



Union for the Mediterranean Secretariat

UfM-OC: Dealing with Notifications - Practical Guide

18 April 2023

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Introduction

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Introduction

On 19 April 2022 KPMG was retained by the Union for the Mediterranean Secretariat (UfMS) for the provision of legal and technical support to the appointed members of the Union for the Mediterranean-Oversight Committee (UfM-OC) in drafting the internal regulations/rules of functioning until its final approval by the governance body (Senior Officials Meeting – SOM) and to establish a whistleblowing channel to process allegations and claims and provide further on-going advice and secretarial support to the UfM-OC in carrying-out their tasks.

Upon the request of the UfM-OC we issue this document outside of the agreed scope of the contract between the UfMS and KPMG, in order to provide the members of the UfM-OC with a summarised practical guide to the management of the notifications under the scope of the UfM-OC and received through the Ethical Line or any other channel.

As such, this document was prepared on the basis of the contents of the UfM-OC Rules of Procedures approved by the SOM on February 28th, 2023, and particularly of their Appendix VI *“Main steps dealing with the Notifications”*. All the definitions and abbreviations mentioned in the mentioned UfM-OC Rules of Procedures document apply to this document. Additionally, this document should only be read conjointly with the UfM-OC Rules of Procedures as the latter contain the complete details of the activities and tasks of the UfM-OC.



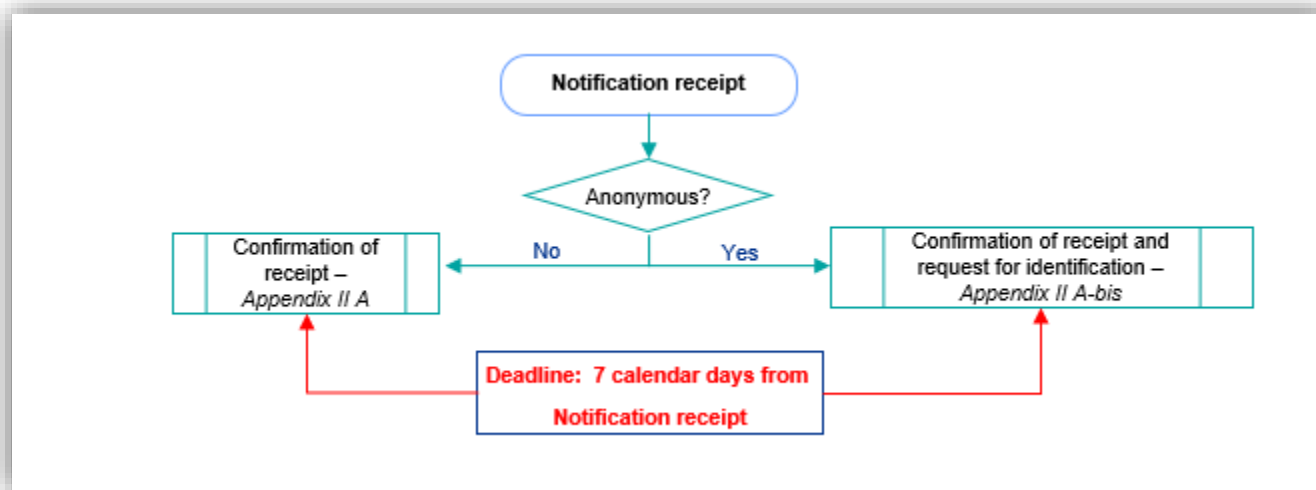
Receipt and classification of Notifications

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Receipt and classification of Notifications

The general procedure to follow initially when a Notification is received is described below.

