

WHO PROTECTS WHISTLEBLOWERS IN EUROPE?

Members of the Network of European
Integrity and Whistleblowing Authorities
and their Competence



WHISTLEBLOWER
PROTECTION OFFICE

Comparative Report for NEIWA
The Whistleblower Protection Office
Slovakia • December 2022

TABLE OF CONTENTS

1	EXECUTIVE SUMMARY	4
2	INTRODUCTION	6
2.1	Methodology	12
2.2	Composition of the fact sheets	11
3	MEMBER FACT SHEETS (PROFILES)	13
3.1	Centre for Integrity – Federal Ombudsman Belgium	14
3.2	Office of the Flemish Ombudsman Belgium	17
3.3	Ombudsperson of the German-speaking Community of Belgium	19
3.4	Commission for Anti-Corruption and Illegal Assets Forfeiture Bulgaria	22
3.5	The Office of the Ombudswoman of the Republic of Croatia Croatia	24
3.6	Ministry of Justice of the Czech Republic Czechia	27
3.7	The Danish Data Protection Agency Denmark	29
3.8	Ministry of Justice Finland	31
3.9	Defender of Rights France	33
3.10	National Transparency Authority Greece	35
3.11	Commissioner for Fundamental Rights of Hungary Hungary	37
3.12	Garda Síochána Ombudsman Commission Ireland	39
3.13	The Italian Anticorruption Authority Italy	41
3.14	The State Chancellery Contact Point of Whistleblowers Latvia	43
3.15	General Prosecutor's Office Lithuania	46
3.16	Dutch Whistleblowers' Authority The Netherlands	49
3.17	Anticorruption and Serious Crime Whistleblower Unit Portugal	52
3.18	Ministry of Justice Romania	54
3.19	Corruption Prevention Department - Office of the Government of the Slovak Republic Slovakia	56
3.20	Whistleblower Protection Office Slovakia	58
3.21	The Agency for the Prevention and Fight against Fraud and Corruption of the Valencian Community Spain	61
3.22	Anti-Fraud Office of Catalonia Spain	64
3.23	Office of Prevention and Fight against Corruption in the Balearic Islands Spain	67
4	OBSERVER FACT SHEETS (PROFILES)	69
4.1	Agency for Prevention of Corruption Montenegro	70
5	COMPARISON OF NEIWA MEMBERS: WHAT DO WE HAVE IN COMMON?	73
5.1	Legal context	74
5.2	Type of institution	74
5.3	Resources and activities	76
5.4	Competence types	76
6	CONCLUDING REMARKS: A WAY FORWARD	78
LIST OF TABLES:		
	Table 1: List of NEIWA member authorities	8
	Table 2: Competence types performed within the area of Reports & Investigation	10
	Table 3: Competence types performed within the area of Protection & Support	11
	Table 4: Competence types performed within the area of Advice (Consultation)	11
	Table 5: Competence types performed within the area of Prevention & Education	12
	Table 6: Type of institution	75
	Table 7: Members competence types	80
LIST OF CHARTS:		
	Chart 1: Proportion of members performing competence types	76
	Chart 2: OVERVIEW of AREAS of competence of the NEIWA network	78
	Chart 3: OVERVIEW of AREAS of competence of individual members	79

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Members of the Network of European Integrity and Whistleblowing Authorities and their Competence

This report presents the competence of the member authorities as they were at the beginning of September 2022.
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Drafted by:

Ludmila Chovancová, Whistleblower Protection Office, Slovakia
Martin Kovanič, Whistleblower Protection Office, Slovakia

Consultants:

Inese Kuške, State Chancellery, Contact Point of Whistleblowers, Latvia
Tania Segovia Fernández, Agency for the Prevention and Fight against Fraud and Corruption of the Valencian Community, Spain
Zuzana Dlugošová, The Whistleblower Protection Office, Slovakia

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Whistleblower Protection Office, Bratislava, Slovakia.
<https://www.oznamovatelia.sk/en/>
Contact: sekretariat@oznamovatelia.sk

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EXECUTIVE SUMMARY



THE NETWORK OF EUROPEAN INTEGRITY AND WHISTLEBLOWING AUTHORITIES (NEIWA) was established to bring together European public authorities entrusted with the protection of whistleblowers and/or the handling and investigation of whistleblowing reports. The network aims to actively contribute to the establishment or reinforcement of the appropriate mechanisms for the protection of whistleblowers in each EU member state.

Over the years of its existence, NEIWA has grown to twenty-seven members and two observers. Therefore, the network needs a better understanding of what kind of competence and experience the specific member authorities have in whistleblower protection and whistleblowing report handling & investigation. The aim is to accelerate, through recognition, more effective knowledge sharing, exchange of documentation, initiatives, case law, and best practices.

The purpose of this report is to present the results of semi-qualitative research on NEIWA member organizations' competence. The data were collected through an open-ended questionnaire in May 2022 with subsequent follow-up communication in July and August 2022. The main limitation of the report is the forthcoming transposition process in many countries of the NEIWA members. The data are reflecting the situation as it was in August 2022. However, member authorities expect that some of the competence will change after the national law is amended to be in line with EU Directive 2019/1937.

Twenty-four NEIWA authorities out of twenty-nine participated in the survey. A short overview in the form of a fact sheet was created for each one. This type of member profile covers information about the authority itself (institution type, functions, legislative framework) and its competence related to whistleblowing. The priority was to summarize what whistleblowing competence each particular organization has. Competence are studied through four main areas:

1. receiving whistleblowing REPORTS & INVESTIGATION of reports,
2. whistleblowers' PROTECTION powers & SUPPORT,
3. ADVICE to whistleblowers, and
4. PREVENTION & EDUCATION-related activities.

Overall, there is substantial variation among the NEIWA members in all studied parameters. Member authorities are of several different institutional types and work with diverse target groups in whistleblowing-related activities. Some members do not work directly with whistleblowers at all. The type of institution, such as an anti-corruption agency, ombudsperson authority, etc., does not indicate what activities are carried out by that organization. Members also perform various forms of competence or perform competence only in selected areas. The intensity of how the competence is executed can be distinguished too.

NEIWA authorities most often operate in the first area: receiving whistleblowing reports & investigation of reports. Almost 80% of them function as an external whistleblowing channel. However, only half of them also investigate whistleblowing reports. The whistleblowers' protection & support is the area in which the NEIWA members engaged the least often. Less than half of the organizations are entrusted with competence related to this area.

Despite the common framework, there is no single system of whistleblower protection in the European Union and this variation will persist even after the transposition process is completed. Through this diversity, NEIWA member organizations can use this varying experience and accumulated know-how to work more efficiently and provide better service to whistleblowers.

INTRODUCTION



WHISTLEBLOWING has become an important instrument in uncovering wrongdoings perpetrated within organizations in both public and private spheres and thus upholding the moral standards of these organizations, or society at large.¹ Whistleblowers therefore play an important role in democratic societies, since they help enforce values of transparency and accountability.

Due to the nature of whistleblowing, which entails exposure of a wrongdoing to the relevant department of the organization, or external body, whistleblowers are vulnerable to retaliatory measures. Therefore, there is a need for legal and institutional protection of whistleblowers. This protection needs to ensure that whistleblowers will be protected from any retaliation and discrimination from the respective organizations.

On the European level, the introduction of Directive 2019/1937 of 23 October 2019 on the protection of persons who report breaches of Union law (hereafter referred to as "Directive") created a common framework for such legal and institutional protection of whistleblowers in the European Union. Such common legal system of protection can increase the effectiveness of the fight against corruption and encourage citizens to report wrongdoings which they identify in their organizations rather than remain silent.²

The purpose of this report is to present an overview of the competence of member organizations of the Network of European Integrity and Whistleblowing Authorities; a network established to advance the protection of whistleblowers across the European Union. This report presents the first comprehensive overview of selected organizations that are involved in whistleblower protection in European countries and aims to help better understand what specific authorities do in the field of whistleblower protection and encourage the transfer of best practices and sharing of know-how among the members of the network, but also other organizations that are involved in the protection of whistleblowers.

The report has the following structure. First, it will introduce the NEIWA network, its origin, and its goals. This is followed by the methodology of the research employed in the process of development of the report. The third part is the core of the report, which are the individual member fact sheets (in alphabetical order by the name of the country). The last part presents a comparative overview of the competence followed by a short concluding remark on the future of whistleblower protection.

NETWORK OF EUROPEAN INTEGRITY AND WHISTLEBLOWING AUTHORITIES

was established in May 2019 by a group of 7 organizations led by the Dutch Whistleblowers Authority in the Hague. The Paris declaration from December 2019 formulated a commitment of the network to actively contribute to the establishment or reinforcement of the appropriate mechanisms for the protection of whistleblowers in each member state and to bring together public entities entrusted with the protection of whistleblowers and/or the handling and investigation of whistleblowing reports.³

At the 6th meeting of NEIWA, which was held virtually on 9 and 10 December 2021, the network adopted its mission statement, in which the following goals were formulated:⁴

- Offer a platform in the areas of promoting integrity and whistleblowing to exchange knowledge, documentation, initiatives, case law and best practices.
- Continue to gather information on the proper transposition of EU Directive 2019/1937 on reporting persons by Member States and follow practical implementation in Member States.
- Promote close collaboration between NEIWA members and national, European, and international public organizations for the development of common activities in the areas of whistleblowing and integrity, in particular with EU institutions.
- Promote and disseminate NEIWA's experience, knowledge and recommendations and actively engage with stakeholders, including civil society and legislators.

¹ Farid Anvari, Michael Wenzel, Lydia Woodyatt and S. Alexander Haslam: 2019, 'The social psychology of whistleblowing: An integrated model', *Organizational Psychology Review*, Vol. 9(1), p. 42.

² Filippo Spiezia: 2011, 'How to improve cooperation between member states and European Union institutions so as to better ensure the protection of whistleblowers', ERA Forum: Journal of the Academy of European Law, Vol. 12, p. 405.

³ Paris Declaration from 2. December 2019, 'Network of European Integrity and Whistleblowing Authorities. Accessible from: <https://www.huisvoorklokkenluiders.nl/binaries/huisvoorklokkenluiders/documenten/publicaties/2019/12/03/neiwa-declaration-2-december-2019/NEIWA-Declaration%20December%202019.pdf>

⁴ NEIWA's Mission Statement. Network of European Integrity and Whistleblowing Authorities. Accessible from: <https://www.huisvoorklokkenluiders.nl/samenwerking/documenten/publicaties/2021/12/10/neiwa-mission-statement>

At the 7th meeting of NEIWA, which took place in Barcelona on 16 and 17 June 2022, it was decided that the focus of the group's activities should be on the authorities which have a central and/or pivotal role working in the field of whistleblowing in the individual countries, meaning they focus on the investigation of whistleblowing reports, protection of whistleblowers, prevention, education and advice.⁵ The network consists of 27 members and 2 observers as of August 2022, the full list is the following:

Table 1: List of NEIWA member authorities

EU MEMBER STATE	MEMBER AUTHORITY	ABBREVIATION	SURVEY – PARTICIPATION
Belgium	Federal Ombudsman, Center for Integrity	CINT	✓
	Office of the Flemish Ombudsman	OFO	✓
	Ombudsperson of the German-Speaking Community of Belgium	Ombuds-frau DG	✓
Bulgaria	Commission for Anti-Corruption and Illegal Assets Forfeiture	CACIAF	✓
Croatia	Ombudswoman of the Republic of Croatia	Ombuds-woman HR	✓
Czech Republic	Ministry of Justice, Conflict of Interests and Anti-Corruption Department	MoJ CZ	✓
Denmark	The Danish Data Protection Agency	DPA	✓
Estonia	Ministry of Justice, Criminal Policy Department	-	✗
Finland	Ministry of Justice	MoJ FI	✓
France	Defender of Rights	DDD	✓
Greece	National Transparency Authority	NTA	✓
Hungary	Commissioner for Fundamental Rights of Hungary	CFR	✓
Ireland	Garda Síochána Ombudsman Commission, Protected Disclosures Unit	GSOC	✓
Italy	The Italian Anticorruption Authority	ANAC	✓
Latvia	State Chancellery, Contact Point of Whistleblowers	Contact Point of Whistleblowers	✓
Lithuania	General Prosecutor's Office	LRGP	✓
Netherlands	Dutch Whistleblowers Authority	HvK	✓
Portugal	Prosecutor General, Anticorruption and Serious Crime Whistleblower Unit	UDAC	✓
Romania	Ministry of Justice	MoJ RO	✓

⁵ Raison d'être, structure & membership of NEIWA. Network of European Integrity and Whistleblowing Authorities. Accessible from: https://www.huisvoorkloekenluiders.nl/binaries/huisvoorkloekenluiders/documenten/publicaties/2022/06/17/neiwa-raison-detre-structure-membership/20220628_Raison+d%27etre_structure_membership.pdf

EU MEMBER STATE	MEMBER AUTHORITY	ABBREVIATION	SURVEY – PARTICIPATION
Slovakia	Office of the Government of the Slovak Republic, Corruption Prevention Department	CPD GO SR	✓
Slovenia	Whistleblower Protection Office of Slovakia	UOO	✓
	Commission for the Prevention of Corruption	-	✗
	The Agency for the Prevention and Fight against Fraud and Corruption of the Valencian Community	AVAF	✓
Spain	Anti-Fraud Office of Catalonia	OAC	✓
	Office of Prevention and Fight against Corruption in the Balearic Islands	OALB	✓
	Andalusian Office against Fraud and Corruption	-	✗
Sweden	Swedish Work Environment Authority	-	✗
OBSERVERS			
Montenegro	Agency for Prevention of Corruption	ASK	✓
Ireland	The Office of the Ombudsman	-	✗

2.1 METHODOLOGY

The data for this report were collected by means of a questionnaire, which was distributed to all NEIWA members (and observers) and subsequent follow-up communication regarding any necessary clarification. The questionnaire, developed by the authors of the report along with collaborators from the State Chancellery in Latvia and the Agency for the Prevention and Fight against Fraud and Corruption of the Valencian Community, was distributed on 1 May, and the collection period ended on 31 May 2022. In this period, follow-up emails were also sent, received, and processed. All the data were processed during June 2022. In total, the questionnaire was completed by 24 authorities (23 member organizations and 1 observer).

During July 2022, fact sheets for every member organization which participated in the research were prepared by the authors, and distributed to the members for final corrections, which took additional two months.⁶ Therefore, information presented in these fact sheets, which are the core of the report, is valid as of the **beginning of September 2022**. At this time, the transposition process of the Directive was still ongoing in 11 countries, which covers 15 organizations participating in the research. The data presented in this report are therefore a snapshot of the situation as of September 2022, and some of the competence is subject to forthcoming changes, as national law is to be changed as a result of the transposition process. Nevertheless, we believe that the core institutional setup and form of performed competence will remain more or less the same.

In the analysis of the results, we divided the competence types performed by the authorities in the field of whistleblowing into 4 main areas. The initial inspiration for the variety of competence types was based on the report Dutch Whistleblowers Authority in an International Perspective: A Comparative Study,⁷ the com-

⁶ The following authorities did not respond to a request for the correction of their fact sheet: Garda Síochána Ombudsman Commission from Ireland, Procurator General from Portugal and Office of Prevention and Fight against Corruption in the Balearic Islands (Spain).

⁷ Kim Loyens and Wim Vandekerckhove. 2018. The Dutch Whistleblowers Authority in an International Perspective: A Comparative Study. Utrecht: Universiteit Utrecht.

petence established by the Directive and the competence of the three authorities involved in the process of development of the questionnaire. In this report, the 4 areas were refined during the process of data analysis: Reports & Investigation, Protection & Support, Advice, and Prevention & Education. The analyzed competence types are explained in detail in the following section.

COMPETENCE PERFORMED IN THE WHISTLEBLOWING AGENDA

For the competence of member organizations, we only focus on the activities that relate to whistleblowing reports, channels, and various activities connected to the protection of whistleblowers. The majority of the members perform other functions as well, but these will be omitted from the report.

The first area of competence is **REPORTS & INVESTIGATION**, which relates to the functions of the competent authority and its ability to receive external whistleblowing reports, and other functions related to their evaluation, investigation, as well as reports of retaliation against whistleblowers and possible sanctioning powers. The full list of the competence types is in Table 2:

Table 2: Competence types performed within the area of REPORTS & INVESTIGATION

REPORTS & INVESTIGATION	
Receiving WB reports	Ability to receive external whistleblowing reports.
Evaluation WB reports	Ability to evaluate whether the report meets the criteria of a whistleblowing report.
Receiving ANONYMOUS reports	Ability to receive and process reports delivered anonymously.
Investigation of WB reports	Ability to investigate reports, such as evidence gathering, witness hearings and other.
Sanctions for obstruction in investigation	Ability to impose sanctions for obstruction or hindrance of investigations of external and internal WB reports.
Receiving retaliation reports	Ability to receive reports of retaliation by organizations against whistleblowers.
Investigation of a retaliation	Ability to investigate retaliation, to gather evidence, and take other steps.
Sanctions for retaliation	Ability to impose sanctions for retaliation against whistleblowers.

The second area of performed tasks is **PROTECTION & SUPPORT**. Protection of whistleblowers is the main goal of the Directive, since it defines several principles of protection, such as protection of the identity of reporting persons, prohibition of retaliation or reversal of burden of proof in court proceedings if retaliation occurs. However, in this report, we are interested in the competence types that go beyond these general principles of protection and we are focusing on the competence types that proactively protect whistleblowers or provide remedies and corrections. These include the competence types that are the core of whistleblower protection and additional support in the form of legal representation, psychological support, mediation, as well as provision of rewards. The full list is in the table below:

Table 3: Competence types performed within the area of PROTECTION & SUPPORT

PROTECTION & SUPPORT	
Authority grants protection status	Ability to grant the status of a (protected) whistleblower by the authority, which entails the specific status (and rights) of a whistleblower.
Protective measures & remedies	Ability to perform protective measures against negative actions towards whistleblowers and/or impose corrective actions and protective remedies after retaliatory actions against whistleblowers.
Psychosocial support	Provision of psychosocial support to whistleblowers.
Legal representation	Provision of legal services to the whistleblower, in the form of legal representation or court representation.
Mediation	Provision of mediation services to employers and whistleblowers.
Rewards	Provision of rewards to whistleblowers.

The third area relates to the competence types related to **ADVICE**, which means the provision of advice and consultations to both prospective or actual whistleblowers, or employers as well. Advice also includes the publication of manuals and guidelines relating to the issues connected with whistleblowing and application of the law. The full list of the competence types is below:

Table 4: Competence types performed within the area of ADVICE (Consultation)

ADVICE	
Advice in decision to whistleblow	Advice on reporting procedures, possible risks of reporting and applicable protective measures.
Advice in legal steps (Legal support)	Provision of legal advice and consultations for whistleblowers throughout and after the reporting procedure (e.g., possibilities of protection, preparation of criminal report).
Advice in protection against retaliation	Provision of legal advice in case the whistleblower was subjected to retaliatory measures by his/her employer.
Advice for employers	Advice for employers on legal requirements, whistleblower protection or internal whistleblowing systems.
Guidelines and manuals	Publication of guidelines or manuals related to whistleblowing, internal reporting systems or whistleblower protection for the wider public (individuals or organizations).

