Network of European Integrity and Whistleblowing Authorities (NEIWA)

Brussels Declaration - December 14, 2020

After having met in The Hague (May 2019), Paris (December 2019) and virtually in Rome (June 2020);

The following members of **NEIWA** gathered virtually on 3 and 4 December 2020 in Brussels:

Belgium	Federal Ombudsman
	Vlaamse Ombudsman
Czech Republic	Ministry of Justice
Estonia	Ministry of Justice
Finland	Ministry of Justice
France	Défenseur des Droits
Greece	National Transparency Authority
Ireland	Garda Ombudsman
Italy	Autorità Nazionale Anticorruzione
Latvia	State Chancellery
Lithuania	General Prosecutor's Office
Netherlands	Huis voor Klokkenluiders
Portugal	Portuguese Ombudsman's Office
	Prosecutor General
Romania	Ministry of Justice
Spain	Agencia Valenciana Antifrau
	Oficina Antifrau de Catalunya

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 for cooperation and the exchange of knowledge and experiences in the areas of integrity and whistleblowing.

Highlighting that NEIWA 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 and the Rome declaration of 26 June 2020.

Reminding that EU Members States must transpose the Directive into national law by 17 December 2021, which is already in a year's time.

Underlining that the transposition efforts vary greatly among EU Members States. While some EU Member States are very advanced in this process, some others are currently in a preliminary stage of the transposition process. This situation requires urgent action to ensure the effective application by EU Member States of the EU standards for whistleblowers protection.

Recalling that the Directive requires Member States to ensure reports are properly followed up by one or more competent authorities as defined in the Article 1 (14) of the Directive, which for some Member States means reaffirming the current role of certain existing authorities while for others establishing such authorities.

Highlighting that the Directive requires Member States to provide for effective, proportionate and dissuasive penalties applicable both to natural or legal persons who (attempt to) hinder reporting, retaliate against a reporting person, bring vexatious proceedings against a reporting person or breach the duty of maintaining their identity confidential.

Reminding that the Directive requires providing comprehensive and independent information and advice on the protection against retaliation and the rights of reporting persons. Furthermore, the Directive provides for supporting measures for reporting persons when filing a report, including the access to effective assistance and legal aid. The Directive also fosters adopting financial assistance or other support measures such as psychological support.

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:

1. Urgently initiate or accelerate the transposition process to meet the Directive transposition deadline of 17 December 2021.

2. Extend the material scope of the Directive as wide as possible in relevant areas and policies under national law as provided by Article 2 (2) of the Directive, when there is a risk that breaches of these laws may cause serious harm to the public interest and to the welfare of society and harmonize as much as possible the national existing legal frameworks.

3. Seize the opportunity to build an integrated national reporting system where internal reporting channels and external competent authorities, while operating autonomously according to their respective territorial or material competences, coordinate among themselves to ensure an effective and coherent reporting mechanism.

4. Ensure that the appointed external channels do present sufficient guarantees of organizational independence and necessary autonomy from the government and that they are properly resourced and have the capacity to fulfill their missions.

5. Provide that reporting persons can resort to a competent channel to intervene as a last resort in case no other appointed authority is competent or has not given proper follow-up of the report.

6. Ensure that at least the reporting persons benefit from an effective legal, psychological and financial support when reporting, regardless of their personal or financial situation. These services could be provided by governmental or non-governmental organizations or other professional associations with the necessary funding, expertise and independence.

7. Provide for sanctions against legal or natural persons acting in a way that discourages reports to be filed, retaliating and/or undermining the protection of reporting persons. In doing so, Member States should consider a wide range of sanctions (administrative, civil and criminal) that could be applied in combination to ensure that they are effective and dissuasive. Member States will bear the responsibility to ensure that any kind of sanctioning does not solely rely on the reporting person acting individually, as it is a responsibility of the whole society.

8. When providing for penalties for knowingly reporting false information, make sure that sanctions are made applicable only when the person did so intentionally and in order to avoid dissuading others to file a report.