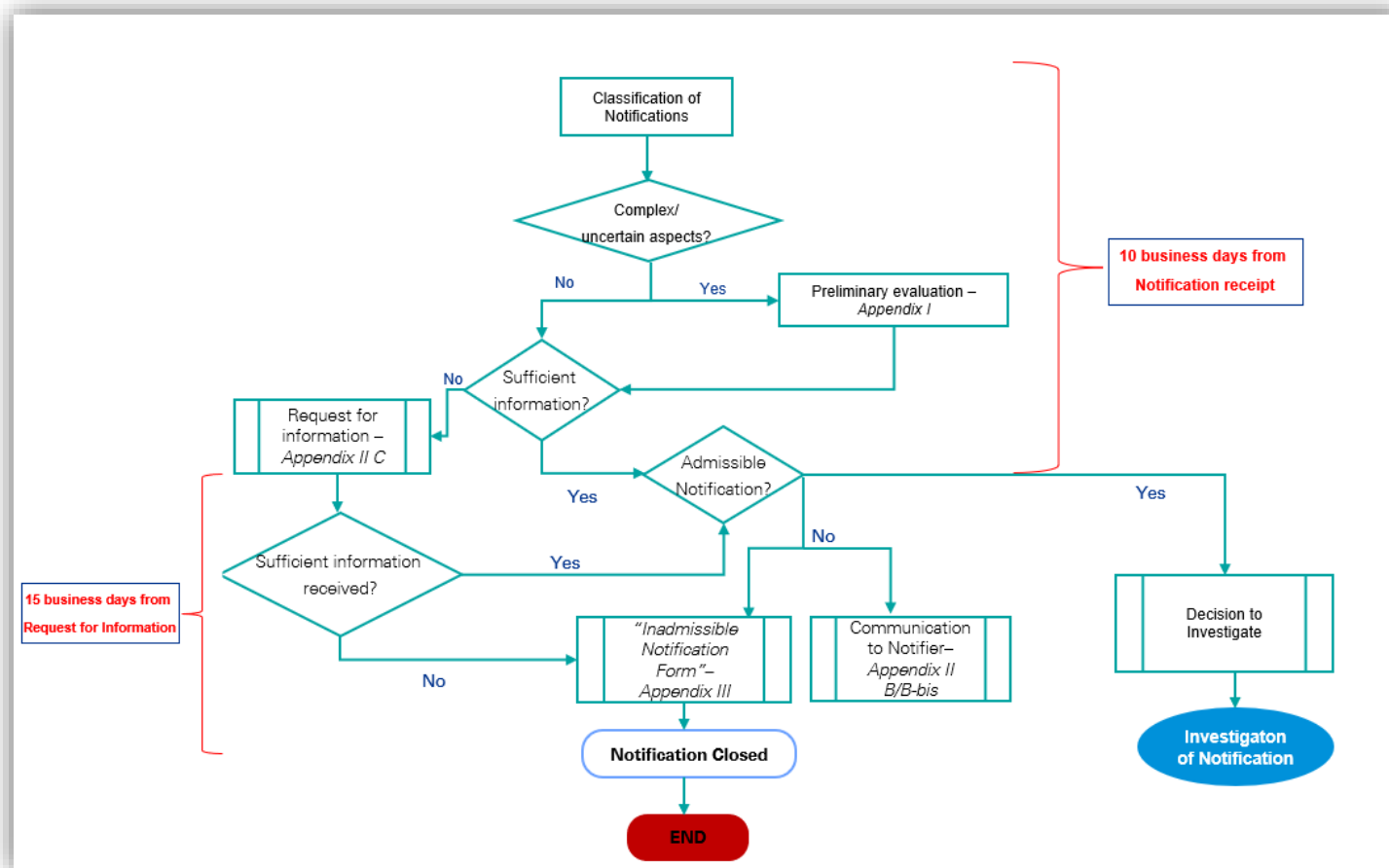
1) Receipt



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 a request for the identification information, in accordance with the model included in Appendix II A-bis.

Receipt and classification of Notifications (cont.)

2) Classification of Notifications



Upon receipt of the Notification, the Case Manager assigned to the Case shall preliminarily classify the Notification according to the category of the alleged Misconduct (e.g., Fraud, Corruption, Conflict of Interest, etc.).

Receipt and classification of Notifications (cont.)

2) Classification of Notifications (cont.)

