



**EUROPEAN
COMMISSION**
DIRECTORATES-GENERAL FOR
INTERNATIONAL PARTNERSHIPS;
ENLARGEMENT AND EASTERN
NEIGHBOURHOOD; AND MIDDLE
EAST, NORTH AFRICA AND GULF

SERVICE FOR FOREIGN POLICY
INSTRUMENTS

The Directors – General
The Director – Head of Service

EUROPEAN EXTERNAL ACTION
SERVICE



THE SECRETARY GENERAL

Brussels, 2025

**NOTE FOR THE ATTENTION OF
DG INTPA, DG ENEST, DG MENA AND FPI DIRECTORS AT HEADQUARTERS AND
HEADS OF DELEGATION IN EU DELEGATIONS**

Subject: Procedure for handling complaints related to human rights in EU-funded interventions

The purpose of this note is to provide staff of DG INTPA, DG ENEST, DG MENA and FPI with instructions to ensure more harmonised adherence to respect for human rights in the context of EU-funded interventions. Specifically, it introduces a formalised procedure for handling complaints related to human rights when these are submitted outside existing contractual relationships between the EU and implementing partners.

This procedure does not introduce any new contractual requirements, instead it formalises existing obligations. This system provides a set of mandatory steps to be followed by staff in Delegations and HQ when complaints relating to violations and abuses of human rights in EU-funded actions are received. The procedure is intended to ensure that complaints linked to the use of EU funds are systematically followed up and that, where necessary, implementing partners react swiftly to take appropriate remedial action.

Article 2 of the TEU states that the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. Article 21 of the TEU states that the EU's external actions shall be guided *inter alia* by the principles of "democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law."

All actions funded by the European Union are required to respect human rights, in line with the Treaties and the EU Charter of Fundamental Rights and as enshrined in the Financial Regulation. As such, beneficiary(ies) of grants, contractors, as well as their staff must commit to and ensure the respect of EU values, such as respect for human dignity, freedom, democracy, equality, the rule of law and human rights, including the

rights of minorities. Organisations entrusted with budget implementation tasks shall also ensure respect for human rights.

Article 138.1(c)(vi) of the new Financial Regulation (2024) provides that persons or entities engaged in “activities that are contrary to the values on which the Union is founded enshrined in Article 2 TEU” shall be excluded from award procedures.

Failure to comply with the code of conduct (binding provisions set out in the General Conditions to all contracts) may lead to either the suspension or termination of the contract and exclusion from participation in future contract award procedures. Following the update of the Practical Guide for Contract Procedures (PRAG) on 20th January 2025, the code of conduct has been strengthened such that Article 4.7 of the General Conditions applicable to grant contracts for external action requires that implementing partners and their staff “must commit to and ensure the respect of basic EU values”. Article 4.6 requires implementing partners to report any violation of human rights (including allegations) to the Contracting Authority within 30 days.

The formalised procedure is introduced in response to a recommendation of the European Court of Auditors in its report into the EU Trust Fund for Africa to “draw up and circulate clarified internal procedures for reporting and following up human rights allegations in the context of EU-funded interventions.” ⁽¹⁾ All recommendations of the ECA report were accepted by the European Commission. The new internal procedure communicated in this note is being introduced as part of a broader set of actions, including updated guidance to operational managers on the application of the human rights-based approach (HRBA) and strengthened contractual clauses in the updated PRAG (January 2025).

Annex 1 to this note sets out in detail the steps to be followed when violations of human rights complaints related to EU-funded interventions are received.

Annex 2 provides a visual process flow of the formalised procedure.

Annex 3 contains a template to be used to assess the validity of complaints as a key step in the new formalised procedure.

Annex 4 contains standard text to be used when replying to complainants. All four annexes should be implemented as of receipt of this note.

Your application and adherence to these instructions is critical in upholding the EU’s treaty obligations on human rights in contractual partner activities.

This document will enter into force upon signature of the Directors-General of DG INTPA, DG ENEST, DG MENA, the SG of EEAS and the Director – Head of Service of FPI.