The last area of competence is **PREVENTION & EDUCATION**, which is aimed at both relevant actors but also the public at large. It includes preventive activities such as provision of support to both internal and external whistleblowing systems, training of relevant actors, raising public awareness on the issues related to whistleblowing, as well as cooperation with NGO actors and performance of research focused on whistleblowing and whistleblowers. Full list can be found below:

Table 5: Competence types performed within the area of PREVENTION & EDUCATION

PREVENTION & EDUCATION	
Integrity management support	Performance of preventive activities related to internal and external whistleblowing systems, in the form of education or training.
WB systems support and training	Performance of prevention activities related to enhancing integrity, in the form of education or training.
Cooperation with NGOs (non-governmental sector)	Cooperation of the organization with NGOs, trade unions, business associations or other civil society and non-governmental actors.
Awareness raising	Performance of awareness raising function among the public, such as public campaigns, public events, provision of information and engagement in public debates.
Research on WB	Conduct of research on whistleblowing, whistleblowers and their perception or assessment of legislation implementation and its impacts.

In this report, we will first present an overview of the competence types in all 4 areas as performed by the individual NEIWA member authorities. At the end, we will present a comparative overview of all performed competence types.

2.2 COMPOSITION OF THE FACT SHEETS

The composition of the fact sheets follows a structure where the first page consists of information about the authority itself and the next page (or two pages) information about the competence types related to whistleblowing and whistleblower protection.

The first page contains information about the legislative framework that regulates whistleblowing and then short information about the authority, its establishment, and main functions, including the activities related to whistleblowing. The page is concluded by a basic overview of the authority's resources and caseload for the year 2021 (and in some cases 2022).

The second page goes into detail about the competence types in the 4 areas related to whistleblowing and whistleblower protection. At the top, there is a comparative element of the percentage of competence performed by the authority and the average for all organizations that took part in our research (that is 23 members and one observer).

Afterwards, there is a table that presents an overview of performed competence types, followed by a more detailed discussion of the competence types that fall within the scope of Reports & Investigation and Protection & Support. At the end of the fact sheet, there is a link to the webpage of the authority and if available, also a link to its electronic reporting portal and a link to a webpage with more general information about whistleblowing.

MEMBER
FACT SHEETS
(PROFILES)



3.1 CENTRE FOR INTEGRITY – FEDERAL OMBUDSMAN

CINT • Belgium



Current whistleblowing legislation:

Act of 15 September 2013 concerning reporting by civil servants of presumed integrity breaches in the federal administration, Act of 15 September 2013 amended by Act of 8 May 2019.

Link: https://www.ejustice.just.fgov.be/cgi_loi/change_loi?language=fr&la=F&cn=2013091506&table_name=loi (in French)

EU Directive on WB IMPLEMENTATION status by 30th of August 2022: delayed

Ombudsperson type of authority

The federal Ombudsman, established in 1995, is an independent and impartial institution tasked with investigating complaints from citizens about federal public services. The institution is managed by two federal ombudsmen, a French-speaking ombudsman, and a Dutch-speaking ombudsman. They are appointed by the Chamber of Representatives of the Federal Parliament for a term of six years, which can be renewed once.

Since 2013, the federal Ombudsman has been tasked with investigating breaches of professional integrity within the federal public service reported by civil servants. A new department, the Centre for Integrity, has been established to investigate reported fraud, abuses, and irregularities among staff members of the federal public services. It also protects whistleblowers against retaliatory actions.

Whistleblower protection-related activities since **4 April 2014**.

Target groups:

- Federal administration (public companies included).
- Civil servants (contractual or statutory) or previous civil servants who left the federal administration no longer than two years ago.

State level covered: Nationwide

Financing: No separate budget for whistleblowing functions.

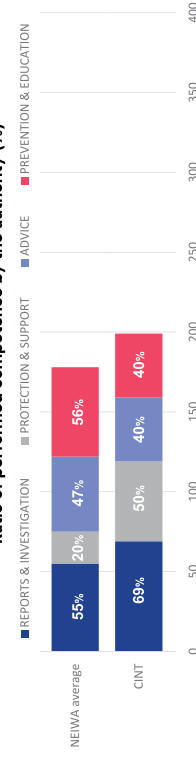
Human resources: 4 investigators (2 French-speaking and 2 Dutch-speaking).

Extent of competence: 1/2 of competence is performed by the authority.

Caseload: In 2021 (exceptional year because of Covid), the authority received 32 information questions (about the procedures and competence), 12 requests for advice (a request for advice is a preliminary admissibility enquiry. If the request is admissible, an investigation will be set up). The authority set up 5 investigations of reported irregularities. It also dealt with 2 reports of retaliation.

Member with competence types in all 4 areas.

Ratio of performed competence by the authority (%)



LEGAL CONTEXT

INSTITUTION TYPE

RESOURCES & ACTIVITIES

OVERVIEW AREAS OF COMPETENCE

- COMPETENCE
IN DETAIL**
- Most of the tasks are performed within the competence
 - Some specific tasks are performed within the competence
 - Tasks will be performed within the competence in the future
 - Competence not performed

REPORTS & INVESTIGATION	PROTECTION & SUPPORT		ADVICE	PREVENTION & EDUCATION
	Receiving WB reports	Evaluation WB reports		
Receiving WB reports	●●●	●●●	●●●	○○○
Evaluation WB reports	●●●	●●●	●●●	○○○
Receiving ANONYMOUS reports	○○○	●●●	●●●	○○○
Investigation of WB reports	●●●	○○○	○○○	○○○
Sanctions for obstruction investigation	●●○	○○○	○○○	○○○
Receiving retaliation reports	●●●	●●●	○○○	●●●
Investigation of a retaliation	●●●	●●●	○○○	●●●
Sanctions for retaliation	○○○	○○○	○○○	●●●

Reports & investigatory powers:

The authority has a formalized structure for dealing with reports. First, the authority checks if the report is admissible and if there is a reasonable presumption of an integrity breach. Then, it informs the reporting person of the decision on the admissibility of the report. This preliminary investigation is based on the information provided by the reporter and on open sources. The reporting person is invited for a personal conversation. In this preliminary stage, the authority does not contact or inform third parties.

When the report fulfills the criteria of an integrity breach (admissible and reasonable presumption), the authority first defines the scope of the investigation and informs the top official of the administration concerned and the competent minister about the opening of an investigation (while keeping the details about the reported facts confidential). Then the authority performs forensic investigation, which includes document analysis, interviews, observations, capturing of digital data, and other operations. Afterwards, the authority writes a report on the findings of the investigation to the top official of the administration concerned and informs the reporter and the witnesses about the result of the investigation. The top official of the administration concerned is responsible for giving the necessary follow-up and taking disciplinary measures. The authority follows up on the execution of the recommendations.

The authority also investigates reports of retaliation against the whistleblower.

Anonymous reports: No. It is not permitted by law.

Sanctions:

The authority does not have direct competence to sanction. However, it can ask the top official of the administration concerned to impose disciplinary sanctions in case of intentional false reporting, provision of dishonest, false or incomplete information during the investigation and intentional disturbing, hindering or terminating the investigation.

Protection powers:

Every reporter of a presumed integrity breach and every civil servant that has collaborated in investigation automatically receives a protection status. In case of retaliation, the authority opens a protection file. During the investigation of presumed retaliation, the authority asks the administration concerned to prove why it as taken the negative measure against the whistleblower. If the administration is not capable of proving undeniably that the negative measure has been taken for a reason independent of the reporting, it is considered to be "retaliation". The authority will then recommend compensating or overriding the negative measure. The administration responsible for the retaliation is also asked to start a disciplinary procedure against the person responsible for that retaliation. In case the top official is responsible for retaliation, the authority reports this to his supervisor, who is the competent minister. If the administration is not willing to follow the recommendation, the competent minister will be informed. The protection status also foresees the possibility to temporarily assign a protected person to another service or to another administration if he requests it. This is possible for a period of one to no more than three years and after having received positive advice from the Federal Ombudsman and the approval of the competent minister.

The protection status lasts 3 years after having closed the investigation by a final report or after a final court judgment. During this time, the protected person can file a complaint about retaliation or ask for temporary assignment to another service or administration.

Web: <https://www.federaalombudsman.be/en/centre-integrity>



3.2 OFFICE OF THE FLEMISH OMBUDSMAN

OFO • Belgium

Vlaamse
Ombudsdienst

LEGAL CONTEXT

Current whistleblowing legislation:

Decree on the setting up of the Flemish Ombudsman Service of 1 July 1998
Link: <https://codex.vlaanderen.be/Portals/Codex/documenten/1006276.html> (in Dutch)
EU Directive on WB IMPLEMENTATION status by 30th of August 2022: delayed

INSTITUTION TYPE

Ombudsperson type of authority

The Office of the Flemish Ombudsman was established by a decree of the Flemish Parliament in 1998. It is a separate independent authority, which is tasked with handling complaints about the Flemish administration and its services.

Since 2005, the authority has gained competence in the area of whistleblowing – mainly the task of investigating reports of staff members of administrative authorities of the Flemish Community and the Flemish Region who, in the performance of their duties, have found negligence, abuses, or crimes within the administrative authority where they are employed.

Whistleblower protection-related activities since **2005**.

Target groups: Employees of the public sector.

State level covered: Flemish region

RESOURCES & ACTIVITIES

Financing: No information.

Human resources:

Two out of the 17 employees are dedicated to the tasks connected with whistleblowing.

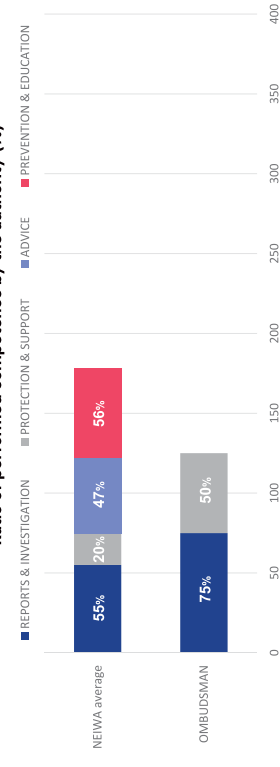
Extent of competence: 4/10 of competence is performed by the authority.

Caseload: In 2021, the authority received 2 whistleblowing reports.

OVERVIEW AREAS OF COMPETENCE

Member with competence types in 2 areas.

Ratio of performed competence by the authority (%)



COMPETENCE IN DETAIL

- Most of the tasks are performed within the competence
- Some specific tasks are performed within the competence
- Tasks will be performed within the competence in the future
- Competence not performed

REPORTS & INVESTIGATION		PROTECTION & SUPPORT		ADVICE	PREVENTION & EDUCATION
Receiving WB reports	●●●	Authority grants protection status	●●●	Advice in decision to whistleblow	Integrity management support ○○○
Evaluation WB reports	●●●	Protective measures & remedies	●●●	Advice in legal steps (support)	WB systems support and training ○○○
Receiving ANONYMOUS reports	●●●	Psychosocial support	○○○	Advice in case of retaliation	Cooperation with NGOs ○○○
Investigation of WB reports	●●●	Legal representation	○○○	Advice for employers	Awareness raising ○○○
Sanctions for obstruction in investigation	○○○	Mediation	●●●	Guidelines and manuals	Research on WB ○○○
Receiving retaliation reports	●●●	Rewards	○○○		
Investigation of a retaliation	●●●				
Sanctions for retaliation	○○○				

Reports & investigatory powers:

The Office of the Flemish Ombudsman serves as an external reporting channel. After receiving a report, it evaluates its admissibility and then investigates the report. The investigatory powers include the right to access all documents and information from employers and employees, and the authority can also request additional assistance from experts and from the Flemish government agency Audit Flanders.

The authority also investigates reports of retaliation against the whistleblower.

Anonymous reports: Yes

Sanctions: The authority cannot impose sanctions, but it can issue a recommendation to the government organization concerned or the competent minister to take punitive action.

Protection powers:

The authority grants the status of a protected whistleblower. The status is granted at the moment of reporting and ends 2 years after the conclusion of the investigation of the report. In this period, the whistleblower can only be subjected to a disciplinary sanction or another measure if these are not related to the reporting of the wrongdoing. Ongoing disciplinary procedures are suspended during the course of the investigation.

In case retaliatory measures occur, the authority can ask the head of the administration to withdraw the measure. At their request, the whistleblowers can also be voluntarily transferred to another department. These protective measures cannot be enforced, but non-compliance may lead to informing the respective Ministers.

Web: <https://www.vlaanderen.be/vlaamse-ombudsdienst/uw-klacht> (in Dutch)



LEGAL CONTEXT

Current whistleblowing legislation:

Current whistleblowing legislation: Decree establishing various instruments for information and complaint management in the German-Speaking community from 21.02.2022.
Link: <https://www.dg-ombudsdienst.be/en/legislation.htm>

EU Directive on WB IMPLEMENTATION status by 30th of August 2022: delayed

INSTITUTION TYPE

Ombudsperson type of authority

The Ombudsperson for the German-Speaking Community was created by decree of 26 May 2009 for the German-Speaking Community (DG = Deutschsprachige Gemeinschaft), one of the federated entities of Belgium. The authority is accountable to the parliament of the German-speaking Community. The Bureau of the Parliament decides on the size of the budget. In relation to the budget, it reports to the Bureau of the Parliament.

By decree of 25 January 2015, the Ombudsperson was given the task of examining the reports of staff members of the public administration and local authorities. Since decree of 21 February 2022 establishing various instruments of information and complaint management, the Ombudspersons can also examine reports from other natural persons employed not only at an administrative authority or local authority but also any institution established for the specific purpose of meeting needs in the general interest which has legal personality and where its activities are predominantly financed or controlled by an administrative or local authority.

Whistleblower protection-related activities since **17.03.2016** for staff members of public administration and public authorities and since **01.09.2022** for other persons.

Target groups:

- Employees of public administration and local authorities reporting infringements in their administration.
- Natural persons that report breaches that occurred in a work-related context in public administration, local authorities and any other institution predominantly financed or controlled by them if European interests are involved.

State level covered: Jurisdiction of the German-speaking community.

Financing: No separate budget for whistleblowing functions.

Human resources: Ombudswoman (0.9 full-time equivalent) and 0.5 FTE administrative assistant for all the tasks of the institution.

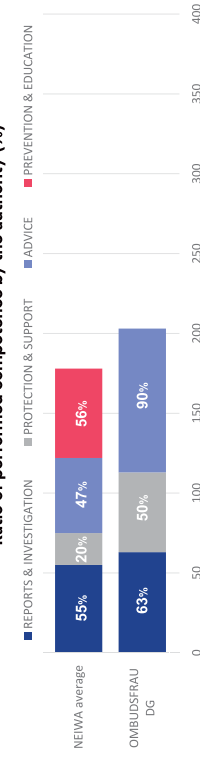
Extent of competence: 1/2 of competence is performed by the authority.

Caseload: None

Member with competence types in 3 areas.

OVERVIEW AREAS OF COMPETENCE

Ratio of performed competence by the authority (%)



3.3 OMBUDSPERSON OF THE GERMAN-SPEAKING COMMUNITY OF BELGIUM

Ombudsfrau DG • Belgium



COMPETENCE IN DETAIL

- Most of the tasks are performed within the competence
- Some specific tasks are performed within the competence
- Tasks will be performed within the competence in the future
- Competence not performed

REPORTS & INVESTIGATION	PROTECTION & SUPPORT		ADVICE	PREVENTION & EDUCATION
	Authority grants protection status	Protective measures & remedies		
Receiving WB reports	●●●	●●●	Advice in decision to whistleblow	Integrity management support
Evaluation WB reports	●●●	●●●	Advice in legal steps (support)	WB systems support and training
Receiving ANONYMOUS reports	○○○	●●●	Advice in case of retaliation	Cooperation with NGOs
Investigation of WB reports	●●●	○○○	Advice for employers	Awareness raising
Sanctions for obstruction in investigation	○○○	○○○	Guidelines and manuals	Research on WB
Receiving retali- ation reports	●●●	●●●		
Investigation of a retaliation	●●●	●●●		
Sanctions for retaliation	○○○	○○○		

Reports & investigatory powers:

The authority is competent to receive all work-related reports (about law violations in relation to European matters) but also reports regarding administrative offences (misdeemeanor, minor offence) when reported by an employee of this administration. Work-related whistleblowing reports can be submitted to the authority in cases where the whistleblower initially submitted a report internally and externally or directly externally, but no appropriate action has been taken on his or her report within three or six months, respectively. Moreover, also in cases where the whistleblower has reasonable grounds to believe that the breach may pose an immediate or obvious threat to the public interest, such as in an emergency situation or where there is a risk of irreversible damage, or there is a risk of reprisals or, because of the particular circumstances of the case, there is little prospect of effective action being taken against the breach, in particular because evidence may be suppressed or destroyed or where there may be collusion between a public authority and the perpetrator of the breach or where the public authority may be involved in the breach.

If the report is evaluated as relevant, it can be investigated or transmitted to other authorities such as police.

The investigation includes the right to impose a reasonable mandatory time limit on the staff of the organizations and bodies to whom he addresses questions during his mandate to provide written or oral answers to those questions. Moreover, the authority can, within the scope of its duties, make all findings on the spot, obtain all documents, and give all information it deems necessary and interrogate all persons concerned. Persons bound by an official, professional, or business secret shall be released from their duty of secrecy during the conducted investigation.

Anonymous reports: No. It is not permitted by law.

Sanctions: None. The ombudsperson can only recommend to the public administration which controls the activities of the local authorities and other institutions to impose sanctions.

Protection powers:

The authority provides protection for reporting persons in labor relationships. The authority and relevant administration sign a Protocol of Agreement on Safeguards. In addition to the period of protection, this protocol provides for minimum protection measures such as the suspension of disciplinary proceedings, reversal of the burden of proof and the possibility of voluntary transfer to another section within the same administration. In case that administration refuses to sign the protocol, the authority can inform the Parliament of the German-Speaking Community. If the report is related to a local authority, the ombudsperson can inform the competent minister or the competent supervisory authority.

For the other natural persons, the Ombudsperson has no protection power. She can only establish contact with the authorities involved in protection against reprisals and following their progress.

The authority also provides whistleblowers with information and assistance for obtaining free legal aid, which is provided by the federal state.

Web: <https://www.dg-ombudsdienst.be/en>

Information about whistleblowing: https://www.dg-ombudsdienst.be/en/information_for_whistleblowers.htm

Reporting portal: <https://www.dg-ombudsdienst.be/en/whistleblower.htm>



3.4 COMMISSION FOR ANTI-CORRUPTION AND ILLEGAL ASSETS FORFEITURE

CACIAF • Bulgaria



LEGAL CONTEXT

Current whistleblowing legislation:

Anti-Corruption and Forfeiture of Illegally Acquired Property Act (LCCIAF)

Link: <https://www.caciacf.bg/bg/normativna-uredba/zpkonpl> (in Bulgarian)

EU Directive on WB IMPLEMENTATION status by 30th of June 2022: delayed

INSTITUTION TYPE

Independent anti-corruption authority

The Commission for Anti-Corruption and Illegal Assets Forfeiture (CACIAF) is an independent state authority. The Commission has the power to carry out activities in the prevention of corruption, verification of property declarations of persons holding high public positions, establishment of a conflict of interests, and confiscation of illegally acquired property. The authority receives reports from citizens about corruption and conflicts of interest of state personnel.

The Commission is a collective body consisting of five members – chairman, deputy chairman, and three other members, elected by the National Assembly.

Whistleblower protection-related activities since **19 January 2018**.

Target groups:

Any person who has a reason to believe that a senior public official commits corruption or is in a conflict of interest within the meaning given by LCCIAF may submit an alert to the authority.

State level covered: Nationwide

RESOURCES & ACTIVITIES

Financing: No separate budget for whistleblowing functions.

Human resources: No separate resources for whistleblowing functions.