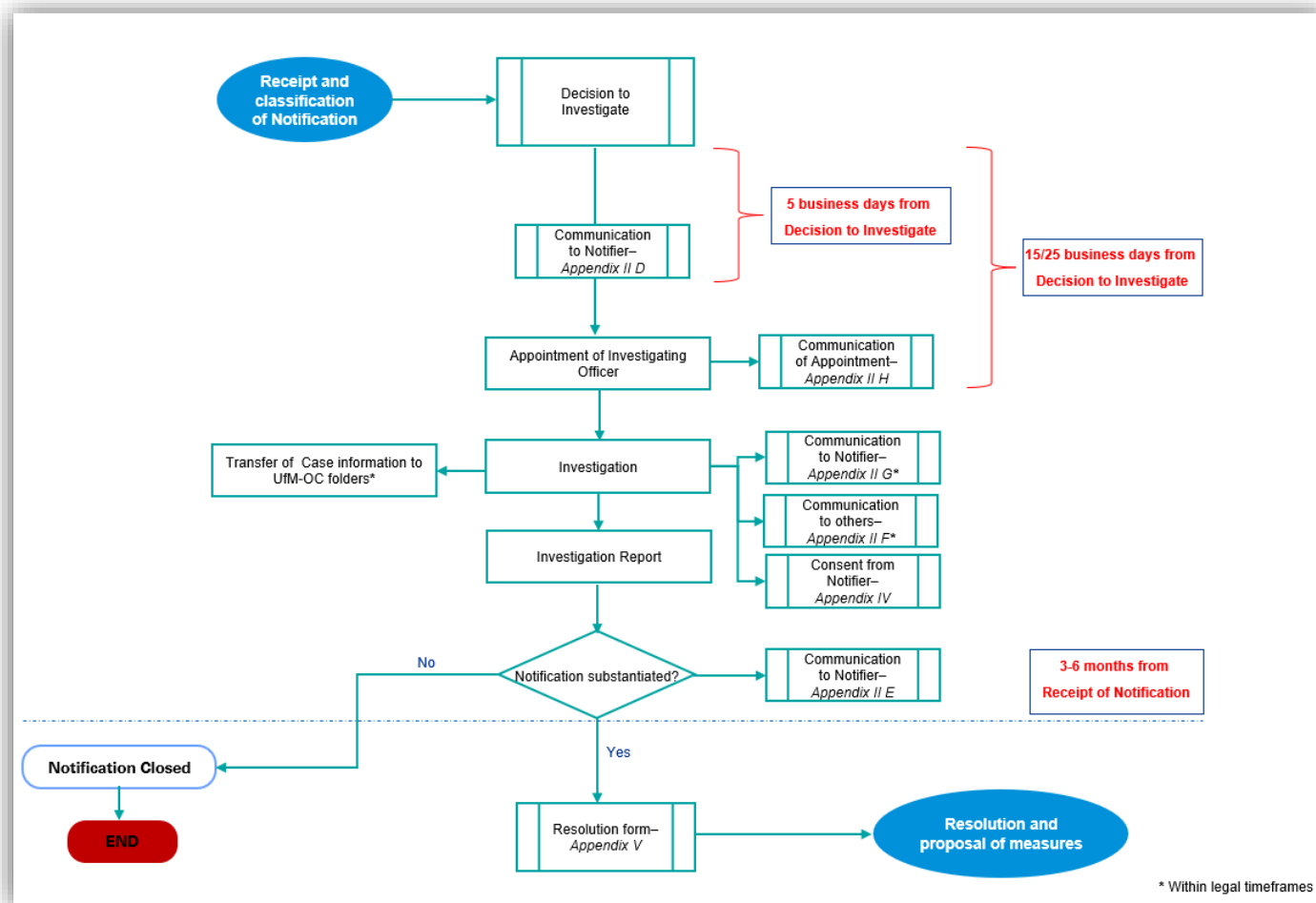
The Case Manager will conduct a preliminary evaluation of the Notification, classifying it as Admissible (Potential Misconduct) or Inadmissible (transferred to the corresponding department within the UfMS, transferred to the DPO or discarded). If the Notification received includes complex or uncertain 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 of the UfM-OC Rules of Procedures.

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 of the UfM-OC Rules of Procedures includes a template for the *“Inadmissible Notifications Form”*).

Should it be decided that the Notification is Admissible, the investigation of the Notification shall begin as no approval by the SOM is needed.

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. 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 the above mentioned deadline. 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”*, that will be recorded in Ethical Line and shall set the status of the Notification as Closed.

Investigation of Notifications



When the start of the investigation has been decided by the UfM-OC that is, the Notification is deemed Admissible and there is sufficient information to initiate the investigation), a communication shall be sent to the Notifier within five (5) business days from the decision according to the model included in Appendix II Section D of the UfM-OC Rules of Procedures.

Investigation of Notifications (cont.)

Additionally, if the UfM-OC decides that investigation should be initiated following a Notification or that a proactive investigation should be initiated, the UfM-OC will proceed to the appointment of the Investigating Officer. In general, the Investigating Officer shall be a member of the Support Unit or, in certain circumstances, external parties specialised in investigations, or a combination thereof. Individuals or companies.

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

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. 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.

If the investigation is prolonged beyond certain timeframes 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 of the UfM-OC Rules of Procedures.

