



Targeted consultation letter from the European Ombudsman to organisations active in the area of the right of persons with disabilities and older persons to independent living

Correspondence - 25/10/2021

Case OI/2/2021/VS - **Opened on** 03/02/2021 - **Institution concerned** European Commission |

Dear Mr X,

In February 2021, the European Ombudsman launched an own-initiative inquiry on how the European Commission monitors EU funds used to promote the right of persons with disabilities and older persons to independent living. The Ombudsman asked the Commission to reply to a number of questions [1] to this end.

The management of ESI funds is also the responsibility of national authorities and some national ombudsmen can deal with complaints about conditions in residential institutions. Against this background, the Ombudsman also invited members of the European Network of Ombudsmen (ENO) to provide relevant information and organised a webinar with ENO on the subject.

On 2 June 2021, we received the Commission's reply. The Commission stated that its guidance to Member States for the current programming period is that Cohesion Funds [2] should not be used for building or renovating residential care facilities. It emphasised that the conditions applying to the funds stipulate that they should be used to support the transition from institutional to community and family-based services. The Commission also elaborated on its monitoring role in the context of the implementation of projects financed by EU funds. The Commission's reply is attached to this letter.

The Ombudsman has decided to consult organisations active in this area [3] on the Commission's reply. In particular, we would like to know your views on the following:

1. The 'conditionality', set out in the regulations on the Cohesion Funds for the programming period 2021-27, that the funds be used to support the transition from institutional to community and family-based services and how best to implement it in practice.
2. The Commission's monitoring role as regards the use of Cohesion Funds and the tools it has at its disposal to ensure the funds are used to support deinstitutionalisation.



3. The involvement of relevant stakeholders in the design and implementation of Cohesion Policy programmes at national level, including what role they should play with regard to the national monitoring committees [4] .
4. How deinstitutionalisation is taken into account in and impacted by the funds supporting Member States to recover after the COVID-19 pandemic, such as the Recovery and Resilience Facility and REACT-EU, and the Member States' flexibility in this respect, in particular in view of a possible lack of conditionality.
5. Any other matter you consider relevant for the Ombudsman's inquiry.

It would be helpful if you could submit comments by 30 November 2021. In the course of this inquiry, we would like to publish your comments on the European Ombudsman's website.

Should you require any further information, please do not hesitate to contact Ms Valentina Stoeva, inquiries officer, who is responsible for the inquiry.

Yours sincerely,

Rosita Hickey Director of Inquiries

Strasbourg, 14/10/2021

[1] <https://www.ombudsman.europa.eu/en/case/en/58464>

[2] https://ec.europa.eu/regional_policy/en/2021_2027/

[3] European Disability Forum, European Network on Independent Living, Validity Foundation, Amnesty International, Human Rights Watch and AGE Platform Europe.

[4] Member States are required to appoint monitoring committees to check that operational programmes (OPs) which use European Structural and Investment (ESI) funding are being correctly implemented. These committees are chaired by the relevant Member State (or managing authority) and comprise regional, economic and social partners.
https://ec.europa.eu/regional_policy/en/policy/what/glossary/m/monitoring-committee