

DECISION NO 025/2025 OF THE EUROPEAN CHIEF PROSECUTOR ON THE EPPO WHISTLEBLOWING PROCEDURE

The European Chief Prosecutor,

Having regard to the Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ("the EPPO")¹, and in particular Article 11(1) thereof,

Having regard to the Staff Regulation of Officials of the European Union (hereinafter referred to as "Staff Regulations") and the Conditions of Employment of Other Servants of the European Union (hereinafter referred to as "CEOS")², and in particular Articles 11, 21, 21a, 22a, 22b and 22c of the Staff Regulations and Articles 11, 81 and 124 of the CEOS thereof,

Having regard to the Decision 077/2021 of the College of the EPPO of 30 June 2021 on implementing rules to the Staff Regulations and CEOS laying down Guidelines on Whistleblowing,

Having regard to the Decision EPPO/2023/AD/160 of the Administrative Director of the EPPO Updating EPPO's Glossary of Administrative Terms and Abbreviations,

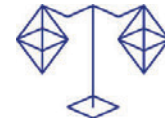
Considering that:

1. There is the need to establish clear and harmonised rules to ensure a confidential, secure and effective whistleblowing procedure within the EPPO.
2. There is the need to ensure that information concerning this procedure is widely disseminated within the Office.

Has adopted this Decision:

¹ OJ L 283, 31.10.2017, p. 1.

² Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community (OJ P 045 14.6.1962, p. 1385), and any subsequent amendment thereto.



Article 1

1. The EPPO whistleblowing procedure laid down in the Annex, which forms an integral part of this Decision is hereby adopted. .
2. This Decision shall be published on the intranet page of the EPPO.

Article 2

This decision shall enter into force upon the day following that of its qualified electronic signature.


Done at Luxembourg on 7 April 2025.

Laura Codruța KÖVESI
European Chief Prosecutor

Qualified electronic signature by:
LAURA CODRUȚA KÖVESI
Date: 2025-04-09 [REDACTED]



EUROPEAN
PUBLIC
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EPPO's Whistle-blowing Procedure

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1. Introduction

1.1 Purpose

This procedure provides detailed guidance on the steps to be followed when an **EPPO postholder, National European Delegated Prosecutors Assistants (“NEDPAS”)** and **Long-term Service Providers** (as defined in the EPPO **Glossary of Administrative Terms and Abbreviations** (AD Decision EPPO/2023/AD/160)) reports a suspicion of a serious irregularity, fraud, corruption, or other professional wrongdoings. It aims to ensure awareness of the obligations and the protection available under the whistleblowing policy.

1.2 Version Control & Revision

Version	Date	Actor	Comments or Actions
1.0	25/03/2025	 Internal Control Officer	Adopted version

1.3 Related Documents

- The Staff Regulation of Officials of the European Union (hereinafter referred to as “Staff Regulations”) and the Conditions of Employment of Other Servants of the European Union (hereinafter referred to as “CEOS”)¹, and in particular Articles 11, 21, 21a, 22a, 22b and 22c of the Staff Regulations and Articles 11, 81 and 124 of the CEOS.

¹ Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community (OJ P 045 14.6.1962, p. 1385), and any subsequent amendment thereto.

- Decision 077/2021 of the College of the EPPO of 30 June 2021 on implementing rules to the Staff Regulations and CEOS laying down Guidelines on Whistleblowing (hereinafter referred to as the “College Decision 077/2021”).

1.4 Key Principles

- **Good Faith**

Good faith means providing information based on a reasonable belief that the information is true, even if it later turns out to be mistaken. Whistle-blowers must ensure their concerns are sincere and not based on personal grievances or ulterior motives.

- **Non-Retaliation Policy**

The EPPO strictly prohibits any form of retaliation against whistle-blowers. Any act of retaliation, whether direct or indirect, will result in disciplinary action against the responsible parties. This includes protection against threats, harassment, and any adverse employment consequences.

