



SINGLE PROGRAMMING DOCUMENT

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Amendment No. 3

2024 - 2026

A.2.4 – Fundamental Rights in corporate sustainability and due diligence

Area of activity: *Equality, Roma and Social Rights*

Sector: *Social Rights*

Status: **on-going**

Policy relevance

The EU is committed to environmental and social sustainability. It has also undertaken to providing an effective response to the climate crisis and enabling the transition into a green and circular economy while ensuring a respect for fundamental and social rights. Three legislative acts in this area assign direct tasks to FRA. First, the Corporate Sustainability Reporting Directive (2022/2464) requires a development of sustainability reporting standards including those related to a respect for the human rights principles established in the international law. Pursuant to the CSRD, FRA is requested to issue opinions to the European Commission and the European Securities and Markets Authority while they develop detailed guidelines for economic operators or national supervisory authorities. Second, the EU-Taxonomy Regulation (2020/853/EU), which introduces an EU green classification system for investment purposes, requires FRA to participate in the work of the Platform on Sustainable. Finally, the Corporate Sustainability Due Diligence Directive (2024/1760) adopted in 2024 contains important fundamental rights provisions and potentially far-reaching implications for the enjoyment of fundamental rights in the EU and requires that the Commission, in consultation with, inter alia, FRA, provides support to companies and other stakeholders by issuing guidelines. The project's content scope will also cover the Forced Labour Regulation, given its links to due diligence and corporate sustainability.

The project will undertake a mapping and analytical work to advance an understanding of the interplay of the foregoing EU legislative measures, as well as relevant and applicable international human rights law. It will ensure that FRA can contribute to legal and policy discussions relating to the EU-Taxonomy, the Forced Labour Regulation, the CSRD and the CSDDD and be poised to provide expert advice, opinions and guidelines when called upon to do so under it. FRA's work in this area began in 2022 and 2023 drawing from its previous research activities on sustainability reporting and human rights due diligence, such as the 2020 report on Business in Human Rights and the 2024 report on consumer protection. In 2024, this project will research the legal and regulatory landscape across all EU Member States and observer countries regarding their sector-agnostic human rights due diligence laws and, where available, sector-specific legislation. It will begin a legal analysis to deeper an understanding of key legal concepts as derived from the international, EU and national standards as well as relevant jurisprudence. It will prepare for a fieldwork research in 2025 that will contextualise the legal analysis through targeted experts' consultations and an interview based research with practitioners. Upon request, FRA will also prepare legal opinions related to the fundamental rights and corporate sustainability reporting. The project will continue to 2025 when its outputs will be published and an interview-based research in selected EU Member States will commence. The overall scope of the field research including its geographical coverage will be defined after completing consultations with stakeholders in 2024 taking also into account budgetary aspects. The work will be carried out in close cooperation with relevant stakeholders, including the European Commission, European Supervisory Authorities, the European Labour Authority, the European Environment Agency, Eurofound, NHRIs, companies and civil society, as well as international organisations, such as the Council of Europe, OECD and the UN.

Objectives

- Provide expertise, data and advice on fundamental and social rights aspects of policies and legal provisions relating to the green transition and the impact of climate change.
- Provide fundamental rights expertise and advice on corporate due diligence and addressing actual and potential adverse impacts of companies' activities on human rights and the environment.
- Provide expert advice on corporate sustainability reporting and compliance with human rights obligations.

Activities

- Stakeholder and expert consultations.
- Monitoring of legal and policy developments.
- Desk research and FRANET reports
- Preparation of legal opinions.
- Mapping of relevant promising practices and legal framework.
- Preparation for and contracting of fieldwork research.

Outputs

- Legal opinions on corporate sustainability reporting,
- Webinars, trainings on human rights due diligence and fundamental rights compliance in corporate sustainability reporting.
- FRANET info requests.

