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## **DG ECHO'S GUIDANCE NOTE TO PARTNERS ON HUMANITARIAN AID ACTIONS IMPLEMENTED UNDER EXCEPTIONAL EXTREME OPERATIONAL CONDITIONS**

1. Under the **2014-2020 contractual framework** it was found necessary to develop the concept of Exceptional Extreme Operational Constraints as a justification for departing from standard procedures and sources of verification, to enable the implementation of humanitarian aid activities in such conditions.

2. The **2021-2027 contractual framework** maintained the concept, by incorporating Exceptional Extreme Operational Conditions (EEOCs) into the specific rules for humanitarian aid operations, in particular with regard to record-keeping.

3. EEOCs can be invoked where one or more of the following **criteria** apply:

- access to the area is impeded by armed forces or other actors with the ability to obstruct humanitarian access;
- beneficiaries, aid workers, suppliers and/or service providers are at particular risk due to their involvement in humanitarian aid operations. This could include physical harm, arrest, detention, kidnapping or death, both when receiving, delivering or supplying aid.
- lack of access to essential services, such as electricity or communication networks.

4. DG ECHO may finance Actions implemented under EEOCs when **the absence of alternative arrangements would make the delivery of life-saving assistance unreasonably difficult or dangerous.**

5. The Model Grant Agreement (MGA), in Annex V, permits the use of **alternative methods for record-keeping** in humanitarian actions operating under EEOCs.<sup>1</sup> This pre-defined alternative arrangement for record keeping may also be extended contractually to the Humanitarian Aid Contribution Agreement (HACA), in the Special Conditions. The alternative methods for record-keeping may be agreed for as long as the exceptional conditions persist.

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<sup>1</sup> The definition of record-keeping procedures may be found in Article 20 of the Model Grant Agreement and Article 16 of the Humanitarian Aid Contribution Agreement General Conditions.

6. Partners should **immediately signal to DG ECHO if they are facing exceptional extreme operating conditions**. The related **EEOCs request for alternative record-keeping methods**, may be submitted using the EEOCs Request Form (Annex II) which reflects:

- the existence, nature and scope of the EEOCs;
- usual record-keeping procedures that could not be applied due to the existence of the EEOCs;
- alternative arrangements implemented under EEOCs; and
- sources of verification available to ensure the legality and regularity of expenditure incurred under EEOCs.

The Partner may refer to reputable third-party sources to support the information provided in their Request Form, including the INFORM Severity Index of the Disaster Risk Management Knowledge Centre; the Aid Worker Security Database; Insecurity Insight monitors and/or other resources from public entities, international organisations, NGOs, and private security companies.

7. Depending on the operational context, the information may be provided either at proposal stage (new agreement) or at modification request stage (ongoing agreement). The request may be shared with the Desk Officer for feedback before official submission, after which the final EEOCs Request Form must be uploaded as an Annex to the e-Single Form according to standard contract management procedures (via APPEL) as follows:

- Grant Agreements - For actions under **direct management**, Partners will select the pre-defined alternative arrangement for EEOCs using the drop-down menu in Chapter 14.1 of the e-Single Form (e-SF).
- Contribution Agreements - For actions under **indirect management**, Partners will submit a request, using free text, through Chapter 14.2 of the e-Single Form. If the request is approved by DG ECHO, the following clause will be included in the HACA Special Conditions:

*7.1.10 Where, and as long as, the Action is implemented under exceptional extreme operational conditions, as justified in the Single Form, the Commission accepts the use of the procedures and measures described by the International Organisation in the Annex to the Single Form. As and when exceptional extreme operational conditions are no longer present in a given area, the International Organisation shall resume using the procedures and measures applying in the absence of exceptional extreme operational constraints and shall immediately inform the Commission thereof. Any substantial changes to the procedures and measures described in the Annex to the Single Form, as well as to the locations where the latter are to be applied, shall be agreed by mutual consent using the procedure set out in Article 11 of the General Conditions.*

*The declaration to be submitted by the International Organisation together with the final payment request in accordance with Article 19.1(c) of the General Conditions shall be co-signed by the Chief Executive Officer or equivalent senior manager on behalf of the International Organisation.*

8. Moreover, DG ECHO's contract management tools provide Partners space to request exceptional alternative arrangements for other ***ad-hoc alternative implementation solutions*** different to record-keeping, when justified due to the existence of country-specific issues or circumstances that arise during action implementation. These *ad-hoc* alternative methods may include matters related to procurement, management of cash, compliance with local regulation or segregation of duties among others, which may be agreed for as long as the exceptional conditions persist and must be requested according to standard contract management procedures (via APPEL) as follows:

- Grant Agreements and Contribution Agreements: For actions under **direct and indirect management**, Partners will complete the free text section of Chapter 14.2 of the e-Single Form, explaining the circumstances and/or the crisis or country specific issues related to the Action and demonstrate the necessity of the *ad hoc* alternative arrangement requested.

If the request for ***ad-hoc alternative implementation solutions*** is related to a situation for which an EEOCs request form for pre-defined alternative arrangements (i.e. record keeping) has been/will be submitted, the Partner may cross-refer to that form (Annex II – EEOCs Request Form) to provide the operational context and add further detail. This way, both pre-defined and *ad hoc* alternative arrangements justified by the same EEOCs can be linked together for the operational justification and also for easier reference in case of any *ex-post* audit.

Where these *ad-hoc* alternative implementation solutions cannot be authorised under the own rules of the DG ECHO Partner, or where they deviate from a binding requirement of DG ECHO's contractual framework for which no flexibility or derogation exist already, an in-depth internal assessment will be conducted by DG ECHO. If an exceptions procedure is merited, the acceptance procedure for *ad hoc* alternative implementation solutions may take longer at contract level, than for the pre-defined alternative arrangements (e.g. record keeping).

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**Annex:** EEOCs Request Form

(Available for download in word format at: <https://www.dgecho-partners-helpdesk.eu>)

Identified rapidly deteriorating operational conditions.

EEOCs operational criteria fulfilled?

Yes

No

**A. Inform DG ECHO of the EEOCs.**  
If NGO: select the EEOCs pre-defined alternative arrangement using the drop-down menu in Chapter 14.1 e-SF.  
If IO: request EEOCs using free text in Chapter 14.2 e-SF.

**B. Request for alternative record keeping approaches** using the table in Annex II – EEOCs Request Form.

**C. Other *ad-hoc* alternative implementation solutions** different from record keeping *may* be requested.

**How?**

In table in Annex II – EEOCs Request Form with supporting documentation (i.e. approved crises procedure).

If cannot be authorised under the Partner's own rules

Or deviates from a binding contractual requirement for which no flexibility or derogation exist already

DG ECHO internal assessment.

Do the exceptional circumstances constitute *force majeure*?

Yes

Fill-in *Force Majeure* form.

Is the implementation impossible or excessively difficult?

Yes

**Reduce** the Action activities to the new circumstances (via MR)

and/or

Request the **Suspension / Interruption** of (part of) the Action.

△ MSSAs working under direct management follow the instructions for NGOs while MSSAs working under indirect management follow the instructions for IOs.