Director General INTPA
Director General ENEST
Director General MENA

⁽¹⁾ Special report 17/2024: The EU trust fund for Africa – Despite new approaches, support remained unfocused, at p.51.

Secretary General EEAS
Director FPI

c.c.: Mr Maciej Popowski, Director-General, ECHO
Mr Martin Seychell, Deputy Director-General, INTPA
Ms Erica Gerretsen, Director, INTPA.G
Ms Chiara Adamo, Head of Unit INTPA.G.1
Ms Victoria Gil Casado, Director, ENEST.R
Mr Didier Verse, Director, INTPA.R
Ms Dolores Domínguez Pérez, Head of Unit, INTPA.R.4
Mr Emmanouil-Georgios Papaioannou, Head of Unit, INTPA.R.3
Ms Christelle Goulard, Head of Unit, Head of Unit, ENEST.R.3
Mr Ronan Mac Aongusa, Head of Unit, FPI.4
Ms Marika Lautso-Mousnier, Head of Unit, FPI.5
Mr Eric Troteman, Head of Unit, MENA.01
Mr Ellis Mathews, Head of Division, VMR.3

Enclosures: 1. Internal procedure for handling human rights complaints in contractual partner activities.
2. Internal procedure process flow.
3. Template for operational manager assessment of human rights complaints.
4. Standard text for replies to complainants.

Annex 1 Internal procedure for handling human rights complaints in EU-funded interventions

Submission of human rights complaints

There are many paths through which the Commission can become informed of possible human rights violations related to the **implementation of ongoing or closed EU-funded interventions**: from beneficiaries of grants, contractors or implementing partners (hereafter all referred in the broad sense as ‘implementing partners’), through monitoring (including Results Oriented Monitoring (ROM)), through the media or through other EU institutions (for example European Parliament, Court of Auditors, Internal Audit Service).

Complaints related to violations of human rights (i.e. those included in scope by Article 2 TEU) can also be submitted by members of the public, international organisations, civil society organisations or project affected persons (PAPs) via EU Delegations or EU HQ institutions.

For this, they can use the HQ complaint mechanisms at their disposal ⁽²⁾, including the possibility to submit a complaint to the European Ombudsman who, in cases where the complaint does not emanate from an EU citizen or EU resident, may open an own-initiative inquiry on the topic of the complaint.

However, they may instead want to submit their complaint to EU Delegations. Functional mailboxes already exist for each EU Delegation. To ensure that people have clear pathways to submit such complaints, the public websites of all EU Delegations should be updated include the following text in the Contact section:

[Complaints related to human rights in ongoing or closed interventions funded by the European Union can be submitted by email to XXXXXXXX@EEAS.EUROPA.EU] ⁽³⁾

The full procedure explained in this Annex targets complaints submitted by members of the public, civil society organisations, international organisations or project affected persons (PAPs) via EU Delegations or EU HQ institutions. Complaints that come to the attention of EU Delegations or EU HQ institutions via other channels (for example the media) should also apply this procedure, beginning at Step 2 Initial Assessment

Due care should be exercised, both for the protection of the rights of the complainant (who may be a whistleblower), and of the accused persons, and for the protection of the Commission against possible liability court-actions. Information about the identity of the complainant and the persons concerned by the complaint (e.g. to whom the alleged violation is attributed) should be shared within the Commission only on a need-to-know basis and information allegations and measures taken should be handled with circumspection and not be transmitted by the Commission into the public domain. In the implementation of this procedure, staff members should abide by the Code of Good Administrative Behaviour and the principles that guide the administrative conduct of the

⁽²⁾ Those outlined here: [Problems and complaints - European Commission](#)

⁽³⁾ Complaints can also be submitted via the EU Commission Headquarters Website: https://commission.europa.eu/about-european-commission/departments-and-executive-agencies_en

Commission services: lawfulness, non-discrimination and equal treatment, proportionality and consistency. ⁽⁴⁾

STEP 1: Complaint acknowledged and registered

The complaint is acknowledged by email from the DEL or HQ UNIT's FMB. This acknowledgment should not make any comment on the content of the complaint but should include a link to a standard privacy statement. ⁽⁵⁾

Following acknowledgment of receipt, the complaint is forwarded immediately by the staff member managing the functional mailbox to the relevant Operational Manager (OM), with a copy to the finance, contracts, and audit (FCA) section/unit.