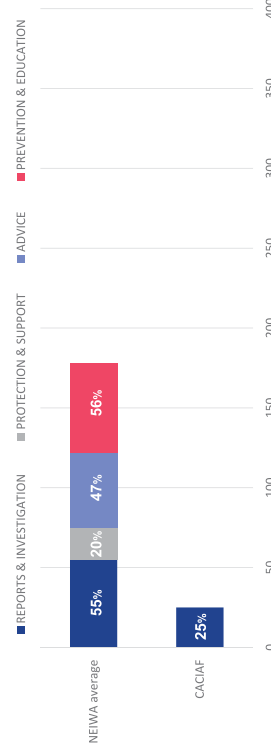
Extent of competence: 1/10 of competence is performed by the authority.

Caseload: Not applicable

OVERVIEW AREAS OF COMPETENCE

Member with focus on one area – Collection & Evaluation of whistleblowing reports.

Ratio of performed competence by the authority (%):



COMPETENCE IN DETAIL

- Most of the tasks are performed within the competence
- Some specific tasks are performed within the competence
- Tasks will be performed within the competence in the future
- Competence not performed

REPORTS & INVESTIGATION	PROTECTION & SUPPORT		ADVICE	PREVENTION & EDUCATION
	Receiving WB reports	Evaluation WB reports		
Receiving WB reports	●●●	●●●	●●○	●○●
Evaluation WB reports	●●●	●●○	●○●	○○○
Receiving ANONYMOUS reports	○○○	○○○	●○●	○○○
Investigation of WB reports	○○○	○○○	●○●	○○○
Sanctions for obstruction in investigation	○○○	○○○	●○●	○○○
Receiving retaliation reports	○○○	○○○	●○●	○○○
Investigation of a retaliation	○○○	○○○	●○●	○○○
Sanctions for retaliation	○○○	○○○	●○●	○○○

Reports & investigatory powers:

The Commission for Anti-Corruption and Illegal Assets Forfeiture (CACIAF) is an independent state authority. The Commission has the power to carry out activities in the prevention of corruption, verification of property declarations of persons holding high public positions, establishment of a conflict of interests, and confiscation of illegally acquired property. The authority receives reports from citizens about corruption and conflicts of interest of state personnel.

Anonymous reports: No

Sanctions: Not related to whistleblowing.

Protection powers:

The authority's main activity in whistleblower protection is keeping the whistleblower's identity anonymous. The whistleblower must exercise other rights through the court (compensation for damage, retaliation, etc.).

Web: <https://www.caciacf.bg>

3.5 THE OFFICE OF THE OMBUDSWOMAN OF THE REPUBLIC OF CROATIA

Ombudswoman HR • Croatia



Current whistleblowing legislation:

Act on the Protection of Persons who Report Irregularities (Official Gazette, No. 46/22, hereinafter as "Act"). It entered into force on 23rd April 2022.

Link: https://narodne-novine.nn.hr/clanci/sluzbeni/2022_04_46_572.html (Croatian version)

EU Directive on WB IMPLEMENTATION status by 30th of August 2022: law adopted

Ombudsperson type of authority

The Office of the Ombudswoman, established in 1992, is an independent organization and serves the role of the Commissioner of the Croatian Parliament for the promotion and protection of human rights and freedoms laid down in the Constitution, laws, and international legal acts on human rights and freedoms accepted by the Republic of Croatia. The Ombudswoman is appointed by the Parliament for an 8-year term with the possibility of reappointment. The Ombudswoman cannot be dismissed at will, the specific reasons are explicitly stated in the Ombudsman Act. The Ombudswoman reports annually to the Parliament.

On 1st July 2019, the Office of the Ombudswoman became the competent authority for external reporting of irregularities, when the Act on the Protection of Persons who Report Irregularities (Official Gazette, No. 17/19) came into force.

Whistleblower protection-related activities since 1 July 2019.

Target groups:

Any natural person who reports or publicly discloses information on irregularities acquired in the context of his or her work-related activities.

State level covered: Nationwide

Financing: No separate budget for whistleblowing functions.

Human resources: In total 7 employees are assigned to the institution's Department for the Protection of Persons who Report Irregularities, which works with the agenda of whistleblower protection.

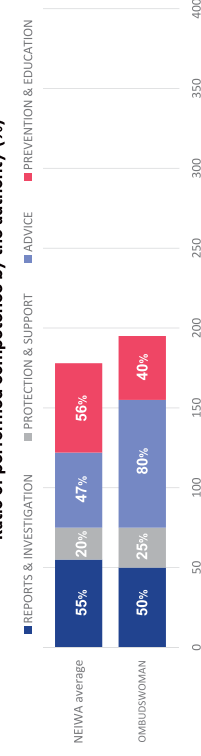
Extent of competence: 1/2 of competence is performed by the authority.

Caseload:

In 2021, there were 92 new cases connected with the scope of application of the Act on the Protection of Persons who Report Irregularities (these aren't only based on received reports but represent all the cases connected with the subject of reporting irregularities). As the competent authority for external reporting of irregularities in 2021, the authority worked on 49 cases based on received reports, of which 17 cases were carried over from the previous period due to their complexity, and 32 cases were newly opened.

Member with competence types in 3 areas.

Ratio of performed competence by the authority (%)



COMPETENCE IN DETAIL

- Most of the tasks are performed within the competence
- Some specific tasks are performed within the competence
- Tasks will be performed within the competence in the future
- Competence not performed

REPORTS & INVESTIGATION	PROTECTION & SUPPORT		ADVICE	PREVENTION & EDUCATION
	Receiving WB reports	Evaluation WB reports		
Receiving WB reports	●●●	●●●	●●●	○●○
Evaluation WB reports	●●●	●●●	●●●	○●○
Receiving ANONYMOUS reports	○●○	○●○	○●○	●●●
Investigation of WB reports	○●○	○●○	○●○	○●○
Sanctions for obstruction in investigation	○●○	○●○	○●○	○●○
Receiving retaliation reports	●●●	●●●	●●●	●●●
Investigation of a retaliation	●●●	●●●	●●●	●●●
Sanctions for retaliation	○●○	○●○	○●○	○●○
Authority grants protection status		○●○	Integrity management support	
Protective measures & remedies		●●●	WB systems support and training	
Psychosocial support		○●○	Cooperation with NGOs	
Legal representation		○●○	Awareness raising	
Mediation		○●○	Research on WB	
Rewards		○●○		

Reports & investigatory powers:

The authority receives reports on irregularities, acknowledges receipt of a report to the reporting person within 7 days of that receipt, and transmits reports to authorities competent to act based on the content of the report. Furthermore, the authority examines reports to protect the reporting person if it is likely that the reporting person is or may be a victim of retaliation due to the reporting of irregularities and also produces a report assessing whether the constitutional or legal rights of the reporting person are being threatened or violated.

The authority does not have investigatory powers, but it has the right to be informed about the proceedings of investigations. Reports are forwarded to authorities competent to act based on the content of the report (e.g. State Prosecutor's Office, State Inspectorate, competent ministries, etc.). Those authorities are obliged to provide the office with feedback within 30 days and within 15 days of closing their investigation, they are obliged to provide a reasoned report on the outcome of their investigation.

Moreover, the authority can intervene in court proceedings for the protection of persons who report irregularities and initiate misdemeanor proceedings for misdemeanors set out in the Act.

The authority investigates cases of retaliation against whistleblowers.

The authority doesn't provide legal advice either in the phase of reports & investigation or in court proceedings. It also doesn't legally represent reporting persons before courts or any other bodies.

Anonymous reports:

The authority does not accept anonymous reports since the obligatory content of the report according to the Act is also the details of the reporting person. However, if a person who anonymously reported or publicly disclosed information on irregularities fulfils the criteria for qualifying for protection under the Act and their identity is subsequently revealed and they suffer retaliation, they will have the right to protection as a reporting person.

Sanctions: None

Protection powers:

After the investigation of retaliation, the authority can produce a report assessing whether the constitutional or legal rights of the reporting person are being threatened or violated, which then results in issuing a recommendation or an opinion or a proposal or a warning to the reporting persons' employer and the employer is obliged to inform the authority about the measures undertaken. These measures, however, do not have a legally binding character.

The authority does not provide legal support for reporting persons during court proceedings. However, it can intervene in court proceedings initiated by a reporting person with his/her prior consent.

Web: <https://www.ombudsman.hr/en/>

Information about whistleblowing: <https://www.ombudsman.hr/hr/novi-zakon-o-zastiti-prijavitelja--nepravilnosti-najvaznije-informacije-za-prijavitelje-i-povjerljive-osobe/> (in Croatian)

3.6 MINISTRY OF JUSTICE OF THE CZECH REPUBLIC

MoJ CZ • Czechia



Current whistleblowing legislation: Not yet adopted.

Link: Not applicable

EU Directive on WB IMPLEMENTATION status by 30th of August 2022: delayed

Part of the Central Government

The Ministry of Justice of the Czech Republic is the central body of state administration in the area of justice. The competence of the Ministry is regulated in Act No. 2/1969 Coll. on the establishment of ministries and other central bodies of the state administration of the Czech Republic, as amended. The Ministry of Justice is the central state administration body for courts, public prosecutor's offices, prisons, and probation and mediation. It also provides legal opinions for credit and guarantees agreements in which the Czech Republic is a contracting party and represents the country in handling complaints about violations of the Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols.

The Conflict of Interests and Anti-Corruption Unit of the ministry was tasked with the transposition of the so-called Whistleblowing Directive on 1 January 2019 (this agenda has been transferred from the Office of the Government since the human resources have also been transferred from the Office of the Government to the MoJ). The unit manages the transposition process and liaises with relevant stakeholders through a consultation process.

The main agenda of the Anti-Corruption Unit is to coordinate the activities of individual ministries in the fight against corruption, including the implementation of tasks set out in government materials of conceptual nature.

Target groups:

- State authorities, including ministries and other relevant stakeholders and persons from the public sector obligated to design a reporting system
- National experts
- General public

State level covered: Nationwide

Financing: No separate budget for whistleblowing functions.

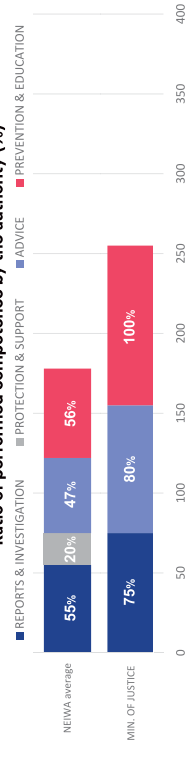
Human resources: 8 employees in total.

Extent of competence: 6/10 of competence is performed by the authority.

Caseload: 20 reports on breaches received so far in 2022.

Member with competence types in 3 areas.

Ratio of performed competence by the authority (%)



LEGAL CONTEXT

INSTITUTION TYPE

RESOURCES & ACTIVITIES

OVERVIEW AREAS OF COMPETENCE

COMPETENCE IN DETAIL

- Most of the tasks are performed within the competence
- Some specific tasks are performed within the competence
- Tasks will be performed within the competence in the future
- Competence not performed

REPORTS & INVESTIGATION	PROTECTION & SUPPORT		ADVICE	PREVENTION & EDUCATION
	Authority grants protection status	Protective measures & remedies		
Receiving WB reports	○○○	○○○	Advice in decision to whistleblow	Integrity management support ●●●
Evaluation WB reports	○○○	○○○	Advice in legal steps (support)	WB systems support and training ●●●
Receiving ANONYMOUS reports	○○○	○○○	Advice in case of retaliation	Cooperation with NGOs ●●●
Investigation of WB reports	○○○	○○○	Advice for employers	Awareness raising ●●●
Sanctions for obstruction in investigation	○○○	○○○	Guidelines and manuals	Research on WB ●●●
Receiving retali- ation reports	○○○	○○○		
Investigation of a retaliation	○○○	○○○		
Sanctions for retaliation	○○○	○○○		

Reports & investigatory powers:

The Ministry of Justice serves the role of the only external whistleblowing channel for the whole country. After receiving a report, the authority conducts only preliminary assessment and decides which organization is responsible for dealing with the reported wrongdoing and subsequently forwards the report for further investigation to such an organization.

The authority also investigates cases of retaliation against whistleblowers.

Anonymous reports: Yes

Sanctions:

The authority can impose sanctions for administrative offenses where it is the responsible administrative authority, such as sanctions for retaliation, jeopardizing the confidentiality of the reports, or knowingly reporting false information.

Protection powers: No powers

Web: <https://oznamovatel.justice.cz/> (in Czech)

Reporting portal: <https://oznamovatel.justice.cz/chci-podat-oznameni/>



3.7 THE DANISH DATA PROTECTION AGENCY

DPA • Denmark

Current whistleblowing legislation: Whistleblower Protection Act of 29 June 2021.
Link: <https://www.retsinformation.dk/eli/ta/2021/1436> (in Danish).

EU Directive on WB IMPLEMENTATION status by 30th of August 2022: law adopted

LEGAL CONTEXT

INSTITUTION TYPE

Data protection authority

The Data Protection Agency is a national independent supervisory authority in Denmark with responsibility for upholding the fundamental right of data protection.

The agency also serves as an external whistleblowing channel since 2021. The channel is an independent unit within the Data Protection Agency. It is run by the head of division, appointed by the Director of the Data Protection Agency, and has its own funding.

Whistleblower protection-related activities since **17 December 2021**.

Target groups: Natural persons that obtained information about breaches in the course of their work-related activities.

State level covered: Nationwide

RESOURCES & ACTIVITIES

Financing:

The annual budget dedicated to the activities of external whistleblowing is EUR 390,000.

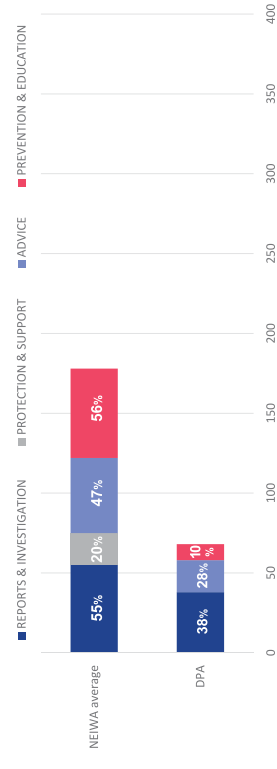
Human resources: In total 9 employees but not on a full-time basis as they also perform other tasks within the Data Protection Agency.

Extent of competence: 2/10 of competence is performed by the authority.

Caseload: In 2021, there were no cases as the external whistleblower channel started operating on 17 December 2021.

Member with competence mainly in 1 area.

Ratio of performed competence by the authority (%)



COMPETENCE IN DETAIL

- Most of the tasks are performed within the competence
- Some specific tasks are performed within the competence
- Tasks will be performed within the competence in the future
- Competence not performed

REPORTS & INVESTIGATION		PROTECTION & SUPPORT		ADVICE	PREVENTION & EDUCATION
Receiving WB reports	●●●	Authority grants protection status	○○○	Advice in decision to whistleblow	Integrity management support ○○○
Evaluation WB reports	●●●	Protective measures & remedies	○○○	Advice in legal steps (support)	WB systems support and training ○○○
Receiving ANONYMOUS reports	●●●	Psychosocial support	○○○	Advice in case of retaliation	Cooperation with NGOs ○○○
Investigation of WB reports	○○○	Legal representation	○○○	Advice for employers	Awareness raising ●○○
Sanctions for obstruction in investigation	○○○	Mediation	○○○	Guidelines and manuals	Research on WB ○○○
Receiving retaliation reports	○○○	Rewards	○○○		
Investigation of a retaliation	○○○				
Sanctions for retaliation	○○○				

Reports & investigatory powers:

The authority is competent to receive external reports falling into two categories. The first one is breaches of certain types of EU law (EU law falling within the scope of the Directive) and the second is serious breaches of other legislation and other serious offences, including harassment and sexual harassment. When a report is received, the authority evaluates whether it falls within the scope of the law and is submitted by a person who falls within the legal requirements for a whistleblower.

The authority has the competence to gather additional information from the whistleblower or relevant organizations capable of investigation. When the information has been gathered, the authority proceeds the report to other authorities or the police for further action.

Anonymous reports:

Sanctions: None

Protection powers: No protection powers. If a whistleblower is subject to retaliation in connection with a report, the whistleblower is entitled to compensation for the consequences of the retaliation if he/she can prove that the report was filed according to the law. It is then up to the workplace to prove that the report had nothing to do with retaliation. A decision on compensation must be made by the court.

Web: <https://www.datatilsynet.dk/english>

Whistleblowing web: <https://whistleblower.dk/english>

Reporting portal: <https://dt.sit-wb.dk/#/>



3.8 MINISTRY OF JUSTICE

MoJ FI • Finland

Current whistleblowing legislation: Currently none

EU Directive on WB IMPLEMENTATION status by 30th of August 2022: delayed

LEGAL CONTEXT

Part of the central government

The Ministry of Justice maintains and develops the legal order and legal protection, reinforces the structures of democracy, and safeguards citizens' fundamental rights. The Ministry is responsible for drafting the key legislation maintaining legal order and for ensuring the proper functioning of the judicial system. Judicial powers are exercised by independent courts. The Minister of Justice bears political responsibility for the activities of the Ministry and its administrative branch.

The authority has no specific whistleblower agenda; however, it ensures the transposition process of the Directive in Finland.

Whistleblower protection-related activities since: Not applicable.

Target groups: General public

State level covered: Nationwide

Financing:

No separate additional financing, tasks are covered with the existing resources.

Human resources: One person

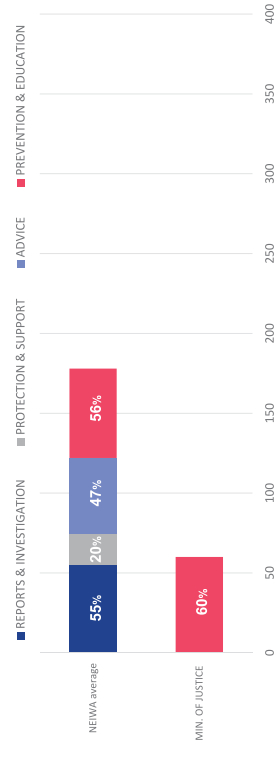
Extent of competence: 1/10 of competence is performed by the authority.

Caseload: No cases so far.

RESOURCES & ACTIVITIES

Member with competence in only 1 area – Prevention & Transposition of the EU Directive.

Ratio of performed competence by the authority (%)



COMPETENCE IN DETAIL

- Most of the tasks are performed within the competence
- Some specific tasks are performed within the competence
- Tasks will be performed within the competence in the future
- Competence not performed

REPORTS & INVESTIGATION		PROTECTION & SUPPORT		ADVICE	PREVENTION & EDUCATION
Receiving WB reports	○○○	Authority grants protection status	○○○	Advice in decision to whistleblow	Integrity management support ●○○
Evaluation WB reports	○○○	Protective measures & remedies	○○○	Advice in legal steps (support)	WB systems support and training ●○○
Receiving ANONYMOUS reports	○○○	Psychosocial support	○○○	Advice in case of retaliation	Cooperation with NGOs ●●●
Investigation of WB reports	○○○	Legal representation	○○○	Advice for employers	Awareness raising ●●●
Sanctions for obstruction in investigation	○○○	Mediation	○○○	Guidelines and manuals	Research on WB ●●●
Receiving retaliation reports	○○○	Rewards	○○○		
Investigation of a retaliation	○○○				
Sanctions for retaliation	○○○				

Reports & investigatory powers:

The Ministry of Justice does not have the role of an external whistleblowing channel, it oversees the transposition process. The upcoming legislation in Finland envisages that the competent authority with the central role in the whistleblowing agenda in the future will be the Chancellor of Justice.

Anonymous reports: Not applicable

Sanctions: Not applicable

Protection powers: No protection powers.

