

# **RULES OF PROCEDURES**

## **Compliance Committee Of the Eastern Partnership Civil Society Forum**

### **1. Status and Scope of work of the Compliance Committee**

#### **1.1. Status**

- a) The Compliance Committee (CC) is an independent body of the Eastern Partnership Civil Society Forum (EaP CSF) to which the Forum has delegated consideration of the matters set out in Section 1.2 below. The Compliance Committee reports to the EaP CSF Annual Assembly (AA) and provides a mechanism to ensure balanced divisions of power, accountability and resolutions for dispute situations in the Eastern Partnership Civil Society Forum. The Compliance Committee is a decision-making body of the EaP CSF on matters in its authority and its members represent the collective interest of the whole Forum rather than a particular structure of the Forum, be it National Platform, Working Group or any other body.
- b) The Compliance Committee performs the functions and procedures assigned to it according to the EaP CSF Statute<sup>1</sup>, in particular with reference to Article 12 based on the adopted internal reform of the EaP CSF in 2018, and in line with the adopted Code of Ethical Conduct of the Forum as well as the current EaP CSF Strategy and these rules of procedures.

#### **1.2. The main functions of the Compliance Committee are to:**

- a) Serve as the contact point for addressing complaints and disagreements
- b) Respond to complaints related to EaP CSF norms and procedures, in particular in reference to selection processes, regranting schemes and National Platform operations;
- c) Make/confirm decisions on conflict situations;
- d) Monitor and neutralize risks and cases of conflict of interest
- e) Monitor the decisions of EaP CSF bodies, including the Steering Committee (SC), Secretariat, Regranting Committee, National Platforms (NPs) and Working Groups (WGs) in accordance with the EaP CSF Statute and other official regulations.

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<sup>1</sup> Until the provision on the Compliance Committee are inserted in the revised EaP CSF Statute, the provisions included in the EaP CSF internal reform of 2018 serve as the basis for the establishment and the functioning of the committee

### **1.3. The Role of the Compliance Committee:**

- a) According to the Code of the Ethical Conduct, Section 4: “Reporting Misconduct” states: *“Forum members who are witnesses or victims of acts, or suspected acts, of ethical misconduct by other members in the course of their Forum-related activities shall be encouraged to report these to the Compliance Committee”*.
- b) The Compliance regulations give the Compliance Committee a number of appeal functions. The decisions made by Compliance Committee are to be accepted by all EaP CSF members and Delegates as well as the EaP CSF bodies, including the Steering Committee, Secretariat, National Platforms and Working Groups. In the case of an absence of regulations, or situations not covered by the regulations, the Compliance Committee makes the final decision and/or suggests the appropriate body to develop a certain regulation.

### **1.4. Authority and Powers of the Compliance Committee:**

- 1.4.1. Duty to effectively resolve disputes between parties and deliver decisions:
  - a) The CC takes into consideration issues which may threaten the validity of the decisions. Members of CC have to ensure that the decision does not contain information on matters which are beyond the scope of the competence and functions of the Committee and that the conduct of the reference is not afflicted with technical or actual misconduct.
  - b) Decisions of Compliance Committee will be made available to the involved parties.
- 1.4.2. Authority to access information and duty to disclose all information:
  - a) CC members are granted access to all the necessary information in order to deliver fair, impartial and comprehensive decisions on the issue.
  - b) The CC has the duty to disclose all information which is relevant to the evaluation of a case once the case is closed. This duty is limited only by the obligation to non-disclosure based on GDPR and on other justified security reasons that are described in general terms in relation to the case.
- 1.4.3. All correspondence and communication between the CC and complainants takes place online with full respect to confidentiality. The terms of this communication are described in the Compliance Committee Manual.
- 1.4.4. The EaP CSF Secretariat is responsible for the provision of technical and logistical support which is required for the Compliance Committee to fulfil its functions properly. The final decision on each case will be communicated for the Secretariat for the record-keeping.
- 1.4.5. The CC deals with cases which are impossible to solve at the local level, since they exceed the competence of the national compliance bodies.

## **2. Composition and election procedure**

- 2.1. The Compliance Committee consists of five members: two representing the EU and three representing EaP member organizations).
- 2.2. CC members are elected during the first year of every cycle at the Annual Assembly of the Forum, once the quorum has been determined. The candidates with the highest amount of votes received are elected. If there are five or fewer candidates fulfilling the geographical quota (max. 2 EU and 3 EaP candidates), the election is done by acclamation. Gender balance should be respected.