The OM registers the complaint in ARES:

- with a “sensitive non-classified” marking,
- with a “sensitive personal data” marking,
- and with a link to the file of the intervention concerned by the complaint.

Only specific staff members who are competent to assess the complaint should be granted access to the file. If a complaint is received in an EU DEL for an intervention managed from HQs, the complaint should be forwarded to the relevant OM in HQ (who handles the registration in ARES), and vice versa.

Once the complaint is registered in ARES, the OM instructs the DEL/HQ Unit concerned to delete all information about the complaint from the functional mailbox or other places it may have been saved.

STEP 2: Initial Assessment

The OM prepares (with input from the FCA section) an initial assessment of the complaint using the template in **Annex 3**.

- The assessment should be submitted as soon as possible after receipt of the complaint.
- The assessment should be shared with the Authorising Officer by Sub-Delegation (AOSD) and other relevant individuals/units in receipt.
- The decision to involve Legal Units at this stage will depend on the need to receive additional advice, to the one provided by FCA units/sections, on the procedure for possible contractual or administrative measures following the complaint.
- The OM may also consult the human rights focal point (HRFP) of the relevant Delegation/Unit or the corresponding thematic/geographic units for their

⁽⁴⁾ The Code of Good Administrative Behaviour is available here: https://commission.europa.eu/about-european-commission/service-standards-and-principles/ethics-and-good-administration/good-administration/code-good-administrative-behaviour-and-complaints_en

⁽⁵⁾ Template for privacy statements available [here](#).

assessment of the complaint and application of human rights-based approach (HRBA) requirements (6).

The assessment is based on:

- Request for information to the implementing partner (in the broad sense).
- Publicly available information.
- Information from monitoring reports, including Results Oriented Monitoring (ROM) reports or third-party monitoring (if available).
- Interim or final reports from the intervention in question.
- Discussions with third-party interlocutors with a knowledge of the intervention/context.

No personal data of the complainant should be shared with external parties during the preparation of the assessment.

The OM shares the assessment with their management using either SECEM encryption or secured drive solutions (such as LanCrypt) where these are available.

STEP 3: AOSD decides on a course of action

Based on the OM's initial assessment, and following consultations as necessary with relevant EU DELs and HQ services, the Authorising Officer by Sub-Delegation (AOSD) (typically the HoU/Dir in HQ or HoD/HoC in EU DEL) decides on one of the following courses of action:

1. Information in complaint not verified:

- The OM's assessment has not found any information to support the facts as presented in the complaint or there is no link to any EU-funded intervention.
- The AOSD writes back to the complainant using the standard text in **Annex 4** (In cases where the Commission is unable to verify the information, the case is manifestly unfounded or there is no link to any EU-funded intervention).
- The complainant may choose to resubmit their complaint with additional information (in which case the procedure would start again).
- The AOSD letter is registered in ARES and linked to the file.

(⁶) To learn more about the human rights-based approach, see the HRBA Toolbox here: https://international-partnerships.ec.europa.eu/document/download/54c77670-4179-49f0-9af3-d1b18ff2d41f_en?filename=swd-2021-human-right-based-approach_en.pdf

2. Information in complaint is provisionally verified:

- **In the case of an ongoing intervention:**

- The AOSD writes to the implementing partner stating the basic facts of the complaint received (while safeguarding the confidentiality of the identity/personal data of the complainant).
- The AOSD asks for a written response from the implementing partner, including on any remedial actions (where applicable, invoking the provisions on contractual breaches of the signed contract or agreement).

- **In the case of a closed intervention:**

- For serious cases, the AOSD should also, at this stage, consult the relevant Geographic Directorate at HQ.
- The AOSD writes to the implementing partner stating the basic facts of the complaint received (while safeguarding the confidentiality of the identity/personal data of the complainant).
- The AOSD asks for a written response from the implementing partner, including on any remedial actions, where applicable, invoking the provisions on contractual breaches of the signed contract or agreement.