Web: <https://oikeusministerio.fi/en/frontpage>

3.9 DEFENDER OF RIGHTS

DDD • France

Current whistleblowing legislation:

Act No. 2016-1691 of December 9 2016 on transparency, the fight against corruption, and the modernization of economic life, and amendments resulting from Act No. 2022-401 of March 21 2022 that takes effect at the end of September 2022

Links: Act No. 2016-1691: <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000033558528> (in French)

LAW No. 2022-401: <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000045388745> (in French)

EU Directive on WB IMPLEMENTATION status by September 2022: law adopted

Ombudsperson type of authority

The Defender of Rights is an independent institution responsible for defending individual rights and freedoms in 5 areas defined by law. The competence in the field of whistleblowing was granted by law in 2016 and strengthened by law transposing the EU Directive in 2022. The law reinforced the role of the Defender of Rights and the protection of whistleblowers. The authority serves these main missions in whistleblowing: informing the whistleblower of his rights, directing the whistleblower's request for handling, processing the whistleblower's request within the competence of the authority, giving an opinion on the whistleblower status and the protection of whistleblower.

The head of the authority has a 6-year irrevocable and non-renewable appointment by the President of the Republic and is subject to a vote of approval by the National Assembly and Senate. He may not hold any other concurrent office.

Whistleblower protection-related activities since **9 December 2016**.

Target groups: All citizens

State level covered: Nationwide

Financing: No separate budget for whistleblowing functions.

Human resources: 2 employees and other legal experts of the institution are also partly utilized, on an ad hoc basis.

Extent of competence: 1/2 of competence is performed by the authority.

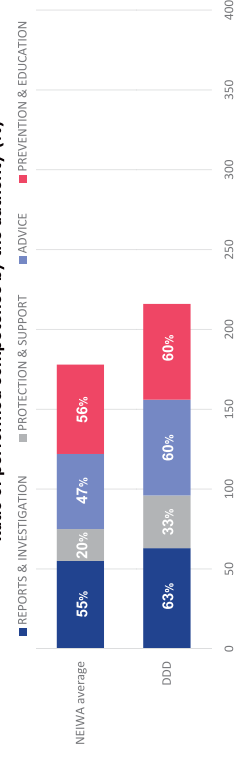
Caseload:

In 2021 the authority attended to 89 cases in the guidance and protection of whistleblowers.

OVERVIEW AREAS OF COMPETENCE

Member with competence types in all 4 areas.

Ratio of performed competence by the authority (%)



COMPETENCE IN DETAIL

- Most of the tasks are performed within the competence
- Some specific tasks are performed within the competence
- Tasks will be performed within the competence in the future
- Competence not performed

REPORTS & INVESTIGATION		PROTECTION & SUPPORT		ADVICE	PREVENTION & EDUCATION
Receiving WB reports	●●●	Authority grants protection status	●●●	Advice in decision to whistleblow	Integrity management support ○○○
Evaluation WB reports	●●●	Protective measures & remedies	○○○	Advice in legal steps (support)	WB systems support and training ○○○
Receiving ANONYMOUS reports	○○○	Psychosocial support	○○○	Advice in case of retaliation	Cooperation with NGOs ●●●
Investigation of WB reports	●●●	Legal representation	○○○	Advice for employers	Awareness raising ●●●
Sanctions for obstruction in investigation	○○○	Mediation	●●●	Guidelines and manuals	Research on WB ●●●
Receiving retaliation reports	●●●	Rewards	○○○		
Investigation of a retaliation	●●●				
Sanctions for retaliation	○○○				

Reports & investigatory powers:

The authority helps the whistleblower to identify the competent body that is eligible to receive a whistleblowing report and proceed with the investigation of the wrongdoing. In case the report is within the Defender of Rights competence, it processes the report and investigates. During the investigation, the authority may request simple explanations from the respondent by letter, but may also use more restrictive means, under the judge's supervision, summoning the respondent to a hearing or carrying out an on-site inspection. Respondents cannot refuse to provide information to the authority. If he/she does, the authority may issue a formal notice and subsequently refer it to the judge in summary proceedings or invoke an offense of obstruction provided by law.

The authority also accepts and examines allegations of retaliation against whistleblowers.

Anonymous reports: No, but it could under the new law.

Sanctions: None

Protection powers:

The authority issues an opinion on the status of a whistleblower, which is subsequently decided by the judge. In case of retaliation, the authority can recommend remedies, request resolution of a problem or modification of retaliatory practices, submit briefs to the courts, and apply to a disciplinary body with the power to initiate proceedings against a defaulting officer or professional. To obtain a prompt and pragmatic solution the authority facilitates a negotiated settlement.

Web: <https://www.defenseurdesdroits.fr/en>



3.10 NATIONAL TRANSPARENCY AUTHORITY

NTA • Greece

Current whistleblowing legislation: No legislation

Link: Not applicable

EU Directive on WB IMPLEMENTATION status by 30th of August 2022: delayed

LEGAL CONTEXT

INSTITUTION TYPE

Independent anti-corruption Authority

The National Transparency Authority (NTA) was established by the provisions of Act 4622/2019, as amended. The main tasks are:

- enhancing transparency, integrity, and accountability in the actions of governmental bodies, administrative authorities, state entities, and public institutions, and
- preventing, deterring, detecting, and addressing fraud and corruption phenomena and acts in the actions of public and private bodies and organizations.

The strategic objective of the Authority is to develop and implement a coherent anti-corruption policy framework.

The management bodies (the chairman, management board, governor) are solely bound by law and their conscience and are not subject to hierarchical control or administrative supervision. They testify on matters relating to the competence of the Authority before the Parliament's Committee on Institutions and Transparency.

Whistleblower protection-related activities since: Not applicable.

Target groups:

- The NTA exercises its responsibilities, across the entire public sector.
- The competence of the Authority is extended to private bodies which enter into any type of contract with public sector bodies.

State level covered: Nationwide

RESOURCES & ACTIVITIES

Financing: No separate budget for whistleblowing functions

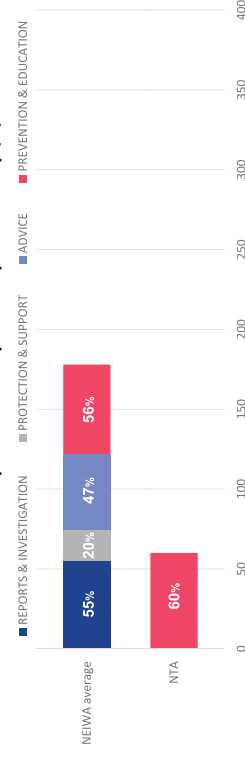
Human resources: No separate resources for whistleblowing functions

Extent of competence: 1/10 of competence is performed by the authority.

Caseload: Not applicable

Member with focus on one area: Prevention & Transposition of the EU Directive.

Ratio of performed competence by the authority (%)



COMPETENCE IN DETAIL

- Most of the tasks are performed within the competence
- Some specific tasks are performed within the competence
- Tasks will be performed within the competence in the future
- Competence not performed

REPORTS & INVESTIGATION	PROTECTION & SUPPORT		ADVICE	PREVENTION & EDUCATION
	Receiving WB reports	Evaluation WB reports		
Receiving WB reports	●○○	○○○	Advice in decision to whistleblow	○○○
Evaluation WB reports	●○○	○○○	Advice in legal steps (support)	○○○
Receiving ANONYMOUS reports	●○○	○○○	Advice in case of retaliation	○○○
Investigation of WB reports	●○○	○○○	Advice for employers	●○○
Sanctions for obstruction in investigation	○○○	○○○	Guidelines and manuals	○○○
Receiving retaliation reports	○○○	○○○		
Investigation of a retaliation	○○○	○○○		
Sanctions for retaliation	○○○	○○○		

Reports & investigatory powers:

The organization is competent to receive, process, evaluate, investigate and file anonymous or named complaints or reports that are relevant to the authority's competence, as well as relevant to cases of fraud and corruption in the public and private sector, or complaints and reports regarding co-funded, transnational and other projects or programs. But these are not considered whistleblowing reports as defined in the Directive. After the transposition of the Directive, the authority will be established as a competent authority and gain the competence of an external whistleblowing channel according to the current version of the draft law which has not yet been submitted for public consultation.

Anonymous reports: Yes, but they are currently not recognized as whistleblowing reports.

Sanctions: Not related to whistleblowing.

Protection powers: No powers

Web: <https://aead.gr/en/>

3.11 COMMISSIONER FOR FUNDAMENTAL RIGHTS OF HUNGARY

CFR ● Hungary



Current whistleblowing legislation:

Act CXI of 2011 on the Commissioner for Fundamental Rights (hereinafter referred to as Act on CFR)

Act CLXV of 2013 on Complaints and Public Interest Disclosures (hereinafter referred to as Act on CPID)

Links: CFR: <https://www.ajbh.hu/en/web/ajbh-en/act-cxi-of-2011>

CPID: <https://www.ajbh.hu/en/web/ajbh-en/relevant-legal-provisions>

EU Directive on WB IMPLEMENTATION status by 30th of August 2022: delayed

LEGAL CONTEXT

INSTITUTION TYPE

Ombudsperson type of authority

The Commissioner for Fundamental Rights (CFR) of Hungary is an ombudsperson authority with dedicated responsibility for the centralized protected electronic system for public interest disclosures. The obligation of operating the system was established by Act on CPID that came into force in 2014. The main role of the authority is to receive and record public interest disclosures and to protect the whistleblower's identity if requested.

The Commissioner for Fundamental Rights and his or her deputies are elected by the Parliament for a period of six years with the votes of two-thirds of all Members of Parliament. The Commissioner's deputies shall be responsible for protecting the rights of future generations and nationalities and ethnic groups living in Hungary. The Commissioner for Fundamental Rights and his or her deputies may not be members of a political party and may not engage in political activities. The Commissioner for Fundamental Rights shall report annually to Parliament on his or her activities.

Whistleblowing-related activities since **1 January 2014**.

Target groups:

All natural persons who want to draw attention to a circumstance the remedying or discontinuation of which is in the interest of the community or the whole society. A public interest disclosure may also contain a proposal.

State level covered: Nationwide

RESOURCES & ACTIVITIES

Financing: No separate budget for whistleblowing functions.

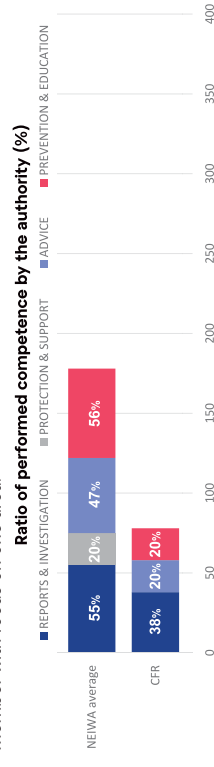
Human resources: 8 (1 Head of Department, 1 Deputy Head of Department, 6 Employees)

Extent of competence: 1/5 of competence is performed by the authority.

Caseload: In 2021, the authority received 537 reports via the electronic system, from which 306 were public interest notifications. 125 cases were considered as a recommendation for changing the legal regulations.

Member with focus on one area.

OVERVIEW AREAS OF COMPETENCE



COMPETENCE IN DETAIL

- Most of the tasks are performed within the competence
- Some specific tasks are performed within the competence
- Tasks will be performed within the competence in the future
- Competence not performed

REPORTS & INVESTIGATION		PROTECTION & SUPPORT		ADVICE	PREVENTION & EDUCATION
Receiving WB reports	●●●	Authority grants protection status	○○○	Advice in decision to whistleblow	Integrity management support ○○○
Evaluation WB reports	●●●	Protective measures & remedies	○○○	Advice in legal steps (support)	WB systems support and training ○○○
Receiving ANONYMOUS reports	●●○	Psychosocial support	○○○	Advice in case of retaliation	Cooperation with NGOs ○○○
Investigation of WB reports	●●○	Legal representation	○○○	Advice for employers	Awareness raising ○○○
Sanctions for obstruction in investigation	○○○	Mediation	○○○	Guidelines and manuals	Research on WB ●●●
Receiving retaliation reports	○○○	Rewards	○○○		
Investigation of a retaliation	○○○				
Sanctions for retaliation	○○○				

Reports & investigatory powers:

The authority operates a protected electronic system for public interest disclosures, evaluates submitted reports, and forwards them to the body entitled to proceed with investigation. The investigating body records all the information about its actions in the electronic system, including information about decisions no to investigate. The authority discloses a summary, excluding personal and specific institutional data, and the status of each public interest disclosure submitted through the electronic system. After a case is closed, the names of the institutions involved are disclosed.

Whistleblowers making a public interest disclosure through the electronic system may request that their personal data only be made available to the authority. Further communication is then managed through the CFR and the electronic system.

The authority investigates a report only if it is connected to the operation/work/authorization/legislation/procedure of the protected electronic system or the general competence of the CFR.

Anonymous reports: Generally, not accepted. However, if a report contains information about a serious violation of rights or interests it may be considered and investigated.

Sanctions: No powers

Protection powers: No powers

Web: <https://www.ajbh.hu/en/web/ajbh-en>

Centralized electronic reporting portal: <https://www.ajbh.hu/forduljon-a-biztoshoz>

3.12 GARDÁ SÍOCHÁNA OMBUDSMAN COMMISSION

GSOC⁸ • Ireland



Current whistleblowing legislation: Protected Disclosures Act 2014
Link: <https://www.irishstatutebook.ie/eli/2014/act/14/enacted/en/html>

EU Directive on WB IMPLEMENTATION status by 30th of August 2022: law adopted

Ombudsperson type of authority

The Garda Síochána Ombudsman Commission is an independent authority charged with overseeing the Garda Síochána, the national police force, and operates within its legislation. It is an Ombudsman body but also an investigative body with certain members of the organization having the same powers, privileges, and immunities bestowed upon them for the purpose of investigating criminal or disciplinary breaches of legislation or regulations committed by police officers.

The Garda Síochána Ombudsman Commission has three Commissioners appointed by the Government, with one being the Chairperson, all of whom receive a seal of office from the Irish President. The Commission operates a double lock system requiring the agreement of two or more members of the Commission to make significant decisions. The Commission's decisions are independent of the Government or external influence although financial reporting is carried out by the Department of Justice.

Whistleblower protection-related activities since 2014.

Target groups:

- Police officers, civilian staff, trainees, volunteers, and contractors of the police.
- The whole population and any person worldwide, in a disclosure context.

State level covered: Nationwide

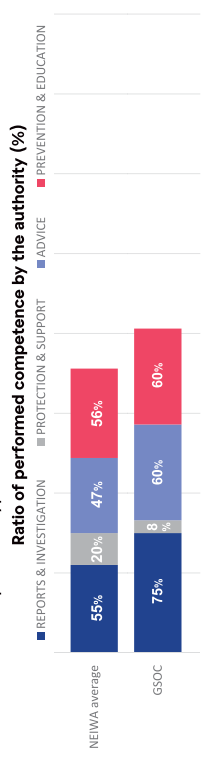
Financing: No separate budget for whistleblowing functions. The institution's allocated budget for 2022 is EUR 13.4 million, of which approximately 1 million is allocated to the whistleblowing (disclosure) agenda.

Human resources: In total 12 employees deal with disclosure matters.

Extent of competence: 1/2 of competence is performed by the authority.

Caseload: The authority received 20 disclosures in 2021 and already had 75 matters on hand, which represented a combined case load of 95 cases in 2021. Of this 26 were closed in 2021 due to various actions and 69 were still open at the end of the year. A case is opened if a worker comes forward and makes a disclosure of wrongdoing. A disclosure could contain 20 allegations of wrongdoing, but all are investigated under one case.

Member with competence types in 3 areas.



⁸ The fact sheet was not reviewed or approved by the authority. The presented overview of competence does not capture the changes to be applied after the transposition of the Directive.

COMPETENCE IN DETAIL

- Most of the tasks are performed within the competence
- Some specific tasks are performed within the competence
- Tasks will be performed within the competence in the future
- Competence not performed

REPORTS & INVESTIGATION	PROTECTION & SUPPORT		ADVICE	PREVENTION & EDUCATION
	Receiving WB reports	Evaluation WB reports		
Receiving WB reports	●●●	●●●	●●●	○○○
Evaluation WB reports	●●●	●●●	●●●	○○○
Receiving ANONYMOUS reports	●●●	●●●	●●●	●●●
Investigation of WB reports	●●●	●●●	●●●	●●●
Sanctions for obstruction in investigation	○○○	○○○	●●●	●●●
Receiving retaliation reports	●●●	●●●	○○○	●●●
Investigation of a retaliation	●●●	●●●	○○○	●●●
Sanctions for retaliation	○○○	○○○	○○○	○○○

Reports & investigatory powers:

The authority serves as one of the competent authorities to receive reports and in a disclosure context, it receives reports from police officers, civilian staff, trainees, volunteers, and contractors of the police. It is the only body in Ireland with a Public Interest test and as such can admit disclosures in the public interest.

The authority has strong powers of investigation, the investigators for disclosure matters have the powers, privileges, and immunity of a police officer when dealing with disclosure matters, disclosures are investigated in accordance with criminal or disciplinary processes, and reports are submitted to the authority. The authority then decides whether a report should be sent to the State Prosecutors or for disciplinary action. It may also send procedural letters.

The authority investigates cases of retaliation against whistleblowers.

Anonymous reports: Yes

Sanctions: None

Protection powers:

In their team, the authority has trained counselors who can direct persons to psychosocial services.

Web: <https://www.gardaombudsman.ie/>

3.13 THE ITALIAN ANTICORRUPTION AUTHORITY

ANAC • Italy



Current whistleblowing legislation: Act 190/2012 and Act 179/2017

Links: www.normattiva.it/uri-res/N2Ls?urn:nir:statollegge:2012-11-06;190%2vig (in Italian)

Act 179/2017: <https://www.normattiva.it/uri-res/N2Ls?urn:nir:statollegge:2017-179> (in Italian)

EU Directive on WB IMPLEMENTATION status by 30th of August 2022: delayed

Independent anti-corruption authority

The Italian Anticorruption Authority (ANAC) was created with the aim of implementing Article 6 of the United Nations Convention against Corruption (UNCAC). ANAC is an independent administrative authority charged with the prevention of corruption in the Italian public sector. ANAC has regulatory, supervisory/monitoring, and sanctioning power in the areas of public procurement, transparency, integrity of public employees and whistleblowing.

ANAC is financed through fees imposed on participants in public tenders. The Board is appointed by the Parliament through a proposal from the Government for a non-renewable 6-year period.

Whistleblower protection-related activities since 2014.

Target groups:

- Each public administration, at the center and local level.
- Public employees and employees of state-controlled enterprises, as well as employees of private companies supplying goods or services or providing work in favor of public administration.
- NGOs active in the whistleblowing area.
- Government and Judicial entities with responsibilities in whistleblowing.
- General public.

State level covered: Nationwide

Financing: About 2% of the budget.

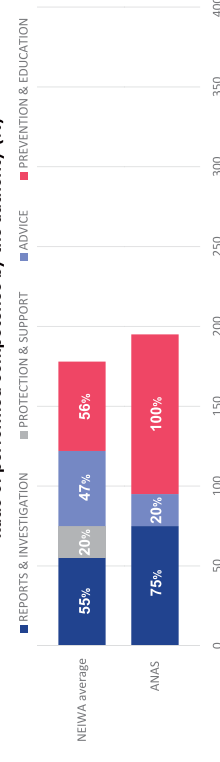
Human resources: 6 employees in the whistleblowing unit.

Extent of competence: 1/2 of competence is performed by the authority.

Caseload: In 2020 there were 622 reports received, of which 146 were reports of retaliation against whistleblowers.

Member with many competence types in 2 areas - whistleblower report investigation and one other area.