- 2.3. Eligible to be elected are all delegates of the Forum that have at least 2 years experience as a Delegate of the EaP CSF.
- 2.4. Members of the CC then will elect their Chairperson from among themselves by an absolute majority (i.e. by at least 3 votes) and for the period of its mandate for the duration of the cycle. The Chairperson can be changed and another one elected in his/her stead before the end of the 2-year cycle if such a decision is taken by the absolute majority of members of the Compliance Committee.
- 2.5. Individuals can be re-elected to the Compliance Committee after a break of one cycle.
- 2.6. Elected members of the CC should not be holding a position in any of other EaP CSF bodies (Steering Committee, Secretariat, National Platforms governing bodies, Working Groups.) and are obliged to step down from any of such position after being elected to the CC.
- 2.7. The Annual Assembly is empowered to ask any Compliance Committee member to resign from the Committee if they feel his/her continued involvement is no longer appropriate. Reasons need be given and published at the EaP CSF website. Annual Assembly removes the member of the CC via electing a new member on his/her place by majority of votes, after quorum has been established.
- 2.8. If a member of the Compliance Committee steps down a by-election is organized online to fill the vacant seat.

### 3. Key principles

- 3.1. The work of the CC is in accordance with the **Code of Ethical Conduct**;
- 3.2. Other fundamental principles which guide the work of CC are:
  - a) **Transparency** – the Committee’s Rules of Procedures should be available to all interested parts – in English and in Russian if necessary; the EaP CSF members and delegates should know and understand all the mechanisms which can be used for addressing the Committee;
  - b) **Accountability** – the members of the Committee shall be held accountable for their decisions. The decisions shall be made in accordance with the existing EaP CSF regulations, available documents and the facts described by the parties involved, in full honesty.
  - c) **Cultural awareness and sensitivity** - the members should be careful to take into account all the possible reasons that have made the case possible, including cultural sensitivity; the members are encouraged to try to understand particularities of the parties involved in the dispute, meanwhile acknowledging and respecting the principles enshrined in the EaP CSF documents, namely the Code of Ethical Conduct;
  - d) **Non-partisanship** – the Committee shall refrain from any (explicit) declarations or statements which can be considered are politically motivated; the CC will apply the values and principles acknowledged by the CSF’s official documents.

#### 3.3. Impartiality and independence

- a) Impartiality requires that the CC neither favors one party nor is predisposed as to the question in dispute. Independence requires that there should be no such actual or past dependent relationship between the parties and a member of the Committee which may affect, or appear to affect, the arbitrators’ freedom of judgment.

### **3.4. Duty of Disclosure on Incompatibilities with duties**

- a) Committee members have a duty to disclose all relevant facts which are likely to give rise to any justifiable doubts about Committee members' independence and impartiality. The member of the committee must discharge this duty of disclosure at the earliest opportunity, usually at the time of his/her nomination and before the confirmation of his/her appointment. The member's duty of disclosure extends to all information which could be relevant. This duty continues after the appointment of the member and subsists throughout the proceedings.

### **3.5. Conflict of interest**

- a) Committee member must not abuse their power and must declare any potential conflict of interest in their decision-making processes. In the case where Committee members find themselves in a position of conflict of interest in relation to any matter to be discussed at the Committee, they will inform the Committee about the situation without delay and they are automatically excluded from taking part in the meeting at which that matter is discussed.