Financial resources

	1 st priority	2 nd priority	3 rd priority
Equality, Roma and Social Rights	500,000	-	250,000
Justice, Digital and Migration	-	-	-
Communication and Events	-	-	-
Institutional cooperation and networks	-	-	-
Total	500,000	-	250,000

B.1.6 Digitalisation of justice: fundamental rights guidance

Area of activity: *Justice, Digital and Migration*Sector: *Justice and Security*Status: **on-going**

Policy relevance

On 9 June 2020, the Council adopted conclusions on “Shaping Europe’s digital future”, where it recognises that ‘the digitalisation of the justice systems of the Member States has the potential to facilitate and improve access to justice throughout the EU.’ The October 2020 Council conclusions on “Access to justice – seizing the opportunities of digitalisation” called on the Commission to take concrete action to digitalise justice. In December 2020, the Commission adopted a Communication on the digitalisation of justice in the EU, proposing a set of measures to bring forward digitalisation at both the national and EU level. Subsequently, the Commission adopted several proposals for EU secondary law instruments in this field, including a proposal from 2021 for the Regulation on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters - which seeks to guarantee a common approach towards the use of modern technologies in cross-border judicial cooperation and access to justice. The Commission has also been looking into the effectiveness of national justice systems through the European Semester and the EU Justice Scoreboard. According to the 2023 EU Justice Scoreboard, most EU Member States already use digital solutions in different contexts and to varying degrees in relation to their justice systems, while there is still significant room for improvement in the digitalisation of justice.

The use of digital technologies, including algorithm-based solutions, has the potential to make judicial systems more transparent and efficient for the benefit of all – from businesses to individuals (including both persons suspected or accused of crime, as well as victims). Digital solutions can ease the administrative burden, shortening case processing times, making communication more secure and reliable, making information more publicly accessible and partially automating case handling. At the same time, effective fundamental rights safeguards need to be put in place to ensure that the use of digital technologies in the area of justice does not undermine the right to a fair trial and effective legal remedy, including the equal opportunity for both parties to make their case (equality of arms), the right to have knowledge of/comment on all evidence and observations filed (adversarial proceedings), the right to a public hearing, as well as - in criminal proceedings - the rights of the defence, including access to a lawyer and the case file.

The project – with data collection in 2024 – sets out to provide a balanced assessment of the potential applications of digitalisation in the justice field with respect to its fundamental rights impact, looking at the opportunities and limitations, including ‘red flags’ and minimum safeguards needed. This should include how to ensure that digital justice is accessible for all. In line with established FRA methodologies, the research will consist of desk research complemented by fieldwork in selected Member States by means of targeted qualitative interviews with relevant stakeholders. The project will take into account and build upon the existing relevant work of European and other international actors active in this field; for example, the Council of Europe’s European Commission for the efficiency of justice (CEPEJ) and the Consultative Council of European Judges (CCJE); in particular, exchanges of updated information on cyber-justice with CEPEJ’s Resource Centre on Cyberjustice and AI could be organised on a regular basis.

Objectives

- Analyse in detail the fundamental rights impact of the digitalisation of justice systems, and assess the minimum fundamental rights safeguards required
- Provide guidance to EU institutions and Member States, in particular their justice authorities, about fundamental rights opportunities as well as risks and necessary safeguards when using digital tools in the justice system

Activities

- Desk research mapping the practical uses of digital tools/technologies in justice systems
- In-depth field research on selected ‘use cases’
- Two meetings (maximum) with key stakeholders
- Drafting guidance on fundamental rights compliant ‘digital justice’

Outputs

- Data collection in 2024 (outputs in 2025)

Financial resources

	1 st priority	2 nd priority	3 rd priority
Equality, Roma and Social Rights	-	-	-
Justice, Digital and Migration	436,000	-	100,000
Communication and Events	-	-	-
Institutional cooperation and networks	-	-	-
Total	436,000	-	100,000

B.1.10 Access to justice for victims of online crime

Area of activity: *Justice, Digital and Migration* Theme: *Justice and Security* Status: **On-going**

Policy relevance

With the increased shift of everyday activities to the online environment, more individuals fall victim to crimes committed online. In some EU Member States, online victimisation is currently almost equal in prevalence to offline crime victimisation. Online crime, or cybercrime, is any type of criminal offence that is committed online or with the use of a computer (or online tools) against persons (such as online violence) or against property (such as fraud). Online crime has a significant cross-border dimension. The impact of crime committed online can be significant for its victims. It can cause serious economic and reputational damage and can have a negative financial and emotional impact on individuals. The Victims' Rights Directive establishes minimum standards on the rights, support and protection of victims of all types of crime and ensures that persons who have fallen victim to crime are recognised and treated with respect. The rights of victims of online fraud are further specified in Directive 2019/713 on combating fraud and counterfeiting of non-cash means of payment. As highlighted in the first-ever EU Strategy on Victims' Rights (2020-2025), in practice, however, victims of cybercrime do not report crimes and they often do not find relevant assistance and support to access justice and an effective remedy for the damage suffered. Given this, a call in the Strategy has been made in order to undertake further action against online fraud and identity theft, including support to victims. Furthermore, the Commission published a report in July 2023 assessing Member States' progress in complying with Directive 2019/713 on combating fraud and counterfeiting of non-cash means of payment. One of the shortcomings the Commission identified continues to relate to assistance and support for victims.

