

# Union for the Mediterranean

**Oversight Committee Rules of Procedures**

**28 February 2023**

## Contents

Chapter I – General Provisions	1
1. Purpose	1
2. Legal Basis	1
3. Definitions	2
4. Scope	3
Chapter II – The Oversight Committee	4
1. Role and responsibilities	4
2. Authority, access to information and investigation power	5
3. Independence	6
4. Composition	7
5. Selection, appointment, and term	7
6. Resolutions	8
Chapter III – Administrative arrangements	9
1. Secretary	9
2. Budget, Allowance, and reimbursement	9
3. Whistleblowing system – Ethical Line	10
4. Support unit	11
5. Meetings	11
6. Focal point	12
Chapter IV – Activities and tasks	12

1.	Introduction	12
2.	Advisory activities	12
3.	Dealing with Notifications	15
4.	Confidentiality and data protection	22
5.	Reporting and recommendations	23
6.	Records	25
	Chapter V – Supervision	25
1.	Liability and Indemnity to the members	25
2.	Incompatible activities and declaration of interests	25
3.	Evaluation and Audit	26
	Chapter VI – Final Provisions	27
1.	Update of the Rules of Procedures	27
2.	Entry in force	27
	Appendix I: Preliminary assessment of the notification	29
	Appendix II: Communication templates	32
	Appendix III: Inadmissible Notifications Form	43
	Appendix IV: Consent of the person filing the Notification to disclose their identity during the investigation.	44
	Appendix V: Resolution Form	45
	Appendix VI: Main steps dealing with the Notifications	46
	Appendix VI.1: Receipt and classification of Notification	47
	Appendix VI.2: Investigation of Notification	48
	Appendix VI.3: Resolution and proposal of measures	49

## Chapter I – General Provisions

### 1. Purpose

The purpose of this document is to establish the rules regarding the functioning of the UfM-OC according to the applicable laws and regulations and to the UfMS internal norms and procedures established.

### 2. Legal Basis

2.1 The UfMS has adopted and applies a framework of internal norms and procedures that establish, on one hand, the general legal framework of the institution: Headquarters Agreement<sup>1</sup> and Statutes<sup>2</sup>; and on the other hand, procedures that make reference to actions and controls to mitigate the risks associated with the possible irregular or unethical conduct, which provisions have been considered in the definition of these Rules of Procedures, namely: Consolidated Staff Regulations<sup>3</sup>, Implementing Rules<sup>4</sup>, Code of Conduct<sup>5</sup>, Anti-fraud Policy<sup>6</sup>. Manual of Internal Procedures<sup>7</sup>, and General Conditions for Service Contracts<sup>8</sup> -

2.2 Additionally, these Rules of Procedures have been drafted by using as references the following legal texts:

- European Union Directive 2019/1937 related to the protection of the whistle-blower.
- ISO 37002 “*Whistleblowing management systems – Guidelines*”
- European Union Directive on Public Procurements and Procurement and Grants Practical Guide for European Union external actions (PRAG)
- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons regarding the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation – hereinafter the GDPR)
- Spanish Organic Law 3/2018, of 5 December, of Personal Data Protection and guarantee of digital rights (hereinafter the PDPL).
- Spanish Preliminary draft of the Law regulating the protection of people who report on infractions regulations and the fight against corruption, transposing Directive (EU) 2019/1937 of the European Parliament and of the Council, of October 23, 2019, on the protection of people to report breaches of Union law.

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<sup>1</sup> “Headquarters Agreement between the Kingdom of Spain and the Secretariat of the Union for the Mediterranean” of 4<sup>th</sup> of May 2010

<sup>2</sup> “Statutes of the Secretariat of the Union for the Mediterranean” of 17<sup>th</sup> of July 2018

<sup>3</sup> “Secretariat of the Union for the Mediterranean (UfMS) Staff Regulations” of 17<sup>th</sup> of July 2018

<sup>4</sup> “Secretariat of the Union for the Mediterranean (UfMS) Implementing Rules of the Staff Regulations of the Secretariat” of 17<sup>th</sup> of July 2018

<sup>5</sup> “Secretariat of the Union for the Mediterranean (UfMS) Code of Conduct” of 17<sup>th</sup> of July 2018

<sup>6</sup> “Secretariat of the Union for the Mediterranean (UfMS) Anti-fraud & Anti-corruption policy” of 17<sup>th</sup> of July 2018

<sup>7</sup> “Manual of Internal Procedures Secretariat of the Union for the Mediterranean (UfMS)” of 22<sup>nd</sup> October 2019

<sup>8</sup> “General Conditions for Service contracts for external actions financed by the European Union of by the European Development Fund” of July 2019, including contractual clauses that refer to observance by vendors of the Code of Conduct and Anti-fraud Policy

### **3. Definitions**

The following definitions and abbreviations are provided as additional clarification:

- **Anti-fraud Policy** - Anti-fraud & Anti-corruption Policy of the UfMS of July 17<sup>th</sup>, 2018
- **Case** – all information and documentation related to a Notification stored in Ethical Line
- **Case ID** – unique identifier of each Case in Ethical Line
- **Case Manager** – the person (member of the UfM-OC or members of the Support Unit designated by the UfM-OC) that manages and treats in any way the information stored in Ethical Line
- **Close family members** – family members within the fourth degree of consanguinity and the second degree of affinity (e.g., spouses, children, and their spouses, parents, and their spouses, brothers, and their spouses).
- **Code of Conduct** - Code of Conduct of the UfMS of July 17<sup>th</sup>, 2018
- **Conflict of interest** – the conflict between the private and official business duties and responsibilities in accordance with article III.5 of the Code of Conduct
- **Consolidated Staff Regulations** - Consolidated Staff Regulations of the UfM Secretariat (UfMS) of July 17<sup>th</sup>, 2018
- **Co-presidency** – shared presidency of the UfM by the countries of Northern (assumed by the European Union) and Southern (assumed by Jordan) shores of the Mediterranean.
- **Corruption** – in accordance with chapter III of the Anti-fraud Policy, is the act of doing something with intent to give or have an advantage inappropriate with official duties, to obtain a benefit, to harm or to influence improperly the actions of another party. Actions taken to instigate, aid, abet, attempt, conspire or cooperate in a fraudulent or corrupt act, also constitute fraud or corruption.
- **DPO** – Data Protection Officer of the UfMS
- **Fraud** - in accordance with chapter III of the Anti-fraud Policy, is the knowing misrepresentation of the truth or a concealment of a material fact to induce another to act to his or her detriment.
- **Implementing Rules** - Implementing Rules of the Consolidated Staff Regulations of the UfMS of July 17<sup>th</sup>, 2018
- **Independence/independent** – has the meaning given in chapter II.1) of the Code of Conduct
- **Ethical Line** – whistleblowing system managed by the UfM-OC (<https://ufmoc.integrityline.com/frontpage> ).
- **Integrity Risk**– refers to risk of Misconduct.
- **Malicious Reporting** - Notification of Misconduct made with knowledge of their falsity or with wilful disregard of their truth or falsity.
- **Manual of Internal Procedures** – Manual of Internal Procedures – Secretariat of the Union for the Mediterranean (UfMS) of October 22<sup>nd</sup>, 2019 (update version 2019.0) .
- **Member of the UfMS** – all personnel including staff members regardless of their category (contracted or seconded), statutory positions, interns and non-staff (external) personnel and without prejudice of the privileges and immunities under the Headquarters Agreement and Public International law.
- **Misconduct** - any violation of the UfMS' s Code of Conduct and Anti-fraud Policy by the Staff or Third Parties
- **Notification** – any information related to Misconduct, reported to the UfM-OC by any channel or mechanism.
- **Notifier** – the person that makes a Notification.

- **Resolution** – any decision for further action or non-action taken by the UfM-OC in the fulfilment of their duties.
- **Retaliation** –any direct or indirect detrimental action that adversely affects employment, working conditions or business, where such action has been recommended, threatened, or taken for the purpose of punishing, intimidating, or injuring the persons that made the Notification or collaborated in an investigation.
- **SOM** – Senior Officials Meeting
- **Staff** – categories of personnel to which the Code of Conduct applies according to its article I.2: *“all staff members regardless of their category (contracted or seconded<sup>9</sup> and/or statutory positions<sup>10</sup> without prejudice of Article 8 of Staff Regulations<sup>11</sup>)”*
- **Statutes** – Consolidated Statutes of the UfMS of July 17<sup>th</sup>, 2018
- **Third Party** – vendors, project promoters, beneficiaries of grants and any other party that has a relationship with the UfMS.
- **UfM**- Union for the Mediterranean
- **UfM-OC** – UfM Oversight Committee
- **UfMS** – Union for the Mediterranean Secretariat

#### **4. Scope**

4.1 This text is applicable to the whole organization, as it is linked to its ethical values, ratifying UfM’s commitment to complying both with regulations and integrity values.

4.2 Compliance with the procedures set out in the Anti-fraud Policy and the principles outlined in the Code of Conduct are mandatory for all Staff whatever their category (short/fixed term, permanent, statutory, seconded/contracted, interns, etc.) and Third Parties, and they must be globally and directly applied in all areas of the UfMS.

4.3 Particularly, under the provisions of the Anti-fraud Policy and the Code of Conduct, the actions that qualify as Misconduct and are under the scope of these Rules of Procedures of the UfM-OC are as follows:

- **Fraud and corruption** as defined by Chapter III of the Anti-fraud Policy.
- **Any conduct that does not comply with the Rules of Conduct** included in Chapter III of the Code of Conduct (e.g., conflict of interest, abuse of powers, misbehaviour in internal relations, etc.)

4.4 Therefore, all requests/inquiries for clarification or complaints in relation to any other matter (e.g., issues of political nature, recruiting, data protection, procurement, etc.) should not be directed to the UfM-OC, but to the appropriate channel within the UfMS according to their nature.

4.5 Compliance with these Rules of Procedures is mandatory for the members of the UfM-OC, as they contain the mechanisms for their functioning that enable them to fulfil their responsibilities and oversee compliance with the Anti-fraud Policy and the Code of Conduct.

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<sup>9</sup> According to Articles III.6 to 9 of the Statutes, Article 3 of the Staff Regulations and Rule II of the Implementing Rules

<sup>10</sup> According to article III.1 of the Statutes

<sup>11</sup> This article refers to *“Privileges and immunities”*.

## Chapter II – The Oversight Committee

### 1. Role and responsibilities

1.1 The UfM-OC was first established on February 20, 2020, upon decision of the SOM on 18 December 2019, by “*taking into account the relevant provisions of the UfM Code of Conduct, Anti-fraud and Anti-corruption policy as well as the relevant provisions of UfM Statutes*” as an independent, autonomous, and expert-advisory scheme which assists the UfM with respect to the matters treated in the Anti-fraud Policy and the Code of Conduct.

1.2 The main role of the UfM-OC is to provide objective guidance, supervision and control of application and implementation of the Code of Conduct and the Anti-fraud Policy, as well as subsequent monitoring, supervision, and management thereof.

1.3 In performing their duties, the UfM-OC’s members shall act within the strictest standards of autonomy, independence, confidentiality, professionalism, accountability, dedication, and respect for diversity, ensuring in any event compliance with UfMS internal procedures for conduct and, in general, with the provisions of applicable rules and regulations.

1.4 The members of the UfM-OC are individually responsible for fulfilling their duties detailed in these Rules of Procedures, but collectively responsible for the decisions and actions taken as a body of the UfM.

1.5 Responsibilities cover two main pillars:

- Dealing with the Notifications and replying/solving them,
- Advisory activities in the sense of dealing with analysis, investigation, collecting data and exercising a professional judgement in giving opinion, making recommendations based on substantiated dossier/cases.

1.6 The UfM-OC does not have a prosecutor neither executive role.

1.7 The specific duties of the UfM-OC are:

1) Dealing with the Notifications:

- Monitor the functioning and effectiveness of Ethical Line.
- Receive, analyse, act, and properly document the Notifications using the channels implemented to this end.
- Initiate the appropriate investigation procedures based on the circumstances of each case, always acting with objectivity, rigour, and independence.
- Recommend the SOM the application of the appropriate measures.
- Verify the enforcement of the penalties approved by the SOM.

2) Advisory activities:

- Provide advice on resolving any doubts that might arise regarding the application of the Anti-fraud Policy, the Code of Conduct, and the functioning of Ethical Line.
- Analyse legislative amendments and other developments that might affect Anti-fraud Policy, the Code of Conduct, Ethical Line, and these Rules of Procedures.
- Promote the preparation and implementation of appropriate integrity-related training programmes, both in-person and online or by any other appropriate method, for all UfMS staff on a sufficiently regular basis to guarantee they have up-to-date knowledge in this area.
- Prepare a work plan that details the actions to be taken during the three-year mandate and that is approved by the SOM.

- Collaborate with the management in the performance of the analysis and identification of integrity risks and/or the development of related action plans, as described in the Anti-fraud Policy.
- Inform the SOM and make recommendations about any risks that might not be sufficiently covered or action plans that may not have been implemented.