Ratio of performed competence by the authority (%)



COMPETENCE IN DETAIL

- Most of the tasks are performed within the competence
- Some specific tasks are performed within the competence
- Tasks will be performed within the competence in the future
- Competence not performed

REPORTS & INVESTIGATION	PROTECTION & SUPPORT		ADVICE	PREVENTION & EDUCATION
	Receiving WB reports	Evaluation WB reports	Receiving ANONYMOUS reports	Investigation of WB reports
Receiving WB reports	●●●	●●●	●●●	●●●
Evaluation WB reports	●●●	●●●	●●●	●●●
Receiving ANONYMOUS reports	●●●	●●●	●●●	●●●
Investigation of WB reports	●●●	●●●	●●●	●●●
Sanctions for obstruction in investigation	●●●	●●●	●●●	●●●
Receiving retaliation reports	●●●	●●●	●●●	●●●
Investigation of a retaliation	●●●	●●●	●●●	●●●
Sanctions for retaliation	●●●	●●●	●●●	●●●

Reports & investigatory powers:

The authority is charged with the prevention of corruption in Italy. As such it functions as an external channel for whistleblowers and can investigate reported wrongdoing when it is within the scope of the authority's actions. If it is not, ANAC will forward the report to competent organizations. ANAC has also inspection powers and the power to request the disclosure of documents.

The authority also receives and investigates reports of retaliation against whistleblowers.

Anonymous reports:

No, but if the content of the report is of interest to the authority, it can transfer it to the competent unit.

Sanctions: The authority has sanctioning power for breaches of the whistleblowing law (179/2017 – sanctions against the retaliator(s)), and then for breaches of the Public Procurement Code (L 50/2016), the Act on Transparency (Act 33/2013), Act on Public Official Integrity (39/2013), the Anticorruption Act (210/2012).

Protection powers:

The authority's main activity in whistleblower protection is preserving the whistleblower's confidentiality and investigating and sanctioning retaliatory behavior. As a result of the investigation of retaliation, the authority can declare nullity of the dismissal and other organizational acts and impose a sanction to the author of the retaliation.

Web: <https://www.anticorruzione.it/-/whistleblowing>
Reporting portal: <https://servizi.anticorruzione.it/segnalazioni/#/>

3.14 THE STATE CHANCELLERY CONTACT POINT OF WHISTLEBLOWERS

Latvia

Current whistleblowing legislation: Whistleblowing Law
Link: <https://likumi.lv/ta/en/en/id/329680-whistleblowing-law>

EU Directive on WB IMPLEMENTATION status by 30th of August 2022: law adopted – February 2022.

Part of the central government

The State Chancellery of Latvia is a central public administration institution directly reporting to the Prime Minister. The Contact Point of Whistleblowers in Latvia is part of the State Chancellery and was established with the adoption of the Whistleblowing Law in May 2019. Its main obligations include providing information regarding whistleblowing and raising awareness among the public, providing support and consultation to reporting persons in solving the issues caused due to whistleblowing, identifying the competent authority, and transferring received reports, and providing methodological support, including best practice guidelines for the establishment of an internal whistleblowing system and guidelines for the receipt and examination of whistleblower's reports by competent authorities.

The Director of the State Chancellery is appointed for 5 years by the Prime Minister. The Prime Minister decides whether to extend the term for another 5 years (no more than 2 terms). The salary of the Director is determined by the Prime Minister.

Whistleblower protection/related activities since **1 May 2019**.

Target groups:

- All natural persons who want to/made reports of breaches that occurred in a work-related context.
- All public institutions and private organizations with at least 50 employees (private).
- Competent authorities with an external whistleblowing channel including their contact persons for the issues of whistleblowing.

State level covered: Nationwide

Financing: No separate budget for whistleblowing functions.

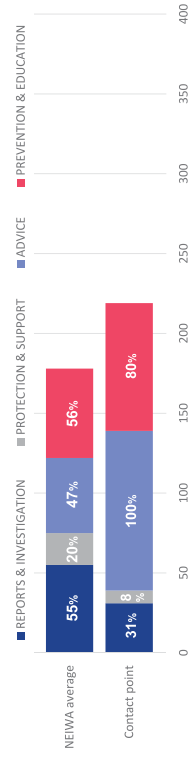
Human resources: 5 employees, including 3 employees involved on a daily basis from the State Chancellery's Department for Public Administration Policy.

Extent of competence: 1/2 of competence is performed by the authority.

Caseload: In 2021, the authority received 88 submissions: 64 submissions in the form of a whistleblower report, 24 e-mails about a possible violation, and 4 information requests from other institutions. 41 reports were transferred to competent authorities. The authority itself investigated 1 WB report.

Member with many competence types in 2 areas – whistleblower report investigation and one other area.

Ratio of performed competence by the authority (%)



RESOURCES & ACTIVITIES

OVERVIEW AREAS OF COMPETENCE

COMPETENCE IN DETAIL

- Most of the tasks are performed within the competence
- Some specific tasks are performed within the competence
- Tasks will be performed within the competence in the future
- Competence not performed

REPORTS & INVESTIGATION	PROTECTION & SUPPORT		ADVICE	PREVENTION & EDUCATION
	Authority grants protection status			
Receiving WB reports	●●●	●●○	Advice in decision to whistleblow	Integrity management support
Evaluation WB reports	●●●			
Receiving ANONYMOUS reports	○○○	○○○	Advice in legal steps (support)	WB systems support and training
Investigation of WB reports	●●○	○○○	Advice in case of retaliation	Cooperation with NGOs
Sanctions for obstruction in investigation	○○○	○○○		
Receiving retali- ation reports	○○○	○○○	Advice for employers	Awareness raising
Investigation of a retaliation	○○○			
Sanctions for retaliation	○○○	○○○	Guidelines and manuals	Research on WB

Reports & investigatory powers:

The authority functions as a central coordinating institution in the field of whistleblowing. It is recognized as an intermediary channel by the law and receives reports as such. It also manages a centralized electronic reporting portal for whistleblowers. Reports can be submitted through this electronic portal to all competent organizations with external whistleblowing channels. The authority being a coordinating center in the field of whistleblowing, it gathers statistics from external whistleblowing channels and publishes annual reports.

The authority does not accept anonymous reports. Contact information must be indicated in the report, and it has to be signed. The information identifying the person is pseudonymized and identity is protected.

Investigation of reports – only if the report is in the competence of the Prime Minister or the State Chancellery. In that case, the authority has the right to request and receive information (documents) that is necessary to determine the circumstances of the case. Otherwise, it forwards the report to a competent authority. It doesn't investigate retaliation cases.

Anonymous reports: No

Sanctions: It doesn't apply sanctions in the field of whistleblowing.

Protection powers:

The authority provides support and consultations to whistleblowers, their relatives, or related persons in solving the issues caused due to whistleblowing, for example, on protection and retaliation.

A whistleblower facing retaliation has to take legal action in court or contest an administrative act or actual action at a higher institution. The authority provides an opinion to the Legal Aid Administration on the necessity to ensure legal aid to the whistleblower.

Web: <https://www.mk.gov.lv/lv/trauksmes-celsana>
<https://trauksmescelejs.lv> (an official website for whistleblowers in Latvian)

Centralized reporting portal: <https://trauksmescelejs.lv/iesniegt-trauksmes-celsanas-zinojumu> (in Latvian)

3.15 GENERAL PROSECUTOR'S OFFICE

LRGP • Lithuania



Current whistleblowing legislation:

Whistleblower Protection Act of 28 November 2017 XIII-804.

Link: <https://e-seimas.lrs.lt/portal/legalAct/t/TAD/3832a702db8ea1e782d4fd2c44cc67af/asr>

EU Directive on WB IMPLEMENTATION status by 30th of August 2022: law adopted

Prosecution authority

The General Prosecutor's Office is an independent state institution funded by the state budget. The Prosecutor General is appointed and dismissed by the President of the Republic with the approval of the Parliament for a term of five years. The Government of the Republic of Lithuania coordinates its actions with the Prosecutor General, guaranteeing state security and public order. In performing his functions, the prosecutor is independent of other state authorities, officials, political parties, political and public organizations, and other persons and shall only observe the Constitution and laws of the Republic of Lithuania.

The Prosecutor's Office Department of Internal Investigations started performing the functions of a competent authority and protection of whistleblowers after the Act on Whistleblower Protection came into force on 1 January 2019. As an authority that plays a central role in the country, it holds all four types of competence connected to whistleblowing and whistleblower protection.

Whistleblower protection-related activities since **1 January 2019**.

Target groups: General public

State level covered: Nationwide

Financing: EUR 80,000 – 130,000 per year

Human resources: 4 employees

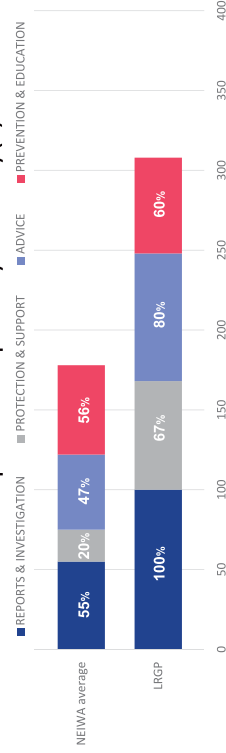
Extent of competence: 8/10 of competence is performed by the authority.

Caseload:

In 2021, 66 persons submitted information in accordance with the Whistleblower Protection Act (6 persons submitted reports more than once). The department made 73 decisions regarding the granting of the whistleblower status: 43 decisions were made to recognize them as a whistleblower, and 30 decisions were made to refuse to recognize a person as a whistleblower. Decisions on infringements in the public sector account for 49% (i.e., 38 out of 73).

Member with competence types in all 4 areas.

Ratio of performed competence by the authority (%)



- COMPETENCE IN DETAIL**
- Most of the tasks are performed within the competence
 - Some specific tasks are performed within the competence
 - Tasks will be performed within the competence in the future
 - Competence not performed

REPORTS & INVESTIGATION		PROTECTION & SUPPORT		ADVICE	PREVENTION & EDUCATION
Receiving WB reports	●●●	Authority grants protection status	●●●	Advice in decision to whistleblow	●●●
Evaluation WB reports	●●●	Protective measures & remedies	●●●	Advice in legal steps (support)	●●●
Receiving ANONYMOUS reports	●●●	Psychosocial support	○○○	Advice in case of retaliation	○○○
Investigation of WB reports	●●●	Legal representation	○○○	Advice for employers	●●●
Sanctions for obstruction in investigation	●●●	Mediation	●●●	Guidelines and manuals	●●●
Receiving retaliation reports	●●●	Rewards	●●●		
Investigation of a retaliation	●●●				
Sanctions for retaliation	●●●				

Reports & investigatory powers:

The authority receives all external whistleblowing reports as the only external channel in the country. The authority receives reports from individuals, assesses compliance of information reported by a person about an infringement with the requirements laid down in the Act and recognizes the person who reported information about the infringement as a whistleblower. Afterwards, it investigates reports and information about infringements within the limits of competence laid down in the legal acts governing its activities and transmits reports and information about infringements to other authorities based on their competence. Moreover, the General Prosecutor's Office can coordinate the actions of other authorities in the investigation of information on violations.

The authority can also investigate allegations of retaliation against whistleblowers.

Anonymous reports: Yes

Sanctions:

The authority can impose sanctions for a violation of the requirements for the protection of whistleblowers established in the Act on the Protection of Whistleblowers and/or other legal acts. This includes violations such as disclosure of identity, application of negative effects, or failure to establish an internal channel. The authority can also impose sanctions for retaliatory measures taken against whistleblowers and sanctions for the obstruction or hindrance of investigations.

Protection powers:

The authority takes decisions on the application of measures of protection and provision of incentives to whistleblowers and coordinates the implementation of such decisions. These include decisions on the remuneration of whistleblowers who provide valuable information and the right to compensation. Compensation may be paid to whistleblowers for a negative impact or potential consequences they experience because of reporting. The authority can also offer a judge exemption from liability. The reporting person may be exempted from liability if he participated in committing the breach himself but reported it following the procedure laid down by law. However, this is not an unconditional exemption in all cases, the provisions are set out in the Criminal Code and the Code of Administrative Offenses. A person can be exempted from both criminal and administrative liability.

The General Prosecutor's Office issues a decree that recognizes a person as a whistleblower. Based on this decree, it is prohibited to take any adverse actions against such a person. In case there is any retaliation, the whistleblower can turn to the authority for help and consultations. The authority can sanction for retaliation and stay on the side of the whistleblower in court. The decree also enables the whistleblower to get free legal aid from the state legal aid agency. The authority also provides free advice/consultations for potential whistleblowers or whistleblowers.

Web: <https://www.prokuraturos.lt/en/home/functions/4553>

Information about whistleblowing: <https://www.prokuraturos.lt/lt/praneseju-apsauga/5954> (in Lithuanian)

3.16 DUTCH WHISTLEBLOWERS' AUTHORITY

HvK • The Netherlands



HUIS VOOR
KLOKKENLUIDERS

Current whistleblowing legislation:

Dutch Act on the Whistleblowers Authority of 14 April 2016. BWBR0037852 · 2016-07-01

EU Directive on WB IMPLEMENTATION status by 30th of August 2022:

bill submitted to the House of Representatives

Independent whistleblower protection authority

The Dutch Whistleblowers' Authority was established on 1 July 2016 when the Dutch Act on the Whistleblowers' Authority came into force. The main function of the authority is to provide advice and support for employees who want to report possible wrongdoing within their organization. It also conducts investigation into wrongdoings within organizations or into the disadvantaging of employees due to reporting wrongdoing. Another function is the provision of know-how for organizations on how to improve their internal integrity policy.

The Dutch Whistleblowers' Authority is required to publish an annual report before 15 March and make it available to the government and parliament. Every five years a report is drafted by the Ministry of Interior and sent to the parliament regarding the functioning of the Dutch Whistleblowers' Authority.

Whistleblower protection-related activities since **1 July 2016**.

Target groups: Employees in the private and public sectors

State level covered: Nationwide

Financing: The total budget in 2021 was approximately EUR 3.6 million.

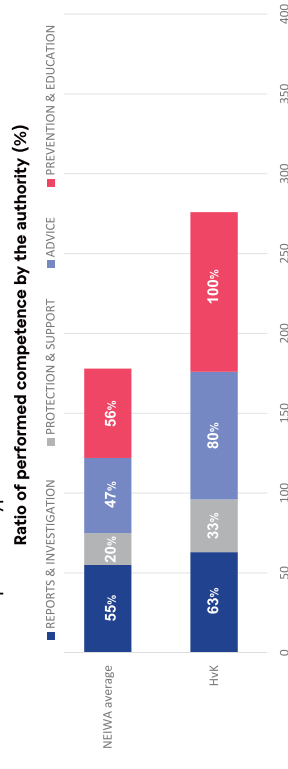
Human resources: Approximately 15 employees perform the primary functions and the support staff comes to approximately 7 employees.

Extent of competence: 7/10 of competence is performed by the authority.

Caseload:

In 2021, the authority received 208 requests for advice (cases). In 11 cases abuse of social importance was suspected. With the 19 cases from previous years in which a suspected wrongdoing was established, a total of 30 cases ran in 2021. It also published 4 reports from concluded investigations.

Member with competence types in all four areas.



OVERVIEW AREAS OF COMPETENCE

RESOURCES & ACTIVITIES

LEGAL CONTEXT

INSTITUTION TYPE

COMPETENCE
IN DETAIL

- Most of the tasks are performed within the competence
- Some specific tasks are performed within the competence
- Tasks will be performed within the competence in the future
- Competence not performed

REPORTS & INVESTIGATION		PROTECTION & SUPPORT		ADVICE		PREVENTION & EDUCATION	
Receiving WB reports	●●●	Authority grants protection status	●●●	Advice in decision to whistleblow	●●●	Integrity management support	●●●
Evaluation WB reports	●●●	Protective measures & remedies	○○○	Advice in legal steps (support)	○○○	WB systems support and training	●●●
Receiving ANONYMOUS reports	○○○	Psychosocial support	●●○	Advice in case of retaliation	●●●	Cooperation with NGOs	●●●
Investigation of WB reports	●●●	Legal representation	○○○	Advice for employers	●●●	Awareness raising	●●●
Sanctions for obstruction in investigation	○○○	Mediation	●●○	Guidelines and manuals	●●●	Research on WB	●●●
Receiving retaliation reports	●●●	Rewards	○○○				
Investigation of a retaliation	●●●						
Sanctions for retaliation	○○○						

Reports & investigatory powers:

The authority is competent to receive whistleblowing reports when no other authority is competent in relation to the subject matter of the wrongdoing and the whistleblower has first used the internal channel. Afterwards, the authority determines whether it is competent and whether it needs to investigate the wrongdoing or allegation of retaliation and provides a report after investigation.

The authority has a specific investigation department, which has the competence to assess a request for investigation filed by an employee and investigate following the request filed as 'suspicion of wrongdoing', or the manner in which the employer behaved towards the employee following a report of a 'suspicion of wrongdoing'. During investigation, organizations are required to provide requested documentation (except when this would be a threat to national security, a violation of a civil servant's oath or secrecy obligation, or when this would incriminate the person himself or close relatives). Additional experts can be used for investigation as well.

The authority investigates allegations of retaliation regardless of whether the report was filed internally or externally, and when filed externally, it does not matter which authority would be competent / is investigating / has investigated the subject of the suspected wrongdoing.

Anonymous reports: No

Sanctions: None

Protection powers:

After an evaluation of a whistleblower report, when a case is assessed as being of social importance. The authority sends to the whistleblower a service letter. This letter is important for whistleblowers because it signals to the employer that the Dutch Whistleblowers' Authority takes the case seriously and that the whistleblower is protected against retaliation.

The authority can provide guidance in starting a mediation process or assist in obtaining psychosocial support.

Web: <https://www.huisvoorklokkenluiders.nl/english>

Reporting portal: <https://mijn.portaal-huisvoorklokkenluiders.nl/zaak/create/webformulier?ztc%5Faanvrager%5Ftype=unknown&sessreset=1&aanvrager=betrokkene%2Dnatuurlijk%5Fpersoon%2D242&zaaktype%5Fid=138&afronden=1>

3.17 ANTICORRUPTION AND SERIOUS CRIME WHISTLEBLOWER UNIT

UDAC⁹ • Portugal

Current whistleblowing legislation: General Act on Whistleblowing Protection
Link: <https://dre.pt/dre/detalhe/lei/93-2021-176147929> (Portuguese)
EU Directive on WB IMPLEMENTATION status by 30th of June 2022: law adopted

Prosecution authority

The Anticorruption and Serious Crime Whistleblower Unit (UDAC) is part of the Central Department of Criminal Investigation (DCIAP). DCIAP is a prosecution authority in charge of serious investigation related to corruption, financial, money laundering, tax evasion, and economic and organized crime and is part of the Portuguese General Prosecution. UDAC manages an external whistleblowing channel primarily for reports regarding corruption, financial, economic, serious, and organized crime reports. However, it accepts all kind of reports and processes them.

The Unit was created by the General Prosecution Office in 2011 to accomplish GAFI, OCDE, and UN guidelines regarding money laundering and economic crime whistleblowing. The unit is accountable to the General Prosecution Office. However, information related to reports is kept confidential.

Whistleblower protection-related activities since **2011**.