If the Notifier has also provided information on another party other than the subject of the Notification (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 of the UfM-OC Rules of Procedures within three months of receipt of the Notification.

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 of the UfM-OC Rules of Procedures.

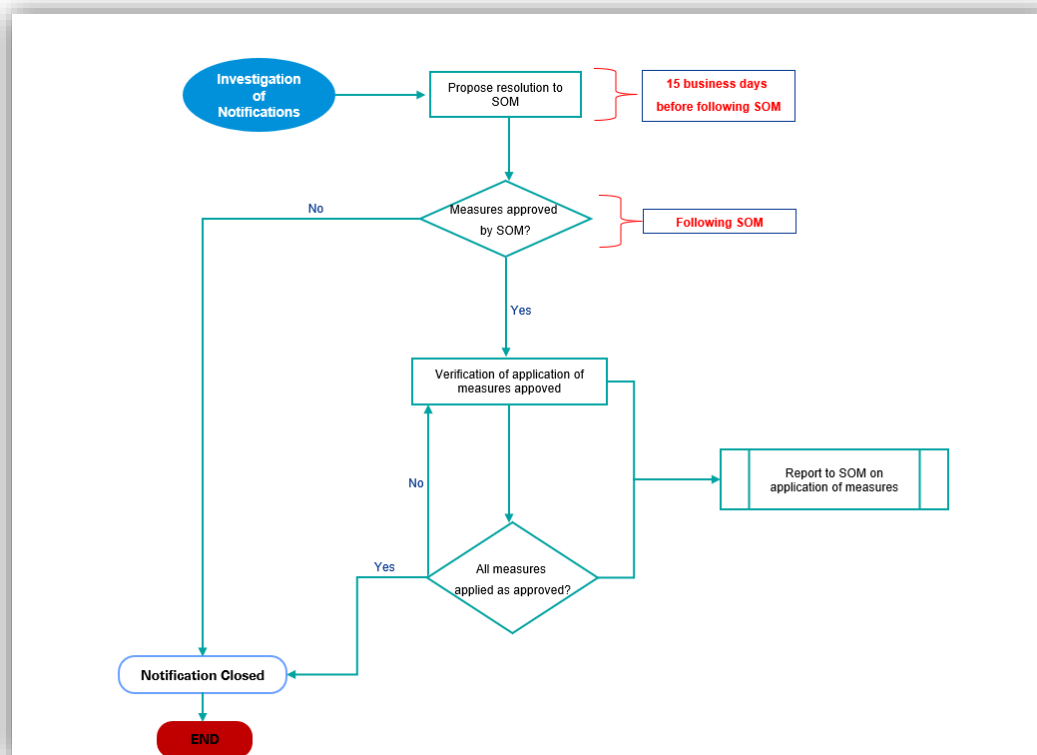
If the Notifier refuses to allow the investigator to disclose their identity, and this constitutes an insurmountable obstacle to the completion of the investigation, the UfM-OC may decide to Close the Notification and anonymise all personal data relating to it in accordance with the data protection legislation in force. This shall be documented and recorded by the Secretary in the Case.

Investigation of Notifications (cont.)

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

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.

Response and proposal of measures



Upon the issuance of the Investigation report, 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 and their Implementing Rules,) legitimate and proportionate measures may be applied. The UfM-OC may share the Investigation Report or information therein with the Legal Department and/or external lawyers to propose a resolution that is proportionate and in accordance with the facts.

Summary of status and deadlines

The table below includes a summary of the different status of a Notification and the deadlines for the actions to be performed in relation to the Notifications reflected in the flowcharts included in Appendix VI of the Rules of Procedures and this document.

Status	Start point	End point	Maximum duration ¹
1) Receipt and classification of Notifications	Receipt of Notification	Decision to investigate	7 calendar days+10 business days from Receipt of Notification
- If information requested	Request for information	Sufficient information received/not received	7 calendar days+25 business days from Receipt of Notification
2) Investigation of Notifications	Decision to Investigate	Resolution form	6 months from Receipt of Notification
3) Response and proposal of measures	Propose resolution to SOM	Report to SOM on application of measures	-
4) Closed	See Appendix VI of the UfM-OC Rules of Procedures	-	-



The information contained herein is of a general nature and is not intended to address the circumstances of any particular individual or entity. Although we endeavor to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future. No one should act on such information without appropriate professional advice after a thorough examination of the particular situation.

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