Should the inclusion of some information raise any concerns regarding the protection or safety of the complainant or potential victim(s) of the alleged violations, that would allow (even indirectly) the identification of the complainant or potential victim(s) of the alleged violations, such information should not be included in the letter. For serious cases, the AOSD should also, at this stage, consult the relevant Geographic Directorate at HQ (unless it is the Geo Directorate already managing the contract).

STEP 4: AOSD makes a decision on suspension/termination

1. Ongoing interventions: Two courses of action possible:

a. Agreement suspended:

- The AOSD decides to suspend the agreement in line with its General Conditions (GC) provisions ⁽⁷⁾.
- The AOSD follows the provisions of the GC to determine when/if a contract can be unsuspended or whether the contract should be terminated (this includes a determination as to whether the implementing partner has been able to rectify the breach of obligations (in this case of the requirement to respect human rights and/or of the Code of Conduct)).
- The AOSD should also consider referring the case to the relevant Geographic Directorate at HQ.

⁽⁷⁾ Please note the specific clauses in General Conditions for Grant Contracts, Contribution Agreements, Financing agreements and Service, Supply and Works Contracts.

b. Implementation continues:

- The AOSD decides that the human rights issues raised in the complaint are being dealt with satisfactorily.
- The implementing partner is however required to submit to the OM a Response and Monitoring Plan, designed to address the issues raised in the complaint and to ensure mitigation measures are put in place to prevent future issues.
- The plan should contain a set of clearly identified actions and timelines designed to address the concerns raised in the complaint. There should be regular reporting on progress on the plan's implementation to the OM who should also consider the need for ad hoc monitoring visits to the intervention site, or the introduction of third-party monitoring.

A referral to the Early Detection and Exclusion System (EDES) may be required already at this stage (see the Box on EDES below).

2. Closed interventions: There are also two courses of action.

- If the concerned implementing partner has other ongoing agreements with the Commission, the AOSD writes to relevant EU DELs and HQ Services to inform them of the complaint and the outcome of the OM assessment.

A referral to EDES may also be required at this stage (see the box on EDES below).

