sup>

### 3.2.1 Monitoring as Supervisory authority under Article 77 of the AI Act<sup>3</sup>

*The "Article 77 body" refers to the national public authorities or bodies in EU Member States responsible for supervising or enforcing obligations related to the protection of **fundamental rights** (including non-discrimination) regarding the use of **high-risk AI systems** referred to in Annex III of the AI Act. Such authorities or bodies should have the powers to request and access any documentation created or maintained under the AI Act, when such documentation is necessary to effectively fulfil their mandate within the limits of their jurisdiction. Apart from **Latvia** where only the **Ombudsman** has been assigned this mandate, Member States have mapped this responsibility onto a wide network of their existing national bodies. Together with other bodies, the following **27 ENO ombudsmen***

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<sup>1</sup> Remarks by the Belgian Federal Ombudsman.

<sup>2</sup> Remarks by the Cypriot Commissioner for Administration and the Protection of Human Rights.

<sup>3</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1689>

have been assigned this mandate<sup>4</sup>: Austrian Ombudsman Board; Belgian Federal Ombudsman, two Belgian Regional Ombudsmen (Ombudsperson of the German speaking community, Regional Ombudsman of Wallonia and Federation of Wallonia-Brussels); Bulgarian Ombudsman; Ombudswoman of the Republic of Croatia; Cypriot Ombudsman – Commissioner for Administration and Protection of Human Rights; Czech Ombudsman – Public Defender of Rights; Danish Parliamentary Ombudsman; Finnish Parliamentary Ombudsman; Defender of Rights-French Ombudsman; Greek Ombudsman; Irish Ombudsman; Seimas Ombudsmen’s Office – Ombudsman of Lithuania; Maltese Ombudsman; People’s Advocate Institution-Romanian Ombudsman; Public Defender of Rights-Slovak Ombudsman; Spanish national Ombudsman-Defensor del Pueblo and Spanish regional ombudsmen (Ombudsman of the Chartered Community of Navarre, Ombudsman of the Basque Country, the Justice of Aragon, Ombudswoman of Grievances – Catalonia, Common Procurador – Castile and Leon, Ombudswoman of Grievances – Valencian Community; Ombudsman of Andalusia, Ombudsman of Galicia); Parliamentary Ombudsman in Sweden.

The Belgian Federal Ombudsman reported that in the field of artificial intelligence and digital public services, the Federal Ombudsman approaches complaints from the perspective of legality, transparency, sound administration and fundamental rights. The institution has been designated as a supervisory authority under Article 77 of the AI Act. Thus, when federal public services use automated decision-making, profiling tools or other digital systems in their contacts with citizens, the Federal Ombudsman may examine whether the administration provides sufficient information, respects procedural safeguards and offers effective avenues for redress.

The Latvian Ombudsperson reported that the Ombudsperson participated in the drafting of the AI Act and of the Council of Europe Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law. The Ombudsperson has been involved in the implementation of the AI Act since 2024. Amendments to the Ombudsman Law establishing the AI-related mandate entered into force at the beginning of 2026. The Ombudsperson participates in all national level governmental working groups related to the AI Act and is also actively involved in the national *Digital Omnibus Initiative*. In May 2026, a representative of the Office was elected Chair of the European Network of National Human Rights Institutions (ENNHRI) Working Group on Artificial Intelligence.

The Commissioner for Administration and the Protection of Human Rights (Ombudsman of Cyprus) reported that her mandate includes access to information for oversight purposes, the possibility of requesting the testing of high-risk systems and participation in Fundamental Rights Impact Assessments. The practical relevance of this role is already evident through guidance she provided on EU-funded projects involving AI technologies used by law enforcement authorities, with particular emphasis on data protection, non-discrimination, human dignity and human oversight. The Commissioner’s designation as the supervisory authority under Article 77 of the AI Act reflects the growing importance of independent oversight in ensuring that technological innovation remains consistent with fundamental rights and the rule of law.

The Irish Ombudsman reported that the Ombudsman has been included on Ireland’s list of fundamental rights authorities identified in accordance with Article 77 of the AI Act, but the Office is not a supervisory authority under the AI Act.

The Estonian Chancellor of Justice reported that in the field of artificial intelligence and digital public services, the Chancellor exercises constitutional oversight from the perspective of legality and fundamental rights. The office has not been designated as a supervisory authority under Article 77 of the AI Act, as such a role could affect institutional independence and create overlaps with authorities subject to the Chancellor’s supervision. In light of relevant EU law, the Chancellor reviewed a machine-learning-based profiling model used by the Estonian Unemployment Insurance Fund and recommended improved transparency. The office also examined automated species recognition software used by the Environment Agency and raised privacy concerns regarding the publication and unrestricted access to very high-resolution aerial imagery made available by the Land and Spatial Development Board. The Chancellor engages with public sector AI development teams, and a legal adviser from the office is a member of the Cybersecurity Commission of the Estonian Academy of Sciences.

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 4 <https://digital-strategy.ec.europa.eu/en/policies/fundamental-rights-protection-authorities-ai-act>

### 3.2.2 Independent Border Monitoring Mechanism under the Screening<sup>5</sup> and the Asylum Procedure<sup>6</sup> Regulations

*These two new legal instruments adopted as components of the EU Pact on Migration and Asylum, namely the Screening Regulation (Article 10, coupled with recitals (27)-(29)) and the Asylum Procedure Regulation (Article 43(4) paired with recital (71)) require Member States to set up independent national mechanisms to monitor compliance with fundamental rights in the context of screening (both in the vicinity of borders and within the territory) and when processing asylum claims at or in proximity of EU external borders (asylum border procedure). ENO ombudsmen have been assigned the mandate of Independent Border Monitoring Mechanism in Austria, Belgium (Federal Ombudsman), Cyprus, the Czech Republic, Denmark, Estonia, France (Defender of Rights together with the Contrôleur général des lieux de privation de liberté), Latvia, Lithuania, Luxembourg, Poland, Slovakia<sup>7</sup>.*

The Belgian Federal Ombudsmen reported that Belgium has designated the Federal Ombudsman as the independent authority responsible for monitoring respect for fundamental rights during the screening procedure, the asylum border procedure and, where applicable, return procedures. This role builds on the Federal Ombudsman's existing competence to handle complaints concerning federal migration authorities, including the Immigration Office and *Fedasil*,<sup>8</sup> and reinforces its contribution to transparency, accountability and rights protection in migration procedures.

The Commissioner for Administration and the Protection of Human Rights (Cypriot Ombudsman) reported that recent amendments to the national Refugee Law have designated the Office as the authority responsible for the independent monitoring of fundamental rights in asylum and migration procedures. Acting in its capacity as National Human Rights Institution, the Commissioner will be mandated to monitor the actions of the competent authorities through inspections, complaint handling, *ex officio* investigations and recommendations. In carrying out this role, the Commissioner will assess national practices against the standards established by the Charter of Fundamental Rights of the European Union and the relevant EU asylum and migration framework, with a view to ensuring compliance with fundamental rights obligations, including human dignity, non-refoulement, access to asylum procedures and effective judicial protection.

The Lithuanian Ombudsperson reported that the Office is part of the Independent Monitoring Mechanism. However, the monitoring activities themselves will primarily be carried out by the Lithuanian Red Cross, which was selected to receive the relevant funding for the implementation of the monitoring activities. The Ombudsman Office will contribute to the functioning of the mechanism by participating in the preparation of the final monitoring reports. In addition, its role will include handling complaints falling within the Ombudsman's mandate, as well as following up on complaints and relevant cases examined by other competent institutions, where appropriate.

.....  
<sup>5</sup> <https://eur-lex.europa.eu/eli/reg/2024/1356/oj/eng> (Article 10)

<sup>6</sup> <https://eur-lex.europa.eu/eli/reg/2024/1348/oj/eng> (Article 43(4))

<sup>7</sup> The Bulgarian, the Portuguese, the Romanian and the Slovenian ombudsmen may also be appointed as Independent Border Monitoring Mechanism. The relevant laws are not yet in force.

<sup>8</sup> Federal Agency for the Reception of Asylum Seekers

### 3.2.3 Monitoring under EU Funds Common Provisions Regulation (CPR)<sup>9</sup>

*In accordance with the CPR, Member States establish monitoring committees to review funding programme progress annually, with the Commission's representatives participating in an advisory capacity and conducting annual review meetings to examine performance. The Member State determines the composition of the committee and must ensure a balanced representation of the relevant bodies and partner representatives. While the CPR leaves a broad margin of appreciation for national authorities to set up their arrangements at national level, ombudsmen have been approached by state authorities to become involved in the committees as members or in an advisory capacity. Among ENO members, the ombudsmen from Croatia, Czech Republic, Cyprus, Greece, Finland (Human Rights Centre of the Finnish Parliamentary Ombudsman Office), Hungary and Portugal take part in monitoring committees. Other ombudsmen may supervise the monitoring bodies within their general mandate.<sup>10</sup>*

The Finnish Parliamentary Ombudsman reported that the Human Rights Centre (established under the *aegis* of the Ombudsman's Office) does have members in monitoring committees: the Steering Committee for EU regional and structural policy programmes, Monitoring Committee for the Asylum, Migration and Integration Fund (AMIF), Monitoring Committee for the Internal Security Fund (ISF) and Monitoring Committee for the Instrument for Financial Support for Border Management and Visa Policy (BMVI).

The Cypriot Commissioner for Administration and the Protection of Human Rights reported that the office was entrusted with monitoring the compliance of EU co-funded programmes with the Charter of Fundamental Rights of the European Union and the UNCRPD. The mandate covers projects implemented under the THALEIA Programme 2021-2027, the Maritime, Fisheries and Aquaculture Programme 2021-2027, as well as the AMIF, BMVI and ISF Funds. The monitoring framework combines *ex ante* and *ex post* oversight through guidance, complaint examination, participation in Monitoring Committees and, where necessary, *ex officio* examinations. A recent example concerned the National Visa Information System (CY-VIS), where the Commissioner highlighted the need for compliance with fundamental rights standards relating to privacy, data protection, proportionality, non-discrimination and the processing of personal and biometric data.

The Portuguese Ombudsman reported that it had monitored financial programmes funded by the Recovery and Resilience Plan for Portugal (Regulation (EU) 2021/241 establishing the Resilience and Recovery Fund). Based on the analysis of hundreds of complaints, the Ombudsman has been systematically monitoring the implementation of programmes funded by the Recovery and Resilience Fund for Portugal. In 2025, the institution carried out an assessment of a Support Programme (*Programa de Apoio a Edifícios mais Sustentáveis 2023*), which provides financial assistance for interventions aimed at improving building renovation, energy efficiency, water efficiency, decarbonisation, and the circular economy, thereby contributing to enhanced energy and environmental performance of buildings and to the achievement of these objectives. The monitoring identified several issues, including shortcomings in the drafting of the call for applications; untimely changes to eligibility requirements; excessive complexity of application forms and supporting documentation; insufficient reasoning in decisions; difficulties in communication with the responsible services; and significant delays in the analysis and payment of applications. Several recommendations were addressed with a view to improving future procedures of this kind.

The Belgian Federal Ombudsman reported that the Office may handle complaints concerning the way federal authorities apply conditions linked to EU funding or manage procedures financed or influenced by EU law. In such cases, the Federal Ombudsman may provide feedback to the competent authorities and make recommendations where citizens' rights or principles of good administration are at stake. The Ombudsman referred to the intervention concerning the European Refugee Fund (ERF) when, in 2017 and 2018, the Federal Ombudsman received two

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 9 <https://eur-lex.europa.eu/eli/reg/2021/1060/oj/eng> (Articles 38-40)

10 Opinion expressed by ombudsmen in the framework of the own initiative inquiry of the European Ombudsman (Annex 1 para 53 case OI/2/2021/MHZ: <https://www.ombudsman.europa.eu/en/decision/en/155353>)

complaints concerning the way Fedasil, acting as the national authority implementing the European Refugee Fund, audited EU co-financed projects. After the projects had ended (2014 expenditure under the 2013 ERF programme), stricter rules were applied without prior notice, resulting in recovery claims. The Federal Ombudsman examined the national implementation and control of these EU grants. The inquiry showed that applying a stricter interpretation of EU grant rules without prior communication is problematic in light of good administration in the management of EU funds.

The Latvian Ombudsperson reported that it assessed the system established in Latvia for the implementation of EU Structural Funds and concluded that it is cumbersome and ineffective. Accordingly, the Ombudsperson examines complaints on fundamental rights violations within activities financed through EU funds and, on an annual basis, informs the competent authorities of improvements required to enhance the system.

The Human Rights Ombudsman of the Republic of Slovenia reported that in recent years the Ombudsman has carried out activities aimed at strengthening the application of the Charter of Fundamental Rights of the European Union at the national level, including activities related to the monitoring of the use of European funds from a fundamental-rights perspective.