3) Other specific duties:

- Be informed and adequately prepare the meetings that require their participation.<sup>12</sup>
- Attend the meetings that require their participation, and actively participate in the discussions and voting.
- Periodically report to the SOM.

1.8 UfM-OC is not competent for:

- Deciding or applying disciplinary measures or waive immunities and privileges of the Staff.
- Resolving grievances.
- Dealing with administrative decisions regarding employment.
- Resolving any disagreement with UfMS management decisions

1.9 The members of the UfM-OC may not be held responsible and liable for the following, unless Misconduct or negligence are proven:

- Actions taken by the SOM in relation to Misconduct, following or not a recommendation of the UfM-OC.
- Actions taken by the UfMS in relation to Misconduct.
- Any action taken by any external party (Third Party, public authorities, etc.) or Staff against the UfMS in relation to Misconduct.

1.10 In relation to their actions, the members of the UfM-OC have two types of responsibilities:

- Collective responsibility as members of the UfM-OC, for its decisions as a body
- Individual responsibility in relation to their individual actions as members of the UfM-OC, that must be submitted to the highest standards of professionalism and integrity.

## **2. Authority, access to information and investigation power**

2.1 The UfM-OC provides a secure confidential environment where Staff and Third Parties can feel free to consult and report on ethical issues and seek protection against retaliation for reporting Misconduct.

2.2 The UfM-OC has sufficient autonomy to carry out its responsibilities without any need for specific mandates. To this end, the SOM has delegated sufficient powers and competences for it to perform its duties continuously, without needing authorisation and always with objectivity, impartiality, and independence.

2.3 The UfM-OC, as an advisory body, has neither executive authority nor other operational responsibilities.

2.4 As a general principle, to facilitate its work, the UfM-OC has unrestricted, direct, and prompt access to Staff, documents (all records, information, or other materials), assets and premises of the UfMS and to obtain such information and explanations as it considers necessary to fulfil its responsibilities.

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<sup>12</sup> Ordinary and extraordinary meetings of the UfM-OC, presentations before the SOM, etc.



2.5 Particularly, the UfM-OC has unrestricted access to all the information and documentation of UfMS (as it is not dependant on UfMS management and UfM Co-Presidency): information needed for the treatment of Notifications, general information needed for the preventive activities and risk assessment, any other, as needed<sup>13</sup>.

2.6 UfM-OC does not only have access to information but also power of investigation based on the information gathered either from the UfMS or external sources. As such, the members of the UfM-OC can perform interviews and collect all types of information and documentation, apart from receiving Notifications, in order to carry out the appropriate investigation of the Notifications.

2.7 The UfM-OC members, who are bound by the confidentiality commitments set out in Chapter IV, section 4 of this document, are vested with the powers to gain an understanding of and examine the documentation, and other background material, on any of UfMS operations potentially related to the Notifications reported.

2.8 All Staff and Third Parties are obliged to cooperate with the UfM-OC and provide access to records and documents when they are requested.

2.9 On a regular basis, the UfMS shall provide to the UfM-OC the following items of information:

- List of services contracts status, quarterly
- List of procurement procedures, quarterly
- Lists of staff by gender /professional categories/type of contract, biannually
- List of staff contracts validity and replacement forecast, biannually
- Information (brief), case by case, on contractual claims or findings and disciplinary punishment procedures applied, quarterly.
- Update information on SOM dates and agendas, quarterly
- Recommendations from External Auditor or any other auditors, annually

2.10 It is the obligation of the UfMS to provide to the UfM-OC all the requested information and documentation within the timeframes specified by the latter.

2.11 Additionally, the UfM-OC may request, directly or through the Focal Point, any information or documentation from external sources: Third Parties, public authorities, public databases, etc. In this case the request if directed through the Focal Point or any other member or department of the UfMS, they have the obligation to provide it to the UfM-OC integrally and as soon as they receive it from the external source.

2.12 The Staff must comply with all aspects of the Code of Conduct and Anti-fraud policy in providing documentation and information to the UfM-OC. If considered necessary by the UfM-OC, in certain matters they might request from the UfMS a signed letter of representation confirming that the information and documentation requested has been provided to their best knowledge, without adulteration or retention.

### **3. Independence**

3.1 Since the role of the UfM-OC is to provide objective advice, members shall remain independent of the UfM, the SOM, and shall be free of any real or perceived conflict of interest.

3.2 Members of the UfM-OC shall<sup>14</sup>:

- (a) not hold a position or engage in any activity that could impair their independence from the UfM;
- (b) not currently be or have been within one year prior to appointment to the UfM-OC, employed or engaged in any capacity by the UfM, or have a close family member working for, or having a contractual

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<sup>13</sup> through the Focal Point or directly, as they consider appropriate

<sup>14</sup> This is not an exclusive list as other situations may appear where independence may be in risk.

relationship with, the UfM; nor shall the member have been an applicant for employment at the UfM within the same time period.

3.3 UfM-OC members shall serve in their personal capacity and shall not seek or accept instructions in regard to their work from any government, constituent or other authority internal or external to the UfM.

3.4 The independence of the UfM-OC ensures that the actions taken in the performance of their duties observe the principles of confidentiality and non-retaliation with respect to the information processed and the persons that provide it and/or cooperate with the UfM-OC.

3.5 On an annual basis the members of the UfM-OC will submit to the UfM-OC a declaration of interests as disclosed in Chapter V, section 2 below.

3.6 In relation to the independence of the UfM-OC members they nominate and approve, the Member States and the SOM, respectively, may apply more restrictive criteria to the ones listed above.

#### **4. Composition**

The UfM-OC is formed by three independent members designated by the SOM based on the proposals of the member countries<sup>15</sup>.

#### **5. Selection, appointment, and term**

5.1 The mandate of the UfM-OC is of three years starting from the date of designation. The mandate of the UfM-OC can be renewed once for a period of three years.

5.2 The members of the UfM-OC will be appointed based on criteria of strictest integrity, professionalism, and independence. Appointment will be published on UfMS website for visibility and transparency purposes.

5.3 The following eligibility criteria will apply in the appointment of the members of the UfM-OC:

- Geographical balance. The UfM-OC should reflect the diversity of the states comprising the UfM. In line with the principles set out in the Staff Regulations (Article 13. “*Filling of vacancies*”), in the nomination of the members of the UfM-OC due care should be paid to maintaining a wide and equitable balance in the representation of the Member States of the UfM.
- Equal opportunity. A gender-balanced perspective should be integrated in the nomination of the members of the UfM-OC. Additionally, in line with the principles set-out in the Code of Conduct and Staff Regulations, any kind of discrimination is prohibited in the case of the nominations of the members of the UfM-OC.
- Nationality rotation and restrictions. It is recommended that the members of the UfM-OC are not of the same nationality as the UfM Secretary General and the Deputy Secretaries General. Further, it is recommended that, upon expiration of the mandate<sup>16</sup> of the members of the UfM-OC, the new members should not be of the same nationality as the previous. Also, the UfM-OC members should be of 3 different nationalities among themselves. EU/non-EU structure as per the Statutes could be considered.

5.4 Upon nomination, the procedure for the communication thereof will be as follows:

- Communication to the nominated UfM-OC member and to the other UfM-OC members
- The nomination is published on the website of the UfMS.
- An UfM electronic mail address is created to the nominated UfM-OC member.

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<sup>15</sup> According to Article IV.1 of the Anti-fraud Policy

<sup>16</sup> Of maximum 6 years

5.5 The nomination and the replacement of the three members of the UfM-OC will not be simultaneous but progressive, for the purposes of providing continuity to the activity of the UfM-OC for dealing with the pending matters.

5.6 The members of the UfM-OC shall leave their positions under the following circumstances:

- When ceased by the SOM (see below)
- When in situation of incapacity to fulfil their duties/death

5.7 The UfM – OC members may be ceased by the SOM under the following circumstances:

- Their mandate has expired and has not been renewed.
- They have been admonished for not fulfilling their obligations.
- They are no longer independent in relation to the UfMS, or a Conflict of Interest interferes with the fulfilment of their duties.
- Following rejection of the Annual Report according to the procedure described in Chapter IV, section 5 below.
- Following decision of the appointing Member State to recall their membership at any moment.
- When in situation of incapacity to fulfil their duties/death

5.8 The UfM-OC members may resign from their positions, with a 2-month notice period.

5.9 After the removal or resignation of a member of the UfM-OC, a replacement should be appointed by the SOM within a time frame of 6 months.

## **6. Resolutions**

6.1 The way by which the UfM-OC acts and fulfils its duties is by issuing resolutions.

6.2 The general aim of the UfM-OC is to reach a consensus on the resolution, and the members will provide their best efforts towards this aim. In case that consensus is not possible, the resolutions of the UfM-OC will be adopted with majority of votes during ordinary and extraordinary meetings. The only exception to this rule is when the vote of only one member of the UfM-OC is sufficient for classify the Notification as Admissible (see below).

6.3 All UfM-OC have equal voting rights for the resolutions adopted.

6.4 When there are only two participants to the UfM-OC meeting and they have divergent votes on one issue, the third member will be consulted and cast their vote on the issue. In any case, any absence must be recorded and explained in minutes of the meetings.

6.5 Also, decisions may be made outside of the formal meetings, by means of email communications between the members of the UfM-OC, that will be properly documented in the UfM-OC records. The same may apply to the voting procedure, in the case one of the members of the UfM-OC is not present in the meetings or when decisions are taken outside of the formal meetings.

6.6 When any of the members of the UfM-OC does not agree with the decision made by majority of votes, they have the possibility to express a separate opinion, that will be duly mentioned in the minutes to the meetings of the UfM-OC, in the resolution and/or in the Case. Additionally, upon request of the author of such opinions, they might be included in the annual or quarterly reports of the UfM-OC.

6.7 The members of the UfM-OC are collectively responsible for the resolutions adopted by majority, except for the case when one of them expresses a separate opinion that is properly documented as described above, in which case the latter is not responsible for the said resolution.

6.8 When, despite the UfM-OC members best efforts, in exceptional cases there are three diverging opinions on a resolution and a majority cannot be reached, the resolution will include all the diverging opinions and will be submitted to the SOM for decision.

## Chapter III – Administrative arrangements

### 1. Secretary

1.1 One of the members of the UfM-OC should act as Secretary, who is assigned the tasks mentioned below unless otherwise decided by the UfM-OC members. The nomination of the Secretary should be decided during the first meeting of the UfM-OC after one or more new members are nominated. The duration of their mandate as Secretary will be also defined during this first meeting. It is advisable that the Secretary to be appointed on a rotation basis among the UfM-OC members.

1.2 The Secretary may be assisted in the fulfilment of their tasks by the Support Unit.

1.3 The Secretary must ensure representation, liaison, and coordination functions: i.e., with their agreement act on behalf of the UfM-OC and represent it before SOM and other bodies, but may not make resolutions on behalf of the UfM-OC.

1.4 Some of the main tasks<sup>17</sup> assigned to the Secretary are:

- Ensure that Ethical Line is duly maintained.
- Ensure that the management of the Cases in Ethical Line and the information thereof is properly updated.
- Liaise and coordinate the work of the Support Unit.
- Liaise with the UfMS Focal Point.
- Ensure that Minutes of all UfM-OC meetings are drafted and stored for reference.

### 2. Budget, Allowance, and reimbursement

2.1 The SOM grants to the UfM-OC and its members the provision of adequate financial, human and facilities resources within the UfMS' s budget so that they can carry out their responsibilities in a reasonable manner.

2.2 As such, the UfM-OC will dispose of the necessary financial and human resources for, but not restricted to:

- The functioning of the UfM-OC: travel expenses, administrative support within the UfMS (travel booking, reservation of meeting rooms, coffee/breaks, scheduling of meetings, and sending of invitations, etc.), business email addresses and business cards and any specific stationary items etc. Travel expenses of the UfM-OC members will be in accordance with Chapter V “*Missions Management*” of the UfMS Manual of Internal Procedures.
- The maintenance of Ethical Line: annual subscription, maintenance (to be performed internally by the UfMS IT personnel or externally as considered necessary).
- The Specific support: Support Unit and external Investigating Officers as considered necessary.

2.3 The members of the UfM-OC will not perceive any remuneration as a compensation for the performance of the tasks and duties included in the present Rules of Procedures.

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<sup>17</sup> That this is a non-exhaustive list.

2.4 If the SOM does not provide adequate resources to the UfM-OC, this may affect the stability of the UfM-OC's work, its durability, and importantly, its independence and credibility.

### **3. Whistleblowing system – Ethical Line**

#### **3.1 Establishment**

3.1.1 The UfMS has implemented an IT tool (Ethical Line), which functions as a Notification channel (whistleblowing line) and management system.