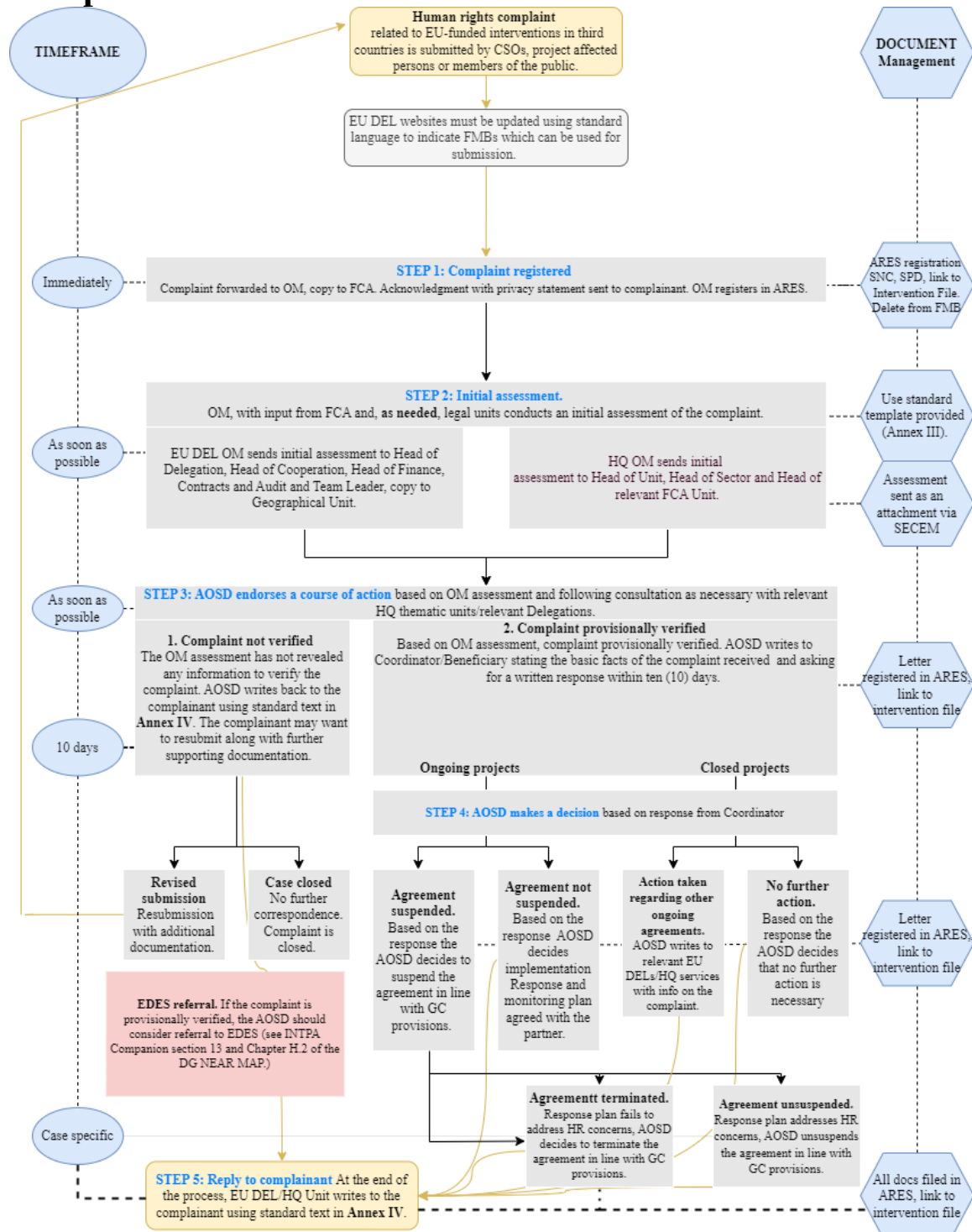
- If the assessment of the complaint has not been validated, then no further action is taken. See **Step 5** below. The complainant may choose to resubmit their complaint along with further supporting documentation. If the complainant chooses to resubmit the procedure outlined here starts again. If not, the case is closed. The AOSD letter is registered in ARES and linked to the file.

STEP 5: Response to the complainant

- The AOSD writes to the complainant using standard text in **Annex 4**.
- If a response is not ready within 15 days of receipt of the initial complaint, a holding response should be sent using the standard text in **Annex 4** (In cases where a holding reply is necessary).
- The OM ensures that all relevant documentation and correspondence has been properly filed in ARES, with a Sensitive Non-Classified (SNC) and Sensitive Personal Data (SPD) marking and that the file is linked to the relevant intervention file.

EDES registration. If the presumed misconduct falls in one of the exclusion grounds of article 138 of the Financial Regulation, the AOSD should consider registering a case of early detection in the Early Detection and Exclusion System (EDES). This can be done in a range of cases including where there has been a “presumed serious breach of contract”. The AOSD should also consider imposing EDES administrative measures (exclusion, financial penalty, publication) when the AOSD can rely on facts and findings defined in article 138 (3) of the Financial Regulation. Chapter 13 of the INTPA companion and Chapter H.2 of the DG NEAR MAP sets out the procedure to be followed to register a case in the early detection and the procedures to be followed to impose administrative measures.

Annex 2 Internal Procedure for Handling Human Rights Complaints in EU-Funded Interventions Process Flow