Target groups: General population

State level covered: Nationwide

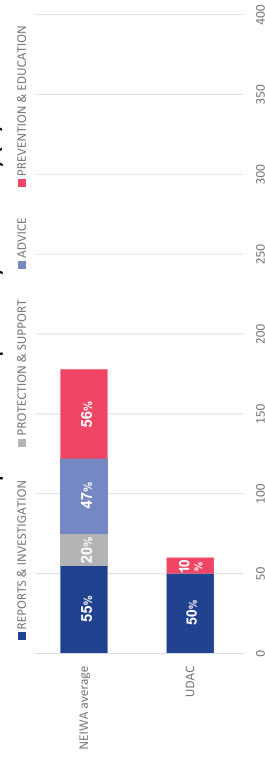
Financing: No separate budget for whistleblowing functions

Human resources: 10 Public Prosecutors (they also work in criminal prosecution)

Extent of competence: 1/5 of competence is performed by the authority.

Caseload: In 2021 received about 42,000 reports.

Authority with focus on one area – Collection & Evaluation of whistleblowing reports.
Ratio of performed competence by the authority (%)



⁹ The fact sheet was not reviewed or approved by the authority.

COMPETENCE IN DETAIL

- Most of the tasks are performed within the competence
- Some specific tasks are performed within the competence
- Tasks will be performed within the competence in the future
- Competence not performed

REPORTS & INVESTIGATION	PROTECTION & SUPPORT		ADVICE	PREVENTION & EDUCATION
	Receiving WB reports	Evaluation WB reports		
Receiving WB reports	●●●	●●●	○●○	○●○
Evaluation WB reports	●●●	●●●	○●○	○●○
Receiving ANONYMOUS reports	●●●	●●●	○●○	○●○
Investigation of WB reports	○●○	○●○	○●○	○●○
Sanctions for obstruction in investigation	○●○	○●○	○●○	○●○
Receiving retaliation reports	●●●	●●●	○●○	○●○
Investigation of a retaliation	○●○	○●○	○●○	○●○
Sanctions for retaliation	○●○	○●○	○●○	●●●

Reports & investigatory powers:

The authority manages the main external whistleblowing channel in the country. It is one of the ways a whistleblower in Portugal can submit a report. The authority also accepts reports outside of the scope of its activities including anonymous reports through the electronic portal. The main role of the unit is to receive, analyze and redirect reports to competent organizations. The unit does not investigate reports. To give reports more sustainability the unit may collect more information or facts from publicly available sources or the whistleblower.

The unit also receives reports of retaliation against whistleblowers. However, the unit only collects information and evidence, and redirects reports to the competent prosecution service.

Anonymous reports: Yes

Sanctions: No powers

Protection powers:

The authority's main activity in whistleblower protection is keeping the whistleblower's identity anonymous.

3.18 MINISTRY OF JUSTICE

MoJ RO • Romania



Current whistleblowing legislation: Act No. 571 of 14 December 2004 regarding the protection of personnel within public authorities, public institutions, and other establishments which report infringements.

Link: <https://rai-see.org/wp-content/uploads/2015/08/Romanian-Law-571-2004-whistleblowingEN.pdf>

EU Directive on WB IMPLEMENTATION status by 30th of August 2022: in parliamentary procedure

Part of the central government

The Ministry of Justice is a special body of the central public administration, which ensures the proper functioning of the judicial system. Based on legal provisions the Ministry of Justice:

- elaborates public policies and strategic plans in the field of justice, and for the prevention of and fight against corruption and serious crime,
- regulates the legal and institutional framework of the judicial system and the administration of justice as a public service,
- elaborates public policies and strategic plans in the field of justice, and for the prevention of and fight against corruption and serious crime,
- ensures the authority laid down in Article 132 paragraph (1) of the Constitution of Romania, republished, according to the laws for the judicial system organization and the justice administration as a public service,
- monitors the observance of the rule of law and citizens' rights and freedoms, using the means and procedures provided by this decision or by other regulations,
- coordinates the integration of efforts for the accomplishment of specific reference objectives within the Mechanism for Cooperation and Verification established by Commission Decision 2006/928/EC of 13 December 2006 and integrates information required by authorities under this function; represents the state and government in cooperation with the European Commission within the Mechanisms for Cooperation and Verification.

In this context, the competence of the Ministry includes the transposition of Directive (EU) 2019/1937 into the national legal order.

Whistleblower protection-related activities since: not applicable.

Target groups: The public and the private sector, NGOs, business environment.

State level covered: Nationwide

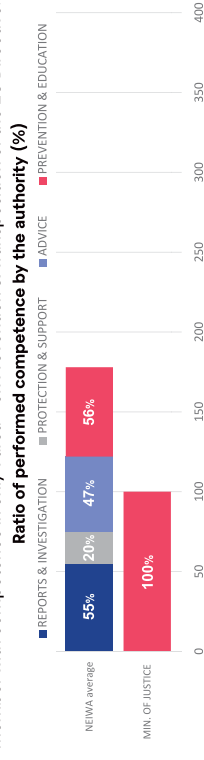
Financing: No separate budget for whistleblowing functions

Human resources: 65 persons at the working group for the transposition of the Directive, 10 persons at the technical secretariat of National Anticorruption Strategy, who also work on preventive activities related to whistleblowers' protection.

Extent of competence: 1/5 of competence is performed by the authority.

Caseload: No external whistleblowing reports, at the level of the Ministry of Justice (including lower-level institutions) a total of 10 reports were recorded.

Member with competence in only 1 area – on Prevention & Transposition of the EU Directive.



COMPETENCE IN DETAIL

- Most of the tasks are performed within the competence
- Some specific tasks are performed within the competence
- Tasks will be performed within the competence in the future
- Competence not performed

REPORTS & INVESTIGATION	PROTECTION & SUPPORT		ADVICE	PREVENTION & EDUCATION
	Receiving WB reports	Authority grants protection status		
Evaluation WB reports	○○○	○○○	Advice in decision to whistleblow	○○○
Receiving ANONYMOUS reports	○○○	Protective measures & remedies	Advice in legal steps (support)	○○○
Investigation of WB reports	○○○	Psychosocial support	Advice in case of retaliation	○○○
Sanctions for obstruction in investigation	○○○	Legal representation	Advice for employers	○○○
Receiving retaliation reports	○○○	Mediation	Guidelines and manuals	○○○
Investigation of a retaliation	○○○	Rewards	Integrity management support	●●●
Sanctions for retaliation	○○○		WB systems support and training	●●●
			Cooperation with NGOs	●●●
			Awareness raising	●●●
			Research on WB	●●●

Reports & investigatory powers:

The authority does not have the role of an external reporting channel. The transposition process in Romania is still ongoing and the Ministry of Justice serves the leading role in the transposition process of the Directive. The draft law presupposes that the national competent authority (and the external reporting channel) will be a different organization – the National Integrity Agency.

Sanctions: Not applicable

Protection powers: No protection powers

Preventive activities related to whistleblowers' protection are carried out under the National Anticorruption Strategy (NAS). At the level of the Ministry of Justice, there is a technical secretariat dedicated to monitoring and implementing the strategy. The Department for Crime Prevention within MoJ hosts the Technical Secretariat of NAS. Activities include training, counselling of public institutions on integrity issues (along with protection of whistleblowers) and dissemination of best practices, research, awareness raising, cooperation with NGOs and business environment, integrity management support, evaluations missions etc.

Web: <https://www.just.ro/> (in Romanian)



3.19 CORRUPTION PREVENTION DEPARTMENT – OFFICE OF THE GOVERNMENT OF THE SLOVAK REPUBLIC

CPD GO SR • Slovakia



LEGAL CONTEXT

Current whistleblowing legislation: Act on Whistleblower Protection No. 54/2019 Coll.
Link: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2019/54/20190301>
EU Directive on WB IMPLEMENTATION status by 30th of August 2022: delayed

INSTITUTION TYPE

Part of the central government

The Corruption Prevention Department is the main coordinating unit for anti-corruption prevention in relation to public administration in Slovakia. In its activities, the authority cooperates closely with the state bodies that perform tasks in the anti-corruption field and helps to organize and coordinate joint activities of these bodies with a view to reducing and eliminating corruption risks and increasing the effectiveness of anti-corruption prevention. As part of its activities, it receives, monitors and analyses submissions indicating corrupt behavior. It also cooperates in the preparation and promotion of projects and measures aimed at minimizing and eliminating corruption in public authorities.

The authority has no specific whistleblower agenda; however, it ensures the transposition process of the Directive in Slovakia.

Whistleblower protection-related activities since: not applicable.

Target groups:

- Employees of the Office of the Government of the Slovak Republic.
- Anti-corruption coordinators in public administration.

State level covered: Nationwide

RESOURCES & ACTIVITIES

Financing: No separate budget for whistleblowing functions

Human resources: No separate resources for whistleblowing functions

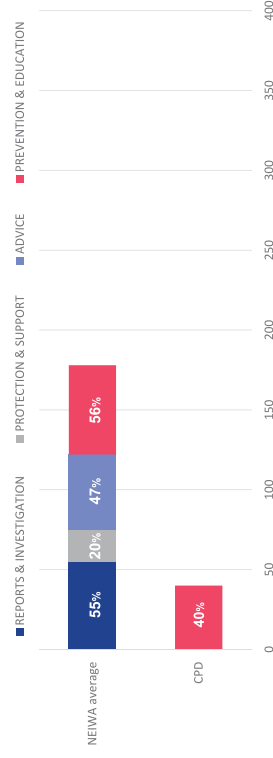
Extent of competence: 1/10 of competence is performed by the authority.

Caseload: The authority received 1 internal whistleblowing report in 2021.

OVERVIEW AREAS OF COMPETENCE

Member with competence in only 1 area – on Prevention & Transposition of the EU Directive.

Ratio of performed competence by the authority (%)



COMPETENCE IN DETAIL

- Most of the tasks are performed within the competence
- Some specific tasks are performed within the competence
- Tasks will be performed within the competence in the future
- Competence not performed

REPORTS & INVESTIGATION	PROTECTION & SUPPORT		ADVICE	PREVENTION & EDUCATION
	Receiving WB reports	Authority grants protection status		
Evaluation WB reports	○○○	○○○	Advice in decision to whistleblow	○○○
Receiving ANONYMOUS reports	○○○	Protective measures & remedies	Advice in legal steps (support)	WB systems support and training
Investigation of WB reports	○○○	Psychosocial support	Advice in case of retaliation	Cooperation with NGOs
Sanctions for obstruction in investigation	○○○	Legal representation	Advice for employers	Awareness raising
Receiving retaili- ation reports	○○○	Mediation	Guidelines and manuals	Research on WB
Investigation of a retaliation	○○○	Rewards		
Sanctions for retaliation	○○○			

Reports & investigatory powers:

The authority does not serve the role of a competent authority, and therefore does not have an external whistleblowing channel. In the field of whistleblowing, its main agenda is overseeing the transposition process of the Directive.

Sanctions: Not applicable

Protection powers: No protection powers

Web: <https://www.bojprotikorupecii.gov.sk/odbor/> (in Slovak)



3.20 WHISTLEBLOWER PROTECTION OFFICE

UOO • Slovakia



Current whistleblowing legislation: Act No. 54/2019 Coll. on the protection of whistleblowers notifying activities undermining the functioning of society (Whistleblower Protection Act)
Link: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2019/54/20190301> (in Slovak)
EU Directive on WB IMPLEMENTATION status by 30th of August 2022: delayed

Independent whistleblower protection authority

The Whistleblower Protection Office was established with the adoption of Whistleblower Protection Act No. 54/2019 Coll. to provide legal advice and assistance to people who report actions with a negative impact on society. The office also provides support to employers in building a transparent corporate culture and monitors the application of this law, raises awareness among the public and employers of the protection of whistleblowers, issues expert opinions and methodological guidelines and provides practical training and education of responsible persons in charge of internal reporting systems.

The head of the authority is elected by the parliament for a 7-year term and the same person can be elected only once. The head cannot be dismissed at will, the specific reasons are explicitly stated in the law on Whistleblower Protection No. 54/2019 Coll.

Whistleblower protection-related activities since **1 September 2021**.

Target groups:

- All natural persons who want to/make reports on breaches that occurred in a work-related context.
- All organizations with at least 50 employees (private) / 5 employees (public).

State level covered: Nationwide

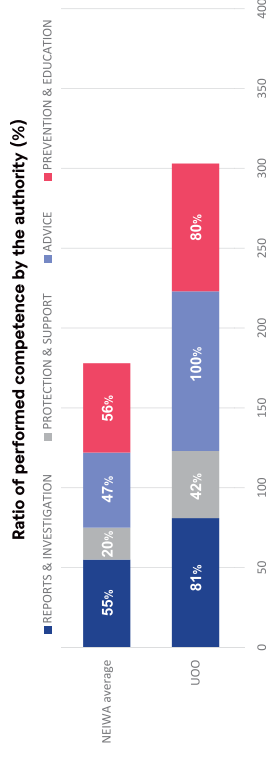
Financing: The authority has its own budget. The estimated overall annual budget in 2022 is EUR 1,200,000.

Human resources: 21 employees, of whom 11 deal with reporting and prevention.

Extent of competence: 3/4 of competence is performed by the authority.

Caseload: In 2021 (September – December), the authority dealt with 38 cases that were either a whistleblowing case or consultancy to organizations concerning internal whistleblowing systems, altogether 140 submissions / contacts were made with the authority.

Authority with competence types in all 4 areas.



COMPETENCE IN DETAIL

- Most of the tasks are performed within the competence
- Some specific tasks are performed within the competence
- Tasks will be performed within the competence in the future
- Competence not performed

REPORTS & INVESTIGATION	PROTECTION & SUPPORT		ADVICE	PREVENTION & EDUCATION
	Receiving WB reports	Evaluation WB reports		
Receiving WB reports	●●●	●●●	●●●	○○○
Evaluation WB reports	●●●	●●●	●●●	○○○
Receiving ANONYMOUS reports	●●●	●●●	●●●	●●●
Investigation of WB reports	○○○	●●●	●●●	●●●
Sanctions for obstruction in investigation	●●○	●●○	●●●	●●●
Receiving retaliation reports	●●●	●●●	●●●	●●●
Investigation of a retaliation	●●●	●●●	●●●	●●●
Sanctions for retaliation	●●●	●●●	●●●	●●●
Authority grants protection status		○○○	●●●	○○○
Protective measures & remedies		●●●	●●●	●●●
Psychosocial support		●●○	●●●	●●●
Legal representation		●●○	●●●	●●●
Mediation		○○○	●●●	●●●
Rewards		●●●	●●●	●●●
Integrity management support		○○○	●●●	○○○
WB systems support and training		●●●	●●●	●●●
Cooperation with NGOs		●●●	●●●	●●●
Awareness raising		●●●	●●●	●●●
Research on WB		●●●	●●●	●●●

Reports & investigatory powers:

The authority functions as an external channel for all types of whistleblowing reports, but it does not investigate whistleblowing reports (forwards reports to competent authorities or navigates the reporting person on how to do so).

The authority can investigate all allegations of retaliation.

The authority can inspect the functioning of internal whistleblowing channels as well as how an internal whistleblowing report was investigated and resolved. The authority may notify statutory representatives of public administration bodies about insufficient handling of a report and request a remedy of the situation.

Anonymous reports: Yes

Sanctions:

The authority can impose administrative sanctions on individuals and institutions for breaches related to internal reporting channels, retaliation against reporting persons, and breaches of other provisions securing the protection of whistleblowers. The authority can impose sanctions for obstruction in investigation in case of obstructing the investigation of a retaliation case.

Protection powers:

Authority has proactive protection measures; in case a reporting person was granted a protected whistleblower status, the employer is not allowed to dismiss the reporting person or apply any work-related measures to him/her without prior approval of the authority.

The authority can apply corrective measures. It has the power to suspend the employer's dismissal (demonstrations, disciplinary measures, etc.) for 30 days if the employer fails to prove that there was no causal link between the measure and the report. The reporting person can subsequently initiate court proceedings to challenge the measure and request a preliminary injunction. If the court grants the injunction, the measure remains suspended during the whole time of the legal dispute.

The authority cooperates with the Legal Aid Center in the provision of free legal representation to whistleblowers. In exceptional circumstances (high-profile cases), the office can even cover costs and expenses for professional legal services by an attorney. In civil court cases, the authority can apply for the status of an intervening party to support whistleblowers. Moreover, the office can also be an intervening party in criminal proceedings during investigation.

The authority can submit a criminal report on its behalf to preserve the anonymity of the reporting person.

The authority may notify employers about the unlawfulness of their intended actions.

Web: <https://www.oznamovatelia.sk/en/>

Reporting portal: <https://www.oznamovatelia.sk/en/choem-oznamit/>



LEGAL CONTEXT

INSTITUTION TYPE

3.21 THE AGENCY FOR THE PREVENTION AND FIGHT AGAINST FRAUD AND CORRUPTION OF THE VALENCIAN COMMUNITY

AVAF • Spain

Current whistleblowing legislation: Act 11/2016, dated November 28, of the Agency for the Prevention and Fight against Fraud and Corruption of the Valencian Community.
Link: <https://www.antifraucv.es/wp-content/uploads/2022/02/Ley-11-2016-Ingles.pdf>

EU Directive on WB IMPLEMENTATION status by 30th of August 2022: delayed

Independent anti-corruption authority

The Agency is a public institution governed by its regulations and Act No. 11/2016. The authority is an instrument for the prevention, investigation, and combat of fraud and corruption, with the capacity to protect whistleblowers. Its primary purpose is to strengthen the actions of the Valencian public administration and institutions against moral deterioration and economic impoverishment that is detrimental to Valencian citizens. Likewise, the Agency promotes integrity, public ethics, and culture of good practices and rejection of fraud and corruption in the design, execution, and evaluation of public policies and the management of public resources.

The Director of the authority is appointed by the legislative body of the Generalitat Valenciana Les Corts for a 7-year term. The same person can be elected only once. The Director has to meet the conditions of suitability, integrity and professionalism necessary to exercise the position defined in Act No. 11/2016 and cannot be dismissed at will, specific reasons are explicitly stated in Act No. 11/2016.

Whistleblower protection-related activities since **28 November 2016**.

Target groups:

- Any natural or legal person who communicates facts or conduct, presumably fraudulent or corrupt in the public sector
- Any Valencian public entity, regardless of the type or legal form, that is financed mostly by public administration or is subject to effective control by it.

State level covered: Valencian community

Financing: No separate budget for whistleblowing functions

Human resources: 11 investigators, 3 people in IT, 5 people in legal services connected with whistleblowing, all civil servants

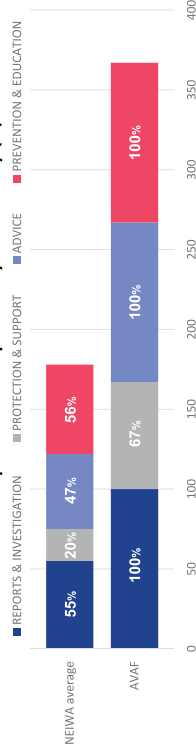
Extent of competence: 9/10 of competence is performed by the authority.

Caseload:

In 2021, the authority completed 268 submissions (191 in the phase of analysis and 77 in the phase of investigation & decision). Altogether the authority received 142 submissions from natural persons, 18 from legal persons, and 199 from anonymous persons.

Authority with competence types in all 4 areas.