3.1.2 Ethical Line has the following main characteristics:

- It is a Cloud platform used to present, handle, and respond to Notifications.
- Notifications provided through this tool are sent only to the UfM-OC.
- It is open to all Staff, Third Parties, and any other individual aware of actions that may be considered as Misconduct.
- It preserves confidentiality and protects information by means of encryption.
- It provides a two-way communication in which the Notifier can remain anonymous.
- It has been configured and implemented in five languages (Spanish, English, French, Arabic, and Italian), offering the possibility to the Notifier to show all displays in those languages. It also includes an integrated translation function providing the possibility to the Notifier or to the Case Manager of translating the communications into other languages (more than 10).

3.1.3 To publicise Ethical Line, UfMS has set up a link on its official website (<https://ufmsecretariat.org/>), including instructions and indications on how to make appropriate use of it through this link. The link for submitting Notifications through Ethical Line is <https://ufmoc.integrityline.com/frontpage>.

3.1.4 All Staff members and any other individual are strongly encouraged to report Misconduct either through Ethical Line or through the specific reporting channels outside any hierarchical lines set-up by the UfM-OC without fear of retaliation.

3.1.5 The protection against retaliation aims to ensure UfMS functions in an open, transparent, and fair manner and refers to protection for those who notify Misconduct or cooperate with duly authorized investigations.

3.1.6 There is a prohibition to take actions against Notifiers. Protection should be unconditional without prejudice to possible measures that could be taken against false testimony or defamatory behaviour, following established procedures with due guarantees.

#### **3.2. Functioning**

3.2.1 The Cases are managed exclusively by the Case Managers (the members of the UfM-OC and the members of the Support Unit designated by the UfM-OC).

3.2.2 The Secretary of the UfM-OC will serve as the Administrator of Ethical Line and will assign each Case to one responsible Case Manager when a Notification is received. The Administrator will rely on IT technical personnel from UfMS for establishing and personalizing the security measures required, including providing restricted access to the Cases and the ability to close them.

3.2.3 Ethical Line enables the UfM-OC to store and recover key information on each Case, including the date and source of the original Notification, the results of the investigation (interviews or any other investigative documentation), pending tasks, status of the Notification, the chain of custody of evidence and other key information.

3.2.4 Ethical Line enables the Case Managers to perform searches on the information contained in the database. In addition, it enables the Case Managers to import and export from the database files or documents in digital format, including interview notes, scanned copies of relevant documentation and internal reports or reports drawn up in the context of an investigation.

3.2.5 Generally, the information stored in the Cases may not be deleted. Only the personal data stored in the Cases may be anonymised by the Administrator with the prior authorization of the rest of the UfM-OC members, and only in the cases and timeframes provided by the legalisation in force.

3.2.6 The Secretary must ensure that access to Ethical Line folders set up to manage Notifications is limited to Case Managers (UfM-OC members and members from the Support Unit expressly designated by the UfM-OC).

3.2.7 Ethical Line allows sending to the Case Managers automatic reminders in relation to the expiration of the deadlines for the various steps to be taken in the management of the Notifications in accordance with this document.

## **4. Support unit**

4.1 The UfM-OC may dispose of a Support Unit contracted outside of the UfMS, that assists in the completion of their responsibilities and duties. The tasks that may be performed by the Support Unit are described in these Rules of Procedures<sup>18</sup>. Nevertheless, it is at the discretion of the UfM-OC to decide in relation to the type and amount of work assigned to and size of the Support Unit.

4.2 The Support Unit performs strictly executive and technical tasks and may not replace the UfM-OC in the decision-making process.

4.3 The Support Unit should be formed of professionals with sufficient experience in the management of the whistleblowing lines, audit, and investigation of Misconduct, in order to be able to exercise professional scepticism in relation to the Notifications received, information and documentation processed during the performance of the tasks assigned to them.

4.4 The retention of the Support Unit should be done according to the procurement rules in force in the UfMS.

4.5 The contracting documentation of the Support Unit should include all provisions referred to such unit included in these Rules of Procedures and others, such as, but not limited to:

- Obligation to comply with the Code of Conduct and Anti-fraud Policy and these Rules of Procedures.
- Specific tasks included in these Rules of Procedures or assigned by the UfM-OC.
- The updated General Conditions for Service Contracts in force.

4.6 The retention of the Support Unit should be reported to the SOM in the first quarterly report following the signing of the contract thereof.

## **5. Meetings**

5.1 The collective and individual responsibilities of the members of the UfM-OC described above in Chapter II 1. and 6. apply to their participation to the meetings.

5.2 The UfM-OC holds quarterly ordinary meetings. They will aim to hold meetings before the SOM in order to allow prompt approval of resolutions and reports, as necessary.

5.3 The meeting invitations are sent by the Secretary a minimum of 15 calendar days before the proposed date, including a proposed agenda.

5.4 Any notification of no participation to the ordinary meetings should be sent by the members of the UfM-OC to the Secretary and the other members with a minimum of 7 calendar days' notice before the proposed date. If the Secretary cannot attend the meeting, they should notify the other members of the UfM-OC at least 7 calendar days before the proposed date.

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<sup>18</sup> As described in Chapter IV below



5.5 In case a notification of non-participation has been received, a new date will be proposed by the Secretary to the members. This date will be maximum 15 days after the initial date proposed.

5.6 Ordinary meetings are quorate if attended by the majority of members (2 out of 3).

5.7 If following the described procedure, the ordinary meeting cannot be held, this will be immediately reported to the SOM by the Secretary.

5.8 Recurrent absence by one member of the UfM-OC in ordinary meetings should also be reported to the SOM by the UfM-OC in the following quarterly report.

5.9 The extraordinary meetings are held when urgent decisions need to be adopted (i.e., initiate or not an investigation, appoint an Investigating officer, etc.). The same rules of quorum will apply to the extraordinary meetings.

5.10 Also, they can be held whenever one of the members of the UfM-OC considers necessary (in this latter case with a minimum of 7 calendar days' notice to the other members).

5.11 There is no possibility to delegate the powers of representation to another member of the UfM-OC in any of the meetings.

## **6. Focal point**

6.1 To facilitate its work, the UfM-OC will use for its information and documentation, collection from the UfMS and Third Parties, a Focal Point within the UfMS, designated by the UfMS. In general terms, the UfM-OC will use the Focal Point, who shall be required to sign a Confidentially Agreement, for its documentation and information requests from the UfMS and Third Parties, and the Focal Point is responsible for collecting it and delivering it to the UfM-OC.

6.2 The UfM-OC has the possibility of directly accessing the information and documentation belonging to the UfMS (either in physical or electronic format) or directing their information request to other staff of the UfMS or to the involved Third Parties.

# **Chapter IV – Activities and tasks**

## **1. Introduction**

1.1 The activities to be performed progressively by the UfM-OC are grouped in the following categories: (i) advisory activities and (ii) dealing with the Notifications.

1.2 At the beginning of each mandate, the UfM-OC will prepare a work plan - according with budgetary and UfMS departments support availability - that will contain the main lines of action and specific activities to be accomplished during the mandate, including motivation for the selection of a specific action and deadlines for their completion.

1.3 The implementation of the activities and tasks described below will be progressive given the restrains mentioned above. In their performance the UfM-OC needs the assistance of the UfMS departments and services. Furthermore, the Support Unit will assist the UfM-OC in the performance of any of these tasks and activities.

## **2. Advisory activities**

2.1 As part of its duties, the UfM-OC carries out the following monitoring and advisory activities: (i) raising awareness, (ii) risk assessment, (iii) training, and (iv) review of the policies.

2.2 This work can be done in practice with the Support Unit. The support of the UfMS department should mainly consist in providing information and/or documents to avoid potential conflict of interests.

**(i) Raising awareness**

2.3 The Anti-fraud Policy includes references to the necessary awareness by Staff and Third Parties of the said policy and the principles included therein, which are a responsibility of the whole organization (UfMS, Staff etc.).

2.4 Awareness activities are carried out to inform all Staff and Third Parties of the mechanisms available to them to report Misconduct. This information is shared through specific communications and is conveyed in briefings or trainings.

2.5 The UfM-OC will ensure that the main principles of the Anti-fraud Policy, the Code of Conduct and Ethical Line are communicated internally and externally, on a continuous basis, by the following means:

- Publication of the updated Code of Conduct, Anti-fraud Policy and of Ethical Line on the UfM' s website
- Communications related to the Code of Conduct, Anti-fraud Policy and Ethical Line in UfMS framework.
- Communication to Third Parties within the contractual documents and through periodic reminders in relation to the principles of the Code of Conduct, Anti-fraud Policy and information related to Ethical Line.

2.6 The UfM-OC will review and approve all above communication material.

2.7 Furthermore, the UfM-OC will act as a consultive body that will provide guidance and advice to any integrity-related issues related to the activity of the UfM, raised by the Staff or Third Parties. While consultation with the UfM-OC on ethical issues (mainly by the UfM), can occur, the UfM-OC is not a compliance division and does not replace the responsibilities of the UfMS members.

**(ii) Risk assessment**

2.8 The Anti-fraud Policy includes various relevant aspects in relation to the Integrity Risk assessment to be performed within UfMS.

2.9 Thus, the UfM-OC adopts a risk-based approach to the planning of its work to ensure that its activities focus on those areas of strategic importance or significant risk to the UfM and its mandates and goals.

2.10 To this end, the UfM-OC will elaborate on a yearly basis an Integrity Risk catalogue that will serve as reference and recommendation to the management of the UfMS in its risk assessment process. The risk catalogue will include the following main items:

- Categories of Integrity Risk: fraud, discrimination, etc.
- Risk reference: Code of Conduct, Anti-fraud Policy, etc.
- Risk title
- Risk description
- Risk scenario
- Possible areas of application
- Controls already implemented to mitigate the risk
- Suggested action plans

2.11 The risk catalogue prepared by the UfM-OC is by no means exhaustive, in the sense that the management of the UfMS has the possibility to identify any other Integrity Risk specific to their areas and propose the action plans they consider appropriate.

2.12 The risk catalogue is updated annually by the UfM-OC to include any developments such as: possible significant changes in UfM' s organisational structure and processes, new activities, regulatory changes, and integrity-related incidents observed.



2.13 As specified in the Anti-fraud Policy, the UfM-OC may conduct its own risk assessment when a high Integrity Risk is identified by the management and consequently propose additional/alternative action plans.

2.14 The Integrity Risk assessment activity performed both by the UfMS management and the UfM-OC as described above must be documented, as well as the reasons for estimating the existence or absence of risk, and the methodology used to evaluate the probability of occurrence and the impact of the different risks.

2.15 Additionally, the result of this activity is subject to reporting to the SOM in accordance with the guidelines stated in Chapter IV section 5 below.

2.16 The Support Unit may assist the UfM-OC in all activities related to the Integrity Risk assessment.

### **(iii) Training**

2.17 The UfM-OC, with the support of UfMS, will ensure that Staff receive periodic training to (i) improve their knowledge of the Anti-fraud Policy, and the principles set out in the Code of Conduct which affect their activities; (ii) gain an understanding of the Integrity Risks that can derive from these activities; and (iii) learn about the policies, procedures and controls related to their activities that control those risks (including Ethical Line).

2.18 The UfM-OC, together with the UfMS, will be responsible for (i) including all Staff in the personnel training cycles related to their content and knowledge, together with sessions related to the above aspects; (ii) organising recurrent annual training cycles for the largest possible number of Staff on the above matters; (iii) review the training materials to ensure that they contain sufficient and relevant information and elements thereof.

2.19 Training on Anti-fraud Policy, Code of Conduct and Ethical Line may be (i) planned within each financial year; (ii) one-off due to changes in UfMS' s circumstances; or (iii) the result of the recruitment of new Staff in the UfMS.

### **(iv) Review of the policies**

2.20 The UfM-OC will ensure that the Anti-fraud Policy, the Code of Conduct, and Ethical Line do not become obsolete over time and lose the usefulness for which they were drawn up.

2.21 The UfM-OC, with the cooperation of UfMS will thus ensure the adaptability of the above and their usefulness in the changing circumstances facing UfM and its environment. To this end, circumstances that could trigger the need for their review include:

- Internal: for example, variations in the activity or circumstances of the UfM; risks identified through Integrity Risk assessment or Notifications received through Ethical Line; lessons learned from the investigations conducted, etc.
- External: for example, any regulatory changes that affect the UfM.

2.22 The purpose of these reviews will be, on the one hand, the continuous improvement and enhancement of the Anti-fraud Policy, the Code of Conduct, and Ethical Line and, on the other, their adaptation to reality, that is review of their effectiveness.

2.23 The UfM-OC will review the Anti-fraud Policy, the Code of Conduct and Ethical Line every three years and will carry out specific reviews when circumstances change, and the results of this review will be subject to the reporting to the SOM as described in section 5 below.

2.24 The UfM-OC will be responsible for safeguarding the documentation confirming that verifications have been conducted which enable the SOM to contrast and understand UfMS' s situation and performance regarding their integrity-related policies and tools.

2.25 Additionally, the UfM-OC may act as a consultative body for the UfMS in relation to new procedures and policies and any other matter that relate to their knowledge and competences. By no means shall the UfM-OC replace the compliance functions of the UfMS.