## **4. Quorum, decision-making, frequency of meetings and reporting**

- 4.1. All members of the CC's decisions should be involved in the process of decisions making;
- 4.2. It is preferable that CC takes decisions by consensus. However when that is however not possible, voting takes place. A decision of the majority of all members of the CC is required for a motion to be decided upon by voting.
- 4.3. CC meeting should take place when necessary, but at least on a bi-monthly basis.
- 4.4. The CC meeting can take the form of an online conference call facilitated by the communication platform preferred by the majority of the CC members.
- 4.5. The CC members meet in person, when necessary and possible and in a place agreed upon by majority of members of the CC. The Secretariat assists with the organization of the meeting.
- 4.6. CC meeting dates shall be decided by the CC members and agreed in advance, ensuring adequate notice for maximum participation, and announced online on the EaP CSF website.
- 4.7. The complaints and matters to be dealt with are directly received by the CC on a rolling basis.
- 4.8. Recommendations and decisions may be solicited and received between meetings, where necessary, to avoid delays in decision-making processes.
- 4.9. The Compliance Committee can make a decision that the matter should be dealt with by another EaP CSF body if the matter does not pertain to its authority as stated in Articles 1.2, 1.3 and 1.4 of this document.
- 4.10. The CC prepares an annual report on cases it dealt with from the previous Annual Assembly. The Secretariat assists with dissemination of the report to the members and participants of the upcoming AA. The CC Chairperson presents the report to the participants of the AA in person.
- 4.11. The annual report will be also available on the EaP CSF website after the AA.

4.12. The working language of the Committee is English, including written reports. The decisions of the Committee can be translated into Russian if requested by the complainant or complaine.

## **5. Referral mechanism to the Committee**

5.1. The following actors can submit complaints to the Committee in case of disagreements or non-compliance by individual members or EaP CSF bodies with the provisions of the Code of Ethical Conduct, Statute of the EaP CSF and the Statute of the EaP CSF Secretariat, re-granting regulations, rules of procedures and decisions of the EaP CSF Annual Assembly, Steering Committee, National Platforms, Working Groups and EaP CSF Secretariat:

- a) any individual member or delegate or a group of members or delegates of the EaP CSF;
- b) non-members in cases concerning their application to become a member of a National Platform of the EaP CSF or delegates of the EaP CSF, in case of appealing the decision of the national compliance body;
- c) the Country Facilitator/, National Platform governing bodies and Secretariat of the EaP CSF National Platforms;
- d) Members of the EaP CSF Steering Committee
- e) Members of the EaP CSF Secretariat

5.2. In case the rules of procedures of the National Platforms of the EaP CSF provide for an internal compliance mechanism, an individual member or a group of members of the National Platform can submit to the Committee a complaint in case of disagreements or non-compliance by another member(s), National Facilitator, governing body or secretariat of the National Platform, if the matter is not resolved within a month by the compliance body of the respective National Platform or to appeal the decision of the compliance body of the relevant National Platform.

5.3. Complaints involving the Committee or its members.

- a) In case any member of the Compliance Committee or his/her organization is a subject of a complaint submitted to the Committee, the concerned member will recuse himself/herself from the examination of the respective complaint.
- b) In case more than two members of the Committee recuse themselves from the examination of the complaint and an absence of quorum is noted by the Chair of the Committee or the other Committee members, the respective complaint is transmitted for examination and decision-making to the EaP CSF Steering Committee.
- c) In case the Committee is the subject of an issue of non-compliance, the complaints are submitted to the EaP CSF Steering Committee according to the p. 5.5. and 5.6.

5.4. The Committee is empowered to initiate a *sua sponte action* in case of alleged issues of non-compliance admitted by members of EaP CSF bodies concerning provisions of the Code of Ethical Conduct, Statute of the EaP CSF, re-granting process, rules of procedures and decisions of the Annual Assembly of the EaP CSF, Steering Committee, National Platforms, Working Groups and EaP CSF Secretariat.

5.5. The complaints are submitted confidentially in writing in English or Russian to the Committee via the official email [complaints@eap-csf.eu](mailto:complaints@eap-csf.eu) accessible by Committee members and should include the following basic information:

- a) The name and contact information (postal address, email, telephone numbers) of the member/body making the complaint;
- b) A statement identifying the issue of non-compliance, supported by substantiating information setting out the matter of concern;
- c) The name/organization of the member and/or EaP CSF body concerned;
- d) Reference to the provisions (article/point) of the Code of Ethics, Statute of the EaP CSF or rules of procedure that have been violated or/and;
- e) Reference to the contested action of the member or decision of the EaP CSF actors concerned.

5.6. Admissibility of complaints

- a) A complaint is admissible if it is in compliance with p. 5.1., 5.2., 5.3. and 5.5. of the current Rules of Procedures.
- b) The Committee shall not admit for debate and analysis anonymous complaints.