The Chancellor of Justice in Estonia reported that she does not take part in the assessment or decision-making concerning the allocation of EU funds but handles complaints related to the conditions and use of EU funding and may provide feedback to the competent authorities. The Chancellor provided an example of her interventions by referring to the *Decision/Recommendation in case No 7-4/230800 "Conditions for granting support measure financed from the European Union Cohesion Fund"*. The Chancellor of Justice reviewed the conditions for granting a support measure financed from the European Union Cohesion Fund. The analysis focused on whether the criteria for awarding support were sufficiently clear, objective, and transparent. It was found that the regulation governing the support scheme did not adequately specify the criteria for assessing applications. In particular, the conditions for granting support and the methodology for evaluating applications were formulated in a manner that left excessive discretion to the administering authority. Such lack of clarity undermined legal certainty and made it difficult for applicants to foresee how decisions would be taken. This raised concerns about equal treatment of applicants and the transparency of the allocation process. The case was assessed in light of both national constitutional requirements and EU law – including principles reflected in Directive 2014/24/EU – which require that procedures involving public funds be based on clear, objective, and pre-defined criteria. The Chancellor of Justice found that the existing framework was insufficiently precise. The lack of clearly defined criteria allowed for broad administrative discretion – which is incompatible with the requirements of transparency and equal treatment under EU law. Support schemes financed from EU funds must be based on pre-defined, clear, and objective criteria – ensuring that applicants can understand the conditions and that decisions are predictable and non-discriminatory. The Chancellor of Justice made a proposal to clarify the conditions for granting support in order to ensure transparency and legal certainty. The relevant ministry accepted the Chancellor of Justice's proposal.<sup>11</sup>

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<sup>11</sup> Decision link ET

### 3.2.4 Monitoring/protecting under Directive (EU) 2019/1937<sup>12</sup> on the protection of persons who report breaches of Union law (the 'Whistleblower Directive')

*Ombudsmen can play a role in monitoring and protecting whistleblowers under the Directive (Articles 11-12) although their specific role depends on national transposition of the Directive. Ombudsmen can set up and manage secure and confidential internal and external reporting channels, ensuring that reports are received securely, investigated diligently, and that the whistleblower's identity is protected. Ombudsmen are equipped to handle the follow-up process for reports, ensuring timely acknowledgements and feedback to whistleblowers and overseeing diligent investigations into the reported breaches.*

*At the European Union level, the national Ombudsmen in Bulgaria, Croatia, France and Poland have taken on the mission of protecting whistleblowers, as have the Federal Ombudsman and regional ombudsmen in Belgium (Ombudsman of Wallonia and the Wallonia-Brussels Federation, Ombudsman of the Flemish Community, Ombudsman service of the German-speaking Community of Belgium). The Irish Ombudsman is also involved as the Protected Disclosures Commissioner.*

The Belgian Federal Ombudsman reported that the Office has a specific mandate in relation to whistleblowing and integrity. Through its Centre for Integrity, the Federal Ombudsman receives and examines reports of breaches of integrity within federal public services. Within the private sector, he examines and coordinates the handling of reports of violations of law in the business world. Both in the federal public sector and in the private sector, the Ombudsman protects whistleblowers against possible retaliation. This role is relevant in the context of the EU Whistleblower Directive, as it contributes to safe reporting channels, the protection of persons reporting breaches and the broader enforcement of EU and national standards on integrity and accountability.

The Polish Ombudsman (Commissioner for Human Rights) reported that the Office has a separate team dealing with this mandate that accepts reports, intervenes in individual cases, points to problems of a general nature, gives opinions on legislation, and carries out educational activities.

The Irish Ombudsman pointed out that he is also the Protected Disclosures Commissioner. While this is a separate statutory office from the Ombudsman, he holds that role by virtue of holding the office of Ombudsman. This role was established under the Protected Disclosures (Amendment) Act 2022 which gives effect to the Whistleblowers Directive. The main role of the Office of the Protected Disclosures Commissioner is to identify the appropriate recipient to follow up on reports of wrongdoing made by workers.

The Defender of Rights (French Ombudsman) reported that, since 2022, the office has the obligation to publish a biennial report highlighting the situation of whistleblowers' protection in France, as well as the conditions for processing reports, particularly by external authorities. To do this, the Defender gathers data from external competent authorities through a network of external reporting authorities (AERS<sup>13</sup>) set up by the Defender since 2023. The first meeting of the AERS network (41 authorities in total) was organised by the Defender of Rights in 2023, on the occasion of the publication of a guide dedicated to whistleblowers. Since then, meetings have multiplied. Since 2024, most AERS members have transmitted an annual report to the Defender of Rights relating to their activities of collecting and processing alerts, including quantitative and qualitative data, which is synthesised in the biennial report. In the most recent biennial report published in May 2026<sup>14</sup>, the Defender noted a massive increase in solicitations addressed to external reporting authorities. Faced with this influx, the AERS must organize themselves, in connection with the Defender, to respond to multiple requests and cope with what currently resembles a "growth crisis." The analysis of data produced by the AERS authorities, as well as its own claims and links with various actors (employers, lawyers, civil

<sup>12</sup> <https://eur-lex.europa.eu/eli/dir/2019/1937/oj/eng>

<sup>13</sup> AERS stands for *Autorités externes de recueil et de traitement des signalements*.

<sup>14</sup> [https://www.defenseurdesdroits.fr/sites/default/files/2026-05/ddd-rapport-LA\\_2024-25\\_20260527.pdf](https://www.defenseurdesdroits.fr/sites/default/files/2026-05/ddd-rapport-LA_2024-25_20260527.pdf)

society), allows the Defender to have a global vision of the implementation of the whistleblowers law in France, and be able to formulate recommendations to public authorities on the necessary developments and adjustments to ensure the effectiveness of the processing of whistleblowers reports. In its first report in 2024, the Defender of Rights already formulated several recommendations for public authorities so that the notion of whistleblower protection would be effective. The Defender is now urgently demanding concrete responses from public authorities.

The Bulgarian Ombudsman reported that Pursuant to § 5 of the Final Provisions and Article 19(1), item 14 of the Ombudsman Act, the Ombudsman is responsible for conducting an independent external audit of the activities related to whistleblowing and the protection of whistleblowers. Furthermore, under Article 30(3) of the Whistleblower Protection Act, the Ombudsman is empowered to receive and examine complaints submitted against the Commission for Personal Data Protection (CPDP) by individuals who have already reported breaches through the external reporting channel, including complaints concerning the failure to provide adequate protection or breaches of the confidentiality of their identity and personal information. To ensure the effective implementation of these new responsibilities, the Ombudsman established a dedicated Directorate for the Audit of Whistleblowing and the Protection of Whistleblowers. The office also strengthened its administrative and professional capacity by developing a comprehensive methodology and internal rules for conducting independent external audits of the Commission for Personal Data Protection in its capacity as the central authority responsible for the external reporting channel under the Whistleblower Protection Act. In parallel, the Ombudsman developed the necessary expertise and procedures for examining complaints submitted against the CPDP by individuals who have used the external reporting mechanism. In fulfilment of its responsibilities under Article 30(1), (2), and (4) of the Whistleblower Protection Act, the Ombudsman conducts an independent external audit of the CPDP in its capacity as the Central Authority for External Reporting and the Protection of Persons under the Act. The audit examines all key aspects of the work of the External Reporting Channel Directorate through an on-site review of its operations. It includes an assessment of the procedures and practices for receiving and handling reports, the cooperation and coordination between the CPDP and the competent authorities, the mechanisms for ensuring the protection of whistleblowers, and the support measures available to reporting persons. The audit also evaluates the operation of the unified electronic case management system "REPORT" and other elements of the CPDP's work, providing a comprehensive assessment of the effectiveness of the external reporting system.

### 3.2.5 Monitoring as an Equality Body

*In all EU Member States, National Equality Bodies are set up based on an obligation in EU equal treatment legislation (Race Equality Directive<sup>15</sup> and the Gender Equality Directives<sup>16</sup> in employment, self-employment and access to goods and services). In addition, two Directives setting binding standards on the mandate, independence, resources, tasks and powers of Equality Bodies<sup>17</sup> were adopted in May 2024. ENO Ombudsmen are equality bodies in Croatia, Cyprus, Czech Republic, France, Estonia, Finland, Greece, Hungary, Latvia, and Poland.*

The Latvian Ombudsperson reported that, since 2007, the Ombudsperson has served as the monitoring body for the Race Equality Directive and the Gender Equality Directive. The Ombudsperson examines individual complaints, promotes public awareness, and conducts surveys to assess the implementation and practical application of these directives. The Ombudsperson actively participated in the development of the Standard Directives and was selected as one of the pilot institutions for the project on indicators under the Standard Directives.

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<sup>15</sup> <https://eur-lex.europa.eu/eli/dir/2000/43/oj/eng>

<sup>16</sup> <https://eur-lex.europa.eu/eli/dir/2006/54/oj/eng>

<sup>17</sup> <https://eur-lex.europa.eu/eli/dir/2024/1500/oj/eng>, and <https://eur-lex.europa.eu/eli/dir/2024/1499/oj/eng>

The Polish Ombudsman (the Commissioner for Human Rights) reported it has a separate team dealing with this mandate which intervenes in individual cases, drafts reports, points to problems of a general nature, gives opinions on legislation, carries out educational activities and conducts social research on discrimination.

The Cypriot Commissioner for Administration and Protection of Human Rights reported that, since 2004, the office has been entrusted with the functions of the national Equality Body, and the Czech Public Defender of Rights recalled that, apart from promoting equal treatment, it aids victims of discrimination.

The Hungarian Office of the Commissioner for Fundamental Rights reported that its Directorate-General for Equal Treatment conducts administrative proceedings of direct and indirect discrimination in employment, education, social protection including healthcare, and access to goods and services; it advises complainants on the applicable law and available remedies and publishes summaries of its relevant decisions. The Directorate-General acts in the framework of an administrative authority procedure in the cases defined by the law. If the violation of the requirement of equal treatment is established in a procedure, the Directorate-General may not only make a proposal for remedying the violation of the law that has been exposed but it may also adopt a binding administrative decision, in which it may even impose a sanction. Thus, the termination of a situation that violates the law or the publication of a decision establishing the violation of the law may be ordered, a conduct that violates the law may be prohibited, or even a fine imposed. Equal treatment is defined as a cross-cutting statutory objective under Act CXXV of 2003, aligned with Union and international requirements. The EU Equality Body Directives adopted in 2024 set new standards against which the Office's resourcing and independence will be measured in the coming cycle. The Deputy Commissioner for the Rights of Nationalities has issued successive positions of principle on racist and xenophobic conduct – among them Position 5/2020 on hate speech on video-sharing platforms, Position 2/2023 on prohibited totalitarian symbols, and Position 2/2024 on hate-inciting demonstrations. The Office's sustained monitoring of hate-crime recording and prosecution accompanied the alignment of national criminal law with Union law: Act LXIV of 2024 amended the incitement provision (Criminal Code § 332) with effect from 1 March 2025 to conform fully to Framework Decision 2008/913/JHA on combating racism and xenophobia<sup>18</sup>. Under the EU Citizens, Equality, Rights and Values Programme<sup>19</sup>, the Office contributed to the "Counter-Hate" blended-learning programme for criminal-justice and victim-support professionals, supporting compulsory hate-crime training completed by more than 10,000 police officers. The Office has also pressed for the effective schooling of non-national children, including those exercising free-movement rights and those holding refugee, subsidiary, or temporary-protection status. Investigation AJB-18/2022 opened a continuing dialogue with the responsible ministry on intercultural programmes and Hungarian-as-a-foreign-language provision. Investigations concerning the segregation of Roma pupils – reflected in the Deputy Commissioner's Position 3/2023 on ability-based streaming – bear directly on the equal-treatment guarantees of the Racial Equality Directive in the field of education.

The Chancellor of Justice in Estonia reported that the office serves as a national equality body, alongside the Estonian Gender Equality and Equal Treatment Commissioner. However, the Chancellor's mandate does not extend to strategic litigation or court representation, as envisaged in newer EU standards (Directives 2024/1499 and 2024/1500), due to the Chancellor's constitutional role as an independent and neutral institution. Equal treatment principles are assessed in constitutional review proceedings and in the handling of individual complaints. Approximately twenty cases per year concern discrimination, including disputes between private parties, where conciliation may be conducted.

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<sup>18</sup> [https://eur-lex.europa.eu/eli/dec\\_framw/2008/913/oj/eng](https://eur-lex.europa.eu/eli/dec_framw/2008/913/oj/eng)

<sup>19</sup> <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/programmes/cerv>

### 3.2.6 Monitoring under the UN Convention on the Rights of Persons with Disabilities (CRPD) to which the European Union is also a party

*Monitoring under Article 33 (2) of the UN Convention on the Rights of Persons with Disabilities (UNCRPD)<sup>20</sup> involves two main layers: international monitoring by the UN CRPD Committee and domestic monitoring through Independent Monitoring Frameworks (IMFs) established by States Parties. States must create IMFs under Article 33(2) of the CRPD to promote, protect, and monitor the Convention's implementation nationally. These frameworks may be single or plural bodies. The ENO ombudsmen in Austria, Bulgaria, the Czech Republic, Cyprus, Estonia, Finland, Hungary, France, Latvia, and Poland have this mandate.<sup>21</sup>*

The Ombudsperson of Latvia reported that the office had acted as the independent monitoring mechanism under Article 33(2) of the CRPD since 2010. Within this mandate, the Ombudsperson examines complaints, conducts research, and carries out awareness-raising activities. From 2015 to 2024, the Ombudsperson organised the annual CRPD conference and annual award for people with disabilities. In 2017 and 2025, the Ombudsperson participated in the review process before the UN Committee on the Rights of Persons with Disabilities, presenting and discussing both the State report and the Ombudsperson's alternative report on the implementation of the CRPD in Latvia.