### **3. Dealing with Notifications**

3.1 As part of their duties, the UfM-OC is responsible for the overall management of Ethical Line and for the response to Notifications reported by the Staff, Third Parties or any other person that reach the UfM-OC, irrespective of the channel used.

3.2 While Notifications may exceptionally arrive through other channels and the Case investigated and Notifier protected, using Ethical Line should be encouraged by the UfM-OC (by contacting the Notifier when possible) as this is the system that ensures equal treatment of all notifications with due guarantees. It should be kept in mind that the Notifications made through any other channel than Ethical Line may not reach the UfM-OC and therefore may not be properly treated.

3.3 These tasks strive to protect the human and financial resources of the UfM by investigating any misconduct in the workplace in line with the Anti-fraud Policy and the Code of Conduct.

3.4 The UfM-OC guarantees the confidentiality of those who make Notifications in good faith, whether the investigation substantiates the report or not. Malicious reporting, where established, constitutes Misconduct, and is subject to possible disciplinary measures. The treatment of the Notifications carried out by and under the responsibility of the members of the UfM-OC will:

- Ensure all reasonable lines of enquiry are pursued, including the examination of both inculpatory and exculpatory evidence.
- Disclose any possible conflict of interests to the rest of the members of the UfM-OC and recuse themselves if any conflict of interests may prejudice the treatment of a Notification.

3.5 The main phases conducted in relation to the above are as follows (see sections **1**), **2**) and **3**) below for further details):

1) Receipt and processing of Notifications:

- Receive the integrity-related Notifications that reach the UfM-OC mainly through Ethical Line or exceptionally through any other channel.
- Register and initially classify the Notifications received within certain deadlines: ensure the registration of the Notifications in Ethical Line. Notifications received through any other channel will be registered in Ethical Line.
- Reach to an initial decision in relation to the Notifications received.
- Properly communicate the outcomes of this process

2) Investigate:

- Appointment of an Investigating Officer within a certain timeframe.
- Perform the necessary communications in relation to the investigation initiated: Notifier, subject of the Notification, Human Resources department, Finance department, etc.
- Set-up an investigation schedule
- Advising the UfMS on taking precautionary measures while the investigation is carried out.
- Perform the investigation.

3) Resolution proposal and disciplinary measures:

- Resolution recommendation to the SOM
- Communication to the Notifier and blocking of data.
- Advising the UfMS on temporary measures to be applied
- Communication to the subject of the Notification
- Verification and reporting on the application of the necessary measures.

## **1) Receipt and processing of Notifications**

### *a) Receipt of Notifications*

3.6 Notifications may be received mainly through Ethical Line or exceptionally through any other channel or mechanism. Should Notifications reach the UfM-OC by channels different than Ethical Line, the Secretary will ensure that they are registered in Ethical Line providing all available information and are analysed following the same procedure as the ones received directly through Ethical Line, as described below.

3.7 As a rule, all issues related to Misconduct should be processed, analysed, and treated by the UfM-OC. Any Staff of the UfMS that gains knowledge, directly or indirectly, of a potential Misconduct, has the obligation to redirect the issue to the UfM-OC, together with all the information they dispose on the matter.

3.8 Although the UfMS allows anonymous Notifications, for a purpose of a more efficient treatment, the UfM-OC (namely the Case Manager) will initially request from the Notifiers to provide the following information upon submitting the Notifications: Names and surnames, email address and telephone number.

3.9 If the Notifier will not reveal their identity, the communication will nevertheless be analysed as provided below.

3.10 If a Notification refers to a member of the UfM-OC or the Support Unit, the person involved<sup>19</sup> shall refrain from taking part in the analysis, as described below in Chapter V, section 2. If a Notification affects all UfM-OC members, it shall be relayed to the SOM, which shall appoint a provisional body to conduct the evaluation.

3.11 When a Notification is received or registered in Ethical Line, the UfM – OC must confirm receipt to the Notifier (by using the template included in Appendix II A.) through the same channel within seven (7) calendar days, barring any exceptions, which must be duly documented. In the case of anonymous Notifications, the confirmation of receipt will include the request for the identification information listed above, in accordance with the model included in Appendix II A-bis).

### *b) Categorisation and Classification of Notifications*

3.12 Once having received the Notification the Case Manager assigned to the Case shall preliminarily categorise Notifications according to the category of the alleged Misconduct (e.g., Fraud, Corruption, Conflict of Interest, etc.)

3.13 The Case Manager will conduct a preliminary evaluation of the Notification, classifying it as:

(i) Admissible:

- Potential Misconduct

(ii) Inadmissible:

- It does not relate to Misconduct.
- No predication - Vague information, lack of credibility, lack of relevance. In general, the following types of Notifications will not be considered Admissible:
  - Those describing facts or events that are manifestly inconsistent, ambiguous, or vague.
  - Those that do not provide objective or verifiable data that could be arrived at by means of an investigation.
  - Those that include data that is unquestionably false or inaccurate.

Inadmissible Notifications will necessarily have one of the following outcomes:

- Transferred by the UfM-OC to the corresponding department within the UfMS for resolution, according to their nature.

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<sup>19</sup> Member of the UfM-OC or the Support Unit

- Transferred by the UfM-OC to the DPO if the Notification falls under the provisions of the data protection legislation in force.
- Discarded.

3.14 Anonymous Notifications will be investigated provided they initially appear to be credible. The UfM-OC may agree to analyse an anonymous Notification based on the following:

- The seriousness of the matter reported.
- The credibility of the Notification.
- The possibility of confirming the allegation through credible, consistent sources of information.

3.15 If the Notification received includes complex or uncertain aspects, the Case Manager with the consent of the UfM-OC may request that the Support Unit conduct the preliminary evaluation of the Notification, considering the aspects included in Appendix I.

3.16 Resolutions regarding the classification of the Notifications into Admissible/Not Admissible will be adopted following provisions set out in Chapter II, section 6 below.

3.17 The UfM-OC may consider the pros and cons of investigating, and no authorization of the SOM to proceed with the investigation is required.

3.18 When a Notification is classified as Inadmissible, the UfM-OC shall include in the Case a detailed explanation of the outcome of the Notification, as well as the reasons that led the UfM-OC to their decision (Appendix III includes a template for the “*Inadmissible Notifications Form*”). The “*Inadmissible Notifications Form*” will be recorded in Ethical Line.

3.19 The UfM-OC will also monitor and verify the subsequent Notifications, in the sense that they will perform searches in the Cases for the purpose of determining whether there are any related Notifications. If a Notification is related to a previous Notification, it must be ascertained whether the latter is already being investigated, in which case the information gathered previously shall be attached to the procedure and the UfM-OC shall record the action in the Case. The UfM-OC should also evaluate the implications of the Notifications being related: more credibility to the issue, decision to investigate the Notifications conjointly, etc.

3.20 Should it be decided that the Notification is Admissible, the investigation of the Notification shall begin as no approval by the SOM is needed (see Chapter IV section 3.2. below).

#### *c) Deadlines*

3.21 In general, the UfM-OC shall examine and classify Notifications within ten (10) business days from their receipt. This deadline includes, if applicable, the transfer of the Notification to the departments/DPO as described above.

3.22 When the information provided in the Notification is deemed insufficient, incomplete or does not provide the necessary detail for the investigation procedure to be initiated, the UfM-OC will request further information from the Notifier within ten (10) business days from the receipt of the Notification. If within other fifteen (15) business days the Notifier does not provide the additional information requested to initiate the investigation, the UfM-OC shall proceed to classify the Notification as Inadmissible by filling in the “*Inadmissible Notifications Form*” (Appendix III), that will be recorded in Ethical Line and shall set the status of the Notification as Closed.

#### *d) Communications with the Notifier*

3.23 The UfM-OC shall communicate with the Notifier and other parties whose cooperation is deemed necessary to carry out the investigation. To this end, the following shall be considered.

3.24 When the information provided is deemed insufficient, incomplete or does not provide the necessary detail for the decision (Admissible/Inadmissible) to be taken, then a communication shall be sent in accordance with the template in Appendix II Section C

3.25 If the Notification is deemed to be Inadmissible or the investigation thereof is ruled out based on the previously defined criteria, the UfM-OC shall send, within the deadlines specified above, one of the following communications to the Notifier through Ethical Line:

- When the notification does not warrant the opening of a Case (discarded): Communication proposed in Appendix II Section B.
- When based on the tenor of the Notification, UfM-OC considers that it should be transferred to one of the departments/DPO mentioned in section 3.1 b) above: communication included in Appendix II Section B-bis.

## **2) Investigate**

### *a) General provisions regarding the investigations initiated*

3.26 The Anti-fraud Policy includes several specific references in relation to the involvement of the UfM-OC in the fraud and corruption investigations.

3.27 An UfM-OC investigation is an administrative fact-finding activity, which means collecting evidence to either support or refute the reported Misconduct. The focus is on possible Misconduct by individuals and prohibited practices by Staff and Third Parties; however, some systemic issues might also be analysed at the same time.

3.28 Investigations are conducted by the UfM-OC in a professional and impartial manner. Where evidence of Misconduct is established, the UfM-OC will send the SOM the results of the investigation, together with recommendations, to guide the SOM in deciding on the appropriate action to be taken.

3.29 The UfM-OC is not, however, responsible for deciding whether to initiate disciplinary proceedings or to institute corrective action as a result of its investigations, but only to propose/recommend such actions to the SOM.

3.30 All Staff and Third Parties are obliged to cooperate fully with investigations carried out by the UfM-OC.

3.31 The investigations by the UfM-OC are not criminal investigations, but inquiries related to the Staff, funds, and activities of the UfMS. The UfM-OC has no subpoena or police powers and cannot arrest or detain anyone. The UfMS has no criminal jurisdiction over its Staff but, as an employer, it can impose disciplinary measures in response to Misconduct or take other administrative measures to ensure smooth functioning of the organization.

### *b) Proactive investigations*

3.32 Proactive investigations can and should be initiated by the UfM-OC in the absence of a specific Notification, when any of the following factors occur:

- Based on the activity performed by the UfM-OC (e.g., review of integrity risk assessment), if there is any indication that comes to the attention of the UfM-OC that a potential Misconduct might occur.
- There is a request from public authorities, the SOM or the Secretary General for an investigation focused on the activity of a certain department or set of transactions.

### *c) Appointment of the Investigating Officer*

3.33 If, in accordance with the procedures described in section 3.1 above, the UfM-OC decides that investigation should be initiated following a Notification (that is, the Notification is deemed Admissible and there is sufficient information to initiate the investigation), or that a proactive investigation should be initiated, the UfM-OC will proceed to the appointment of the Investigating Officer. The UfM-OC shall appoint the Investigating Officer based on the subject matter and in consideration of the nature of the facts (described in the Notification or considered for the proactive investigation).

3.34 In case the UfM-OC decides not to initiate the investigation, the Notification will be considered as Inadmissible, the “*Inadmissible Notification Form*” will be filled in and the Notification will be set as Closed.

3.35 In general, the Investigating Officer shall be a member of the Support Unit or, in certain circumstances, external parties<sup>20</sup> specialised in investigations, or a combination thereof. The contracting of the external Investigating Officer will be done in accordance with the procurement procedures applicable to the UfMS.

3.36 Investigating Officers that are not members of the Support Unit, will be required to sign a Confidentiality Agreement and may attend UfM-OC meetings or the SOM as guests to provide explanations as required.

3.37 The Secretary shall inform the Investigating Officer of their appointment by email or by post, in accordance with Appendix II Section H (only when the Investigating Officer is an external party).

3.38 Once the Investigating Officer has been appointed, the Secretary shall register this decision in the Case (if the investigation was initiated following a Notification), including any Confidentiality Agreements, duly signed, and the communication to the Investigating Officer.

3.39 The Investigating Officer shall report to the UfM-OC and/or, directly to the SOM if the UfM-OC considers it necessary.

3.40 The Investigating Officer shall be responsible for carrying out the investigation in accordance with the provisions of these Rules of Procedures. To this end, they will be supported by the Support Unit, the UfM-OC and the UfMS. Additionally, the Investigating Officer will be granted full access to the information and documentation of the UfMS (through the Focal Point, through the UfM-OC, or directly).

*d) Deadlines for the appointment of the Investigating Officer*

3.50 In general, the UfM-OC shall appoint the Investigating Officer within fifteen (15) business days of the date of the resolution to start the investigation.

3.51 In exceptional situations the appointment of the Investigating Officer may be delayed by another ten (10) business days. This event will be documented and recorded by the Secretary of the UfM-OC in the minute of the UfM-OC meeting and in the Case.

*e) Initial communications once the start of the investigation has been decided*

3.52 When the start of the investigation has been decided by the UfM-OC, a communication shall be sent to the Notifier within five (5) business days from the approval according to the model included in Appendix II Section D. In consideration of the nature of the facts reported, if deemed appropriate, the UfM-OC, upon consultation with the Investigating Officer, may inform the Human Resources Department of the content and scope of the Notification, so that appropriate measures may be taken to prevent and avoid possible retaliation against the Notifier.