1.5 Scope

This procedure applies to all **EPPO postholders, NEDPAS and Long-term Service Providers**.²

The **EPPO postholders, NEDPAS and Long-term Service Providers** are encouraged to report immediately any suspicion of serious irregularity (illegal activities, including fraud and corruption, and serious professional wrongdoings) they may encounter in a timely manner.

This procedure does not apply in cases for which specific procedures are available, namely:

- Personnel related issues where staff have a personal interest in the outcome. In these cases, staff may wish to exercise their statutory rights, for example by lodging a request or complaint under Article 90 of the Staff Regulations, applicable by analogy to temporary agents and contract agents, pursuant to Articles 46 and 117 and 124 of the CEOS;

² While the College Decision 077/2021 does not strictly speaking apply to seconded national experts, trainees, interim staff and local agents, these categories of staff are also encouraged to make use of the arrangements set out Guidelines on Whistleblowing. The EPPO is committed to protecting these categories of staff against retaliation if they do so in good faith.

- Harassment claims and personal disagreements or conflicts with colleagues or hierarchy.³ In appropriate cases, staff may wish to address themselves to the EPPO's entity in charge of human resources, or to a confidential counsellor, or to lodge a request for assistance under Article 24 of the Staff Regulations, applicable by analogy to temporary agents and contract agents, pursuant to Articles 11 and 81 of the CEOS.

EPPO postholders, NEDPAS and Long-term Service Providers who make a report in bad faith, particularly if it is based knowingly on false or misleading information, shall not be protected and shall be subject to disciplinary measures, when available. The burden of proof in this context is on the EPPO.

1.6 Communication & Awareness Raising

This procedure (and its possible future updates) will be communicated through internal EPPO channels and included in the training on ethics and integrity.

1.7 Definitions

For the purposes of this Procedure please refer to the College Decision 077/2021 and to the Glossary of key terms in Annex.

The definitions of **EPPO Post-holder, NEDPAS and Long-term Service Provider** are set out in the **Glossary of Administrative Terms and Abbreviations**.⁴

³ Decision 047/2023 of the College of the EPPO of 5 July 2023 on the EPPO policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment, and Decision 048/2023 of the College of the EPPO of 5 July 2023 laying down the rules applicable in a formal procedure for harassment involving Members of the College or European Delegated Prosecutors.

⁴ Decision EPPO/2023/AD/160 of the Administrative Director of the EPPO of 14 June 2023 updating EPPO's Glossary of Administrative Terms and Abbreviations.

2. Procedure

The options for reporting suspicions of serious irregularities are designed to provide flexibility and ensure that concerns can be raised safely and confidentially.

2.1 Direct Reporting Channels

Direct internal reporting to Superiors and / or the European Chief Prosecutor

EPPO postholders, NEDPAS and Long-term Service Providers are encouraged to **report in writing** any suspicion of serious irregularities to their immediate superior⁵ or the Administrative Director (who should share such a report with the European Chief Prosecutor (ECP) without delay) or directly to the ECP.

The first recipient of the report shall inform the Internal Control Officer of the EPPO without delay, so that the report is recorded in a specific, secure and confidential register, through confidential and secure channels of communication.

Direct reporting to OLAF

EPPO postholders, NEDPAS and Long-term Service Providers may also report suspicions of serious irregularities directly to OLAF (European Anti-Fraud Office) without prejudice of the EPPO's competence.⁶

2.2 External Whistleblowing Channels

After direct reporting, the EPPO (just as OLAF) has 60 days to give indication of the period of time that it considers reasonable and necessary to take appropriate action. If no action is taken or if the whistle-blower demonstrates that the period of time set is unreasonable, reporting is possible to the President of the Council, of the Parliament, of the Commission, of the Court of Auditors, or to the European Ombudsman.

2.3 Confidentiality

The identity of the whistle-blower is not revealed to the person(s) potentially implicated in the alleged wrongdoings or to any other person without a strict need to know, unless:

⁵ The EPPO line manager. For European Prosecutors and European Delegated Prosecutors is the European Chief Prosecutor.