The Polish Commissioner reported that the office has a Chief coordinator for the implementation of the CRPD. The monitoring itself is, however, scattered across many teams.

The Hungarian Ombudsman stated that as the national mechanism monitoring the CRPD the Office conducts inquiries that give practical content to obligations shared by Hungary and the EU. Recent investigations include AJB 2878/2022 on antenatal care for mothers with intellectual disabilities, which produced an inter-agency working group and CRPD-aligned guidance; AJB-300/2024 on patient transport for users of electric wheelchairs, with recommendations to expand provision and amend the governing regulations; and AJB 13/2025 on socially insured assistive products, prompting a comprehensive system review. Several of the Office's recommendations are reflected in the 2026-2036 National Disability Programme.

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<sup>20</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>

<sup>21</sup> <https://fra.europa.eu/en/publication/2025/nhri-accreditation-status-and-mandates-update-2025?page=2#read-online>

### 3.2.7 Monitoring/enforcing under web-accessibility EU Web Directive 2016/2102<sup>22</sup> (WAD)

*Member States are required to transpose the Directive into national law, establish national monitoring bodies, and provide for the enforcement mechanism, which can include an ombudsman (Article 9 of the Directive). If a user encounters an accessibility problem on a public sector website or mobile app and is not satisfied with the public body's response when s/he reports that issue, they can escalate their complaint to the designated enforcement body, such as an ombudsman. The ombudsman then handles the notification or request, ensuring effective handling of the accessibility issue. The ENO ombudsmen from the following EU Member States are listed<sup>23</sup> by the European Commission as bodies in charge of WAD enforcement: Cyprus, France, Ireland, Latvia, Luxembourg, the Netherlands and Romania.*

The Ombudsperson of Latvia reported that the office has served as the monitoring and enforcement authority for Web Accessibility Directive since 2020. To implement the Directive, Latvia established a unified web platform on which the websites of all State and municipal institutions may be hosted. The web platform was planned to be accessible. In 2025, the Ombudsperson conducted monitoring of the platform and found that none of the 15 websites examined complied with accessibility requirements. It was also established that organizations representing people with disabilities were not involved in the development of the platform. The Ombudsperson called upon the responsible authorities to remedy these shortcomings.

The Irish Ombudsman reported that the Web Accessibility Directive is implemented in Ireland by the EU 2020 Regulations (Accessibility of Websites and Mobile Applications of Public Sector Bodies). Under these Regulations, the National Disability Authority monitors compliance with the Directive. It does not, however, adjudicate individual complaints. The Ombudsman has a role in relation to web accessibility complaints under these Regulations, though solely in relation to disability matters and not in relation to equal status more generally.

The Portuguese Ombudsman reported that, in 2023, it published a report on public attendance, which assessed, among other aspects, the accessibility of websites. One of the purposes of the assessment was to contribute to the definition of solutions that allow full respect for the principle of good administration, through access and quality service to all citizens. Considering the problems identified, many of them of a systemic nature, several recommendations were made, namely on the information provided by the websites of public entities. In 2025, a follow-up report was published.<sup>24</sup>

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<sup>22</sup> <https://eur-lex.europa.eu/eli/dir/2016/2102/oj/eng>

<sup>23</sup> <https://digital-strategy.ec.europa.eu/en/policies/web-accessibility-monitoring>

<sup>24</sup> This report can be consulted at [https://www.provedor-jus.pt/documentos/Relato%CC%81rio\\_Atendimento%20ao%20Cidade%CC%83o.pdf](https://www.provedor-jus.pt/documentos/Relato%CC%81rio_Atendimento%20ao%20Cidade%CC%83o.pdf)

### 3.2.8 Monitoring of forced returns under Returns Directive 2008/115<sup>25</sup>, and monitoring under Article 51 of Frontex Regulation 2019/1896<sup>26</sup>

*Monitoring forced returns is legally mandated by Directive 2008/115/EC (Article 8.6) and the Frontex Regulation 2019/1896 (Article 51) to ensure respect for fundamental rights. Both require Member States to establish effective monitoring systems, with Article 51 of the Frontex Regulation providing for Frontex to make available independent forced-return monitors from a Pool of Monitors (under the auspices of the Fundamental Rights Officer (FRO)) to observe and report on Frontex-supported or -coordinated forced return operations using objective and transparent criteria. Many ENO members are in charge of monitoring forced returns (Bulgaria, Cyprus, the Czech Republic, Denmark, Greece, Latvia, Poland, Slovakia, Spain).<sup>27</sup>*

The Polish Ombudsman (the Commissioner for Human Rights) reported that monitoring of forced returns consists mainly in frequent interventions in urgent individual cases (often when a person is already prepared for deportation at the airport), assessing the actions of enforcement officers, formulating recommendations and follow-up actions, and pointing to problems of a general nature.

The Cypriot Ombudsman (the Commissioner for Administration and Protection of Human Rights) reported that it acts as the national Forced-Return Monitoring Mechanism pursuant to Article 8(6) of Directive 2008/115/EC and contributes to the European reserve pool of forced-return monitors under Article 51 of Regulation (EU) 2019/1896. The Mechanism monitors national and Frontex-coordinated return operations and assesses compliance with fundamental rights safeguards through independent monitoring activities and reports. A member of the Office is currently included in the European reserve pool of forced-return monitors following specialised Frontex training. Since 2024, the Mechanism has monitored 18 return operations, including 15 Joint Return Operations coordinated by Frontex, covering 172 returnees to countries including Pakistan, Georgia, Nigeria, Bangladesh, Iraq, Russia and the United Kingdom. A notable example concerned the use of restraints during return operations, where recommendations issued by the Ombudsman led to changes in police practices, including the introduction of Velcro-type restraints and specialised training with Frontex on the use of force and coercive measures.

The Public Defender of Rights of the Slovak Republic reported that it began its monitoring activities following an own initiative inquiry launched in 2019, since it has not been officially recognised as a monitoring body under the Directive. Its initial attempts to monitor return operations were refused by the Border and Foreign Police, which argued that the legislation did not expressly authorize such monitoring. The subsequent amendment of the Act on the Public Defender of Rights clarified the mandate and removed doubts as to whether the Public Defender could monitor forced returns, including in police vehicles. Since the clarification of the legal framework, the Office has carried out several monitoring missions, primarily concerning forced returns starting from the Migration Detention Centre in Medvedov. In practice, however, the Public Defender has not been formally recognised as the official forced return monitoring body. National law refers to monitoring by the Ministry of Interior with the assistance of NGOs and the UNHCR. As a result, cooperation between the Public Defender Office and the Border and Foreign Police remains largely informal.

<sup>25</sup> <https://eur-lex.europa.eu/eli/dir/2008/115/oj/eng>, This directive has been in the process of being replaced by the Regulation establishing a new Common European System for Returns. It will enter into force after publication in the Official Journal of the EU.

<sup>26</sup> <https://eur-lex.europa.eu/eli/reg/2019/1896/oj/eng>

<sup>27</sup> Some ombudsmen do monitoring of forced returns as National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture (OPCAT).

At present, the Office is usually notified in advance by the Migration Detention Centre in Medvedov about planned returns. However, the Office does not have access to a complete database of scheduled or executed forced returns and therefore cannot verify whether it is informed of all return operations. The most significant limitation concerns the scope of monitoring. International standards require forced return monitoring to cover all stages of the operation, from preparation in detention, through transport and the flight phase, to arrival in the country of return. In Slovakia, the Public Defender is currently able to monitor mainly the preparatory phase. The Police Corps has repeatedly refused to allow the Public Defender or Office staff to accompany the returnee in the escort vehicle, despite the Public Defender's statutory mandate to enter such vehicles. This issue should be resolved by the latest amendment to the law on the Public Defender of Rights adopted in 2026. The Office has identified several good practices, including individual risk assessment before using restrictive measures and allowing returnees to contact family members before removal. It has also identified shortcomings, such as incomplete medical "fit to fly" forms, insufficient explanation of rights, especially where language barriers exist, and earlier problems with the identification of escorting officers. Some of these issues were remedied following the Public Defender's intervention. The effectiveness of monitoring remains limited by insufficient formal recognition, lack of access to complete information, limited personnel and financial resources, and the restricted ability to monitor the full course of forced return operations.

### 3.2.9 Free Movement Bodies protecting the rights of EU workers and their family members under Directive 2014/54/EU<sup>28</sup>

(Directive on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers).

*Under this Directive, EU Member States are required to establish specialised bodies to protect the rights of EU workers and their families. These bodies provide legal or practical assistance to EU mobile workers and their families, monitor freedom of movement, and address nationality-based discrimination. In some countries, they may also provide help in legal proceedings. The ENO ombudsmen from the following EU Member States are designated as such bodies: the Czech Republic, France, Estonia, Greece, and Latvia.<sup>29</sup>*

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<sup>28</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014L0054>

<sup>29</sup> [https://employment-social-affairs.ec.europa.eu/policies-and-activities/moving-working-europe/working-another-eu-country/free-movement-eu-nationals/how-enforce-your-rights/bodies-promoting-equal-treatment-and-supporting-workers-european-union-and-their-family-members\\_en](https://employment-social-affairs.ec.europa.eu/policies-and-activities/moving-working-europe/working-another-eu-country/free-movement-eu-nationals/how-enforce-your-rights/bodies-promoting-equal-treatment-and-supporting-workers-european-union-and-their-family-members_en)

# Doing together: ENO Queries and Parallel inquiries

Chapter 4

## 4.1 Queries

### Definition

The *query* procedure is a collaborative working tool for the ENO. Members of the ENO can turn to the European Ombudsman with questions related to EU law or policies ('queries'). Their questions are forwarded by the European Ombudsman to the relevant EU institution, body, office or agency thus enabling ENO members to obtain an expert reply within a short timeframe.

### History

The query mechanism dates from the very same year when the ENO was established, that is, 1996. That year, Jacob Söderman, the then European Ombudsman and national and regional ombudsmen from the EU Member States decided that their '*cooperation would consist of exchanging information, views and advice on [EU] law matters with the purpose of dealing with citizens' requests and complaints in a more effective way*'.<sup>1</sup> It was also agreed that the European Ombudsman would be willing to receive queries from national ombudsmen about EU law and provide replies directly or channel the query to the appropriate EU institution.

The first queries were received in 1997 and came from the Irish Ombudsman.<sup>2</sup> They were related to complaints that this office was handling. Complaints concerned the Common Agricultural Policy and issues faced by Irish farmers working with cattle. In the following years, other queries from the Irish Ombudsman followed, as well as queries from regional ombudsmen (Basque Country and Tuscany, both queries from 2000).

Queries were then regularly received throughout the years. In the past 30 years, the European Ombudsman received 97 queries from regional and national ombudsmen of the EU Member States.

### Characteristics of queries

Most queries do not relate to issues of administrative practices but rather concern core questions of (il)legality, for instance how an EU legal concept should be understood and applied by an ombudsman in their inquiry/intervention. Queries usually serve two purposes: to better deal with an individual case submitted to an ombudsman (1/3 of queries), or to obtain information to challenge situations *ex officio* that an ombudsman considers to be against EU law (for instance wrong transposition of EU legislation, government action violating EU principles, etc. – 2/3 of queries).<sup>3</sup>

The European Ombudsman asked the European Commission for a reply to most queries. In a few instances, the European Ombudsman Office provided the reply. The Commission always provided the reply within a short timeframe, usually one month. This reflects both the effectiveness of the mechanism in obtaining replies from the most expert institution, as well as the quality of the queries.

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1 European Ombudsman, Annual Report for 1996, available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:31997Y0908\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:31997Y0908(01))

2 European Ombudsman, Annual Report for 1997, p.282, available at: <https://www.ombudsman.europa.eu/en/doc/annual-report/en/3447>

3 These data result from a survey among ENO members which the European Ombudsman carried out in 2023. The European Ombudsman decided to further reflect on the use and impact of queries and reached out to all offices that had submitted queries between 2021 and 2023 with questions concerning how they used the information received, what was the outcome of the query on their side, and whether they disseminated the information obtained. 10 ombudsmen took part in the survey.

Queries came from both national and regional ombudsmen, from 21 EU Member States: 16 queries were submitted by the Irish Ombudsman and the same number by Italian regional ombudsmen, 15 queries by the Spanish national and regional ombudsmen; 9 queries came from Belgium (Belgian Federal Ombudsman and regional ombudsmen) and 8 queries from Austria (Austrian Ombudsman Board and regional ombudsmen); 7 queries were submitted by the Danish Ombudsman, 4 by the Maltese Ombudsman, 3 queries were submitted by the Estonian Chancellor of Justice; the Cypriot, Finnish, French, Latvian and Polish national ombudsmen submitted 2 queries each, and the Czech, Croatian, Bulgarian, Dutch, Luxembourgish, Slovak and Portuguese national ombudsmen and two German regional ombudsmen submitted each one 1 query. This demonstrates the EU-wide ENO interest for the mechanism.