## **6. Examination of complaints and decisions of the Committee**

6.1. Notifications and inquiries

- a) The Chair of the Committee shall promptly notify the complainant about the receipt of the complaint and inform it about its admissibility.
- b) The Chair of the Committee shall notify the complainee (member or body concerned) about an admissible complaint, provide all related documentation and request a written response/explanation on the matter within two weeks. The failure to provide a written response shall be notified to the complainant and not impede further examination procedures.

6.2. Examination of complaints

- a) Upon receipt of the complainee response in accordance with p. 6.1. b), the Chair of the Committee will assign on the rotation principle one member of the Committee to prepare within two weeks a draft compliance report on the matter. The compliance report will also include a draft decision.
- b) Within five (5) working days after the receipt of the draft compliance report by all members of the Committee, the Chair will convene an online Examination Session of the Committee according to the provisions of point. 4. of the current rules of procedure.
- c) During the examination session the members of the committee will assess the complaint, the response from the complainee if such was presented, the draft compliance report and will issue a decision on the complaint.

6.2. Decisions of the Committee

- a) The decisions of the Committee are adopted with a 2/3 quorum (4 members) by a simple majority of those participating in the examination procedure.

- b) In case of vote parity, the draft decision is subject to a new vote with a simple majority of the members of the Committee (5 members) via online voting or written procedure via email within 24 hours following the day of the examination session.
- c) The decisions should be reasoned and include mandatory sanctions if non-compliance issues or violations of the EaP CSF Code of Ethical Conduct, Statute and other rules of procedures of the EaP CSF are confirmed by the Committee.
- d) The Committee shall notify its decision to the complainant and complainee within maximum 48 hours after its adoption.
- e) The Committee's decision shall be applicable from the date of its notification. In case the decision is challenged pursuant to the provisions of the point 7 of the current rules, the application of the decision is suspended until the notification of the final decision of the competent body of appeal.

### 6.3. Sanctions

- a) The sanctions provided in the final decision of the Compliance Committee, Steering Committee or Annual Assembly of the EaP CSF are mandatory and applicable from the moment of entry into force of the decision.
- b) The following types of sanctions or a combination of thereof can be applied:
  - written warning;
  - for a member of the EaP CSF - temporary or indefinite suspension of membership for a person and/or an organization;
  - temporary or indefinite suspension of the right to apply to the EaP CSF re-granting scheme;
  - prohibition to benefit from any opportunities provided by the EaP CSF including as a subcontractor or any other capacity;
  - loss of position in the EaP CSF bodies;
  - temporary or indefinite ban to occupy elected or management positions in the EaP CSF bodies and National Platform;
  - reimbursement of misappropriated funds;
  - suspension from the EaP CSF database of experts for EaP Platforms and panels and a ban on participation in EaP Platforms and panels on behalf of EaP CSF.

## **7. Procedure in case of appeal against a decision of the Committee**

- 7.1. The complainant or the complainee can challenge the decision of the Committee within a maximum of 20 working days following the notice of the Compliance Committee by submitting a written appeal to the Steering Committee of the EaP CSF, which will be the decision-making authority in this case.
- 7.2. The Compliance Committee shall provide the Steering Committee full support, including making available the compliance report, the documents on the basis of which it was drawn up and any other relevant documents in its possession.
- 7.3. The Steering Committee shall issue a decision by its next meeting.

- 7.4. The Annual Assembly of the EaP CSF can act as an appeal body for decisions referring to complaints when decisions are issued by the Steering Committee in first instance, pursuant to the provisions of the point 5.3. of the current rules of procedures.
- 7.5. The complainant or the complaine e can submit to the EaP CSF Secretariat a written appeal addressed to the Annual Assembly of the EaP CSF within 20 working days following the notification of the decision issued by the competent decision-making authority (Compliance Committee or Steering Committee).
- 7.6. The EaP CSF Secretariat will ensure the distribution of the written appeal and other relevant documents on the matter of complaint to the members of the Annual Assembly not later than 30 calendar days before the start of the Assembly.
- 7.7. The members of the Compliance Committee and/or Steering Committee will report to the Annual Assembly concerning the matter of the complaint and issued decision. The complainant and the complaine e will be provided the opportunity to provide observations on the matter.
- 7.8. The decision of the Annual Assembly must be adopted within a quorum by acclamation with a simple majority of those present. The decision of the Annual Assembly is applicable from the moment of adoption.