Ratio of performed competence by the authority (%)



RESOURCES & ACTIVITIES

OVERVIEW AREAS OF COMPETENCE

COMPETENCE IN DETAIL

- Most of the tasks are performed within the competence
- Some specific tasks are performed within the competence
- Tasks will be performed within the competence in the future
- Competence not performed

REPORTS & INVESTIGATION	PROTECTION & SUPPORT		ADVICE	PREVENTION & EDUCATION
	Receiving WB reports	Evaluation WB reports		
Receiving WB reports	●●●	●●●	Advice in decision to whistleblow	Integrity management support ●●●
Evaluation WB reports	●●●	●●●	Advice in legal steps (support)	WB systems support and training ●●●
Receiving ANONYMOUS reports	●●●	●●●	Advice in case of retaliation	Cooperation with NGOs ●●●
Investigation of WB reports	●●●	●●●	Advice for employers	Awareness raising ●●●
Sanctions for obstruction in investigation	●●●	●●○	Guidelines and manuals	Research on WB ●●●
Receiving retaliation reports	●●●	●●○		
Investigation of a retaliation	●●●	○○○		
Sanctions for retaliation	●●●	○○○		

Reports & investigatory powers:

The overall mission of the authority is to prevent and eradicate fraud and corruption in Valencian public institutions and to promote integrity and public ethics. As such it not only functions as an external channel for whistleblowers but can investigate wrongdoings when it is within the scope of the authority's actions defined by Act No. 11/2016. If it is not, AVAF will forward the report and proceed as a supportive and collaborating body with the right to request regular information.

The authority also investigates cases of retaliation against whistleblowers.

Investigation powers are strictly limited to public administration and include requests for information & documents as well as on-site verification and personal interviews.

Anonymous reports: Yes

Sanctions:

The authority has the power to impose sanctions for the obstruction of the investigation procedure, filtering information or lack of diligence in the custody of files, not complying with whistleblower protection measures, not reporting corruption and fraud in the public interest, and false whistleblowing, among others, established by law. The procedures and list of offenses & sanctions are defined in chapter III. of Act No. 11/2016.

Protection powers:

The authority has corrective, restorative powers and can request the transfer of a whistleblower from the workplace with preservation of rights or paid leave for a specific period. The authority can impose sanctions if the

reporter's life is affected, or the protection statute is infringed. The authority has an obligation to immediately advise the whistleblower in legal matters, procedures that are filed against him due to whistleblowing, with the preparation of witness statements and presentation of legal reports to the reporting person and the authorities. The authority does not provide legal representation services, however, it may collaborate with the Public Prosecutor Office, the courts and tribunals when required, by means of technical assistance and the issuing of expert reports. The authority also helps with settling arguments between the whistleblower and the employer in the form of informal mediation.

The authority coordinates whistleblowers in getting psychological or medical care and support through the public health system. Psychological help will soon be available in-house.

Web: <https://www.antifraucv.es/en/inicio-en/>

Reporting portal: <https://www.antifraucv.es/en/complaints-mailbox-2/>

3.22 ANTI-FRAUD OFFICE OF CATALONIA

OAC • Spain



Current whistleblowing legislation: No law adopted, internal regulations of the Office include in articles 24 and 25 specific protection provisions for whistleblowers.

Link: <https://dogc.gencat.cat/es/document-del-dogc/index.html?documentId=536806>
Rules for action and internal regulations passed by the Parliament of Catalonia (25 November 2009 Parliamentary session).

EU Directive on WB IMPLEMENTATION status by 30th of August 2022: delayed

Independent anti-corruption authority

The Anti-Fraud Office (OAC) is an independent institution, attached to the Parliament of Catalonia, in charge of preventing and investigating corruption as well as preserving the transparency and integrity of public administration and the personnel serving the public sector of Catalonia. From its preventive side, it supports public institutions in consolidating their integrity systems, among other ways, by studying and fostering good practices that help improving the quality of public service provision. From the investigative perspective, the Anti-Fraud Office also guarantees through its internal regulations the protection of whistleblowers.

The head of the institution is appointed by the parliament for a 6-year term and cannot be reelected. The candidate, proposed by the regional government, must undergo a parliamentary hearing prior to his/her appointment in order to fulfil the conditions required by the post. The director of the institution cannot be dismissed, except for the specific causes that are explicitly stated in Act No. 14/2008 (Act that established the authority).

Whistleblower protection-related activities since **25 November 2009**.

Target groups:

- Any public employee who communicates facts or conduct, presumably fraudulent or corrupt, and any person that reports irregularities before the institution.
- Any Catalan public entity, regardless of the type or legal form, that is financed mostly by public administration or is subject to effective control by it.

State level covered: Territory of the Autonomous Community of Catalonia

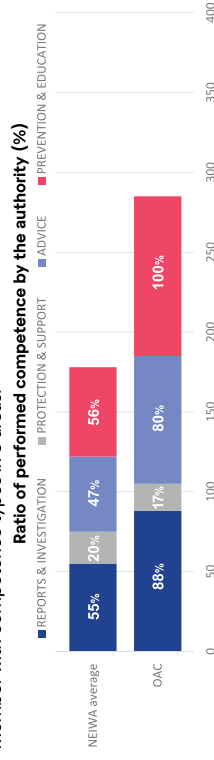
Financing: The overall budget for 2022 is 6,817,208,46 EUR. No separate budget for whistleblowing functions.

Human resources: The institution currently employs 60 persons, 20 are allocated to investigative tasks, which may entail opening a whistleblower protection file, and 11 persons are allocated to preventive tasks.

Extent of competence: 7/10 of competence is performed by the authority.

Caseload: In 2021, the authority received 430 reports sent by whistleblowers concerning irregularities that occurred in the public sector falling within the sphere of action.

Member with competence types in 3 areas.



COMPETENCE IN DETAIL

- Most of the tasks are performed within the competence
- Some specific tasks are performed within the competence
- Tasks will be performed within the competence in the future
- Competence not performed

REPORTS & INVESTIGATION	PROTECTION & SUPPORT		ADVICE	PREVENTION & EDUCATION
	Receiving WB reports	Evaluation WB reports		
Receiving WB reports	●●●	●●●	●●●	●●●
Evaluation WB reports	●●●	●●●	●●●	●●●
Receiving ANONYMOUS reports	●●●	●●●	●●●	●●●
Investigation of WB reports	●●●	●●●	●●●	●●●
Sanctions for obstruction in investigation	●●●	●●●	●●●	●●●
Receiving retaliation reports	●●●	●●●	●●●	●●●
Investigation of a retaliation	●●●	●●●	●●●	●●●
Sanctions for retaliation	●●●	●●●	●●●	●●●

Reports & investigatory powers:

One of the ways the authority may start the investigation of a corruption case is through a whistleblowing report. Hence the authority serves as an external whistleblowing channel in Catalonia. The fact reported is analyzed and if it falls within the sphere of the authority action, it is entitled to examine the case. If it is not within the authority mandate, the report is forwarded to the competent institution and the authority proceeds as a supportive and collaborating body with the right to request regular information.

The authority also investigates cases of retaliation against reporting persons who in good faith reported facts or conduct that falls within the sphere of action of the authority.

Investigation powers cover regional and local public administration and their respective public entities, including state-owned enterprises and include requests for information and documents as well as on-site verification and personal interviews.

Anonymous reports: Yes

Sanctions:

The office has no direct sanctioning powers. However, the office will note any breach of the duty of collaboration in an annual report or an extraordinary report. In that case, the person or body involved in the obstruction of OAC functions will face the responsibilities laid down under current legislation.

Protection powers:

For the time being protection competence is defined in internal regulations and involve protecting the whistleblower's identity, assistance and advice to the whistleblower, and the taking of corrective or re-establishment measures in the face of any reprisal (direct or indirect) suffered by the whistleblower. The corrective and re-establishment measures are taken in the form of recommendations, proposals, and advice on action to the retaliatory organization or competent authorities to impose them.

The assisting and advising function cover information on proceedings and available remedies, including information on reporting channels, alternative procedures at the disposal, conditions of exemption of responsibility (if applicable), and legal advice (actions that can be taken by the whistleblower in the administrative sphere, labour, social, criminal, etc.).

Web: <https://www.antifrau.cat/en>

Reporting portal: <https://www.antifrau.cat/en/mailbox/report-corruption>



3.23 OFFICE OF PREVENTION AND FIGHT AGAINST CORRUPTION IN THE BALEARIC ISLANDS

OAIB¹⁰ • Spain

LEGAL CONTEXT

Current whistleblowing legislation: No law adopted, internal regulations of the Office include in articles 24 and 25 specific protection provisions for whistleblowers.

Links: Act No. 16/2016: <https://www.caib.es/boilbrfront/es/2016/10589/588693/lei-16-2016-de-9-de-deseembre-de-creacio-de-l-ofic-16-2016> (Spanish)

Resolution No. 1/2021: <https://www.oaib.es/wp-content/uploads/2021/07/Publicacion-BOIB-Castellano-13-2-2021.pdf> (Spanish)

EU Directive on WB IMPLEMENTATION status by 30th of August 2022: delayed

INSTITUTION TYPE

Independent anti-corruption authority

The purpose of the Office is to prevent and investigate possible cases of fraudulent use or destination of public funds or any illicit use, derived from conduct that entails a conflict of interest or particular use of information derived from the functions of personnel serving the public sector. Act No. 16/2016 attributes functions to the Office concerning prevention, investigation, and fight against corruption, where the protection of the whistleblower is regulated within investigative functions.

The head of the authority is elected by parliament for a 6-year term. The same person can be elected only once. The Office submits to the Autonomous Parliament an annual report on actions carried out within the scope of its powers. It is subject to economic and accounting control by the parliament.

Whistleblower protection-related activities since **1 June 2019**.

Target groups:

- Any natural or legal person who communicates facts or conduct, presumably fraudulent or corrupt in the public sector.
- Any public entity, regardless of the type or legal form, that is financed mostly by public administration or is subject to effective control by it.

State level covered: Balearic Islands community

RESOURCES & ACTIVITIES

Financing: No separate budget for whistleblowing functions

Human resources: No separate resources for whistleblowing functions

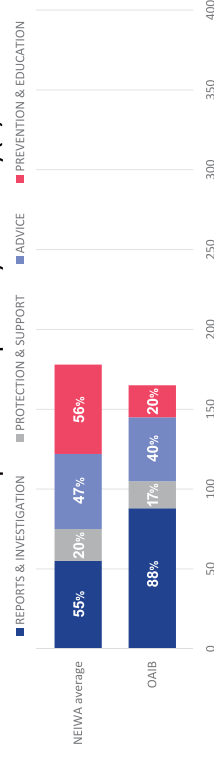
Extent of competence: 1/2 of competence is performed by the authority.

Caseload: During the 2021 financial year, a total of 125 information messages, alerts, or complaints were received, both formal and informal.

OVERVIEW AREAS OF COMPETENCE

Member with many competencies in 2 areas.

Ratio of performed competence by the authority (%)



¹⁰ The fact sheet was not reviewed or approved by the authority.

COMPETENCE IN DETAIL

- Most of the tasks are performed within the competence
- Some specific tasks are performed within the competence
- Tasks will be performed within the competence in the future
- Competence not performed

REPORTS & INVESTIGATION		PROTECTION & SUPPORT		ADVICE	PREVENTION & EDUCATION
Receiving WB reports	●●●	Authority grants protection status	●●●	Advice in decision to whistleblow	Integrity management support ●●●
Evaluation WB reports	●●●	Protective measures & remedies	○○○	Advice in legal steps (support)	WB systems support and training ○○○
Receiving ANONYMOUS reports	●●●	Psychosocial support	○○○	Advice in case of retaliation	Cooperation with NGOs ○○○
Investigation of WB reports	●●●	Legal representation	○○○	Advice for employers	Awareness raising ○○○
Sanctions for obstruction in investigation	●●●	Mediation	○○○	Guidelines and manuals	Research on WB ○○○
Receiving retaliation reports	●●●				
Investigation of a retaliation	●●●				
Sanctions for retaliation	○○○				

Reports & investigatory powers:

The authority functions as an external channel for whistleblowers and investigates wrongdoings when they are within the scope of the authority's actions defined by Act No. 16/2016. If it is not, the authority will transfer the report to a competent body.

The authority also investigates cases of retaliation against whistleblowers.

Investigation powers are limited to public administration and include requests for information & documents as well as on-site checks, personal interviews, and access to the information on bank accounts (if permitted by legislation).

Anonymous reports: Yes

Sanctions: The authority has the power to impose sanctions for the obstruction of the investigation procedure, filtering information or lack of diligence in the custody of files, not complying with whistleblower protection measures, leakage of information, etc. The procedures and list of offenses & sanctions are defined in articles 29, 30, and 31 Act No. 16/2016.

Protection powers:

The authority issues a resolution to protect the whistleblower. The protection powers include the protection of the whistleblower's identity, assistance and advice to the whistleblower.

Web: <https://www.oaib.es/>

Reporting portal: <https://www.oaib.es/denuncias>

OBSERVER FACT SHEETS (PROFILES)



4.1 AGENCY FOR PREVENTION OF CORRUPTION

ASK ● Montenegro



LEGAL CONTEXT

Current whistleblowing legislation: Act on Prevention of Corruption No. 53,

dated 19 December 2014

Link: https://www.antikorupcija.me/media/documents/Law_on_prevention_of_corruption_uhpeSyH.pdf

EU Directive on WB IMPLEMENTATION status by 30th of August 2022: Montenegro has no obligation to adopt the EU Directive, however, the third chapter of the law about whistleblowers is mainly in line with the EU Directive.

INSTITUTION TYPE

Independent anti-corruption authority

The Agency for Prevention of Corruption is an independent state authority established by Act on Prevention of Corruption No. 53, dated 19 December 2014. The agency started its operation on January 1st, 2016 and has the power to decide on the existence of a conflict of interests in the performance of a public function, verification of reports on the income and assets of public officials and carry out activities for the prevention of corruption and enhancement of public sector integrity. The authority also carries out activities in the control of lobbying and financing of political entities and election campaigns. The authority is entrusted with the protection of whistleblowers in Montenegro.

The head of the authority is elected by the Council of the Agency, based on public competition. The director is elected for five years, with the possibility to be elected twice. The director cannot be dismissed at will, the exact reasons are explicitly stated in the Act. The authority is accountable directly to the Parliament of Montenegro.

Whistleblower protection-related activities since **1 January 2016**.

Target groups: Whole population, but mainly public officials

State level covered: Nationwide

RESOURCES & ACTIVITIES

Financing: No separate budget for whistleblowing functions

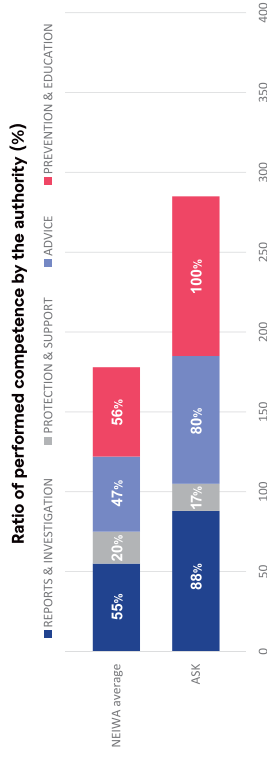
Human resources: foreseen 5, work 2

Extent of competence: 7/10 of competence is performed by the authority

Caseload: In 2021, 142 whistleblowers reports were submitted to the authority, 15 were identified as threatening the public interest, and on the basis of 8 reports the authority initiated proceedings at the competent prosecutor's office.

OVERVIEW AREAS OF COMPETENCE

Authority with many competence types in 3 areas.



- COMPETENCE IN DETAIL**
- Most of the tasks are performed within the competence
 - Some specific tasks are performed within the competence
 - Tasks will be performed within the competence in the future
 - Competence not performed

REPORTS & INVESTIGATION	PROTECTION & SUPPORT		ADVICE	PREVENTION & EDUCATION
	Receiving WB reports	Evaluation WB reports		
Receiving WB reports	●●●	●●●	●●●	●●●
Evaluation WB reports	●●●	●●●	●●●	●●●
Receiving ANONYMOUS reports	●●●	●●●	●●●	●●●
Investigation of WB reports	●●●	●●●	●●●	●●●
Sanctions for obstruction in investigation	●●●	●●●	●●●	●●●
Receiving retaliation reports	●●●	●●●	●●●	●●●
Investigation of a retaliation	●●●	●●●	●●●	●●●
Sanctions for retaliation	●●●	●●●	●●●	●●●

Reports & investigatory powers:

The authority is charged with the prevention of corruption in Montenegro. As such it functions as an external channel for whistleblowers and can investigate reported wrongdoings when they are within the scope of the authority's actions. If they are not, the authority forwards the report to the competent organization. The authority is one of the ways a whistleblower in Montenegro can submit a report.

The authority also receives and investigates cases of retaliation against whistleblowers.

The authority is conducts administrative investigation and drafts an opinion on a threat to the public interest that indicates the existence of corruption. If the Agency, during the procedure, finds irregularities which fall under the jurisdiction of the Prosecutor's Office or other competent authorities (police, inspections, etc.), it is obliged to forward that information to the competent authority. That authority must inform the Agency on the outcome of the proceedings.

Anonymous reports: Yes

Sanctions:

The authority has the power to impose administrative sanctions for violations defined in the Act on the Prevention of Corruption. However, it cannot sanction noncompliance with whistleblower protection measures.

Protection powers:

The authority is entrusted with the protection of whistleblowers in Montenegro. At the request of a whistleblower, the authority determines whether any damage occurred, i.e. whether there is a possibility of damage to the whistleblower, and the authority issues an opinion thereon. In case some retaliatory measures were

taken against the whistleblower, the authority issues a recommendation to the organization (retaliator) to remedy it. Recommendations are not legally binding, but the authority can apply indirect measures to pressure an organization to comply with a recommendation (informing the media, parliament, supervising body, etc.). If, because of the damage sustained, the whistleblower initiates a judicial process, the authority shall, at his request, provide the necessary expert assistance in proving a causal connection between the submission of the report on the threat to the public interest that indicates the existence of corruption and the caused damage.

Web: <https://www.antikorupcija.me/en/>

Reporting portal: <https://www.antikorupcija.me/me/korisnicki-servisi/prijava-korupcije/>

COMPARISON OF NEIWA MEMBERS: WHAT DO WE HAVE IN COMMON?

Individual fact sheets show that there is a great deal of variation in how the authorities are set up and what competence is performed when it comes to whistleblowing and whistleblower protection. In this section, we will present a comparative overview of four broad dimensions with a focus on both commonalities and main differences. The comparative analysis focuses on legal context, type of institution, its resources and activities and then a comparison of the competence itself.

5.1 LEGAL CONTEXT

The implementation of EU Directive 2019/1937 is of particular interest to NEIWA. However, the Directive transposition was delayed in more than half of the NEIWA member states. The member facts sheets contain web links for the current legislation or regulations for whistleblowing and/or the protection of whistleblowers (as of August 2022). Several members have already included the new/amended law that is in line with the EU Directive. (Croatia, Denmark, Ireland, Latvia, Lithuania, France) The majority of these laws that are already in line with the Directive are available online only in national languages.

Most of the NEIWA members have already worked with whistleblowers in some way and half of the members have some whistleblower protection competence. All these members expect that they will continue to function as an authority with whistleblowing competence after the transposition of the Directive. Only 4 NEIWA members – Ministry of Justice of Finland, NTA (Greece), Ministry of Justice of Romania, CPD GOSR (Slovakia) – currently do not work with whistleblowers at all, but all of them oversee the transposition of the EU Whistleblowing Directive. Those members are active in enhancing the integrity of the country. Two of them (Ministry of Justice Finland and Romania) indicated that there would be other authorities entrusted with whistleblowing related competence in their country.

5.2 TYPE OF INSTITUTION

Anti-corruption authorities (9 members) and Ombudsperson authorities (8 members) are the most common types of institutions as members of NEIWA. Among NEIWA members are also 4 ministries of justice and two other central government bodies. Independent whistleblowing authorities are only present in the Netherlands and Slovakia. An overview of the types of institutions and their formal independent establishment is shown in Table 6.

One might say that anticorruption authorities would be more active in receiving and investigating whistleblowing reports while ombudsperson authorities would be more active in defending the rights of whistleblowers. However, the reality is much more complex and the competence in whistleblowing varies a lot among members of one institutional type. Thus, the institution type does not indicate what kind of whistleblowing competence the authority has.