## Impact

In quantitative terms, the Ombudsman receives only a handful of queries every year. However, in qualitative terms, this procedure has produced interesting results over the past years. The researchers compared the procedure to a form of ‘extra-judicial preliminary ruling’ (where not a national court asks for a clarification to the Court of Justice of the European Union (CJEU), but a national /regional ombudsman asks the European Ombudsman for such a clarification).<sup>4</sup>

This tool provided ENO with a real added value, as it allowed national and regional ombudsmen to receive interpretative guidance on a wide range of issues from the European Commission or from the European Ombudsman. The replies to the queries were non-authoritative, but the fact that the replies came from an EU institution proved to be helpful for ombudsmen to argue their cases before national authorities and ultimately get a concrete change for citizens.

For instance, one query<sup>5</sup>, about the unilateral closing by France of a cross-border pedestrian bridge in the Basque Country, helped the Basque Ombudsman to obtain a reply to a question about how this was compatible with the Schengen Borders Code. The Basque Ombudsman shared the reply with the French Defender of Rights and the mayors of the municipalities concerned. While admitting that direct causality would be difficult to establish, the Basque office reported that, subsequent to the query, the bridge has re-opened, a new border strategy was put in place, and in the revised Schengen Borders Code the Commission made a specific reference to cross-border regions.

Another query<sup>6</sup> was about mutual recognition of judgements in criminal matters. The Slovak office realised that Slovak legislation seemed to have not correctly transposed EU law with the effect of preventing the transfer of detainees who were considered as not criminally responsible for their crime due to mental health issues. As there was an ongoing legislative process on the matter (during which the same incorrect implementation of EU law risked being adopted), they used the information obtained during the query to promote the correct interpretation. Following the Ombudsman’s intervention, the Ministry of Justice changed the wording of the new act and Slovakia now has the correct implementation of the EU law concerned.

Ombudsmen who submitted queries sometimes diffused the information they obtained very broadly (stakeholders, civil society, government, etc.), thus contributing to better inform the public debate and public opinion on issues of interest to their work.

In at least one case, when the ombudsman raised an issue that he considered systemic but that the Commission considered isolated, the European Ombudsman decided to reach out to all ENO members and their replies helped establish that indeed this was a broader issue. The European Ombudsman informed the Commission of these replies. The tool is therefore also helpful to identify and together tackle systemic problems.

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<sup>4</sup> Athanasiadou, N, Vogiatzis, N (2021). The EU Queries: A Form of Extra-Judicial Preliminary Reference in the Field of Maladministration? *German Law Journal* 22, 441–465. <https://doi.org/10.1017/glj.2021.17>

<sup>5</sup> Q3/2023/JK

<sup>6</sup> Q5/2023/AML

## 4.1.1 List of queries (1996-2026)

| Reference   | Title                                                                                                                                                                                     | Country            |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| Q2/2026/KW  | Query from the Austrian Ombudsman Board concerning the equal treatment of mobile EU citizens as regards fees imposed for the submission of foreign documents in administrative procedures | Austria            |
| Q1/2026/JN  | Query from the Czech Ombudsman concerning remedies available under the European Criminal Records Information System (ECRIS)                                                               | The Czech Republic |
| Q2/2025/AML | Query from the Croatian Ombudsman concerning health insurance for Croatian students studying in other EU countries                                                                        | Croatia            |
| Q1/2025/VS  | Query by the Estonian Ombudsman concerning the rights of family members of EU citizens under Directive 2004/38/EC                                                                         | Estonia            |
| Q1/2024/JN  | Query by the regional Ombudsman of the German speaking Community in Belgium about social security for migrant workers                                                                     | Belgium            |
| Q5/2023/AML | Query from the Slovak Ombudsman about how to interpret Council Framework Decision 2008/909 on mutual recognition of judgments in criminal matters                                         | Slovak             |
| Q4/2023/JK  | Query from the Spanish national Ombudsman concerning how the European Commission provided information to citizens concerning the use of the European Health Insurance Card                | Spain              |
| Q3/2023/JK  | Query originating from the regional Ombudsman of the Basque Country concerning free movement of persons across a bridge linking Spain and France                                          | Spain              |
| Q2/2023/JK  | Query from the Irish Ombudsmen concerning the insurance market in Ireland and issues regarding the application of the Solvency II Directive                                               | Ireland            |
| Q1/2023/JN  | Query from the Austrian Ombudsman Board concerning free movement restrictions and possible discrimination in accessing a pedestrian zone at a border crossing between Austria and Hungary | Austria            |
| Q3/2022/MHZ | Query by the regional Ombudsman of Mecklenburg–Western Pomerania about directive 2018/2002 concerning energy efficiency                                                                   | Germany            |
| Q2/2022/MHZ | Query by the Latvian Ombudsman concerning discrimination of female scientists in EU funded projects on the grounds of pregnancy, maternity and parenthood                                 | Latvia             |
| Q4/2021/VB  | Query from the regional Ombudsman of Tuscany concerning the issues faced by individuals vaccinated with COVID-19 vaccines that have not received an EU authorisation                      | Italy              |

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|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| <b>Q3/2021/TE</b>  | Query by the regional Ombudsman of Bavaria concerning the inability to subsidise a health care related study programme due to incompatibility with EU State aid rules                                                                                                                            | Germany  |
| <b>Q2/2021/OAM</b> | Query by the regional Ombudsman of Catalonia concerning the issuing of EU Digital COVID Certificates for those who have recovered from infections confirmed by antigen tests                                                                                                                     | Spain    |
| <b>Q1/2021/MHZ</b> | Query from the regional Ombudsman of Catalonia concerning Commission action (inaction) in relation to the Ebro delta after a storm, called Gloria                                                                                                                                                | Spain    |
| <b>Q4/2020/MHZ</b> | Query from the Latvian Ombudsman concerning the right to access basic banking services, such as a basic bank account and payment facilities, notably where an individual is unable to comply with the provisions of the EU Anti-Money Laundering Directive                                       | Latvia   |
| <b>Q3/2020/JF</b>  | Query from the Spanish national Ombudsman concerning legislative competence on services offered to unaccompanied minors during commercial flights                                                                                                                                                | Spain    |
| <b>Q2/2020/JF</b>  | Query from the Portuguese Ombudsman concerning interpretation of the Dublin Regulation                                                                                                                                                                                                           | Portugal |
| <b>Q1/2020/JAP</b> | Query from the Belgian Federal Ombudsman concerning the application of Directive 2016/801 on the conditions of entry and residence of non-EU country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing | Belgium  |
| <b>Q3/2019/MDC</b> | Query from the regional Ombudsman of Tuscany concerning the lack of a harmonised EU (sub)code for driving licences envisaging the modification of driver seats to allow for swivel car seats.                                                                                                    | Italy    |
| <b>Q2/2019/MOM</b> | Query from the Danish Ombudsman concerning interpretation of Directive 2003/4/EC on public access to environmental information                                                                                                                                                                   | Denmark  |
| <b>Q1/2019/JF</b>  | Query from the Spanish national Ombudsman concerning accompanying services to minors during commercial flights                                                                                                                                                                                   | Spain    |
| <b>Q4/2018/JAP</b> | Query from the Belgian Federal Ombudsman on the application of Citizens' rights directive (Directive 2004/38/EC) concerning problems with entry visas for non-EU family members of EU citizens                                                                                                   | Belgium  |
| <b>Q3/2018/EIS</b> | Query from the Danish Ombudsman concerning interpretation of Directive 2003/4/EC on public access to environmental information                                                                                                                                                                   | Denmark  |
| <b>Q2/2018/EIS</b> | Query from the Austrian Ombudsman Board concerning the right to family benefits in cross border situations – excessive delays and interpretation of Regulation 987/2009                                                                                                                          | Austria  |
| <b>Q1/2018/EIS</b> | Query from the Irish Ombudsman concerning Interpretation and definition of the term 'Young Farmer' under EU law                                                                                                                                                                                  | Ireland  |

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|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| <b>Q6/2017/MDC</b> | Query from the Belgian Federal Ombudsman concerning the practical application at the national level of the provisions in the Family Reunification Directive derogating from the requirement that refugees and family members seeking reunification provide evidence that the refugee is able to provide suitable accommodation for the family and has sickness insurance | Belgium  |
| <b>Q5/2017/JN</b>  | Query from the Austrian Ombudsman Board concerning the impact of the new Data Protection Regulation on the work of the Austrian Ombudsman and of other Ombudsmen                                                                                                                                                                                                         | Austria  |
| <b>Q4/2017/EIS</b> | Query from the Estonian Ombudsman concerning the lack of EU-wide statistical data on access to ICT services among citizens aged 75 and above                                                                                                                                                                                                                             | Estonia  |
| <b>Q3/2017/MDC</b> | Query from the Spanish national Ombudsman concerning Frontex's obligation to make information about its complaints mechanism readily available                                                                                                                                                                                                                           | Spain    |
| <b>Q2/2017/JAP</b> | Query from the Polish Ombudsman concerning actions that aim to stop violence against women                                                                                                                                                                                                                                                                               | Poland   |
| <b>Q1/2017/JAP</b> | Query from the Bulgarian Ombudsman concerning different quality of food products amongst the Member States (lower quality of food produced for markets in Central and Eastern Europe)                                                                                                                                                                                    | Bulgaria |
| <b>Q9/2016/MDC</b> | Query from the Maltese Ombudsman concerning bird ringing as the sole recognised method of tagging birds for research purposes                                                                                                                                                                                                                                            | Malta    |
| <b>Q8/2016/EIS</b> | Query from the Finnish Ombudsman concerning the EU rules on rail passengers' rights and the accessibility of restaurant cars to wheelchair users                                                                                                                                                                                                                         | Finland  |
| <b>Q7/2016/MDC</b> | Query from the Maltese Ombudsman about citizens' rights to participate in the formulation of planning policies under the Aarhus Convention                                                                                                                                                                                                                               | Malta    |
| <b>Q6/2016/EIS</b> | Query from the Maltese Ombudsman concerning the transposition of relevant EU rules on road safety and access to environmental information into the national legal order in Malta                                                                                                                                                                                         | Malta    |
| <b>Q5/2016/JAP</b> | Query from the Irish Ombudsman related to agricultural matters – ineligibility of an application for Basic Payment Scheme 2015 due to a late application for a separate scheme in 2013                                                                                                                                                                                   | Ireland  |
| <b>Q4/2016/JN</b>  | Query from the Austrian Ombudsman Board on the application of the principle of non-discrimination on the grounds of nationality                                                                                                                                                                                                                                          | Austria  |
| <b>Q2/2016/JAP</b> | Query from the Irish Ombudsman on Directive 2003/59/EC on the initial qualification and periodic training of drivers                                                                                                                                                                                                                                                     | Ireland  |
| <b>Q1/2016/EIS</b> | Query from the national coordination of Italian regional and autonomous provinces Ombudsmen on the payment of costs for medical treatment given following prior authorisation and its compliance with EU law and Regulation 883/2004                                                                                                                                     | Italy    |

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|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| <b>Q3/2015/JAP</b> | Query from the Irish Ombudsman on the termination of the long-term set-aside payments under the Rural Environmental Protection Scheme and Regulation 2078/92                                                                                                                            | Ireland |
| <b>Q2/2015/DR</b>  | Query from the Belgian federal Ombudsman about interpretation to be given to the term "to abscond" (in French, "[prendre la] fuite") foreseen by Article 29(2) in fine of Regulation (EU) No 604/2013                                                                                   | Belgium |
| <b>Q1/2015/JAS</b> | Query from the Austrian Ombudsman Board about interpretation of Council Directive 2006/112/EC on the common system of value added tax in connection with the remuneration of lawyers acting as legal guardians                                                                          | Austria |
| <b>Q3/2014/PL</b>  | Query from the regional Ombudsman of Andalusia about the alleged breach of EU environmental legislation in relation to activities on the Gibraltar coast                                                                                                                                | Spain   |
| <b>Q2/2014/AMF</b> | Query from the Spanish national Ombudsman about the failure of the Spanish authorities to motivate the refusal of visa applications of family members of EU citizens                                                                                                                    | Spain   |
| <b>Q1/2014/OV</b>  | Query from the Belgian federal Ombudsman about the interpretation of Article 6(1)(a)(iii) of Regulation 1071/2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator                                           | Belgium |
| <b>Q2/2013/EIS</b> | Query from the Finnish Ombudsman about the availability in all EU languages of harmonised product standards for the construction sector                                                                                                                                                 | Finland |
| <b>Q1/2013/BEH</b> | Question (registered as a query) from the Regional Parliament of the Land of Thuringia on a draft law concerning the improvement of working conditions of the Regional Ombudsman of Thuringia – relationship between ombudsmen and other institutions, inquiry powers, working methods. | Germany |
| <b>Q3/2012/RA</b>  | Query from the Irish Ombudsman as to whether a project to improve the footpaths in Moynalty village, Co. Meath, Ireland, met the additionality requirement to qualify for a specific grant under the Rural Development Programme 2007-2013                                              | Ireland |
| <b>Q2/2012/ER</b>  | Query from the regional Ombudsman of Veneto about access to the Italian national health service for Romanian citizens of Moldovan origin and residing in Moldova – absence of provision of healthcare insurance and EHIC by Romania to its citizens not residing in the country         | Italy   |
| <b>Q1/2012/ER</b>  | Question (registered as a query) from the national Italian Childhood and Adolescence Authority about changes in the attribution of citizenship for foreign children born in Italy in light of the European Convention on Nationality                                                    | Italy   |
| <b>Q11/2011/AN</b> | Query from the regional Ombudsman of the Canary Islands about pension rights and free movement of workers – retirees receiving a pension from two Member States                                                                                                                         | Spain   |
| <b>Q10/2011/ER</b> | Query from the regional Ombudsman of Tuscany about the compatibility of EU rules on free movement of a provision treating professional experience acquired abroad differently from the same experience acquired in Italy                                                                | Italy   |
| <b>Q9/2011/BEH</b> | Query from the Irish Ombudsman about pension rights and free movement of workers – access to healthcare for a retiree receiving a pension from two Member States                                                                                                                        | Ireland |

