



**Secretariat-General**  
**Directorate-General for Budget**  
**Legal Service**

**Guidance on funding for activities related to the development,  
implementation, monitoring and enforcement of Union legislation  
and policy**

# **GUIDANCE ON FUNDING FOR ACTIVITIES RELATED TO THE DEVELOPMENT, IMPLEMENTATION, MONITORING AND ENFORCEMENT OF UNION LEGISLATION AND POLICY**

## **1. BACKGROUND AND PURPOSE OF THE GUIDANCE NOTE**

The Commission finances under the objectives of several spending programmes support to entities, including civil society organisations, for the **development, implementation, monitoring and enforcement of Union legislation and policy**.

The Commission attaches great importance to the **support of a pluralistic and vibrant civil society**, including through its programmes and funding opportunities, which include capacity building and involvement of civil society as specific funding objectives, with a view to contributing to Union policies.

While support for policy development activities including enhancing the involvement of civil society organisations remains an important and legitimate funding objective that should not be subject to unnecessary constraints, careful consideration should be given to the type of activities that the Union should not finance to advance these objectives. Experience shows that additional guidance to the services to frame such activities would be most useful.

The description and definition of these activities is without prejudice to any **existing obligations of transparency and ethics**<sup>1</sup>. Relevant measures including suspension of implementation and/or payments, termination and recovery, could be taken upon clear proof that entities have breached such obligations.

This note aims at providing guidance on the type of activities the Union should not require as condition for funding as part of policy and legislation development, policy implementation, monitoring and enforcement in line with the objectives of the relevant basic acts. The guidance should be taken into account by the responsible authorising officers when drafting documents for Union award procedures, when assessing compliance with criteria under such procedures and when establishing relevant contractual arrangements involving Union financing. Authorising officers shall make sure that applicants are made appropriately aware of the requirements resulting from this guidance, in accordance with Art. 194 (1) of the Financial Regulation.

The responsible authorising officers shall make an assessment and take necessary measures to ensure alignment with the guidance, in particular in regard to activities financed under Union

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<sup>1</sup> Article 14.1 of the corporate Model Grant Agreement.

award procedures that are related to designing, assessing and monitoring the implementation of EU policy and EU legislation.

## **2. GUIDANCE ON ACTIVITIES RELATED TO THE DEVELOPMENT, IMPLEMENTATION, MONITORING AND ENFORCEMENT OF UNION LEGISLATION AND POLICY**

This guidance applies to all spending programmes.

Development, implementation, monitoring and enforcement of Union legislation and policy potentially includes a wide range of possible activities that could benefit from EU funding. Avoidance of any reputational risk should be one of the guiding principles when examining whether a given activity should be financed by a Union programme or not.

Some of these activities support the capacity-building of entities, associations and organisations, including civil society organisations, contributing to a vibrant pluralistic society. Such activities include, but are not limited to, analytical or research work in the form of policy briefs or other papers; providing guidance or sharing of good practices; workshops, conferences, trainings or awareness raising campaigns; communication and dissemination activities, etc. **In principle, such activities do not present a reputational risk.**

However, funding agreements **requiring beneficiaries to undertake specifically detailed activities directed at EU institutions** and some of their representatives may entail a **reputational risk for the Union**. Such specific activities can include sending letters, organising meetings or providing advocacy material to EU institutions or specific members of an institution; or identifying specific members or officials of an institution to evaluate or describe their positions, or to discuss specific political content or outcome. Work plans submitted by applicants should be carefully assessed to establish whether they could create such reputational risk if incorporated into a grant agreement.

Freedom of expression and transparency should remain the main guiding principles for organisations exercising this type of activities, in line with relevant legal requirements.

In view of this, presenting specific positions to an EU institution or some of its members, including examining and explaining the impact of a given policy or policy proposal, should be **entirely the choice of the entity concerned but not mandated as a requirement or condition for Union financing**<sup>2</sup>. In all cases, the entity concerned shall remain fully and solely responsible for their own views.

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<sup>2</sup> This will not preclude the financing of activities supporting civil society's contribution to the definition or implementation of European Union policies, political dialogue with partner countries and reporting.

When deciding on award of funding, authorising officers are therefore to consider that activities targeting directly (members of) EU institutions for a specific political content should not be mandated as a requirement or condition for Union financing.