3.53 The UfM-OC, upon consultation with the Investigating Officer, may also propose the necessary precautionary measures to the UfMS (e.g., suspension of the staff, suspension of the relationship with a certain Third Party) for the investigation to be carried out properly and to minimise the possible damage to the organization.

3.54 If deemed necessary, in the above cases the UfM-OC may also seek advice from the Legal Department of the UfMS.

3.55 In consideration of the information available and the needs of the investigation, the UfM-OC may consider informing the subject of the Notification that they are under investigation<sup>21</sup>. To make this decision, the UfM-OC may consult with UfMS relevant Department.

*f) Investigation schedule*

3.56 The Investigating Officer shall conduct the investigation in accordance with the legal deadlines<sup>22</sup> and the deadlines set by the UfM-OC. The Investigating Officer shall inform the UfM-OC of

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<sup>20</sup> Individuals or companies

<sup>21</sup> Appendix II Section G

<sup>22</sup> According to the EU Directive 2019/1937, "a reasonable timeframe for informing a reporting person should not exceed three months...but could be extended to six months where necessary due to the specific circumstances of the case, in particular the nature and complexity of the subject of the report, which may require a lengthy investigation". The three/six months are considered from the moment the Notification was received and are the deadlines by which the Notifier should be informed of the



the expected timetable for the completion of the investigation and shall promptly notify of any deviation therefrom.

3.57 If the investigation is prolonged beyond certain timeframes<sup>23</sup> following the registration of the Notification, the subject of the Notification shall be informed that their personal data is being processed in the framework of the investigation in accordance with the provisions of Appendix II Section G.

3.58 If the Notifier has also provided information on another party other than the subject of the Notification<sup>24</sup> (e.g., witnesses, responsible persons whom the Notifier also informed of the facts), said party shall be informed of the processing of their data and of the origin thereof, requesting their consent to the processing. To this end, a communication shall be sent to the other party in accordance with Appendix II Section F within three months of receipt of the Notification.<sup>25</sup>

3.59 The UfM-OC shall carry out a check of the Cases, aimed at identifying investigations that are close to exceeding the deadlines set out in the timetable.

3.60 If it is not possible to complete the investigation within the deadlines set out in the timetable, the UfM-OC shall request an explanation from the Investigating Officer as to the factors that led to this circumstance. The Secretary shall ensure that: (i) these reasons are properly documented in the Case; (ii) the person who is the subject of the Notification is informed that their data is being processed in the context of an investigation according to legal requirements.

*g) Perform the investigation*

3.61 The Investigating Officer shall be the lead investigator and in determining the composition of the Investigation Team, as well as when conducting the investigation, the Investigating Officer will consider the following aspects:

- The main objective of the Investigation will be to gather sufficient elements that allow the UfM-OC to reach a conclusion in relation to the existence or inexistence of Misconduct.
- The investigation techniques to be applied should be, but not limited to:
  - *Digital evidence analysis*. Consists in acquiring, processing, and analysing digital evidence stored in devices belonging to the UfMS. This technique should be applied with the strictest observance of the Chapter VI of the Manual of Internal Policies and of Circular 0.2/2018 of the UfMS.
  - *Corporate Intelligence*. This technique consists of identifying, analysing, and mapping of the corporate structure and connections of any kind between individuals and companies.
  - *Interviews*. They may be conducted with Staff and/or representatives of Third Parties and are aimed at confirming the understanding of certain issues and obtain additional information.
  - *Forensic accounting*. This technique consists in the obtention and analysis of information and documentation of financial, accounting, or economic nature, wither belonging to the UfMS or

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outcome of the investigation. Accordingly, the PDPL (article 24) specifies that all personal data (both of the Notifier, the subject of the Notification and other persons affected by the Notification) should be stored in the whistle-blowing system for a maximum of 3 months.

<sup>23</sup> Article 5.4 of Organic Law 15/1999 on the Protection of Personal Data (Article 14 of REGULATION (EU) 2016/679) determines that "When the personal data has not been collected from the data subject, the data subject must be informed expressly, precisely and unequivocally, by the data controller or their representative, within three months from the time of recording the data, unless they have already been informed previously, of the content of the processing, of the origin of the data, as well as of the provisions of letters a) [Of the existence of a file or processing of personal data, of the purpose of the collection thereof and of the recipients of the information], d) [Of the possibility of exercising the rights of access, rectification, erasure and objection], and e) [Of the identity and address of the controller or, where appropriate, of their representative]."

<sup>24</sup> These Rules of Procedures will always refer to the subject of the Notification, irrespective of the fact that the Notification may refer to one or more persons.

<sup>25</sup> For practical reasons, the UfM-OC should assess on a case-by-case basis whether or not it is appropriate to send the communication proposed in Appendix II Section F in those cases in which the collaboration and/or participation of the other party is not required for the investigation of the facts contained in the Notification, and the other party has no knowledge or record of the Notification, nor is any of its data to be processed. It should be noted that once this Notification has been sent, the other party in question is not obliged to cooperate and may therefore reject the request and even require UfM-OC to anonymise their personal data.

from Third Parties. This technique allows the verification of certain of the allegations included in the Notification, the proper documentation of the issues notified and of further findings, etc.

- If at any point in the process, and to properly conduct the investigation, the Investigating Officer considers it appropriate or necessary to disclose the identity of the Notifier (e.g., in the interviews held by the investigator to gather information about the Notification), they must have the Notifier's express permission to do so. For this purpose, it will be necessary to obtain a document signed by the Notifier, as provided for in Appendix IV.
- If the Notifier refuses to allow the investigator to disclose their identity, and this constitutes an insurmountable obstacle to the completion of the investigation, the UfM-OC may decide to Close the Notification and anonymise all personal data relating to it in accordance with the data protection legislation in force. This shall be documented and recorded by the Secretary in the Case.

*h) Investigation report:*

3.62 The Investigating Officer shall draw up the Investigation Report, which shall contain at least the following chapters:

- Introduction: objective and scope of the investigation work carried out.
- Detailed description of the results/findings obtained during the investigation.
- Description and documentary support of the research procedures and techniques developed.
- Specific mention of the sources of information used.
- Conclusions reached from the research carried out.
- Any weaknesses identified in the internal controls and, where appropriate, recommendations for improvement to strengthen the prevention system.

3.63 The Investigation Report shall be accompanied by copies of (i) supporting documentation evidencing the conclusions reached; and (ii) copies of all communication (e.g., witnesses) with the Notifier and Third Parties related to the investigation.

3.64 The Secretary shall file the Investigation Report and supporting documentation in the Case.

### **3) Resolution proposal and recommended measures**

3.65 The Investigation Report shall be submitted to the UfM-OC for consideration and approval.

3.66 The UfM-OC shall adopt one of the following decisions:

- To close the procedure on the grounds that the investigation demonstrates that there is no Misconduct.
- Forward a resolution recommendation to the SOM not less than 15 (fifteen) business days before the SOM, so that, in accordance with applicable legislation and UfM rules and regulations (e.g., Staff Regulations<sup>26</sup> and their Implementing Rules<sup>27</sup>), legitimate and proportionate measures may be applied<sup>28</sup>. The UfM-OC may share the Investigation Report or information therein<sup>29</sup> with the Legal Department and/or external lawyers to propose a resolution that is proportionate and in accordance with the facts.

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<sup>26</sup> In accordance with paragraphs a) and b) of Article 33 “*Disciplinary measures*” of the Staff Regulations, applicable to contracted staff only.

<sup>27</sup> Rule III “*Disciplinary procedures*” of the Implementing Rules, that apply to all staff except for “*statutory positions*”, that is all staff apart from the Secretary General and the Deputy Secretaries General.

<sup>28</sup> It is recommended that the SOM would take a decision as to the legal and/or other measures during the following meeting after the receipt of the resolution proposal from the UfM-OC. If this is not possible, the decision of the SOM will be taken in the next meeting. In any case the UfM-OC will advise the UfMS on the temporary measures to be adopted until SOM decision is taken and the measures applied.

<sup>29</sup> If the Notifier did not agree to the disclosure of their identity



— Additionally, according to the provisions of Article 8 “*Privileges and Immunities*” of the Staff Regulations in the case of the individuals referred thereof, the resolution proposals will be forwarded by the UfM-OC to the SOM with the recommendation that the Secretary General should take appropriate action in relation to their privileges and immunities.

3.67 The Secretary shall complete the “*Resolution Form*” established in Appendix V and record in the Case the actions agreed by the UfM-OC.

3.68 The Secretary shall communicate to the Notifier the completion of the investigation and if the facts included in the Notification were proven by the investigation, following the model provided in Appendix II Section E.

*Summary of status of Notifications*

3.69 The Appendix VI to this document includes a graphical description of the main steps to be taken in the management of the Notifications, as described in the previous sections.

3.70 The table below includes a summary of the different status of a Notification reflected in the flowcharts included in Appendix VI and incorporated in Ethical Line.

Status	Start point	End point	Maximum duration
1) Receipt and clasification	Notification receipt	Decision to investigate	7 calendar days+15 business days
If information requested <sup>30</sup>	Request for information	Sufficient information received/not received	7 calendar days+25 business days
2) Investigation	Decision to investigate	Resolution form	6 months from Receipt of Notification
3) Resolution proposal and recommended measures	Propose resolution to SOM	Report to SOM on application of measures	-
4) Closed	See Appendix VI	-	-

**4. Confidentiality and data protection**

4.1 The members of the UfM-OC shall respect the confidentiality of the discussions and refrain from disclosing information accessed by them in carrying out their role. As a rule, members of the UfM-OC shall be bound by the duty of confidentiality even after they cease to perform their duties.

4.2 The duty of confidentiality applies, in the same terms, to members of the Support Unit, whether permanent or not.

4.3 The Staff and the professionals providing external advisory services (e.g., Investigating Officers), are bound by the same duty in respect of the information conveyed to them by the UfM-OC.

4.4 The duty of confidentiality of the UfM-OC members and the persons attending their meeting or collaborating on their initiatives shall be documented through a formal undertaking for this purpose.

4.5 The duty of confidentiality of the UfM-OC members, the Support Unit and any other party accessing the information related to the Notifications, is mentioned in Ethical Line front page

<sup>30</sup> In case the UfM-OC requests from the Notifier additional information in order to decide if the Notification is Admissible/Inadmissible.

(<https://ufmoc.integrityline.com/frontpage>), in order to provide the Notifiers with the assurance that the information they include in the Notification is treated confidentially.

4.6 To receive protection against Retaliation, any Notification should be made as soon as possible from the moment the Notifier becomes aware of the original Misconduct and in good faith (meaning that the Notifier has reasonable grounds to believe that the information in the Notification is true at the time of the Notification). Additionally, a Notification must include information or evidence to support a reasonable belief that Misconduct has occurred. The protection against Retaliation offered by the UfM-OC applies to individuals who notify Misconduct to the UfM-OC through any mechanism and channel.

4.7 Staff and Third Parties may notify Retaliation to the UfM-OC as soon as they become aware of such actions.

4.8 In carrying out the processes governed by these Rules of Procedures and the documentation derived therefrom, the UfM-OC may process personal data. Accordingly, the contents and performance of the processes set out in this document should not infringe applicable legislation on personal data protection or any other internal procedures of UfM in this respect.

4.9 For purposes of conservation of the data from each Notification, the UfM-OC will respect the principle relating to data quality set out in the applicable legislation: that is, data may only be retained for as long as it is pertinent to the purpose for which it was gathered, necessary for the processing of the Notification or there is a legitimate interest in their storage. In addition, personal data may be stored if this is required by European or national law to fulfil legal obligations, such as storage obligations. Subsequently, all personal data will be blocked or anonymized. In any case, the personal data must be anonymised in Ethical Line once a period of three months has elapsed since the personal data entered the tool. However, they may be transferred to other folders of the UfM-OC and may be treated by the UfM-OC while the investigation is ongoing and for an additional maximum period of three months. After the completion of the investigation, personal data should be blocked (without any access to them) in case they can be formally requested in a judicial process, up to the prescription of the related criminal offence. Likewise, if it is appropriate to keep a record of complaints made for historical purposes<sup>31</sup>, communications may be stored provided that the personal data contained therein are anonymized.

4.10 To ensure compliance with applicable legislation in terms of data protection in the performance of the duties specified in these Internal Regulations, including the use of Ethical Line and the management of the Notifications, the UfM-OC shall ensure coordination of its responsibilities with the DPO.

4.11 The principles of data protection are set out on the website of the UfMS (<https://ufmsecretariat.org/privacy-policy/>). Further, Ethical Line incorporates a data protection statement that sets out the related principles in relation to the information incorporated in the tool (<https://ufmoc.integrityline.com/app-page;appPageName=Privacy%20policy>).

## **5. Reporting and recommendations**

5.1 To have up-to-date and useful information available for monitoring the UfM-OC actions, the UfM-OC, with the assistance of the Support Unit, will prepare the following reports:

*a) Annual report on the activity of the UfM-OC*

5.2 On an annual basis, the Secretary of the UfM-OC shall draw up a report containing information on the actions carried out. This report shall be submitted to the Member States fifteen (15) business days before the first SOM of each calendar year and is approved by the first SOM of each calendar year. Also, during this SOM the Member States may reject the Annual Report as a whole and/or suggest amendments that need to be enacted by the UfM-OC before being submitted for approval fifteen (15) business days before the next SOM, and so forth.