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|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| <b>Q8/2011/PB</b>  | Query from the Danish Ombudsman as to whether the notion of 'environmental information' applies to personal health information (general testing of a group of people in contact with pigs to determine the presence of an antibiotic-resistant bacteria)                 | Denmark |
| <b>Q7/2011/PB</b>  | Query from the Danish Ombudsman as to whether the EU law notion of 'worker' and the Danish Appeal Board for Education Grant's practices in relation to foreigners                                                                                                        | Denmark |
| <b>Q6/2011/AN</b>  | Query from the French Ombudsman about the impact of reforms of the Common Agricultural Policy on the EU programme of food distribution to deprived persons                                                                                                               | France  |
| <b>Q5/2011/EIS</b> | Query from the regional Ombudsman of Emilia-Romagna about the application of EU legislation on social security schemes to employed persons and their families moving within the Community to a pregnant citizen wishing to give birth in the Member State of her partner | Italy   |
| <b>Q4/2011/MMN</b> | Query from the regional Ombudsman of Andalusia about the functioning of EU rules to deal with health crisis situations relating to foodstuff (E. coli contamination), including compensation for affected sectors                                                        | Spain   |
| <b>Q3/2011/IJH</b> | Query from the regional Ombudsman of Piedmont about the lack of sufficient and swift action from the part of administrative bodies and authorities responsible for environmental and health protection on issues of smog, car traffic and air pollution                  | Italy   |
| <b>Q2/2011/KM</b>  | Query from the Assembly Ombudsman for Northern Ireland about interest accruing during the appeal process in relation to the recovery of undue payments in the context of direct support schemes under the Common Agricultural Policy                                     | UK      |
| <b>Q1/2011/BEH</b> | Query from the regional Ombudsman of Vorarlberg about the compatibility of the practice of music schools to charge considerably higher fees to non-resident pupils (compared to resident pupils) with the prohibition of discrimination under EU law                     | Austria |
| <b>Q3/2010/AN</b>  | Query from the Belgian federal Ombudsman about the double taxation of VAT in cross-border transactions within the EU                                                                                                                                                     | Belgium |
| <b>Q2/2010/ELB</b> | Query from the Estonian Ombudsman about the refusal to issue residence cards to non-EU family members of Estonian citizens who reside in Estonia under Directive 2004/38/EC                                                                                              | Estonia |
| <b>Q1/2010/BEH</b> | Query from the Austrian Ombudsman Board about the conditioning of childcare allowance to gainful employment in Austria and rights of workers having worked in another EU Member State                                                                                    | Austria |
| <b>Q1/2009/IP</b>  | Query from the regional Ombudsman of Emilia-Romagna about application of EU legislation on social security schemes to employed persons and their families moving within the Community to a pregnant citizen wishing to give birth in the Member State of her partner     | Italy   |
| <b>Q8/2008/TN</b>  | Query from the Maltese Ombudsman about the Maltese Central Bank's refusal to implement family-friendly measures on parental leave decided by the Maltese government, and its reliance to its status as a member of the European System of Central Banks to do so         | Malta   |
| <b>Q7/2008/JMA</b> | Query from the regional Ombudsman of Catalonia about the actions taken by the European Medicines Agency against a drug prescribed to women going through menopause and still commercialised in Member States despite deleterious health effects                          | Spain   |

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|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| <b>Q6/2008/OV</b>       | Query from the Dutch Ombudsman about passengers' rights under EU legislation for flights departing from outside the EU                                                                                                                                                              | Netherlands |
| <b>Q5/2008/PB</b>       | Query from the Danish Ombudsman about the concept of environmental information as covering opinions of a Danish environmental complaint committee                                                                                                                                   | Denmark     |
| <b>Q4/2008/MHZ</b>      | Query from the Polish Ombudsman about possible unequal treatment of Polish candidates by EPSO                                                                                                                                                                                       | Poland      |
| <b>Q3/2008/(JMA)MHZ</b> | Query from the regional Ombudsman of Andalusia about the interpretation of EU legislation on vehicles used for the carriage of passengers and the exclusion of users travelling with their babies in prams                                                                          | Spain       |
| <b>Q2/2008/JMA</b>      | Query from the regional Ombudsman of Catalonia about the compliance of a project part of the European high-tension network with rules on access to information and environmental protection                                                                                         | Spain       |
| <b>Q1/2008/ELB</b>      | Query from the French Ombudsman about EU legislation on additives in feeding stuffs                                                                                                                                                                                                 | France      |
| <b>Q3/2007/BEH</b>      | Query from the regional Ombudsman of the Canton of Basel-Stadt about rules on driving licence for German citizens residing in Switzerland                                                                                                                                           | Switzerland |
| <b>Q2/2007/OV</b>       | Query from the regional Flemish Ombudsman about national social security exemptions for EU officials due to their participation in the EU Joint Sickness Insurance Scheme                                                                                                           | Belgium     |
| <b>Q1/2007/ELB</b>      | Query from the Luxembourgish Ombudsman as to whether the refusal of France to pay a veteran pension to a Luxembourgish citizen who renounced his French nationality is in breach of the prohibition of discrimination                                                               | Luxembourg  |
| <b>Q2/2006/IP</b>       | Query from the regional Ombudsman of Veneto about the decision of regional authorities of Veneto to change the definition of 'municipalities with tourism economy' and its socio-economic repercussions for a city                                                                  | Italy       |
| <b>Q1/2006/GK</b>       | Query from the Irish Ombudsman as to whether competent national authorities have discretion in defining epizootic diseases which would constitute 'force majeure' under rules for direct support schemes under the Common Agricultural Policy and other support schemes for farmers | Ireland     |
| <b>Q4/2005/IP</b>       | Query from the regional Ombudsman of Emilia-Romagna about the refusal of Italian traffic control authorities to issue a driving licence to a refugee who did not dispose of an identity document with all personal data due to force majeure                                        | Italy       |
| <b>Q3/2005/IP</b>       | Query from the regional Ombudsman of the Autonomous Region of Friuli Venezia-Giulia about the free movement of goods and the impossibility to import into Italy textiles produced in Germany for theatre furniture                                                                  | Italy       |
| <b>Q2/2005/GK</b>       | Query from the Cypriot Ombudsman about the exclusion of Turkish Cypriots from EU institutions recruitment procedures for citizens coming from the new Member State as Turkish is not an EU official language                                                                        | Cyprus      |

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|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| <b>Q1/2005/(IP)TN</b> | Query from the Irish Ombudsman as to whether the Irish 'Island Allowance' constitutes a social security benefit such as defined under EU legislation, and whether it is justified to exclude people receiving payments (pensions) from other Member States to receive it (2) | Ireland |
| <b>Q3/2004/OV</b>     | Query from the Cypriot Ombudsman about language rights for non-Cypriot but EU citizens for the obtention of a professional driver's license                                                                                                                                  | Cyprus  |
| <b>Q2/2004/IP</b>     | Query from the Irish Ombudsman as to whether the Irish 'Island Allowance' constitutes a social security benefit such as defined under EU legislation, and whether it is justified to exclude people receiving payments (pensions) from other Member States to receive it (1) | Ireland |
| <b>Q1/2004/IP</b>     | Query from the regional Ombudsman of the Veneto about the existing community legislation in the field of tobacco growing and possible future changes                                                                                                                         | Italy   |
| <b>Q1/2003/IP</b>     | Query from the regional Ombudsman of Tuscany about the existing legislation in the field of rehabilitation of persons suffering from multiple sclerosis                                                                                                                      | Italy   |
| <b>Q1/2002/IP</b>     | Query from the regional Ombudsman of Lombardia about the management of EU funds (European Social Fund) by the Lombardia Region                                                                                                                                               | Italy   |
| <b>Q3/2000/ME</b>     | Query from the Irish Ombudsman about non-payment of interest on a repayment of a milk super levy charges                                                                                                                                                                     | Ireland |
| <b>Q2/2000/ADB</b>    | Query from the regional Ombudsman of Tuscany about the residence requirements imposed on applicants for a taxi licence and other posts and offices in Sienna                                                                                                                 | Italy   |
| <b>Q1/2000/MM</b>     | Query from the regional Ombudsman of the Basque Country about free movement of goods in relation to the import of cars to Spain                                                                                                                                              | Spain   |
| <b>Q2/1999/IJH</b>    | Query from the Irish Ombudsman about freedom of movement and the decision of Irish health authorities to revoke the entitlement of a German's citizen spouse and child to free health services following the spouse's commencement of low-paid part-time employment          | Ireland |
| <b>Q1/1999/PD</b>     | Query from the Danish Ombudsman about residence permit and the free movement of workers                                                                                                                                                                                      | Denmark |
| <b>Q5/1998/IJH</b>    | Query from the Irish Ombudsman about the rejection of applications for grants under Special Beef and Extensification Premium Schemes due to errors in the area aid forms, and the concept of benefit of the doubt                                                            | Ireland |
| <b>Q4/1998/ADB</b>    | Query from the Ombudsman of Verona about the application of VAT to taxes                                                                                                                                                                                                     | Italy   |
| <b>Q2/1998/XD</b>     | Query from the Belgian federal Ombudsman about disability benefits and their transfer from one Member State to another                                                                                                                                                       | Belgium |
| <b>Q1/1998/PD</b>     | Query from the Danish Ombudsman about the protection of individuals with regard to the processing of personal data and the free movement of such data                                                                                                                        | Denmark |
| <b>Q3/1997/IJH</b>    | Query from the Irish Ombudsman about the rejection of a tender submitted in Irish language in a tendering procedure carried out in accordance with the Supplies Directive 93/36/EEC                                                                                          | Ireland |
| <b>Q2/1997/IJH</b>    | Query from the Irish Ombudsman about compensation following the repayment of a milk super levy                                                                                                                                                                               | Ireland |
| <b>Q1/1997/IJH</b>    | Query from the Irish Ombudsman about the interpretation of EU law in relation to the payment of extensification premiums, in particular in relation to the counting of animals to calculate stocking density purposes                                                        | Ireland |

## 4.2 Parallel inquiries

### Definition

*Parallel inquiries* is a broad term covering ENO parallel work. This could be inquiries, including fact-finding inquiries, and interventions by more than one ENO member *or* providing a specific information *or* views by one ENO member to another ENO on the matter investigated by the latter and following their request.<sup>7</sup> Parallel inquiries should be about the same topic of EU law, involving national and EU administrations or national administrations exclusively. Each ombudsman participating in the ENO parallel work follows the rules of procedure applicable to their office. An Ombudsman may initiate ENO parallel inquiries after having detected, following a complaint or on their own initiative or because of exchanges of ideas with other ENO members, a topic of shared interest. They then invite national and regional ombudsmen to launch an inquiry/intervene on the same topic in parallel to their own inquiry or to provide relevant information/views.

### ENO distinguishes two types of parallel inquiries

**First**, there are parallel inquiries initiated by the European Ombudsman in which the European Ombudsman inquires into the actions of EU institutions, while ENO regional or national ombudsmen conduct parallel inquiries on the actions of national authorities within the same matter.

**Second**, there are parallel inquiries initiated by a national or regional ombudsman in which a national or a regional ombudsman invites their counterparts from other Member States to investigate the same matter from the perspective of their own jurisdiction, and the European Ombudsman supports the initiative.

In both scenarios, the input is recorded and published on the ENO website (hosted by the European Ombudsman), thus offering a complete picture of the issue while preserving the boundaries of each participating ombudsman's mandate.

### History

As European integration unfolds, EU and national authorities are led to cooperate in an increasing number of areas. This cooperation blurs the traditional boundaries between the levels of administration (local, regional, national, EU) involved in managing a given matter. While this cooperation is necessary to ensure effective implementation of EU law in many policy areas, it raises questions as regards how to establish the responsibility for a decision that has been taken. Parallel inquiries were developed by the European Ombudsman precisely to reply to these questions while respecting each ombudsman's respective mandate.

Between 2014 and 2026, ENO conducted eleven vertical parallel inquiries exclusively on the initiative of the European Ombudsman. While the European Ombudsman targeted the EU administration in her investigations, the national and regional ombudsmen targeted the national and regional administration. The topics were related for instance to shared (EU and Member State) management of EU funds, EU law infringement procedures (the national ombudsman scrutinised EU law compliance by the national administration, and the European Ombudsman scrutinised the European Commission's monitoring of that compliance) or migration and asylum issues.

.....  
<sup>7</sup> For instance, in reply to the European Ombudsman's initiative concerning the use of Asylum, Migration and Integration Fund in the EU Member States, the Spanish Ombudsman launched an *ex officio* investigation into the situation of refugees in Spain and several Ombudsmen announced that they would carry out inspections in detention centres, while others wrote to their national authorities to inquire about the treatment of refugees.