Building on the Agency's relevant work in areas such as victims of crime, cybercrime and digitalisation of justice more broadly, the project will examine the challenges and opportunities to enable victims of online fraud, and related crimes, to access justice in practice. Such online crime impacts across the general population and is relatively under-researched. FRA will examine, in selected EU Member States, whether existing legal frameworks and their practical application enable access to justice and guarantee the rights of online victims in the course of investigations and criminal proceedings. Through interviews with representatives of law enforcement and judicial authorities, as well as defence lawyers, companies, and other relevant stakeholders, such as victim support services, the project will collect information concerning promising practices and practical ways to address the challenges that victims of online fraud, and related crimes, face in practice when seeking to exercise their rights. Given the cross-border dimension of online crime, FRA will also engage Eurojust with respect to the project.

Objectives

- Analyse current EU and national legislation and practice on victims' rights from the angle of protection of rights of victims of online crime.
- Provide guidance to EU institutions and Member States, in particular their law enforcement and justice authorities, about rights of victims of online crime, including presenting promising practices if identified.
- Contribute to raising awareness, knowledge and understanding of the rights of victims of online crime amongst law enforcement authorities, lawyers, judges, prosecutors, and other legal practitioners, as well as other 'intermediaries' such as civil society organisations involved in litigation or victims' organisations at the national and European level.

Activities	Outputs
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| <ul style="list-style-type: none"> - Designing the scope of the research (FRANET guidelines) - Liaison with relevant stakeholders – including Eurojust, European Judicial Network, EU Commission and the Council of Europe. | <ul style="list-style-type: none"> - Comparative report planned for 2026 |
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Financial resources

	1 st priority	2 nd priority	3 rd priority
Equality, Roma, and Social Rights	-	-	-
Justice, Digital and Migration	300,000	-	250,000
Communication and Events	-	-	-
Institutional cooperation and networks	-	-	-
Total	300,000	-	250,000

B.2.8 The Data Protection Law Enforcement Directive (LED) – Experiences of the Competent Authorities

Area of activity: *Justice, Digital and Migration* Theme: *Data and Digital* Status: **NEW**

Policy relevance

In 2024, FRA published a report on “Data Protection Authorities (DPAs): Challenges and opportunities in implementing the General Data Protection Regulation (GDPR) after 6 years of application”. Since 2010, the Agency has undertaken projects in the field of data protection and privacy. Work on the third edition of the data protection handbook on European data protection law covering EU and Council of Europe legal frameworks, to be produced in cooperation with the Council of Europe and EDPS, will commence in 2025. Previous FRA work in the area of data protection includes a focus paper on how the GDPR affects the daily work of civil society organisations (2019), and published findings from the Fundamental Rights Survey on opinions and experiences of people in the EU linked to data protection and technology (2020). FRA has also conducted research in specific fields where interferences with the rights to data protection and privacy may occur, namely in relation to surveillance by intelligence services (with the publication of two reports in 2015 and 2017 and a partial update in 2023), unlawful profiling in the law enforcement and border management contexts (with the publication of a guide in 2018), and on artificial intelligence systems (with three focus papers and a report on 2018-2020).

In this project FRA will conduct qualitative research on the implementation and enforcement of Directive (EU) 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data (Data Protection Law Enforcement Directive, LED). The project is undertaken in parallel to the European Commission’s second evaluation of the LED, which is due by mid-2026. FRA’s research findings building on qualitative research with competent authorities under the LED and national Data Protection Authorities (DPAs) will complement the Commission’s evaluation and review of the LED.

The project focuses on the experiences, including challenges and promising practices, of competent authorities (i.e. law enforcement authorities (LEAs) and judicial authorities) and DPAs with respect to specific aspects of the LED’s implementation and enforcement. FRA’s research focuses on elements not covered through the written submissions sent by relevant stakeholders to the European Commission. The qualitative fieldwork research will be based on a small number of interviews with competent authorities and DPAs in the Member States. Interviews will be undertaken by FRANET in the national language. The project will be launched in 2024, with fieldwork taking place in 2025. The project will also support FRA’s other work in relation to the protection of fundamental rights in the law enforcement context – including research on law enforcement access to data for criminal investigations; on high-risk artificial intelligence (AI); and on remote biometric identification in the field of law enforcement.