Annex 3 complaints

Template for OM assessment of human rights

Human Rights Complaints - EU Operational Manager Assessment Form	
Important remark: Please do not indicate the name or any other personal data about complainants in this form.	
For Guidance on the EU's Human rights-based approach, OM's can consult the HRBA Toolbox 2021 .	
OM submitting the assessment:	Name, Delegation/Unit, email address
Date of submission of this assessment:	The assessment should be submitted within 10 days of receipt of the complaint
Date complaint received by the EU:	Date of ARES registration
Assessment shared with:	The AOSD to whom this assessment is addressed as well as all other individuals/units in receipt.
ARES file number:	The complaint should be registered in ARES as SNC, SPD and linked to the intervention file.
CRIS/OPSYS reference, title and very brief summary of the intervention subject to the complaint:	List the main objectives, target areas, activities, implementation duration, budget.
Contractual Partner (Coordinator) subject to the complaint	Also list contract Beneficiaries if they are also subject to the complaint.
Country/Region of the complaint	As per the contract
Summary of the human rights complaint received	Provide a succinct summary of the complaint as submitted by the complainant. This should list the types/categories of alleged victims and the categories of human rights that are alleged to have been violated. The full text of the complaint, along with any supporting documents, should be attached to this submission (redacted as necessary to protect personal data).
Documents, persons and organisations consulted as part of the assessment	Provide a full list of all documents, individuals and organisations consulted in the preparation of this assessment]
Narrative assessment	Narrative assessment of the complaint, including: -The extent to which the OM has been able to verify the facts of the complaint from other sources. -The complainant's background and connection to the intervention; -The existence and nature of the human rights violations alleged and impact on the alleged victims -The role of the intervention's Coordinator (and or Beneficiaries) in the commission of these violations. This includes the role played by staff members and contractors of these organisations. -Any remedial measures that have already been taken to address the alleged violations. -The policies/safeguards the Coordinator has in place, as per the self-assessment submitted before the contract was signed.
Has the complainant also written to judicial authorities and/or other stakeholders	☐ Yes ☐ No If YES, who?
Does the OM consider that the complaint has been provisionally verified?	☐ Yes ☐ No
Explain your choice above:	Please explain your choice in the field above.

Annex 4 – Standard Text for Responses to Complainants

The following text should be used, as needed, and according to the instructions set out in Annex 2.

1. Acknowledgment of receipt (all cases)

The EU [Delegation to][NAME OF COUNTRY/ENTITY TO WHICH THE DELEGATION IS ACCREDITED] acknowledges receipt of your email dated [insert date] with the subject [insert subject]. Please note that we will handle the information submitted, including personal data, in accordance with the EU Data Protection Regulation (2018/1725) and set out in this privacy statement [link].

While not being endowed with investigative powers nor being competent in the field of criminal matters, the Commission, as a donor, takes seriously any report related to human rights in EU-funded interventions. The protection of your rights and of the rights of the person concerned, including the right to be heard and the right of protection of its commercial interests, will be a central concern for the Commission in the process of verification of the information. In this context, be aware that unless you explicitly indicate otherwise, the Commission will safeguard the confidentiality of your identity.

2. In cases where the Commission is unable to verify the information

Thank you for your correspondence of [insert date] with the subject [insert subject]. The EU [Delegation to][NAME OF COUNTRY/ENTITY TO WHICH THE DELEGATION IS ACCREDITED] takes seriously any report related to human rights in EU-funded interventions. We have reviewed your submission with a view to establishing its validity. We have now concluded this process and we have not been able to verify the information you provided. [The following sentence can be omitted in the case of manifestly unfounded complaints or where no link with an EU-funded intervention can be established:] [To the extent that meanwhile you would have additional information, please do not hesitate to share this with us]. [In appropriate circumstances, Delegations may also include the following optional sentence:] [You may also wish to make contact with relevant law enforcement or judicial bodies in connection with this matter].

3. In cases where a holding reply is necessary

Thank you for your correspondence of [insert date] with the subject [insert subject]. The EU [Delegation to][NAME OF COUNTRY/ENTITY TO WHICH THE DELEGATION IS ACCREDITED] is still reviewing your submission with a view to establishing its validity.

4. In cases where information is verified

Thank you for your correspondence of [insert date] with the subject [insert subject]. The EU [Delegation to][NAME OF COUNTRY/ENTITY TO WHICH THE DELEGATION IS ACCREDITED] takes seriously any report related to human rights in EU-funded interventions. We have reviewed your submission with a view to establishing its validity. We have now concluded this process and we have been able to verify the information you provided. Accordingly, further actions will be taken by the EU in response to the verification of the information.