

Network of European Integrity and Whistleblowing Authorities (NEIWA)

Declaration on establishing external reporting channels
Adopted at the virtual NEIWA meeting of 4 June 2021 in Utrecht

NEIWA currently consists of the following members:

Austria	Ministry of Justice
Belgium	Federal Ombudsman Vlaamse Ombudsman
Bulgaria	Bulgarian Commission for Anti-Corruption and Illegal Assets Forfeiture
Croatia	Ombudswoman
Czech Republic	Ministry of Justice
Estonia	Ministry of Justice
Finland	Ministry of Justice
France	Défenseur des Droits
Greece	National Transparency Authority
Hungary	Commissioner for Fundamental Rights
Ireland	Garda Ombudsman
Italy	Autorità Nazionale Anticorruzione
Latvia	State Chancellery
Lithuania	General Prosecutor's Office
Netherlands	Huis voor Klokkenluiders
Portugal	Portuguese Ombudsman's Office Prosecutor General
Romania	Ministry of Justice
Slovenia	Commission for the Prevention of Corruption
Slovakia	Whistleblower Protection Bureau i.o.
Spain	Agencia Valenciana Antifrau Oficina Antifrau de Catalunya
Sweden	Ministry of Employment
Montenegro (observer)	Agency for Prevention of Corruption

Recalling that the Network of European Integrity and Whistleblowing Authorities (NEIWA), currently representing 21 Member States, has been established in May 2019 to offer a platform to cooperate and exchange knowledge and experiences in the field of integrity and whistleblowing.

Highlighting that NEIWA at the moment focuses its efforts on the transposition of the Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (hereafter: "the Directive") and aims at strengthening the level of protection of whistleblowers within the European Union (EU).

Recalling the previous recommendations of NEIWA in the Paris declaration of 2 December 2019, the Rome declaration of 26 June 2020 and the Brussels declaration of 17 December 2021.

Acknowledging that the Directive contains five tasks to be performed within a member state by one or more (competent) authorities in relation to reporting breaches, which are: 1) setting up an external reporting channel, 2) following up on reports of breaches, 3) following up on allegations of retaliation,

4) providing information and being available for consultation and 5) providing advice and support to reporting persons.

We, members of NEIWA, within the spirit of sharing best practices, recommend to all governments, administrations and other stakeholders involved in the implementation of the Directive to, at least:

1. Ensure that the external reporting channels, set up by the competent authorities, provide strict confidentiality to whistleblowers and to their reports as well as to the investigations by the competent authorities following these reports, towards any third party, and ensure their protection by granting those channels the organizational and financial autonomy needed to perform their functions properly and providing them with sufficient resources.
2. Consider appointing an authority that is recognized and positioned as the main, central or pivotal authority within the Member State or region and that gives the Directive and the national implementing law a name, a face and a phone number.
3. Provide that this authority performs, not necessarily exclusively and depending on national law, one or more of the tasks foreseen by the Directive, which could in particular include investigating allegations of retaliation, and providing information and being available for consultation or advice to reporting persons and where applicable refer them to the relevant competent authority.
4. Consider making this authority competent for following up on reports of breaches, at least as a last resort when no other authority is competent or has not given proper follow-up to a report, in accordance with the applicable national framework.