Objectives

- To collect evidence on the implementation and enforcement of the LED, which will be of benefit to the Agency concerning its own research in relation to data protection and law enforcement.
- To support the European Commission’s evaluation report on the LED with the provision of evidence that is not collected through the European Commission’s established channels.

Activities	Outputs
<ul style="list-style-type: none"> - Development of technical specifications and FRANET contracting (2024) - Field work, analysis and drafting (2025) - Drafting, editing and production (2026) 	<ul style="list-style-type: none"> - Publication in 2026

Financial resources

	1 st priority	2 nd priority	3 rd priority
Equality, Roma, and Social Rights	-	-	-
Justice, Digital and Migration	270,000	-	50,000
Communication and Events	-	-	-
Institutional cooperation and networks	-	-	-
Total	270,000	-	50,000

C.1.7 Rule of law relevant national case law in the area of fundamental rights

Area of activity: *Institutional Cooperation and Networks* Sector: *Human Rights Structures and Mechanisms* Status: **on-going**

Policy relevance

Since the entry into force of the EU Charter of Fundamental Rights in 2009, the Court of Justice of the EU (CJEU) has issued numerous rulings highlighting links between the rule of law and fundamental rights, especially in the context of Article 47 of the Charter. The European Court of Human Rights, in its 2022 case of *Grzęda vs. Poland*, qualified the European Convention on Human Rights as “essentially a rule-of-law instrument”. The effective protection of fundamental rights hinges on the existence of the rule of law, including judicial independence and access to a fair trial. The 2023 annual report of the European Commission on the application of the Charter therefore focused on access to justice and judicial remedies, being essential elements of the rule of law. Also, the European Commission’s annual reports on rule of law illustrate how the rule of law and fundamental rights are closely intertwined, for example by highlighting the role of national human rights institutions, an enabling framework for civil society and the timely and full implementation of the judgements handed down by the European Court of Human Rights. .

National courts play a crucial role in protecting the rule of law and have in a wide range of cases ensured that key protections, including those linked to fundamental rights, have been upheld. This research will take the findings of the European Commission’s 2023 Charter report focused on access to justice and fair remedies as a starting point to dig deeper on the use of the EU Charter in rule of law relevant cases at the national level. Relevant Charter rights include, next to Article 47, the presumption of innocence and right of defence (Article 48), the principles of legality and proportionality of criminal offences and penalties (Article 49) and the right not to be tried or punished twice in criminal proceedings for the same criminal offence (Article 50). These rights guarantee an independent, impartial and efficient judiciary as well as fair procedures – key bulwarks of the rule of law that play a crucial role in the protection of fundamental rights. Whereas rule of law related case law can be easily tracked at European level (the ECtHR case law through HUDOC and the CJEU case law through CURIA), national case law is far less accessible across the EU. The project will collect and analyse national case law delivered after 1 December 2009 (when the Charter entered into force) that dealt with rule of law issues focusing on cases that deal with the independence of the judiciary, right to fair trial, access to remedies and other aspects that are related to access to justice, legality and legal certainty as well as key elements of check and balances in the national systems. The project will make national judicial experiences in protecting the rule of law more visible, thereby contributing to the knowledge base needed to ensure effective transnational cooperation and the sharing of experiences between national judiciaries in the common area of freedom, security and justice. It can inform various processes carried out by EU-level actors, including professional legal training and awareness-raising, activities of the European Commission (such as the annual rule of law report), European Parliament (annual report on the situation of fundamental rights; LIBE Democracy, Rule of Law and Fundamental Rights Monitoring Group), Council of the EU (rule of law dialogues), and the European Economic and Social Committee (Ad hoc group on Fundamental Rights and the Rule of Law). It will also be of relevance to bodies of the Council of Europe, including the Venice Commission. Accession States will be included in the research given the relevance of this data for the enlargement process. Looking at the rule of law through the lenses of fundamental rights case law, finally, also provides an evidence base for communicating and illustrating how rule of law issues concretely impact on the lives of persons in the EU. Therefore, the results of this project can be used for promoting public awareness on the importance of rule of law. The research will be carried out in all Member States and build on interviews with national experts.