The very first parallel inquiries took place in 2014. They were about the respect for fundamental rights in joint operations for the forced returns coordinated by Frontex. The European Ombudsman launched this ENO parallel work given the role of national authorities in Frontex operations, and the fact that ombudsmen received complaints related to these operations and many were acting as fundamental rights monitors in these operations. The initiative triggered the participation of the Committee on Petitions of the German Bundestag and of twenty national and regional ombudsmen. It contributed to the improvements in Frontex's Code of conduct applicable to joint returns.

The most recent vertical parallel inquiry was launched by the European Ombudsman in 2026. She invited ENO members to consider inquiring into the functioning of the EU alert system for food safety (the Rapid Alert System for Food and Feed, RASFF), which is a system that allows EU and national authorities to share information and act on products placed on the EU market that may be unsafe for consumption.

In June 2026, for the first time in the ENO history, a national ombudsman, supported by the European Ombudsman, initiated horizontal parallel inquiries. This was the Slovenian Ombudsman who launched an inquiry concerning Slovenian administration and invited other ENO members from the EU Member States to conduct parallel inquiries, about the implementation and effectiveness of national climate policies in compliance with the European Climate Law and human rights. The Slovenian Ombudsman offered to share methodology and findings with the participating ENO members. The national reports or inquiry conclusions will be shared with the European Ombudsman who will publish them on the dedicated ENO website.

## Impact

There are many advantages stemming from ENO parallel work. First, the European Ombudsman and national/regional ombudsmen, acting together, may better promote EU law compliance by national, regional and EU administrations. Second, they can all better argue their cases before the administration under their remit. Third, such cooperation increases the relevance and impact of ombudsmen work at both EU and Member State level. Parallel inquiries may also lead to citizens better understanding their EU citizenship rights.

## 4.2.1 List of ENO parallel inquiries (2014-2026)<sup>8</sup>

### Parallel inquiries initiated by a national or regional ombudsman

#### Ongoing

**How national, regional and local administrations ensure that climate policies are effective enough to protect right to a healthy living environment (as and if granted in the national constitutions) and comply with European Climate Law and human rights standards (Article 8 (Right to respect for private and family life) ECHR, Article 37 (Environmental protection) of the Charter Fundamental Rights of the European Union). The aim is to strengthen collective oversight and amplify conclusions at both national and European levels**

Initiator: the Slovenian Ombudsman

On 26 June 2026, the Slovenian Ombudsman sent a letter to all ENO members from the EU Member States inviting them to join her in the inquiry.<sup>9</sup>

### Parallel inquiries initiated by the European Ombudsman

#### Ongoing

**How the European Commission ensures the protection of consumers from food-related hazards through the Rapid Alert System for Food and Feed (RASFF)<sup>10</sup>**

Following concerns raised by stakeholders, the Ombudsman launched an own initiative inquiry into how the European Commission ensures the protection of consumers from food-related hazards through the Rapid Alert System for Food and Feed (RASFF).

Given that the system is based on good cooperation between national authorities which may be under the jurisdiction of national ombudsmen, the European Ombudsman invited ENO members to inquire into this issue with their national authorities and indicated that she will share their input with the Commission so that it can use it to assess the overall efficiency of the RASFF.

.....  
<sup>8</sup> <https://www.ombudsman.europa.eu/en/european-network-of-ombudsmen/parallel-inquiries>

<sup>9</sup> <https://www.varuh-rs.si/novice/sporocila-za-javnost/obisk-evropske-varuhinje-clovekovih-pravic-v-sloveniji>

<sup>10</sup> This inquiry was ongoing when this Report was drafted: <https://www.ombudsman.europa.eu/en/doc/correspondence/en/224091>

## Past

### 1452/2022/MHZ<sup>11</sup>

#### **How the European Border and Coast Guard Agency (Frontex) ensures the rights of migrants in 'debriefing' interviews with the participation of the Spanish National Ombudsman**

The case concerned debriefing interviews of irregular migrants conducted by Frontex in the context of the Frontex-Spain Joint Operation Indalo at the Spanish-Morocco sea border. The Spanish Ombudsman dealt with a complaint relating to the same matter concerning the Spanish authorities taking part in the Joint Operation Indalo.

### 01/2/2021/MHZ<sup>12</sup>

#### **How the European Commission monitors EU Structural and Investment Funds to ensure they are used to promote the right of persons with disabilities to independent living and inclusion in the community, with the participation of the regional Ombudsmen of the Autonomous Province of Trento and of the Basque Country and national Ombudsmen from Austria, the Czech Republic, Estonia, Finland, France, Malta, Slovenia, Spain and Sweden**

The European Ombudsman asked ENO members for their input about how the right to independent living is being implemented in their Member State, based on complaints they have dealt with or information that has come to their attention, and whether they find it feasible and desirable to participate in national 'monitoring committees', which would examine the performance of EU-funded programmes in compliance with the Charter of Fundamental Rights of the European Union and the UNCRPD.

### 1598/2020/VS<sup>13</sup>

#### **How the European Commission ensures that the Croatian authorities respect fundamental rights in the context of border management operations financed by EU funds, with participation of the Croatian Ombudswoman**

The inquiry examined whether, in line with a commitment made by the Commission, emergency assistance disbursed to Croatia was accompanied by the creation of a monitoring mechanism to ensure that the border management measures fully comply with fundamental rights and EU asylum laws. The Croatian Ombudswoman provided input about the monitoring activities covered by the European Commission's emergency assistance project (EMAS).

### 01/5/2020/MHZ<sup>14</sup>

#### **How the European Border and Coast Guard Agency (Frontex) deals with complaints about alleged fundamental rights breaches through its 'complaints mechanism' on the basis of the rules from 2019, with the participation of the national Ombudsmen of Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Greece, Norway, Slovakia, and Slovenia**

The Bulgarian and Greek ombudsmen referred to complaints related to Frontex operations they dealt with. Other participating ombudsmen reported that they had not been informed about or forwarded complaints by the Frontex Fundamental Rights Officer and did not receive complaints directly about alleged violations of fundamental rights in Frontex operations in which their national authorities took part.

.....

<sup>11</sup> <https://www.ombudsman.europa.eu/en/decision/en/171951>

<sup>12</sup> <https://www.ombudsman.europa.eu/en/decision/en/155353>

<sup>13</sup> <https://www.ombudsman.europa.eu/en/decision/en/152811>

<sup>14</sup> <https://www.ombudsman.europa.eu/en/decision/en/143108>

#### SI/3/2018/JN<sup>15</sup>

**The implementation of Article 74(3) of Regulation 1303/2013 requiring Member States to have in place effective complaint mechanisms for matters concerning European Structural and Investment Funds with the participation of national Ombudsmen from Estonia, Iceland, Malta, Poland, Serbia, Slovakia and Spain who provided input to the European Ombudsman**

ENO ombudsmen provided input on complaints concerning the use of EU Funds they dealt with or on other national mechanism dealing with such complaints.

#### 1040/2017/JAP<sup>16</sup>

**The Commission's handling of an infringement complaint against the Netherlands (refusal to issue a visa for a non-EU country family member of a Union citizen) with the participation of the Dutch Ombudsman**

Given the Commission's statement in its reply about the Member States' problems with application of EU law in this area, the European Ombudsman had contacted the Dutch national ombudsmen who conducted an inquiry into the matter insofar as it concerned the Dutch authorities.

#### SI/7/2017/JN<sup>17</sup>

**Parallel initiative concerning the Commission's and the Member States' implementation of Article 28 of Regulation 1005/2009 on substances that deplete the ozone layer with the participation of the national Ombudsmen from Austria, Croatia, Hungary and Slovenia.**

This strategic initiative looked into the effectiveness of the inspections regime provided for in Article 28 of Regulation 1005/2009. Ombudsmen assessed the involvement of national administration.

#### 212/2017/JN<sup>18</sup>

**Compliance of Member-States Export Credit Agencies with the EU's objectives and obligations, in particular on human rights, with the participation of the national Ombudsmen from Poland and Spain**

The case concerned the adequacy of the European Commission's annual reviewing of export credit agencies – national bodies that give financial support to companies doing business in risky markets – in particular with respect to the protection of human rights and the environment. The Polish and Spanish Ombudsman carried out inquiries.

.....  
<sup>15</sup> <https://www.ombudsman.europa.eu/en/doc/correspondence/en/117396>

<sup>16</sup> <https://www.ombudsman.europa.eu/en/doc/correspondence/en/106766>

<sup>17</sup> <https://www.ombudsman.europa.eu/en/doc/correspondence/en/93934>

<sup>18</sup> <https://www.ombudsman.europa.eu/sk/decision/en/107200>

SI/1/2015/MHZ<sup>19</sup>

**The role of national ombudsmen in the Asylum, Migration and Integration Fund (AMIF) with the participation of national Ombudsmen from Austria, Croatia, the Czech Republic, Denmark, Ireland, Malta, Poland, Spain and the UK**

The parallel inquiries sought to shed light on the actions that ENO members are undertaking, or considering undertaking, to improve the human rights situation of asylum seekers and resettled persons against the background of the European Commission approving national multi-annual programmes under the Asylum Migration and Integration Fund (AMIF) funding for 2014-2020. The Spanish Ombudsman launched an *ex officio* investigation into the situation of refugees in Spain. Several Ombudsmen also announced that they would carry out inspections in detention centres.

OI/9/2014/MHZ

**Ensuring respect for fundamental rights in joint operations for the forced return of irregular non-EU country migrants with the participation of the Committee on Petitions of the German Bundestag, the Regional Ombudsman of the German Land Schleswig–Holstein, and national Ombudsmen from Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Hungary, Ireland, Latvia, Lithuania, Malta, the Netherlands, Poland, Slovakia, Sweden, Slovenia and Spain**

This own-initiative inquiry sought to clarify how Frontex, as a coordinator of Joint Return Operations (JROs), ensures respect for the fundamental rights and human dignity of the individuals being returned. As many national ombudsmen have a role to play in JROs, either as monitoring bodies of forced returns or by dealing with complaints, the European Ombudsman asked members of the European Network of Ombudsmen for their input. In reply, they assessed the participation of national authorities in the Frontex coordinated returns and provided ideas for improvements to ensure better respect for fundamental rights.

.....  
<sup>19</sup> <https://www.ombudsman.europa.eu/en/doc/correspondence/en/73785>

# Doing together: ENO Conferences, seminars, and meetings

## Chapter 5



Since its very first days, one of the ENO's activities has been to exchange information on EU legislation and best practices through **conferences (also called seminars) at the ombudsmen level**. The ENO conferences have been organised once a year or every two years either by the European Ombudsman alone in Brussels/Strasbourg or by the European Ombudsman in cooperation with a national ombudsman in the latter's country. The European Ombudsmen also organised **meetings of the ENO liaison officers** and webinars for the staff of national ombudsmen on chosen subjects of EU law. The European Ombudsman compiles and circulates a daily news email, which aggregates news/information for/from ENO members. On the European Ombudsman's website there is a section dedicated to ENO.

## Chronology of ENO Conferences, seminars, and meetings

1996 ○

### Strasbourg, France, 12-13 September

#### 1<sup>st</sup> European Network of Ombudsmen conference

Establishment of European Network of Ombudsmen at a conference organised by the European Ombudsman with the participation of national Ombudsmen and similar bodies, the European Commission and the Committee on Petitions of the European Parliament.

*"The rights of the citizens of the European Union"*



1997 ○

### Brussels, Belgium, 23-24 June

#### Meeting of ENO liaison officers from national ombudsman and similar bodies

*"The supervision of the Application of Community law on a national level"*

- 
- 1997 ○ Barcelona, Spain, 28-30 October**  
**Conference of regional ombudsmen and committees on petitions of the European Union**  
Organised by the Ombudsman of Catalonia (Spain)
- 1998 ○ Brussels, Belgium, 23-24 November**  
**Seminar for liaison officers of the national ombudsman offices and Euro-Jus officers**  
Organised jointly by the European Ombudsman and the European Commission
- 1999 ○ Ljubljana, Slovenia, 6-8 June**  
**European Network of Ombudsmen conference (seminar)**  
Organised jointly by the European Ombudsman and the Slovenian Human Rights Ombudsman  
*"Ombudsmen and the law of the European Union"*
- 1999 ○ Paris, France, 9-10 September**  
**European Network of Ombudsmen conference**  
Organised jointly by the European Ombudsman and the French Ombudsman  
*"Ombudsmen, the Treaty of Amsterdam and European Integration"*
- 1999 ○ Florence, Italy, 11-12 November**  
**Conference of regional ombudsmen and committees on petitions of the European Union**  
Organised by the office of the Regional Ombudsman of Tuscany, under the guidance of the regional offices of Wallonia, Catalonia, Sardinia, Rhineland-Palatinate and Lombardy  
*"The daily work of Regional Ombudsmen in the EU, and the forthcoming challenges with regard to the effects of the European integration on their work"*

2000 ○ **Strasbourg, France, 22-23 September**

**Seminar for liaison officers**

*"Human Rights"*

*"New developments in the area of freedom, security and justice after the Amsterdam Treaty"*

2001 ○ **Brussels, Belgium, 19-21 September**

**European Network of Ombudsmen conference**

Organised jointly by the European Ombudsman, the Belgian Ombudsmen and the European Commission

*"The ombudsmen against discrimination"*

2003 ○ **Athens, Greece, 7-8 April**

**Seminar of the National Ombudsmen of EU Member States**

Organised jointly by the European Ombudsman and the National Ombudsman of Greece

*"Ombudsmen and the Protection of Rights in the European Union"*



2003 ○ **Valencia, Spain, 9-11 April**

**Meeting of the Regional Ombudsmen of EU Member States**

Organised by the Ombudsman of Valencia (Spain)