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<sup>31</sup>In Ethical Line or the folders of the UfM-OC

5.3 In case the same Annual Report is rejected as a whole three times by the SOM, the UfM-OC is automatically dismissed, and a new body should be designated within a timeframe of six months. None of the members of the UfM-OC dismissed following to this procedure can become a member of the UfM-OC subsequently designated.

5.4 The Annual Report shall enable proper control to be maintained over the performance and operation of the Anti-fraud Policy, the Code of Conduct, and Ethical Line in accordance with their design, implementation, and effectiveness.

5.5 The Annual Report on the UfM-OC's activity shall be structured in two main chapters.

1) Chapter I – Monitoring and advisory activities

- The degree of completion and possible updates of the triannual work plan
- The periodic review of Integrity Risks (see Chapter IV section 2.2 above).
- The assessment and status of training and communication on integrity matters (refer to in section 2.3 above).
- If the case, the periodic review of the Anti-fraud Policy, of the Code of Conduct and of Ethical Line (see section 2.4 above).
- Recommendations designed to improve risk management, governance, and operations.
- Any other issue that might be considered relevant.

2) Chapter II - Dealing with Notifications

- Number of Notifications received by quarter, their categorisation as indicated in section 3.1 above, classification as Admissible or Inadmissible, the status of the Cases, the resolutions adopted, the disciplinary measures proposed, approved, and applied, the prevention measures proposed and the evaluation of those already implemented.
- Further details on the performance of investigations: reasons for investigating or not investigating Notifications; conclusions reached by the Investigating Officers, doubts that may have arisen regarding the reports prepared by the Investigating Officers, as well as queries from UfMS Staff and Third Parties made to the UfM-OC.

*b) Quarterly report*

5.6 On a quarterly basis<sup>32</sup>, the UfM-OC will prepare and submit to the SOM a report including the following items in relation to the Notifications received: number of Notifications received, their categorisation as indicated in section 3.1 above, classification as Admissible or Inadmissible and the status of the Cases. The quarterly report might include any other matters described in these Rules of Procedures (e.g., retention of the Support Unit) or otherwise considered relevant by the UfM-OC.

*c) Urgent reports and communications*

5.7 The UfM-OC shall be responsible for immediately informing the SOM of any circumstances which, due to their possible economic and/or reputational impact, could cause serious harm to the UfM. Additionally, the UfM-OC will notify immediately that the decision to start an investigation or to appoint an external Investigating Officer has been taken according to the described in section 3.2) c) of Chapter IV above.

5.8 To this end, the Secretary of the UfM-OC shall prepare and provide the SOM with an ad-hoc report containing a detailed description of the circumstances giving rise to the communication, as well as its possible economic and/or reputational impact on the organization.

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<sup>32</sup> Except for the quarter when the Annual report is submitted

## **6. Records**

6.1 The records of the UfM-OC consist of:

- All the information and documentation stored in the Cases of Ethical Line
- Reports made to the SOM
- Agendas and Minutes of the meetings
- Annual declarations of interests of the members of the UfM-OC
- Any other documentation if not included in the above, such as:
  - Email communications between the members of the UfM-OC, with staff of the UfMS (including Focal Point), with Third Parties and any other party as considered necessary
  - Training materials
  - Material linked to internal and external communications of aspects related to the Code of Conduct, Anti-fraud Policy and Ethical Line
  - Any information gathered for the purposes of preventive activities, risk assessment, etc.
  - Any other documentation gathered by the UfM-OC for the purposes of carrying out their duties

6.2 The access of the information stored in Ethical Line is regulated as described in Chapter III, section 3 above.

6.3 For the purposes of the storage of information outside of Ethical Line, the UfM-OC disposes of a network folder facilitated by the UfMS with restricted access for the members of the UfM-OC and the persons they designate.

## **Chapter V – Supervision**

### **1. Liability and Indemnity to the members**

1.1 The activities of the UfM-OC will be accountable by the Member States through the SOM. To this purpose, all the communications between the SOM and the UfM-OC will be channelled through the UfM Co-presidency.

1.2 The UfM will indemnify and hold the members of the UfM-OC harmless from and against any claims, damages or losses suffered by them as a result of activities performed in the course of exercising their responsibilities, as long as those activities are performed in good faith and with due diligence and that the Co-Presidency of the SOM is immediately informed of any situation in which such claims, damages or losses might arise.

### **2. Incompatible activities and declaration of interests**

2.1 The members of the UfM-OC shall at all times refrain from any activity that might impair or appear to impair their independence.

2.2 Specifically, they and their close family members should not engage in activities that are contrary to the Code of Conduct and Anti-fraud Policy. Examples of such activities are, but not limited to, the following:

- Any kind of direct or indirect business connection (ownership, management, etc.) with Third Parties
- Joint business interests with any UfMS Staff.

- Acceptance of any gift or any offer of hospitality from the UfMS, their Staff or Third Parties (apart from travel, meeting meals or related coffee/breaks and maintenance costs directly linked to the performance of their duties within the UfM-OC).
- Acceptance of any free goods or services (apart from travel and maintenance costs directly linked to the performance of their duties as members of the UfM-OC), employment or sales opportunity from the UfMS, their Staff or Third Parties.
- Take improper advantage of their position as members of the UfM-OC, including privileged information obtained from such position, when seeking employment or appointment after leaving their membership of the UfM-OC.

2.3 Additionally, the members of the UfM-OC shall refrain from participating in any way in the treatment, analysis and investigation of the Notifications if there may exist a real or potential conflict of interests that may prejudice such activities.

2.4 On an annual basis the members of the UfM-OC will submit to the UfM-OC a declaration of interests that will include:

- A statement that they have no known competing financial interests or personal relationships that could influence or appear to influence their work as members of the UfM-OC.
- In case they consider that there are financial interests/personal relationships which may be considered as potential competing interests, they should provide a detail thereof. Such competing interest may be, but are not limited to:
  - Any corporate interest or connection of themselves and close family members with Third Parties
  - Any joint financial or corporate interest with a member of the UfMS or their close family members
  - Any employment relationship of the last one year for themselves and close family members in a Third Party
  - Any family and/or friendship relationship of themselves and close family members with a member of the UfMS Staff and their close family members or with a representative of a Third Party and their close family members
  - Any personal or business conflict of themselves or close family members with a member of the UfMS Staff and their close family members or with a representative of a Third Party and their close family members.

### **3. Evaluation and Audit**

3.1 To exercise their supervision role over the UfM-OC, the SOM may request and perform, directly or through Third Parties nominated for this purpose, audit reviews of the activity of the UfM-OC, that will cover, but will not be limited to, the following:

a) *Audit of the preventive activities and reports*

3.2 The activity of the UfM-OC can be submitted to audits and verifications in relation to all its aspects, such as, but not limited to:

- Maintenance and documentation of meeting and resolutions
- Performance of preventive activities
- Submission of declarations of interests
- Contents of the reports, resolution proposals and supporting documentation thereof
- Proper storage of the information and documentation related to the activity of UfM-OC and not stored in Ethical Line

*b) Audit of Ethical Line*

3.3 To verify the proper functioning of Ethical Line, and the information thereof provided by the UfM-OC to the SOM in their reports, the latter may request periodic audit reviews of Ethical Line, aimed at:

- Verify that the tool is functioning, is maintained, and updated properly.
- Access rights are granted in a reasonable manner to preserve confidentiality.
- The information related to the Notifications reported to the SOM is accurate as registered in Ethical Line

## **Chapter VI – Final Provisions**

### **1. Update of the Rules of Procedures**

1.1 The Rules of Procedures will be updated according to the following procedures:

- Every three years the UfM-OC will perform a formal update to ensure that they are in line with the applicable legislation, developments in the activity of the UfMS and lessons learned from the activity of the UfM-OC
- Every time a relevant change occurs in the activity of the UfMS, and any relevant legislative development arises that might affect the Rules of Procedures.

1.2 Any proposed amendment to these Rules of Procedures shall be submitted to the SOM for approval before becoming effective.

### **2. Entry in force**

2.1 These Rules of Procedure shall enter in force upon adoption by the SOM in accordance with UfM Statutes.

Done in Barcelona, 28 February 2023

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## **Appendices**

## **Appendix I: Preliminary assessment of the notification**

Where the UfM - OC considers the content of a Notification to be complex, it may resolve, by mutual agreement, that a member of the UfM-OC the Support Unit should perform a preliminary assessment of the notification, and that the results of such assessment must be documented.

The member of the UfM-OC or the Support Unit shall be selected having regard to the subject matter and bearing in mind the nature of the events described in the Notification.

The preliminary assessment to be performed shall include the following actions.

### **A. Analysis of the information contained in the Notification**

Compile the information included in the notification.

Consult third parties in order to compile such information, subject to authorisation by the UfM - OC.

Take the following four aspects into account when conducting the preliminary analysis of the notification:

#### **i) Differentiation of the information received**

Differentiate between objective and subjective data, based on the following criteria:

- Objective data are specific elements provided by the Notifier (facts, dates, names, amounts, number plates, places, vehicles, telephone numbers, etc.).
- Subjective data are any ideas, hypotheses, opinions, evaluations, rumours, etc. that the reporting person includes in their description of the events referred to in the notification.

#### **ii) Analysis of the source of the information and of the notification**

Analyse any information contained in the notification and the consistency and credibility of the source of the information (person reporting), from the following perspectives:

- The credibility of the source of the information, understood as the guarantees offered by the source of the information (person reporting) having regard to (i) their capacity to obtain the data furnished in the notification, (ii) the job position, (iii) any other notifications received in relation to the reported and reporting persons.
- The accuracy of the information contained in the notification, having regard to the level of specificity of the data provided.

Once the above parameters have been considered, the Committee (or Support Unit) Member shall classify the source of the information as follows:

- Credible.
- Possibly credible.
- Possibly not credible.
- Insufficient data to assess credibility.
- Not credible.



Analyse the accuracy and plausibility of the information provided in the notification considering (i) its content, (ii) its consistency in relation to the data known to the department or area in which the reported events took place and (iii) any circumstances that may have occurred at the same time as the reported events.

Once the data provided in the notification have been analysed, the Committee (or Support Unit) Member shall classify the information provided as follows:

- Very likely to be accurate.
- Relatively likely to be accurate.
- Unlikely to be accurate.
- No objective data available to permit the accuracy of the notification to be gauged.

### **iii) Analysis of information**

Analyse the information provided in the notification having regard to the following aspects:

- The context of the data provided in the notification.
- The information known to the company that may back up or be compared with the data provided in the notification.

Consider any information that may enrich the data furnished in the notification or offer different perspectives on it.

### **iv) Integration**

As a result of the information obtained and the analysis performed in the preceding phases, the Committee (or Support Unit) Member shall establish what it considers to be the most likely hypothesis and any others that, while unlikely, pose the greatest risk to UfM, as well as any other possible hypotheses that may add consistency to the information ascertained thus far.

## **B. Preventive analysis or risk mitigation**

The Committee (or Support Unit) Member shall perform an analysis with a view to identifying any aspects which may call for immediate action, owing to the risk they may pose to UfM.

In conducting this analysis, the following shall be considered:

- Potential aspects that could entail additional losses for the organisation, in which case, the Committee (or Support Unit) Member shall propose measures to prevent or mitigate such losses.
- The likelihood of destruction of evidence that is relevant to the investigation, in which case, the Committee (or Support Unit) Member shall inform the rest of the UfM-OC members and decide to report the UfM legal department and adopt any such measures as may be necessary to preserve it.

In any event, the Committee (or Support Unit) Member shall conduct an analysis to assess whether any of the above aspects could hinder the investigation and gathering of evidence.

## C. Preliminary assessment of the notification

### Content of the Preliminary Assessment Report

Once the above analysis has been performed, the Committee (or Support Unit) Member shall prepare a “**Preliminary Report on the notification**”, with the following structure and content:

- A description of the notification, including a Case ID, the date of receipt of the notification, and the identity of the Committee (or Support Unit) Member responsible for performing and documenting the analysis.
- The data furnished in the notification, differentiating between objective and subjective data.
- An analysis of the admissibility or otherwise of the notification, in view of its content and credibility and the consistency of the source of the information.
- An analysis of the information and description of what the Committee (or Support Unit) Member considers to be the most likely hypothesis, as well as those posing the greatest risk to the organisation, with the Investigating Officer being entitled to include any other hypotheses he/she considers it advisable to evaluate.
- Measures proposed or already implemented as a result of the preventive analysis if they were considered necessary or advisable.
- Proposed actions.

### Decision-making

The Committee (or Support Unit) Member shall submit the **Preliminary Analysis** to the rest of the members of the UfM - OC for consideration and the UfM - OC shall decide to classify the notification as Inadmissible or Admissible.