Objectives

- Provide a comparative overview of rule of law related fundamental rights cases brought before national courts.
- Contribute to awareness-raising and case law material related to fundamental rights and the rule of law.
- Provide additional legal evidence to EU actors and their relevant policy processes.

Activities	Outputs
<ul style="list-style-type: none"> - Thematic data collection and interviews via FRANET in EU Member States and Candidate countries with FRA observer status - Collecting evidence (concrete cases) highlighting how rule of law issue affect people’s rights and lives - Updating Charterpedia and integrating relevant case law into a ‘rule of law corner’ in FRA’s EU Fundamental Rights Information System (EFRIS) <u>where relevant</u> 	<ul style="list-style-type: none"> - Country research and interviews reports analysing rule of law related case law in the area of fundamental rights and an expert review meeting - Comparative analysis of the case law identified (to be published in 2026) - Concrete cases for use in public communication on the importance of the rule of law - Updated Charterpedia and ‘Rule of law corner’ in EFRIS

Financial resources

	1 st priority	2 nd priority	3 rd priority
Equality, Roma and Social Rights	-	-	-
Justice, Digital and Migration	-	-	-
Communication and Events	-	-	-
Institutional cooperation and networks	300,000	-	100,000
Total	300,000	-	100,000

ANNEX XVI: Procurement plan Year 2024

A. EQUALITY, ROMA AND SOCIAL RIGHTS

A.2 Social Rights

A.2.4 Fundamental Rights in corporate sustainability and due diligence

The overall budgetary allocation reserved for procurement contracts in 2024 amounts to EUR 500,000 (1st priority) and EUR 250,000 (3rd priority)

Budget line: B03620 Social Rights

Subject matter of the contracts envisaged: research

Type of contract: specific contract based on an existing framework contract

Type of procurement: service

Indicative number of contracts envisaged: 30

Indicative timeframe for launching the procurement procedure: 3rd quarter of the year

Subject matter of the contracts envisaged: research

Type of contract: specific contract based on an existing framework contract

Type of procurement: service

Indicative number of contracts envisaged: 10

Indicative timeframe for launching the procurement procedure: 4th quarter of the year

Subject matter of the contracts envisaged: legal memo

Type of contract: direct contract

Type of procurement: service

Indicative number of contracts envisaged: 1

Indicative timeframe for launching the procurement procedure: 4th quarter of the year

B. JUSTICE, DIGITAL AND MIGRATION

B.1 Justice and Security

B.1.6 Digitalisation of justice: fundamental rights guidance

The overall budgetary allocation reserved for procurement contracts in 2024 amounts to EUR 436,000 (1st priority) and EUR 100,000 (3rd priority).

Budget line: B03010 Justice & Security

Subject matter of the contracts envisaged: research

Type of contract: specific contract based on an existing framework contract

Type of procurement: service

Indicative number of contracts envisaged: 7

Indicative timeframe for launching the procurement procedure:

B.1.10 Access to justice for victims of online crime

The overall budgetary allocation reserved for procurement contracts in 2024 amounts to EUR 300,000 (1st priority) and 250,000 (3rd priority)

Budget line: B03010 Justice & Security

Subject matter of the contracts envisaged: research

Type of contract: specific contracts based on an existing framework contract

Type of procurement: service

Indicative number of contracts envisaged: 5

Indicative timeframe for launching the procurement procedure: 4th quarter of the year

B.2 Data and Digital

B.2.8 The Data Protection Law Enforcement Directive (LED) – Experiences of the Competent Authorities

The overall budgetary allocation reserved for procurement contracts in 2024 amounts to EUR 270,000 (1st priority) and EUR 105,000 (3rd priority).

Budget line: B03000 Data & Digital

Subject matter of the contracts envisaged:

Type of contract: specific contracts based on an existing framework contract

Type of procurement: service

Indicative number of contracts envisaged: 27

Indicative timeframe for launching the procurement procedure: 4th quarter of the year

C. INSTITUTIONAL COOPERATION and NETWORKS

C.1 Human Rights Structures and Mechanisms

C.1.7 Rule of law relevant national case law in the area of fundamental rights

The overall budgetary allocation reserved for procurement contracts in 2024 amounts to EUR 300,000 (1st priority) and 100,000 (3rd priority)

Budget line: B03700 Human Rights Structures & Mechanisms

Subject matter of the contracts envisaged: study

Type of contract: specific contract based on an existing framework contract

Type of procurement: service

Indicative number of contracts envisaged: 30

Indicative timeframe for launching the procurement procedure: 4th quarter of the year