*"The European Constitution"*

*"The future of Europe"*

*"Immigration and asylum"*

*"Environmental protection in the EU and the role of the regional Ombudsmen"*

*"Openness and access to document, with special reference to environmental information"*

2003 ○ **Strasbourg, France, 1-2 December**

**Liaison Officers' seminar**

*"European information, advice and justice for all"*

2005 ○ **The Hague, Netherlands, 11-13 September**

**Seminar of the National Ombudsmen of EU Member States**

Organised jointly by the European Ombudsman and the National Ombudsman of the Netherlands

*"The role of ombudsman institutions and similar bodies in the implementation of EU law"*



2006 ○ **Strasbourg, France, 19-20 June**

**Liaison Officers' seminar**

*"Upholding fundamental rights – Sharing best practice"*

2006 ○ **London, United Kingdom, 19-21 November**

**Seminar of the Regional Ombudsmen of EU Member States**

Organised jointly by the Commissioner for Local Administration in England (United Kingdom) and by the European Ombudsman

*"Working together to promote good administration and defend citizens' rights in the EU"*

2007 ○

## Strasbourg, France, 14-16 October

### Seminar of the National Ombudsmen of EU Member States

*"Rethinking good administration in the European Union"*



2008 ○

## Strasbourg, France, 1-3 June

### Liaison Officers' seminar

*"Freedom of expression"*

*"Access to information and documents"*

*"The Ombudsman's proactive work – promoting good administration"*

*"The Ombudsman's proactive work – communicating effectively"*

*"The Ombudsman's reactive work – handling complaints"*

*"Ensuring the application of EU law"*

2008 ○ **Berlin, Germany, 2-4 November**

**Seminar of the Regional Ombudsmen of EU Member States**

Organised jointly by the Berliner Abgeordnetenhaus and the European Ombudsman

*"Protecting the Most Vulnerable in Society: The Role of Complaints and Petitions"*

2009 ○ **Paphos, Cyprus, 5-7 April**

**Seminar of the National Ombudsmen of EU Member States and Candidate Countries**

Organised jointly by the Commissioner for Administration (Ombudsman) of Cyprus, and by the European Ombudsman

*"Migration and its impact on the work of Ombudsmen"*



2010 ○ **Strasbourg, France, 6-7 June**

**Liaison officers' seminar**

*"The implications of the Lisbon Treaty for the work of ombudsmen"*

*"Linguistic barriers to free movement in the European Union"*

*"Cross-border healthcare and patients' rights"*

*"The European Network of Ombudsmen"*

## 2010 ○ Innsbruck, Austria, 7-9 November

### Regional Seminar of the European Network of Ombudsmen

Organised jointly by the European Ombudsman and the Ombudsman of Tyrol (Austria)

*"The role of regional ombudsmen"*

*"Sharing knowledge about European Union law"*

*"The European Network of Ombudsmen"*

*"Latest developments in European Union environmental law"*

*"Environmental issues and the work of regional ombudsmen"*

## 2011 ○ Copenhagen, Denmark, 20-22 October

### National Seminar (Conference) of the European Network of Ombudsmen

Organised jointly by the European Ombudsman and the Danish Parliamentary Ombudsman

*"Law, politics, and ombudsmen in the Lisbon era"*



## 2012 ○ Strasbourg, France, 24-26 June

### Liaison Seminar of the European Network of Ombudsmen

*"The European Citizens' Initiative and the right to petition"*

*"The development of procedures for handling cases"*

*"The restructuring of ombudsman offices"*

*"Increasing the visibility of the Network and its members"*

*"The role of ombudsmen in protecting fundamental rights"*

*"The role of ombudsmen in protecting persons in detention"*

2012 ○

## Brussels, Belgium, 14-16 October

### Regional Seminar of the European Network of Ombudsmen

Organised by the Flemish Ombudsman, the Ombudsman of Wallonia and of the Wallonia-Brussels Federation, the Ombudsman of the German-speaking Community of Belgium, and the European Ombudsman

*"The role of regional ombudsmen"*

*"The expanding role and increasing profile of regional ombudsmen and committees on petitions"*

2013 ○

## Dublin, Ireland, 15-17 September

### National Seminar of the European Network of Ombudsmen

Jointly organised by the Irish Ombudsman and the European Ombudsman

*"Good administration and the rights of citizens in a time of austerity"*

2014 ○

## Strasbourg, France, 27-29 April

### Liaison Seminar of the European Network of Ombudsmen

*"How to improve the services provided to the Network and its members"*

*"Priority activities for the Network"*

*"Increasing the visibility, impact, and relevance of the Network for key stakeholders and the general public"*

*"Oversight of Frontex return flights"*

*"What role can social media play in increasing the visibility of the Network?"*

*"The role of ombudsmen as guardians of transparency and access to information"*

2014 ○

## Cardiff, United Kingdom, 22-24 June

### Regional Seminar of the European Network of Ombudsmen

Jointly organised by the Public Services Ombudsman for Wales (United Kingdom) and the European Ombudsman

*"Ombudsmen and committees on petitions: voices for the voiceless"*

2015 ○

**Warsaw, Poland, 26-29 April**

**National Seminar of the European Network of Ombudsmen**

Jointly organised by the Polish Ombudsman and the European Ombudsman

*"Ombudsmen against discrimination"*



2016 ○

**Brussels, Belgium, 12-14 June**

**European Network of Ombudsmen Conference**

*"Refugees – Rule of Law – Lobbying transparency: Is Europe rising the challenges?"*

2017 ○

**Brussels, Belgium, 19-20 June**

**European Network of Ombudsmen Conference**

*"'Populism' in the EU"*

*"Brexit: EU citizens' rights"*

*"Open government survey"*

*"New policies & challenges for Ombudsmen"*

2018 ○

## Brussels, Belgium, 8-9 March

### European Network of Ombudsmen Conference

*"The Future of the EU – Ensuring an inclusive and fair society for citizens"*



2018 ○

## Brussels, Belgium, 5-6 September

### European Network of Ombudsmen Seminar

*"Presentation of the OECD survey on the role of ombudsman institutions in open government"*

*"ENO follow-up to the OECD findings on open governance"*

*"Deepening ENO cooperation – exploring areas for parallel inquiries, workshops, exchange of best practices"*

*"Ombudsmen and citizens engagement – challenges and problems"*

2018 ○

## Brussels, Belgium, 27 November

### Meeting members of the European Network of Ombudsman

*"Empowering Parliaments and Enforcing Citizens Rights in the Implementation and Application of Union Law"*

2019 ○

## Brussels, Belgium, 8-9 April

### European Network of Ombudsmen Conference

*"The state of European democracy: Making citizen participation meaningful"*

Working groups:

1. Participatory democracy: Implications for ombudsmen and petitions committees
2. Developing soft powers: Relations with stakeholders, strategic initiatives, building support among the public
3. GDPR: The effect of the General Data Protection Regulation on the work of ombudsmen and petitions committees
4. Demographic challenges: Ageing societies – what are the consequences for healthcare systems, housing and cities



2020 ○

## Brussels, Belgium, 12 May

### European Network of Ombudsmen webinar

*"The implications of the COVID-19 crisis on ombudsman institutions and petitions committees"*

2020 ○

## Brussels, Belgium, 26 October

### 25 Years of the European Ombudsman – Digital conference

*"The future of the European Ombudsman"*

- 2021 ○ **Brussels, Belgium, 24 March**  
European Network of Ombudsmen webinar for investigators and liaison colleagues  
*"AI and e-government in public administrations"*
- 2021 ○ **Brussels, Belgium, 6 July**  
European Network of Ombudsmen webinar with the Fundamental Rights Officer at Frontex for investigators and liaison colleagues  
*"Frontex's Complaints Mechanism and the monitoring of forced returns"*
- 2021 ○ **Brussels, Belgium, 15 September**  
European Network of Ombudsmen webinar for investigators and liaison colleagues  
*"Institutional care, the use of EU funds and lessons from the pandemic"*
- 2022 ○ **Strasbourg, France, 27-28 April**  
European Network of Ombudsmen conference  
Organised jointly by the European Ombudsman and the French Ombudsman  
*"The role of Ombudsmen in times of crisis"*



2022 ○ **Brussels, Belgium, 12 October**

European Network of Ombudsmen webinar for investigators and liaison colleagues

*"Web accessibility and the ENO queries procedure"*

2023 ○ **Brussels, Belgium, 9 November**

European Network of Ombudsmen conference

*"Protecting human rights: approaches to migration and artificial intelligence"*



2024 ○ **Brussels, Belgium, 20 February**

European Network of Ombudsmen webinar for investigators and liaison colleagues

*"The Whistleblower Directive and problems linked to free movement"*

2025 ○

## Brussels, Belgium, 20-21 November

### European Network of Ombudsmen conference

*“Upholding a rights-based Europe”*

Workshops:

1. Practical barriers for intra-EU mobility
2. The challenges and opportunities of monitoring EU law compliance
3. Preserving ombudsmen independence in challenging times
4. Sharing ombudsmen experience in dealing with environmental complaints
5. Ombudsman oversight of semi-private and semi-public administration
6. Preventing the fragmentation of the protection of citizens’ rights
7. The evolving role of ombudsmen in migration and asylum complaints
8. Regulatory simplification – what could it mean for the protection of rights?



2026 ○

## Málaga, Spain, 12-13 January

### Meeting of the Liaison officers of the European Network of Ombudsmen

Organised jointly by the Regional Ombudsman of Andalusia and the European Ombudsman

*"Ideas for the ENO inquiries in parallel"*

*"Conclusions of the ENO 2025 Conference's eight workshops"*

*"Projects to celebrate 30 years of ENO"*

# Looking ahead together: The Code of Good Practice for Ombuds Institutions in the Use of Technological Systems

Chapter 6

## Foreword

For thirty years, the European Network of Ombudsmen has provided a valuable framework for cooperation between ombuds institutions and similar bodies, enabling the exchange of information, experience and good practice in the service of persons and the public interest. This Code has been prepared as an initiative of the Network to mark three decades of close and productive cooperation. It reflects the shared commitment of ombuds institutions to uphold fundamental rights and freedoms, the rule of law and the principles of good administration in a changing technological environment.

The Code is also a worthy continuation of the work initiated by the first European Ombudsman, Jacob Söderman, in *The European Code of Good Administrative Behaviour*. That Code helped to articulate, in a clear and practical way, the standards expected of public administration. The present Code builds on that tradition by addressing the internal use of technological systems by ombuds institutions themselves, including artificial intelligence and other digital systems.

Technological developments affect each of us. They shape the way people communicate with public authorities, access information, seek remedies and exercise their rights. They also affect the work of ombuds institutions, offering new possibilities to improve accessibility, effectiveness, outreach and the handling of persons' concerns. At the same time, the use of technological systems may give rise to risks for fairness, transparency, accountability, privacy, non-discrimination and human dignity.

For this reason, technological innovation must support, and never undermine, the autonomy, independence, objectivity and credibility of ombuds institutions. Even where technology can assist in carrying out certain tasks, a human-centred approach must always be preserved. The independence of ombuds institutions is not merely an institutional safeguard; it is a condition for public trust and for the effective protection of persons from maladministration.

The purpose of this Code is to provide general, non-binding guiding principles to support the internal use of artificial intelligence and other technological systems by ombuds institutions in carrying out their functions. It does not seek to prescribe uniform solutions and fully respects ombuds institutions' respective mandates, legislation and independence. Rather, it aims to support the effective, impartial and transparent use of technology, while ensuring that technological systems remain purpose-driven, rights-compliant and subject to meaningful human oversight. The Code is deliberately framed in broad terms so that its principles can remain relevant and adaptable over time, despite the rapid evolution of technologies and their applications. It may also serve as a useful source of inspiration for ombuds institutions when developing or reviewing their internal policies, procedures and safeguards.

The principles set out in this Code are not intended to limit innovation. Rather, they seek to ensure that innovation remains anchored in good administration, fundamental rights, human dignity and the rule of law. As technologies continue to evolve, ombuds institutions should remain accessible, independent and accountable, and should ensure that technology serves people rather than replacing human judgment, careful listening and respectful human interaction.

## Preamble

The Code of Good Practice for Ombuds Institutions in the Use of Technological Systems sets out the guiding principles that ombuds institutions shall observe when using technological systems in their activities. It is intended to ensure effective oversight and protect persons from maladministration, including that arising from the use of technological systems.

The right to good administration includes the right to fair, transparent, and accountable use of technological systems in public administration. The use of artificial intelligence and other technologies requires that ombuds institutions ensure that fundamental rights, the rule of law, and principles of good administration are fully respected, and that the use of such technologies does not compromise the independence of the ombuds institutions.

## Definitions

**“Good administration”** refers to the exercise of public functions in a lawful, fair, impartial, transparent, and timely manner, ensuring respect for fundamental rights and freedoms, accountability of decision-making, and the effective handling of persons’ concerns.

**“Independence”** refers to the ability of ombuds institutions to perform their functions impartially and autonomously, free from external influence, pressure, or interference, including in their decision-making, processes, and the use of technological systems.

