Network of European Integrity and Whistleblowing Authorities (NEIWA)

Barcelona Declaration

Adopted on 17 of June 2022

NEIWA currently consists of the following members:

Belgium	Federal Ombudsman
	Flemish Ombudsman
	German speaking community Ombudsman
Bulgaria	Bulgarian Commission for Anti-Corruption and Illegal Assets Forfeiture
Croatia	Ombudswoman
Czech Republic	Ministry of Justice
Denmark	Data Protection Authority
Estonia	Ministry of Justice
Finland	Ministry of Justice
France	Défenseur des Droits
Greece	National Transparency Authority
Hungary	Commissioner for Fundamental Rights
Ireland	Garda Síochána Ombudsman Commission
Italy	National Anticorruption Authority
Latvia	State Chancellery
	Corruption Prevention and Combating Bureau
Lithuania	General Prosecutor's Office
Netherlands	The Dutch Whistleblower Authority
Romania	Ministry of Justice
Slovenia	Commission for the Prevention of Corruption
Slovakia	Prime Minister's Office (Corruption Prevention Department)
	Whistleblower Protection Office
Spain	Valencian Anti-Fraud Agency (AVAF)
	Anti-Fraud Office of Catalonia (OAC)
	Prevention and Fight against Corruption Office of the Balearic Islands
	Andalusian Office against Fraud and Corruption
Sweden	Swedish Work Environment Authority
Montenegro	Agency for Prevention of Corruption (Observer)
Ireland	Office of the Ombudsman (Observer)

Representatives of members of NEIWA gathered in Barcelona

Recalling that the Network of European Integrity and Whistleblowing Authorities (NEIWA), currently representing 28 Authorities from 20 EU Member States and two observers, has been established in

May 2019 to offer a platform to cooperate, exchange knowledge and experiences in the field of integrity and whistleblowing, with particular attention to the implementation of the Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law.

Considering NEIWA's mission statement that was adopted at the 6th NEIWA meeting which underlined the need to coordinate our efforts towards the strengthening of the protection of reporting persons within the European Union and the upholding of safer working environments, through the exchange of knowledge and practices.

Highlighting NEIWA's previous recommendations, i.e., the Paris Declaration of 2 December 2019, the Rome Declaration of 26 June 2020, the Brussels Declaration of 17 December 2020, the Utrecht Declarations of 4 June 2021, the Declaration with a final call adopted on 17 September 2021 and the Dublin Declaration of 10 December 2021.

Noting that while Member States were required to have transposed the EU Directive into national law by 17 December 2021, not all EU Member States have complied with this legal obligation to this date.

Noting that the lack of transposition of the Directive can weaken whistleblower protection in EU Member States, causing fragmented protection regimes and legal uncertainty to whistleblowers across the European Union, which can also result in under-reporting of breaches of law.

Reminding that the EU Directive has direct effect in Member States where the Directive has not yet been transposed and can be therefore invoked under specific circumstances, especially in accordance with the caselaw emanating from the European Court of Justice.

Noting that the European Commission has already launched infringement procedures by sending letters of formal notice to some EU Member States as a result of their delayed entry into force of national measures transposing the EU Directive 2019/1937 and its lack of transposition.

Noting that, with regard to the requirements imposed by Article 27 of EU Directive, Member States shall, on an annual basis, submit statistics on the number of reports received by competent authorities; the number of investigations and proceedings initiated and, if ascertained, the estimated financial damage, and the amounts recovered following investigations and proceedings.

Bearing in mind that while Europe is currently at a crossroad in the defence of the principles that inspire the rule of law as opposed to authoritarian models, it is more appropriate than ever that Member States strengthen their anti-corruption and integrity agenda, promoting the establishment of prevention mechanisms, amongst which the availability of a robust whistleblower protection system.

With the spirit of upholding the previous recommendations stated in these Declarations, NEIWA urges to all governments, administrations and relevant stakeholders involved in the implementation of the EU Directive 2019/1937 to take note of the following recommendations:

1. Member States who have not transposed the EU Directive are encouraged to complete the transposition in accordance with its the letter and spirit without further delay and therefore avoid the further stages of the infringement procedure;

2. Recommends that the transposition covers not only breaches of EU laws foreseen in the EU Directive but covers also other breaches of national legislation, infringements and wrongdoings that could threaten the public interest, going beyond the minimum standards established by the EU Directive and thus creating a comprehensive and coherent whistleblower protection framework;

3. Recommends that Member States describe in a comprehensive way protection mechanisms and procedures in their national legislations; this can include detailed procedures for pre-emptive or corrective measures, to ensure the effective protection of reporting persons;

4. Recommends that, even pending the transposition of the Directive, competent authorities and authorities which fall under the EU Directive definition, need to adapt their procedures to those identified by the EU Directive, in accordance with their competences and resources;

5. Highlights the importance that sufficient resources are allocated to competent authorities and all other authorities involved in the protection of whistleblowers for effectively implementing the EU Directive, especially the protective and support measures for reporting persons. NEIWA authorities and other authorities responsible to gather the data established in art. 27 of the EU Directive will need additional specific resources, financial support and expertise in order to gather the statistical data mentioned in art. 27 of the EU Directive. Furthermore, the EU Commission should issue a clear guidance on the data required and on an efficient and simplified mechanism to collect such data, in the absence of an obligation imposed by the Union law, the law of the State or confidentiality;

6. Recommends that awareness-raising campaigns on whistleblower protection fostering a speak-up culture in public and private sector organisations are launched in EU Member States;

7. Calls upon public authorities with a central or pivotal role in the field of whistleblowing, which have not yet done so, to consider joining and participating in NEIWA.