

Network of European Integrity and Whistleblowing Authorities

Rome Declaration

June 26, 2020

We, members of the *Network of European Integrity and Whistleblowing Authorities (NEIWA)*

- **Belgium** Federal Ombudsman
Vlaamse Ombudsman
- **Croatia** Ombudswoman
- **Czech Republic** Ministry of Justice
- **Estonia** Ministry of Justice
- **Finland** Ministry of Justice
- **France** Défenseur des Droits
- **Greece** Greek National Transparency Authority
- **Ireland** Garda Ombudsman
- **Italy** Autorità Nazionale Anticorruzione
- **Latvia** State Chancellery
- **Lithuania** General Prosecutor's Office
- **Netherlands** Huis voor Klokkenluiders
- **Portugal** Portuguese Ombudsman's Office (Observer)
Prosecutor General
- **Romania** Ministry of Justice
- **Slovakia** Corruption Prevention Department of the Slovak Government Office
- **Spain** Agencia Valenciana Antifrau
Oficina Antifrau de Catalunya

virtually gathered on June 26, 2020, for the third time, after the meeting in The Hague (April 2019) and Paris (December 2019).

Considering that the Network of European Integrity and Whistleblowing Authorities (NEIWA), in which currently twenty-one authorities from EU member states participate, intends to offer a platform for competent state authorities to cooperate and exchange knowledge and experiences in the field of integrity and whistleblowing, with particular attention to the implementation of the Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law.

Acknowledging that, according to the Directive, all Member States shall appoint authorities that are competent to receive and handle reports from persons reporting breaches of EU law, which for some Member States means reaffirming the current role of certain authorities while for others establishing such authorities.

Highlighting that the Directive requires Member States to provide for effective, proportionate and dissuasive penalties applicable both to persons who (attempt to) hinder reporting, retaliate against a reporting person, bring vexatious proceedings against a

reporting person or breach the confidentiality of the identity of reporting persons, as well as to reporting persons who knowingly disclose false information.

Reminding that the Directive foresees several measures to support reporting persons when filing a report, including the obligatory measures of comprehensive and independent information and advice on the protection against retaliation and the rights of reporting persons, the access to effective assistance and legal aid, as well as financial assistance or other support measures such as psychological support.

Underlining that competent authorities may in certain cases need to transfer reports to each other when the subject matter of the report so requires, which must be done in a confidential manner, protecting the identity of the reporting person to the fullest extent possible and which may require additional measures to ensure that all staff dealing with reports are continuously made aware of their obligations.

Referring to the Directive that provides that reporting persons shall under certain circumstances not incur liability of any kind in respect to the report or public disclosure, if they have reasonable grounds to believe that the report was necessary for revealing a breach pursuant to the Directive, which in some Member States will require significant legislative changes.

Acknowledging that the current COVID-19 crisis has a profound impact on public health, the economy, and society as a whole and that the concentration of power and the enormous amount of economic aid infused into the economies to alleviate the crisis can increase the risks of fraud, corruption, and integrity violations.

Highlighting that, despite whistleblowing by public and private employees being largely recognized as an essential tool for ensuring integrity and the prevention of fraud and corruption, the shift from a stigmatizing culture to one that genuinely encourages and supports whistleblowers is still far from being realized.

Within the spirit of sharing best practices recommend to all governments, administrations and other stakeholders involved in the implementation of the Directive to:

1. Uphold that ethics, integrity and the creation of a speak-up culture remain a top priority for public and private employers and managers.
2. Designate one or more authorities tasked with receiving and assessing reports and ensure that disclosures regarding all policy areas, or involving multiple authorities, or submitted by a reporting person unable to identify the competent institution are covered.
3. Ensure that the competent authorities do have the powers and capacity necessary to appropriately follow-up the reports through investigations, prosecutions or other remedial action, also allowing them to set a threshold for starting an investigation and to prioritize their activities towards those reports that have the biggest impact on society, while regularly reviewing their procedures.

4. Provide that penalties can be imposed on individuals and organizations for acting in a way that discourages reports to be filed, for retaliating and/or undermining the protection of reporting persons, while making sure that there is no exhaustive list of punishable measures, thus allowing possible new or unforeseen forms of retaliation to be sanctioned as well.
5. Consider various types of corrective and interim measures, such as temporary freezing the employment relationship or temporary blocking discriminatory or unfair actions in order to avoid negative consequences for whistleblowers or for people helping them or for the persons concerned.
6. Make sure that the existing legal regimes for the protection of whistleblowers in Member States are harmonized as much as possible to offer reporting persons the same minimum level of protection against retaliation.
7. Establish that at least one entity is responsible for providing the required information on the rights and protection of reporting persons in a comprehensive and recognizable manner and that there is at least one authority in a position to ensure effective support for reporting persons against retaliation, making sure it has the powers and resources necessary, including the power to investigate reported retaliation measures.
8. Ensure that within competent authorities there are protocols in place for handling reports that clearly set out the manner in, and circumstances under, which reports may be transferred to and/or shared with other competent authorities.
9. Provide that the staff of competent authorities is continuously reminded of their obligation to protect the confidentiality of the reporting persons and the reports themselves and that they are regularly updated and trained to ensure adequate handling of reports.
10. Harmonize as much as possible the provisions on limited liability of a reporting person in the different legal frameworks, including criminal, civil, and labor law, and make sure that the reporting person enjoys full compensation for the suffered damages.