**“Outreach”** refers to the proactive effort by the ombuds institution to connect with people who might not otherwise engage with its services, information, or support. Especially those who are hard to reach, underrepresented, or at risk of exclusion.

**“Personal data”** refers to any information relating to an identified or identifiable natural person, including information inferred or derived from such data.

**“Technological system”** refers to any digital or software-based system used by ombuds institutions to support or carry out their activities, including systems based on rules, statistical methods, or machine learning.

**“Vulnerable or marginalised persons”** refers to persons or groups who are at increased risk of disadvantage or exclusion in accessing ombuds institutions or exercising their rights. “Marginalised” refers to systemic exclusion or disadvantage arising from structural barriers or power imbalances and is not intended as an identity label or as a reference to individual shortcomings. Vulnerable or marginalised persons may include persons with disabilities, children, minorities, older persons, persons with limited digital skills, and others facing social, economic, cultural, geographic, technological, or other barriers.



# Text of the Code

## Article 1

### General Provision

1. In their activities relating to the use of technological systems, ombuds institutions shall have regard to the principles laid down in the Code of Good Practice for Ombuds Institutions in the Use of Technological Systems (hereinafter the Code).
2. Technological systems shall serve people and shall be used only where their use is directly linked to and justified by the fulfilment of the ombuds institution's mandate.

## Article 2

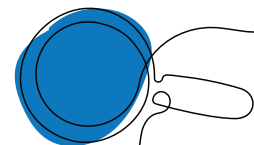
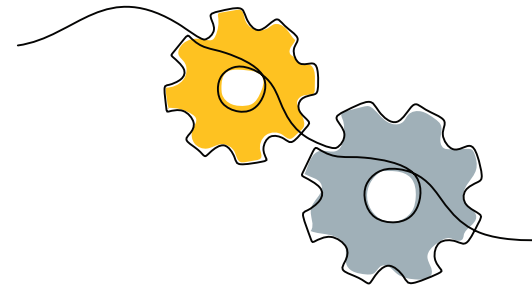
### Scope of Application

1. The Code applies to any technological systems used by ombuds institutions.
2. It applies to all types of data and information used or created by these systems.
3. It also applies to systems that people use to interact with ombuds institutions.

## Article 3

### Purpose

1. The purpose of the Code is to ensure that the use of technological systems by ombuds institutions respects fundamental rights and freedoms and supports good administration.
2. Ombuds institutions shall apply the Code in a manner that ensures effective, impartial, and transparent use of technological systems in their activities.



#### Article 4

### Non-discrimination

Ombuds institutions shall use technology in a way that safeguards equal treatment of all people and does not introduce or reinforce bias or exclusion. They shall ensure that no person is disadvantaged in accessing ombuds institutions, regardless of the technological systems used by them to communicate with the ombuds institutions.

#### Article 5

### Inclusiveness



1. Ombuds institutions shall ensure that they are accessible to all people and available through a range of channels, including technological systems, in-person, written and telephone.
2. The use of technological systems shall not create or reinforce barriers to access or effective communication with the ombuds institutions. The ombuds institutions shall pay particular attention to vulnerable or marginalised persons, to ensure that everyone is able to effectively access the ombuds institution. No one shall be excluded from accessing the ombuds institution due to social, economic, cultural, geographic, technological, or other barriers.
3. Technology shall be used in a way that communications by the ombuds institutions are clear, inclusive, and user-friendly. Plain, clear, and multiple languages as well as accessible formats shall be used where appropriate.
4. Ombuds institution shall support and, where appropriate, assist people with limited digital skills in accessing and using its services, and shall ensure compliance with accessibility standards.

#### Article 6

### Transparency and Accountability

1. Ombuds institutions shall ensure openness about the use of technological systems in their activities. Explanations of the use of technological systems shall be made publicly available in clear and accessible language. They shall transparently describe the role, risks, and safeguards of those systems.
2. People shall have the right to request an explanation of how technological systems influenced the handling or outcome of their case.

3. Ombuds institutions shall ensure that responsibility for decisions and findings, including those informed or supported by technological systems, remains assigned to identifiable officials within the institution. The use of technology shall not diminish this accountability.
4. Ombuds institutions shall ensure that errors, inaccuracies, biased outcomes, or other adverse effects arising from the use of technological systems are identified and corrected.
5. Ombuds institutions shall document and maintain appropriate records of the performance of technological systems used in their activities, including records enabling traceability of how outputs were generated and used in decision-making or other activities. Such documents and records shall enable effective internal oversight, audit, and verification.
6. Ombuds institutions shall assess technological systems before their deployment and monitor, audit and evaluate them throughout their operation, at appropriate intervals and whenever significant changes are made to the systems or their use. The scope, intensity and frequency of such assessments shall be proportionate to the risks posed by the system, considering, as appropriate, its purpose, complexity, level of autonomy and potential impact on persons' rights. Such assessments shall consider the system's purpose and proportionality; the data used; accuracy, fairness, traceability and explainability; the effectiveness of human oversight; accessibility; and actual or potential impacts on individuals and their fundamental rights and freedoms. Ombuds institutions shall implement appropriate mitigation measures and correct, suspend or discontinue the use of systems where necessary.



## Article 7

### Human-Centred Approach and Outreach

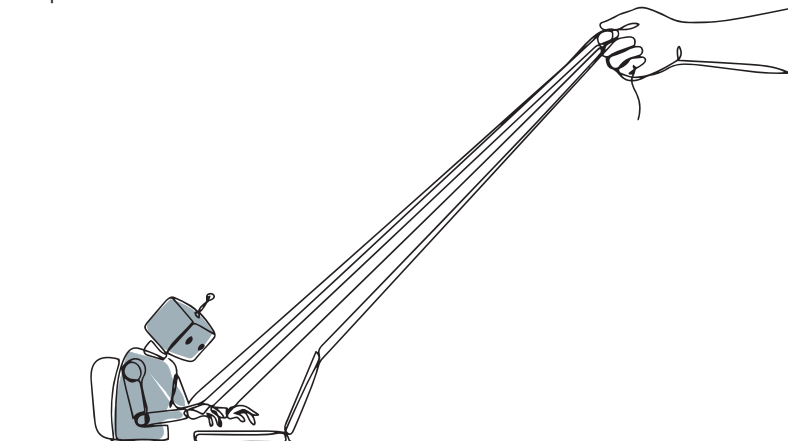
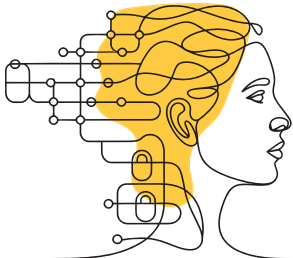
1. Technological systems shall serve people rather than replace human compassion and judgment in the activities of the ombuds institutions.
2. Ombuds institutions shall preserve access to a human staff member when communicating with people, including when they use technological systems. Ombuds institutions shall ensure individualised assessment, careful listening, respectful human interaction, and meaningful human oversight in their activities. Meaningful human oversight shall involve active and informed human involvement, including the ability to review, validate, modify or reject outputs produced by technological systems.
3. Ombuds institutions can use, where feasible, technological systems to engage in outreach activities and strengthen proactive communication with vulnerable or marginalised persons, as well as others who might not otherwise contact the institution on their own.



## Article 8

### Responsible Use of Technology

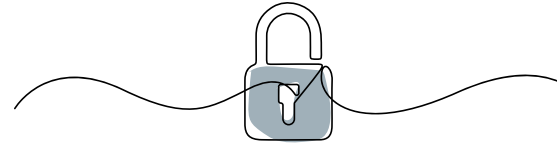
1. Technological systems developed and deployed by ombuds institutions shall be purpose-driven and not be considered as ends in themselves. Their use shall be directly linked to and justified by the fulfilment of the ombuds institution's mandate.
2. Technological systems developed and deployed shall conform to relevant EU regulations, national legislation and be reliable, ethical, and safe. In the use of these systems, potential risks to people's fundamental rights and freedoms and the rule of law shall be considered and addressed.
3. Technological systems developed and deployed by ombuds institutions shall be subject to internal oversight. Such oversight shall ensure a clear allocation of responsibilities, defined access rights, as well as established rules governing what data is collected, how it is stored, and for what purposes it is used.
4. Ombuds institutions shall remain in effective control of the use of technological systems within their activities, including through appropriate governance, contractual safeguards, access controls and oversight mechanisms. Where feasible, ombuds institutions should prefer technological systems specifically designed or adopted for their institutional mandate. Where other technological systems are used, ombuds institutions shall ensure that appropriate and clear safeguards are in place to protect fundamental rights and freedoms.
5. Ombuds institutions shall ensure that data processed by technological systems are subject to appropriate verification of their accuracy and relevance and are not relied upon without such verification. Where errors occur, the institution shall take responsibility, correct them without undue delay, and inform the affected person in a transparent manner.
6. Technological systems shall be designed and used in a way that allows human users to effectively control, override, suspend, or halt their operation where necessary.
7. Ombuds institutions shall ensure that staff receive appropriate and regular training on the use of technological systems, including their legal, ethical, environmental, and practical implications, to support responsible, effective, and rights-compliant performance of their duties.



## Article 9

### Data Protection and Privacy

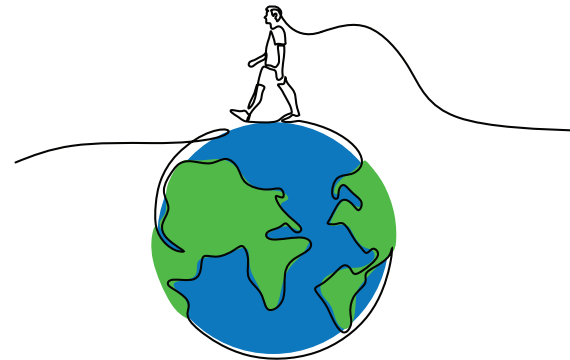
1. Ombuds institutions shall ensure that the use of technological systems complies with applicable data protection regulations and respects fundamental rights and freedoms.
2. Ombuds institutions shall ensure that personal data are processed only where necessary and proportionate to a specified and legitimate purpose.
3. Ombuds institutions shall ensure the security, integrity, and confidentiality of data processed through technological systems.
4. Ombuds institutions shall ensure that the use of technological systems does not result in excessive data collection, unlawful profiling, or unjustified intrusion into private life.
5. Ombuds institutions shall ensure that sensitive, inferred or derived personal data are processed by technological systems only where strictly necessary and proportionate to a specified and legitimate purpose, and subject to enhanced safeguards that ensure full compliance with data protection and confidentiality requirements.



## Article 10

### Environmental Responsibility

1. Environmental and societal impacts of the technologies developed and deployed shall be considered at all stages. Procurement and the use of technological systems shall be based on a thorough risk assessment that accounts for both benefits and adverse effects. Solutions that are transparently reported and energy-efficient should be preferred, whilst technologies that significantly negatively impact the environment shall be avoided.
2. Technology shall be used by ombuds institutions only to the extent necessary for the performance of their functions, avoiding the use of unnecessarily resource-intensive systems. Not all activities or processes need to be digitalised.
3. Ombuds institutions shall periodically monitor and assess the ecological impacts of their use of technological systems.



## Article 11

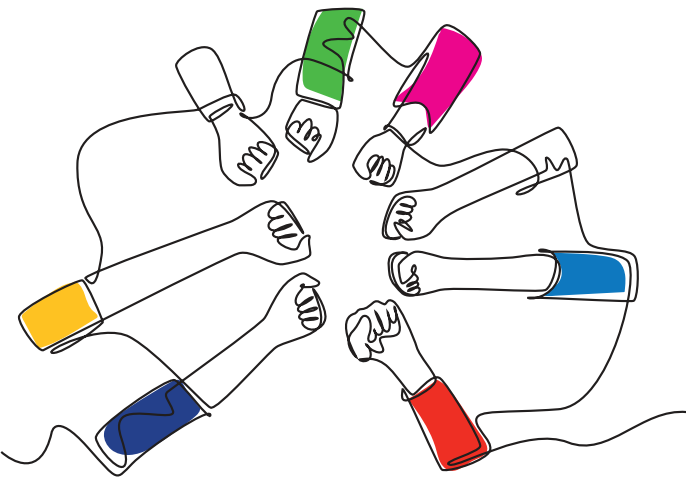
### Cooperation and Interoperability

1. Ombuds institutions shall cooperate with other ombuds institutions, as well as with national, regional, European, and international bodies, in matters relating to the use of technological systems in their activities.
2. They shall promote interoperability and the portability of relevant information to ensure that their activities are not hindered by technical barriers or dependencies, while respecting confidentiality, data protection requirements and the mandate of the ombuds institution.

## Article 12

### Closing Commitment

1. The use of technology shall not infringe upon the autonomy, independence, objectivity, credibility, or accountability of the ombuds institutions.
2. Ombuds institutions shall uphold human dignity, fundamental rights, and the rule of law in the use of technological systems in their activities.
3. Ombuds institutions shall ensure that technological innovation supports justice, fairness, transparency and trust, and does not undermine these principles.
4. Ombuds institutions shall apply these principles in a manner that remains effective as technologies evolve, ensuring accessible, impartial, and transparent remedies for persons.



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1, avenue du Président Robert Schuman  
CS 30403  
F-67001 Strasbourg Cedex

T. + 33 (0)3 88 17 23 13  
[www.ombudsman.europa.eu](http://www.ombudsman.europa.eu)