⁶ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283 31.10.2017, p. 1).

- the whistleblower personally authorizes the disclosure of his/her identity or
- this is a requirement in any subsequent legal law proceedings or
- this is necessary to ensure procedural fairness in disciplinary or other proceedings.

Anonymity deprives the investigative services of the possibility of asking the source for clarification or more information and enhances the risk of frivolous, malicious or unreliable information. Therefore, anonymous reporting is not encouraged. Moreover, by choosing anonymity, the whistleblower cannot be informed on the follow-up to the reported case.

2.4 Reporting & Analysis Process

The following steps outline the process for reporting suspicion of serious irregularities:



Initial reporting

- **Step 1:** Identify the suspicion of serious irregularity.
- **Step 2:** Choose the appropriate reporting channel based on comfort and safety concerns.
- **Step 3:** Prepare a written report detailing the facts and concerns.

Submitting the report

- **Internal Channels:** Submit the written report to the immediate superior or the Administrative Director or the European Chief Prosecutor via secured email or closed envelop with the written indication "confidential".

- **External Channels:** Submit the written report to OLAF or the President of the Council, of the Parliament, of the Commission, of the Court of Auditors, or the European Ombudsman.

Report Handling & Follow-up

- **Acknowledgment of receipt:** The recipient of the direct internal report should acknowledge receipt within 10 days.
- **Estimated time needed to take appropriate action:** The indication of the time needed for action shall be notified by the ECP to the whistle-blower as soon as possible and no later than 60 days after the receipt of the written report.
- **Evaluation of the information by the EPPO:** No later than 40 days after the receipt of the written report provided by the whistleblower, the ECP should, based on the available information and according to the nature of the case, decide to:
 - Close the file in case of lack of elements to be investigate;
 - Close the whistleblowing file if the facts reported are not in its scope and ensure a proper follow-up;
 - Open an enquiry or an investigation based on the information provided and estimate the time for its evaluation;
 - Inform the College, where adequate;
 - Inform OLAF or any other external entity of the case, where applicable.

The enquiry or the investigation should be conducted following established procedures to ensure fairness, confidentiality, and thoroughness. The ECP may decide to nominate a task-force to conduct the enquiry and define its mandate.

Where applicable, the whistle-blower will be contacted for further information. In the case of anonymous reporting, follow-up will only be possible if the whistle-blower has provided a means of secure communication. The involvement of additional parties will be determined by the nature and complexity of the report.

- **Confidentiality and Register:** All reports will be treated with strict confidentiality. The Internal Control Officer of the EPPO will maintain and monitor a confidential register, which records each case, including the date of receipt, whether the report was anonymous or not, actions taken, any parties involved, and the outcome of the investigation. This register will be securely maintained to ensure its confidentiality.



- **Outcome and Resolution:** Upon completion of the enquiry or investigation, the whistle-blower shall be informed by the ECP of the corrective actions taken. Where possible, the whistle-blower will be informed of the outcome, while ensuring sensitive information remains confidential.
- **Follow-Up:** If no action is taken within the specified period of 60 days, the whistle-blower may escalate the report to an external channel.

Protection of whistle-blowers

Whistle-blowers are protected against retaliation provided they report in good faith. The following protections apply:

- **Confidentiality of Identity:** The identity of the whistle-blower will be kept confidential unless disclosure is required by law.
- **No Retaliation:** Any form of retaliation against the whistle-blower is prohibited and will result in disciplinary action.
- **Mobility and Career Protection:** Whistle-blowers may request a transfer to avoid potential hostility and their appraisals and promotions will be safeguarded against negative bias.

3. Responsibility

The **European Chief Prosecutor** is the owner of this Policy.

The Heads of Sectors / Units must take appropriate actions to address reported concerns. They are also responsible for ensuring that their team members are aware of and understand the whistleblowing procedure.

The EPPPO's HR Unit provides confidential and impartial guidance to whistle-blowers. Staff is encouraged to seek guidance if unsure whether certain facts should be reported or which channel to use.