NEIWA members also differ in their audience, meaning the size of the group of citizens that fall within the overall whistleblowing-related activities performed. Most members cover the whole state, but Spain and Belgium have more authorities as NEIWA members since the authorities work with different communities within the state.

Another varying characteristic is the sector (public, private, or non-profit) authorities are focused on. Almost half of the members (11 authorities) work with employees from all sectors. Nine members work only with public sector employees (current or former). A specific member is Garda Síochána Ombudsman Commission, which considers the whole population or any person worldwide, however only in the context of disclosures related to the Irish police force. The personal scope of the whistleblowing legislation is one of the points the EU Directive addresses and intends to unify. However, various authorities within one country might continue to focus on different sectors. This means that even after the transposition of the EU Directive in all EU states, not all NEIWA members will focus on all sectors (public, private, non-profit).

Another aspect is to what target group the authorities are dedicating their activities. Citizens reporting a wrongdoing, who may or may not have any working relationship with the organization, are mostly the main target group. Certainly, all NEIWA members with competence as an external whistleblowing channel do work with this group. Another target group is public or private organizations (employers). Organizations are addressed either within anti-corruption activities, integrity management support, or internal whistleblowing mechanism support.

Competent authorities that serve as an external reporting channel are a specific target group. Such institutions should be competent to receive, give feedback and follow up on reports according to the Directive. Several duties come with how the external channel should function and be designed, including specific staff training, publishing information regarding reports and their follow-up, and regular reviews of procedures. NEIWA member states which have already adopted the new law have either designated only one authority as an external reporting channel (for example Lithuania, Croatia) or have specified multiple authorities as such an external reporting channel (for example Latvia, France, Portugal, Denmark). The number of external whistleblowing channels within one state ranges from 6 up to hundreds. For instance, the Contact Point of Whistleblowers (Latvia) is also responsible for the coordination of such other competent authorities (external reporting channels). Thus, this is another type of activity and competence that relates to whistleblowing that a NEIWA member may perform.

Table 6: Type of institution

INDEPENDENT ANTI-CORRUPTION AUTHORITY	INDEPENDENT OMBUDS AUTHORITY	PART OF CENTRAL GOVERNMENT	INDEPENDENT PROTECTION AUTHORITY	PROSECUTION AUTHORITY	OTHER TYPE OF INDEPENDENT AUTHORITY
Bulgaria CACIAF	Belgium Federal	Czech Ministry of Justice	The Netherlands Dutch Whistleblowers Authority	Lithuania General prosecutor	Denmark Data Protection Agency
Greece NTA	Belgium Vlaamse	Finland Ministry of Justice	Slovakia Whistleblower Protection Office	Portugal UDAC	Sweden* Work Environment Authority
Italy ANAC	Belgium German-speaking	Latvia State Chancellery			
Montenegro ASK (observer)	Croatia	Romania Ministry of Justice			
Spain Valencia AVAF	France DDD	Slovakia CPD – GO SR			
Spain Balearic Islands OAlB	Hungary CFR	Estonia* Ministry of Justice			
Spain Catalonia OAC	Ireland GSOC				
Slovenia* KPK	Ireland* (observer)				
Spain* Andalusia					

* Member who did not participate in the study.

5.3 RESOURCES AND ACTIVITIES

In the questionnaire, we inquired about resources in terms of financing, personnel, and caseload. This information was so varied that it is impossible to compare individual members with each other. The main limitation is the extent of competence each authority exercises within its whistleblowing role. Thus, the sums (budget, number of personnel) are not directly comparable. Some members perform only a limited amount of competence in one area, while others have a broad focus. Moreover, the performance of the same competence differs in intensity (e.g., investigation of WB reports).

Another restraint is that most of the member authorities are not solely dedicated to whistleblowing and perform also other functions and their budget or personnel is not exclusively assigned to whistleblowing tasks (e.g., a separate whistleblowing unit). The last restriction is the way the caseload statistics are designed, what information is recorded, how it is counted, and what is excluded from publishing.

Therefore, comparisons of NEIWA members or the EU states based on this information might be very misleading. Although some performance indicators are desired, NEIWA members want to compare each other in terms of the efficacy of various whistleblowing protection settings within the member states. This question needs to be addressed in the future.

5.4 COMPETENCE TYPES

The primary aim of the presented report was to provide a more detailed overview of NEIWA member authorities' competence types. In total, we looked at 24 competence types, which are classified into **4 main areas**:

1

REPORTS & INVESTIGATION

- ability to receive WB reports
- ability to evaluate and investigate them,
- ability to investigate reports of retaliation, and
- ability to impose sanctions.

2

PROTECTION & SUPPORT

- ability to perform protective measures and remedies,
- legal representation of WBs,
- psychosocial support
- mediation, and
- provision of rewards.

3

ADVICE

- provision of advisory services for (potential) whistleblowers and employers,
- preparation of manuals and guidelines.

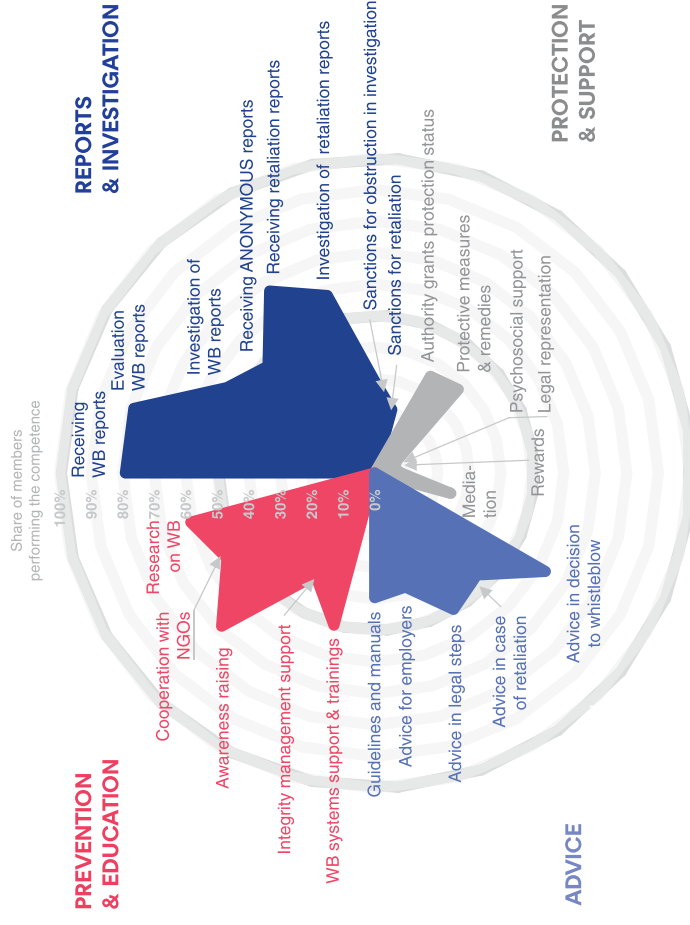
4

PREVENTION & EDUCATION

- provision of education and training,
- awareness raising,
- cooperation with NGOs, and
- performance of research.

Most often the NEIWA members perform competence in the areas of Reports & Investigation and Prevention & Education. The lowest proportion of members has competence in the Protection & Support of whistleblowers. The extent of performed competence is visualized in the Chart 1.

Chart 1: Proportion of members performing competence types



The majority of NEIWA members are involved in receiving external whistleblowing reports and evaluating whether reports meet the criteria of a whistleblowing report. Only four members do not perform the role of an external whistleblowing channel. Of the 20 NEIWA members that work with whistleblowing reports, 11 accept anonymous reports as well. Although more than 80% of NEIWA members have the competence to receive a whistleblowing report, only half of them can investigate wrongdoing to some extent. The rest of the authorities forward whistleblowing reports to competent institutions. The extent of investigatory powers varies among members. Only six members can impose sanctions for the obstruction or hindrance of investigations of external or internal whistleblowing reports.

Approximately 60% of the NEIWA members accept reports of retaliation against whistleblowers and almost all of them also investigate retaliation, to gather evidence and make decisions. However, only five members – MoJ (Czechia), ANAC (Italy), LRGP (Lithuania), UOO (Slovakia), and AVAF (Spain-Valencia) – can impose sanctions for exposed retaliation.

Only some members are engaged in the Protection & Support of whistleblowers. Seven members can officially acknowledge that a person is a protected whistleblower. For some members, it is an automatic process, after a report is accepted as fulfilling the criteria for a whistleblowing report (CINT and OFO in Belgium). Other members issue a certificate or form of confirmation that this person is a protected whistleblower (AVAF and OAIB in Spain, LRGP in Lithuania, HvK in the Netherlands). Some members can exercise proactive protection measures based on the status of a protected whistleblower. During the period of protection, the whistleblower can only be subjected to a disciplinary sanction or another measure if these are not related to

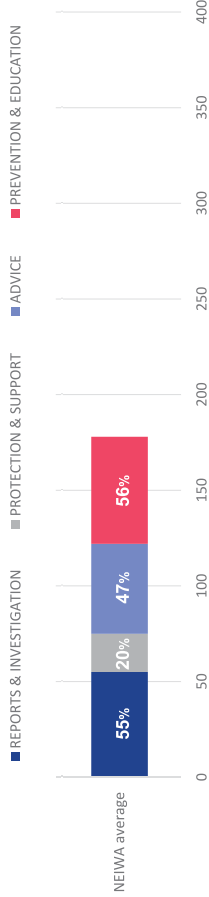
the reporting of wrongdoing. Ongoing disciplinary procedures are suspended (Ombudsfrau DG and OFO in Belgium, UOO in Slovakia). In Slovakia, a confirmation that a person is a protected whistleblower is provided by other institutions (Public Prosecutors, administrative bodies), and an employer is not allowed to dismiss the reporting person or apply any work-related measures to him/her without prior approval of the UOO. In this case, the employer is automatically informed about the fact that the employee has been granted the status of a protected whistleblower.

In case retaliation against a whistleblower occurred, nine members can request corrective, restorative measures to be taken by the employer (or retaliator). Mostly the request is in the form of a recommendation, opinion, or advice and is not legally binding. However, the members can usually pressure the retaliator into compliance in an indirect manner (informing the supervising body, institutions with sanctioning powers, or media). NEIWA members are not involved in providing free legal aid. However, some form of legal aid may arise in some specific situations. Another very rarely performed competence is the provision of rewards or compensation. Only two members have such competence. Six members provide mediation services.

Members are more active in providing advisory services to whistleblowers or potential whistleblowers. Fifteen members provide information on reporting procedures, possible risks of reporting, and available protective measures. Eleven members also offer more specialist legal assistance and consultations throughout and after the reporting procedure or retaliatory actions. Approximately nine members also consult employers on legal requirements, whistleblower protection, or internal whistleblowing systems.

Competence in the area of Prevention and Education is also carried out by many members. Authorities provide training or other types of education (webinars, seminars, conferences), guidelines or manuals to designated persons for internal whistleblowing systems, (public) employees, or other groups. Members are active in awareness raising by maintaining a website with information about whistleblowing; attending conferences, podcasts, and various events; participating in expert commissions, raising awareness in the media, social media, or through a media campaign. More than half of the members are also active in cooperation with non-profit organizations and researching whistleblowing, public opinion, and assessment of legislation implementation and its impacts.

Chart 2: OVERVIEW of AREAS of competence of the NEIWA network



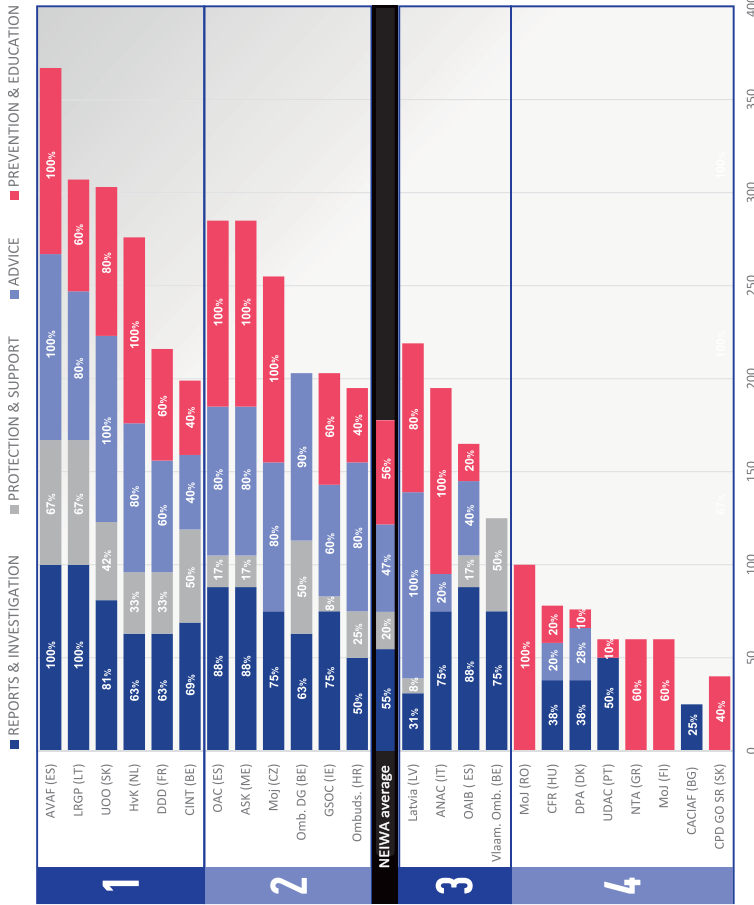
If we were to create the average NEIWA member, such a member would perform eleven competence types out of the 24 we followed. It would be four competence types in the area of reports and investigation, one competence type in the area of protection and support, two competence types in the area of advice, and three competence types in the area of prevention and education. In the chart, we have recalculated each area of competence on a scale from 0 to 100%.

At the same time, the total number of competence types performed by the average member (11 competencies) can be recalculated on a scale from 0 to 100%. This can be expressed as the extent of competence that the average member performs, i.e. 45% (approx. 1/2) of competence types.

Chart 3: OVERVIEW of AREAS of competence of individual members

NEIWA members can be classified into four basic categories:

- 1 Members with multiple competence types in all four areas.
- 2 Members with multiple competence types in three areas and a few competence types in the fourth area (mostly it means a few competence types in the Protection & Support of whistleblowers).
- 3 Members with multiple competence types in 2 areas. These members have a few competence types in the other two areas; however, two areas are dominant.
- 4 Members with a focus on one area (mostly Prevention & Transposition of the EU Directive) or members with only a few whistleblowing competence types.



A detailed overview of NEIWA members' competence can be found in Table 7.

Table 7: Members competence types

	ES	LT	SK	BE	FR	ES	ME	NL	IE	Ombud. DG	IT	Cont. Point	HR	CZ	ES	BE	HU	DK	PT	RO	FI	GR	BG	SK
Most of the tasks are performed within the competence																								
Some specific tasks are performed within the competence																								
Competence not performed																								
REPORTS & INVESTIGATION	Receiving WB reports																							
	Evaluation WB reports																							
	Receiving ANONYMOUS reports																							
	Investigation of WB reports																							
	Sanctions for obstruction in investigation																							
	Receiving retaliation reports																							
	Investigation of a retaliation																							
PROTECTION & SUPPORT	Sanctions for retaliation																							
	Authority grants protection status																							
	Protective measures & remedies																							
	Psychosocial support																							
	Legal representation																							
	Mediation																							
	Rewards																							
ADVICE	Advice in decision to whistleblow																							
	Advice in legal steps (support)																							
	Advice in case of retaliation																							
	Advice for employers																							
	Guidelines and manuals																							
PREVENTION & EDUCATION	Integrity management support																							
	WB systems support and training																							
	Cooperation with NGOs																							
	Awareness raising																							
	Research on WB																							

CONCLUDING REMARKS: A WAY FORWARD

The report shows that there is a great deal of institutional variation as well as variation in competence among the members of the NEIWA network. This means, that there is also divergence of approaches to both the investigation of whistleblowing reports as well as the protection of whistleblowers. Even if the NEIWA network does not capture the whole plethora of institutions that play a central and pivotal role in whistleblowing in the European Union, it reveals the richness of approaches that member states have to this issue. At the same time, it can be expected that the NEIWA diversity will only increase with further expansion of the network, each new member will probably bring another approach to whistleblowing.

Based on the results, we assume that the transposition of the Directive (which is still to be concluded in many member countries) will not bring one unified model of whistleblowing protection in Europe. EU member states will share the principles of the Directive, but the everyday arrangements will continue to be different everywhere. All the existing models of whistleblower protection are embedded in the national (or regional) country context, which adds to their uniqueness. Although the institutional setup and legislative framework constitute only one of the factors that affect whistleblowing,¹¹ there are models that (will) probably work better than others. We do not know yet which ones they are and this is something that remains to be seen in the future.

The variation in approaches to whistleblowing opens exciting possibilities for NEIWA. The member organizations already possess unique know-how, which will only grow in the future. Accumulation of this know-how in one central hub, where it can be subject to expert deliberation is one of the NEIWA goals. The possibility to learn from each other to perform the competence more efficiently and effectively should be systematically developed. In the bigger picture, successful knowledge sharing can lead to better functioning of several (if not all) models of working with whistleblowing reports and protection of whistleblowers. Many member authorities will soon face new competence types in whistleblowing after the transposition of the Directive in their country. This is another opportunity for the NEIWA knowledge-sharing platform to support its members. Permanent working groups can be created for the main principles of the Directive that we share e.g., management of external whistleblowing channels, enhancement of internal whistleblowing channels, information support for whistleblowers, or data gathering on whistleblowing cases.

The main aim of the Directive is the protection of whistleblowers who report breaches of EU law. This is a challenge for NEIWA. Our report shows that apart from the general principles such as protection of the whistleblower identity, prohibition of retaliation, or reversal of the burden of proof in legal proceedings, it is the least performed area of competence among members. One of the reasons might be that the Directive (in its Chapter VI) does not clearly define measures in the area of protection and leaves it up to national legislation. This creates the need for NEIWA to be in a leading role in identifying and specifying the best practice of whistleblower protection measures within the EU, to expand the mechanisms for the protection of whistleblowers from passive or reactive measures to proactive protection action in the future. This is necessary if we want whistleblowing to be perceived as a viable option for larger numbers of observers of wrongdoings in their organizations since retaliatory measures are one of the biggest obstacles in the decision to blow the whistle.¹²

Convincing people to become whistleblowers when they witness wrongdoings and illegal behavior presents the last major challenge. The existence of legal and institutional support is one of the key factors, but a similar major challenge is trust in the system, institutions, and their work. This can be changed by identifying and communicating best practices and knowledge sharing among authorities that protect whistleblowers that are part of NEIWA, and also organizations that are outside of the network and share similar visions and missions.

The protection of whistleblowers is one of the fundamental tools in the fight against corruption and other illegal conduct, and it is also part of the wider framework for more transparent and accountable functioning of both public and private organizations. In this sense, it is a tool to strengthen democratic societies. The NEIWA member organizations can play an important role in their respective nation-states in this process in the future. The existence of the network therefore also offers a chance to present a unified voice in whistleblowing and whistleblower protection in Europe for the years to come.

¹¹ Barbara Cullberg, and Katarina Katja Mihelc. 2017. The Evolution of Whistleblowing Studies: A Critical Review and Research Agenda. *Journal of Business Ethics*, Vol. 146(4), p. 787-803.

¹² Peter G. Cassamatis a Richard Wortley. 2013. Prediction of Whistleblowing or Non-reporting Observation: The Role of Personal and Situational Factors. *Journal of Business Ethics*, Vol. 117(3), p. 615-634.