## Appendix II: Communication templates

### A. Acknowledgement of receipt of Notification (not anonymous)

Dear Sir/Madam,

We hereby acknowledge receipt of the written notification filed on XX XXXXXX 20XX which will be conveyed to the UfM Oversight Committee.

Please do not hesitate to contact us should you require any additional clarifications or have any further queries.

Kind regards,

*The UfM Oversight Committee*

*Note: We hereby inform you that, for the sole purpose of processing this response, the personal data contained in your notification have been added to Ethical Line database held by the Secretariat of the Union for the Mediterranean, as the data controller, and the purpose of which is to manage notifications received regarding misconduct or fraudulent activity affecting UfMS. Said personal data will be deleted, blocked, or anonymized. In any case, data will be eliminated once the corresponding investigation has been completed and any appropriate measures have been applied. Pursuant to the provisions of the GDPR of 25 May 2018, you may exercise your rights of access, rectification, erasure, restriction of processing, data portability and objection in respect of the above-mentioned personal data. We also remind you of the obligation to treat all aspects contained in the notification with the utmost confidentiality. (See <https://ufmsecretariat.org/privacy-policy/>)*

## A bis. Acknowledgement of receipt of Notification (anonymous with contact data)

Dear Sir/Madam,

We hereby acknowledge receipt of the written notification filed on XX XXXXXXX 20XX which will be conveyed to the UfM Oversight Committee at their next meeting.

We hereby inform you that, in order to comply fully with the internal regulations of UfM your personal data must be identifiable. However, we can confirm and guarantee that your identity shall always remain entirely confidential.

To that end, and to ensure your notification is handled properly, please provide the following personal data: [Name and surname/ID document no./address or contact number].

Please do not hesitate to contact us should you require any additional clarifications or have any further queries.

Kind regards,

*The UfM Oversight Committee*

*Note: We hereby inform you that, for the sole purpose of processing this response, the personal data contained in your notification have been added to Ethical Line database held by the Secretariat of the Union for the Mediterranean, as the data controller, and the purpose of which is to manage notifications received regarding misconduct or fraudulent activity affecting UfMS. Said personal data will be deleted, blocked, or anonymized. In any case, data will be eliminated once the corresponding investigation has been completed and any appropriate measures have been applied. Pursuant to the provisions of the GDPR of 25 May 2018, you may exercise your rights of access, rectification, erasure, restriction of processing, data portability and objection in respect of the above-mentioned personal data. We also remind you of the obligation to treat all aspects contained in the notification with the utmost confidentiality. (See <https://ufmsecretariat.org/privacy-policy/>)*

## **B. Communication template to be sent to the identified Notifier (not anonymous or anonymous with contact data) when the Notification is Inadmissible and has been discarded**

Dear Sir/Madam,

We hereby acknowledge receipt of your notification dated [day] [month] [year] and would like to thank you for contacting us. As regards your written notification sent to the UfM Oversight Committee and following the careful consideration by the committee in respect of Case ID XX, we inform you that your notification does not give grounds to believe that a misconduct has occurred as its content does not relate to any illicit activity or act that contravenes the Code of Conduct nor the Anti-fraud and Anti-corruption policy.

Many thanks for taking the time to contact us.

Kind regards,

The UfM Oversight Committee

*Note: We hereby inform you that, for the sole purpose of processing this response, the personal data contained in your notification have been added to Ethical Line database held by the Secretariat of the Union for the Mediterranean, as the data controller, and the purpose of which is to manage notifications received regarding misconduct or fraudulent activity affecting UfMS. Said personal data will be deleted, blocked, or anonymized. In any case, data will be eliminated once the corresponding investigation has been completed and any appropriate measures have been applied. Pursuant to the provisions of the GDPR of 25 May 2018, you may exercise your rights of access, rectification, erasure, restriction of processing, data portability and objection in respect of the above-mentioned personal data. We also remind you of the obligation to treat all aspects contained in the notification with the utmost confidentiality. (See <https://ufmsecretariat.org/privacy-policy/>).*

**B bis. Communication template to be sent to the identified Notifier (not anonymous or anonymous with contact data) when the Notification does not fall within the remit of the Oversight Committee, but the Oversight Committee considers it necessary to convey its content to HRR, DPO or any other UfM department**

Dear Sir/Madam,

We hereby acknowledge receipt of your notification dated [day] [month] [year] and would like to thank you for contacting us. As regards your written notification sent to the *UfM Oversight Committee* and following the *Committee's* deliberations in respect of Case ID XXXX, we regret to inform you that we have discarded the notification as its content does not relate to any illicit activity or act that contravenes the *Code of Conduct* nor the *Anti-fraud and Anti-corruption policy*.

[IN THE CASE OF PERSONNEL ISSUES] Nevertheless, please be aware that the *UfM Oversight Committee* has decided to forward your notification to the responsible department to make them aware of the circumstances you described and to try to improve communication between the various management areas.

[IN THE CASE OF DATA PROTECTION ISSUES] Nevertheless, please be aware that the *UfM Oversight Committee* has decided to pass on your notification to the Data Protection Officer, as the facts described relate to data protection provisions.

[IN THE CASE OF COMMERCIAL ISSUES WITH THIRD PARTIES] Nevertheless, please be aware that the *UfM Oversight Committee* has decided to pass on your notification to the [INCLUDE DEPT. THAT MAINTAINS A COMMERCIAL RELATIONSHIP WITH THE / THIRD PARTY] department to make them aware of the circumstances you described and to try to resolve the matter you refer to.

Many thanks for taking the time to contact us.

Kind regards,

The *UfM Oversight Committee*.

*Note: We hereby inform you that, for the sole purpose of processing this response, the personal data contained in your notification have been added to Ethical Line database held by the Secretariat of the Union for the Mediterranean, as the data controller, and the purpose of which is to manage notifications received regarding misconduct or fraudulent activity affecting UfMS. Said personal data will be deleted, blocked, or anonymized. In any case, data will be eliminated once the corresponding investigation has been completed and any appropriate measures have been applied. Pursuant to the provisions of the GDPR of 25 May 2018, you may exercise your rights of access, rectification, erasure, restriction of processing, data portability and objection in respect of the above-mentioned personal data. We also remind you of the obligation to treat all aspects contained in the notification with the utmost confidentiality. (See <https://ufmsecretariat.org/privacy-policy/>)*

## C. Communication template to be sent to the identified Notifier when the information provided in the Notification is insufficient, incomplete or does not provide the required details to commence said investigation

Dear Sir/Madam,

We hereby acknowledge receipt of your notification dated [day] [month] [year] and would like to thank you for contacting us. We hereby inform you that the information provided is considered insufficient for us to be able to open an investigation. Therefore, in order to further analyse your notification, we would need to be provided with greater information on its content and furnished with any additional data or details that would enable us to investigate the events you cite more specifically.

[Specifically, we would need to be informed in detail as regards the following matters (...)]<sup>33</sup>

If after thirty days we do not receive any further communication from you providing additional information, we shall be obliged to close the notification and erase all data, including the personal data you furnished to us.

Kind regards,

The UfM Oversight Committee.

*Note: We hereby inform you that, for the sole purpose of processing this response, the personal data contained in your notification have been added to Ethical Line database held by the Secretariat of the Union for the Mediterranean, as the data controller, and the purpose of which is to manage notifications received regarding misconduct or fraudulent activity affecting UfMS. Said personal data will be deleted, blocked, or anonymized. In any case, data will be eliminated once the corresponding investigation has been completed and any appropriate measures have been applied. Pursuant to the provisions of the GDPR of 25 May 2018, you may exercise your rights of access, rectification, erasure, restriction of processing, data portability and objection in respect of the above-mentioned personal data. We also remind you of the obligation to treat all aspects contained in the notification with the utmost confidentiality. (See <https://ufmsecretariat.org/privacy-policy/>)*

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<sup>33</sup> This paragraph may be used where a specific type of information or documentation is required considering the events reported.

## D. Communication template to be sent to the identified Notifier when their Notification allows to initiate an investigation

Dear Sir/Madam,

We hereby acknowledge receipt of your notification dated [day] [month] [year] and would like to thank you for contacting us. On examining your statement, we would like to inform you that the UfM *Oversight Committee* has resolved to admit your notification and will initiate an investigation.

The investigation will be carried out by a duly appointed Investigating Officer who will be responsible for investigating the reported events, requesting all pertinent information and, where applicable, taking statements from all those involved in the case.

The main objective of the investigation will be to gather sufficient elements that allow the UfM-OC to reach to a conclusion in relation to the existence or inexistence of any violation of the UfM Code of Conduct and the Anti-fraud and anti-corruption policy.

Finally, please be assured that the UfM *Oversight Committee* will always guarantee your confidentiality, as well as that of all communications received and the investigation to be undertaken.

The UfM-OC remains at your disposal should you have any doubts or queries or require further information on the investigation procedure.

Kind regards,

The UfM *Oversight Committee*.

*Note: We hereby inform you that, for the sole purpose of processing this response, the personal data contained in your notification have been added to Ethical Line database held by the Secretariat of the Union for the Mediterranean, as the data controller, and the purpose of which is to manage notifications received regarding misconduct or fraudulent activity affecting UfMS. Said personal data will be deleted, blocked, or anonymized. In any case, data will be eliminated once the corresponding investigation has been completed and any appropriate measures have been applied. Pursuant to the provisions of the GDPR of 25 May 2018, you may exercise your rights of access, rectification, erasure, restriction of processing, data portability and objection in respect of the above-mentioned personal data. We also remind you of the obligation to treat all aspects contained in the notification with the utmost confidentiality. (See <https://ufmsecretariat.org/privacy-policy/>)*



## **E. Communication template to be sent to the Notifier, once the investigation concluded**

Dear Sir/Madam,

As regards your notification sent to the UfM *Oversight Committee* through Ethical Line related to Case ID XXX, we hereby inform you that the investigation has been concluded and the facts notified have been considered as proven/partially substantiated. In this regard, UfM-OC has decided to close the Case, apply legitimate and proportionally measures to the facts, and block all information and documentation related to the investigation.

(If not proven):

As regards your notification sent to the UfM *Oversight Committee* through Ethical Line related to Case ID XXX, we hereby inform you that the investigation has been concluded and the facts notified have been considered as not been substantiated. In this regard, UfM-OC has decided to close the Case and block all information and documentation related to the investigation.

Please be assured that the UfM *Oversight Committee* shall always guarantee your confidentiality, as well as that of all communications received and the investigation undertaken.

Kind regards,

The UfM *Oversight Committee*.

## **F. Communication template to be sent to any third party mentioned in a Notification, informing said third party that their personal data has been included in a Case**

Dear Sir/Madam,

We are writing to inform you that on [day] [month] [year] the UfM *Oversight Committee* received a notification mentioning your personal data.

In this regard, we hereby request your cooperation in any possible investigation that UfM may decide to initiate. We would like to remind you at this point that your cooperation on this matter is of the utmost importance to ensure the appropriate handling and monitoring of notifications received through Ethical Line.

Pursuant to applicable legislation<sup>34</sup>, please also be aware that your personal data, detailed below, has been included in an automated data file: [Name, surname, ID document no. etc.]. The aforementioned data file is owned by and is the responsibility of UfM. It was created to manage the procedure established by UfM, the sole purpose of which is to investigate the reported events at hand.

You may exercise your rights of access, rectification, erasure, and opposition with respect to the personal data at any time, by writing to the UfM Data Protection Officer at the following email address: XXXX.

Please do not hesitate to contact us should you have any doubts or questions in this connection and thank you in advance for your collaboration.

Kind regards,

The UfM *Oversight Committee*.

*Note: We hereby inform you that, for the sole purpose of processing this response, the personal data contained in your notification have been added to Ethical Line database held by the Secretariat of the Union for the Mediterranean, as the data controller, and the purpose of which is to manage notifications received regarding misconduct or fraudulent activity affecting UfMS. Said personal data will be deleted, blocked, or anonymized. In any case, data will be eliminated once the corresponding investigation has been completed and any appropriate measures have been applied. Pursuant to the provisions of the GDPR of 25 May 2018, you may exercise your rights of access, rectification, erasure, restriction of processing, data portability and objection in respect of the above-mentioned personal data. We also remind you of the obligation to treat all aspects contained in the notification with the utmost confidentiality. (See <https://ufmsecretariat.org/privacy-policy/>)*

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<sup>34</sup> Article 6 of GDPR

## G. Communication template to be sent to the subject of the Notification, informing them of the inclusion of their personal data in Ethical Line database owned by UfM

Dear Sir/Madam,

We hereby inform you that on date UfM received an internal notification brought against you.

Consequently, the personal details laid out below shall be handled by UfM as part of the examination into the events that allegedly took place according to the aforementioned notification<sup>35</sup>:

- Name:
- Position:
- National identity card number (DNI):
- Landline:
- Mobile:
- E-mail:

The above-mentioned data shall be handled by UfM under its own responsibility and shall be recorded to manage the notifications received through the UfM whistleblowing procedures. The sole purpose of the data is to analyse the events described in the notification and, more specifically, those that refer to any potential violations of the UfM Code of Conduct and the Anti-fraud and Anti-corruption policy.

Specifically, the events reported primarily refer to the following points:

- [EXPLAIN MOTIVES]

I can confirm that the personal data being used by UfM to analyse the notification shall be always handled with the utmost confidentiality and secrecy.

Please also be aware that, pursuant to the procedures put in place by UfM, the body responsible of analysing the notifications is the UfM Oversight Committee

You may exercise your rights of access, rectification, erasure, and opposition with respect to the personal data at any time, by writing to the UfM Data Protection Officer at the following email address XXXXX.

Likewise, we inform you that, in order to guarantee the right of defence, you may make any statements you consider appropriate in defence of your interests within a period of X days from the receipt of this communication. These statements may be made either in writing, by sending them to this email address, or by requesting a personal interview with the body in charge of the investigation to explain your statements.

Please do not hesitate to contact us should you have any other doubts or questions in this connection.

Kind regards,

The UfM Oversight Committee.

*Note: We hereby inform you that, for the sole purpose of processing this response, the personal data contained in your notification have been added to Ethical Line database held by the Secretariat of the Union for the Mediterranean, as the data controller, and the purpose of which*

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<sup>35</sup> On the basis of Article 6 of GDPR

**Union for the Mediterranean**  
Oversight Committee Rules of Procedures

*is to manage notifications received regarding misconduct or fraudulent activity affecting UfMS. Said personal data will be deleted, blocked, or anonymized. In any case, data will be eliminated once the corresponding investigation has been completed and any appropriate measures have been applied. Pursuant to the provisions of the GDPR of 25 May 2018, you may exercise your rights of access, rectification, erasure, restriction of processing, data portability and objection in respect of the above-mentioned personal data. We also remind you of the obligation to treat all aspects contained in the notification with the utmost confidentiality (see <https://ufmsecretariat.org/privacy-policy/>)*

## **H. Communication with the Investigating Officer in charge of the investigation**

Dear Sir/Madam,

We hereby inform you that the UfM Oversight Committee has decided to start an investigation proceeding under Case ID XXX as a consequence of the notification received from an/a employee and/or third party of UfM.

In this respect, the UfM Oversight Committee has resolved to appoint you as Investigating Officer of the Case in question, regarding which the original notification and accompanying documentation is hereby forwarded to you.

As regards the Investigation with which you have been entrusted, please bear in mind that your function shall be:

“The Investigating Officer shall be responsible for investigating the reported events, requesting all pertinent information and, where applicable, taking statements from all those involved in the case.”

In view of the steps indicated, the Investigating Officer shall prepare an Investigation Report containing the recommendations to be adopted if any conduct considered to be in breach of the *Code of conduct or the Anti-fraud and anti-corruption policy* is observed”.

Should you require any further clarifications or if you have any queries regarding your functions, please do not hesitate to contact the *UfM Oversight Committee*.

Kind regards,

The UfM *Oversight Committee*.

## Appendix III: Inadmissible Notifications Form

[UfM Logo]	
<b>Inadmissible Notifications Form</b>	
<b>(*) NOTE: This form shall be attached to the Case in Ethical Line</b>	
DATA RELATED TO THE NOTIFICATION	
Case ID	<input type="text"/>
Case Manager	<input type="text"/>
Date of reception of the notification	<input type="text"/>
Date of the decision taken	<input type="text"/> <input type="text"/>
ANALYSIS OF THE INFORMATION INCLUDED IN THE NOTIFICATION	
<b>Reasons for considering inadmissible the notification:</b>	
<b>(*) More than one reason could be selected</b>	
<input type="checkbox"/> It does not relate to Misconduct	<input type="checkbox"/> Lack of credibility
<input type="checkbox"/> Vague information	<input type="checkbox"/> Inconsistent data
<input type="checkbox"/> False information	<input type="checkbox"/> Not verifiable information
<b>Notification final outcome</b>	
<input style="width: 100%; height: 100%;" type="text"/>	
In <input type="text"/>	, <input type="text"/> of <input type="text"/> <input type="text"/>
<b>Signatures</b>	

## Appendix IV: Consent of the person filing the Notification to disclose their identity during the investigation.

MR/MS..... with identification document number ....., as the person filing the notification with Case ID ....., has been expressly, specifically, and unequivocally informed in advance of and,

AUTHORISES:

The disclosure of his/her personal data as contained in the Case ID to third parties [NAME AND SURNAMES OF THE PERSONS] to enable the Investigating Officer to investigate the reported events, and to gather the necessary and sufficient information to evidence the reported events.

Date

Signed

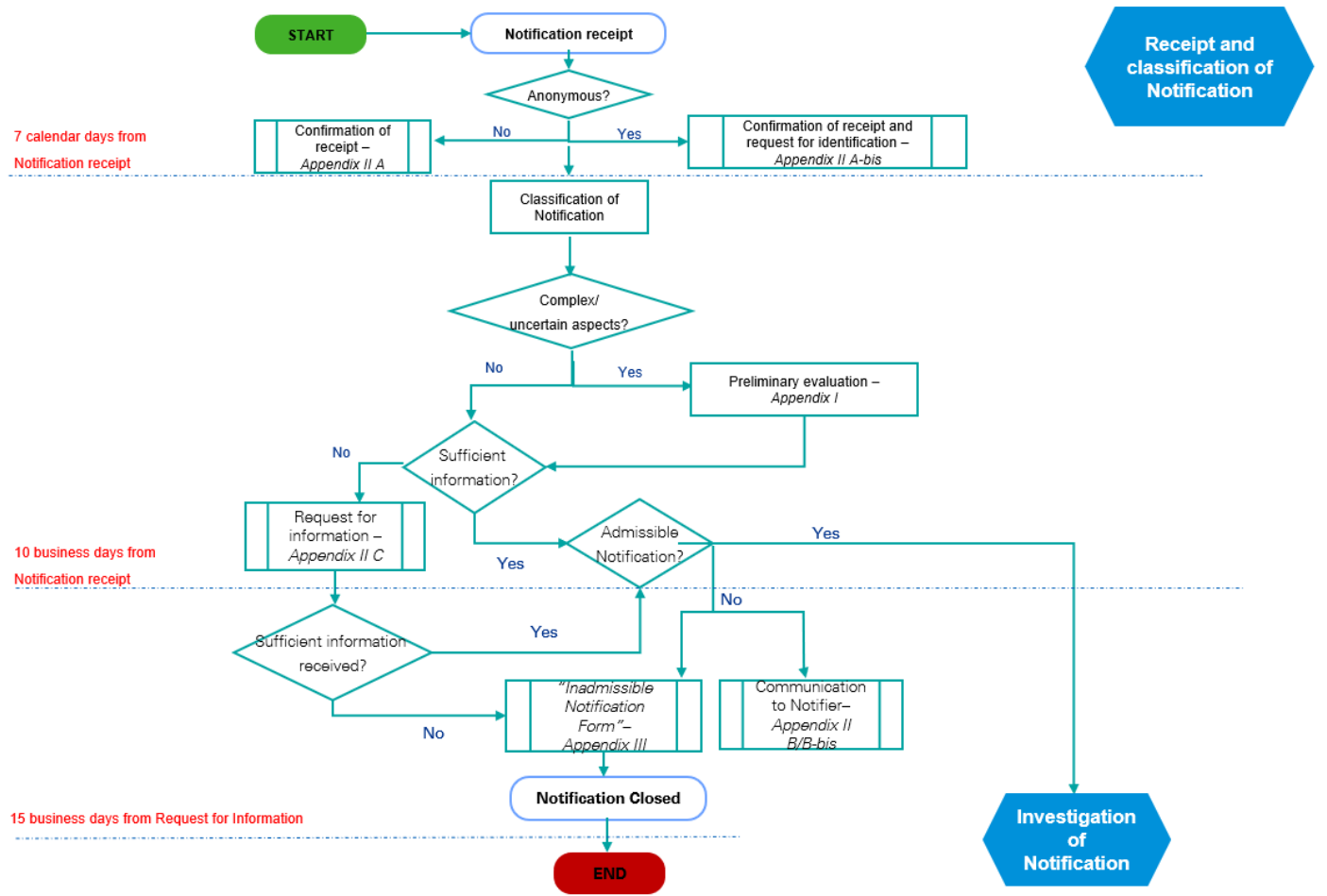
## Appendix V: Resolution Form

(UfMS Logo)	
<b>RESOLUTION FORM</b>	
(*) NOTE: This Form will be accompanied with the Investigation Report	
DATA RELATED TO THE NOTIFICATION	
Case ID	<input type="text"/>
Case Manager	<input type="text"/>
Date of receipt of the notification	<input type="text"/>
Date of resolution	<input type="text"/>
ADOPTED RESOLUTION	
<b>Description of the adopted resolution and supporting documentation provided</b>	
<input type="text"/>	
<b>Actions agreed</b>	
<input type="text"/>	
<input type="text"/>	, <input type="text"/> of <input type="text"/>
<input type="text"/>	<input type="text"/>
Signatures	

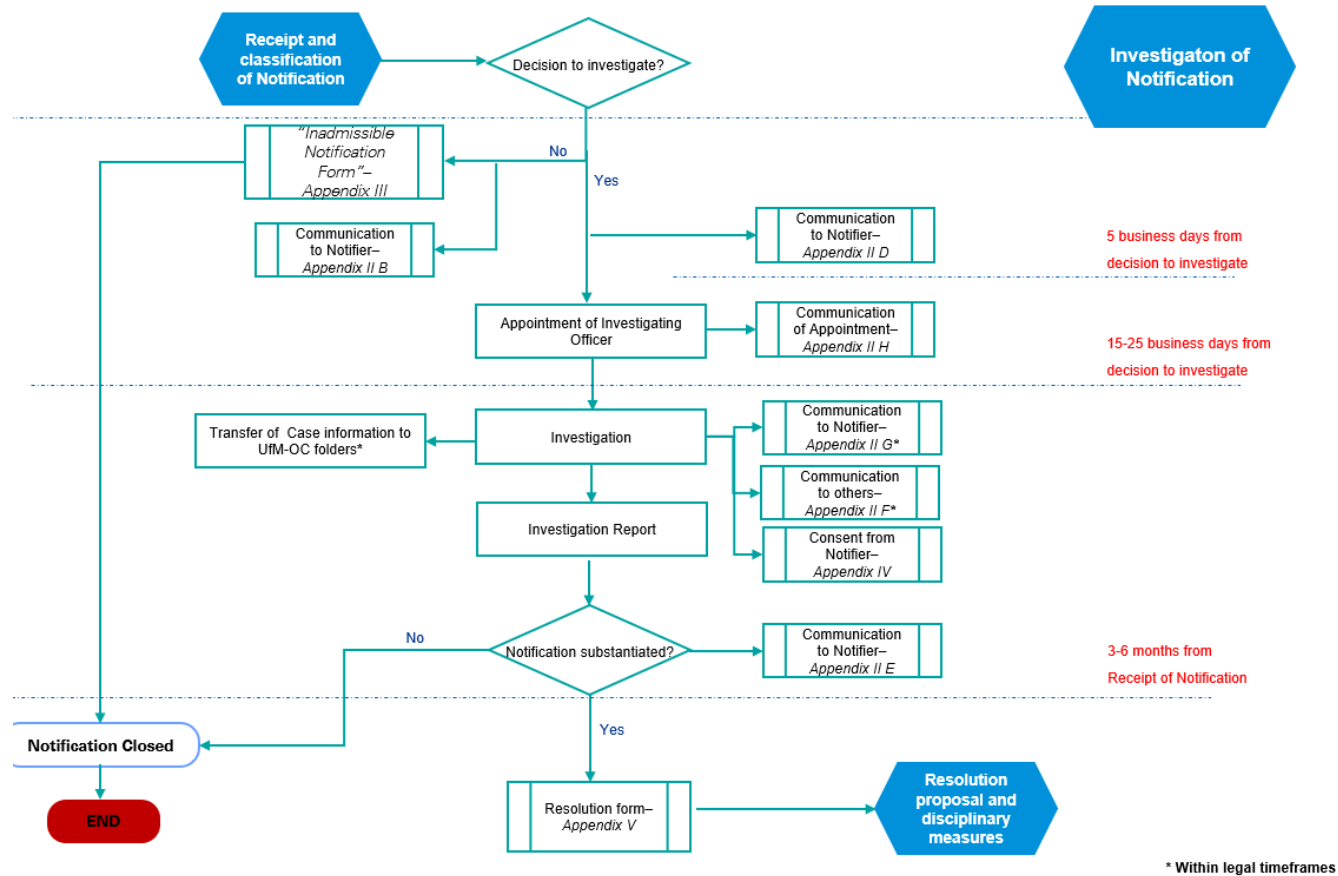


## **Appendix VI: Main steps dealing with the Notifications**

## Appendix VI.1: Receipt and classification of Notification



## Appendix VI.2: Investigation of Notification



## Appendix VI.3: Resolution and proposal of measures

