



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

Directorate C: Fundamental rights and rule of law
Unit C.2: Fundamental rights policy

Minutes of the eighth meeting of the Commission expert group on Directive (EU) 2019/1937

30 November 2022

1. Adoption of the draft agenda

The Chair (COM, DG JUSTICE) welcomed the participants. The draft agenda was adopted without comments.

2. Good practices in the implementation of whistleblowing channels

A representative from GlobaLeaks presented the open source software developed since 2011, underlining its compliance with the requirements of the Whistleblowing Directive. Anonymous reports are possible and allow for a two-way communication with the reporting person. An open source approach is considered essential as it allows for a large peer review and public audit by the whistleblowing community.

Representatives from the Italian chapter of Transparency International presented the EU project ‘Speak Up Europe’ and the project WhistleblowingPA, based on the open source GlobaLeaks software. The platform is available for all public administrations and can be set it up in a matter of minutes. The project ‘Speak Up Europe’ aims to replicate this model in other EU MS. Transparency international moreover presented key findings of its guidance ‘Internal whistleblowing systems: Best practice principles for public and private organisations’¹.

The Anti-fraud Agency of Valencia (AVA), Spain, shared its experience of operating an internal and external channel since 2018. AVA uses the software offered by GlobaLeaks, which has been customised to the Agency’s needs, e.g. as regards the possibility to attach documents in the two-way communication with reporting persons. Around 50% of all reports received since 2018 were submitted anonymously.

The Italian Anti-corruption Authority (ANAC) presented the software it developed in-house. The application is currently being tested and will be deployed in 2023, starting as ANAC’s internal reporting channel. The software will subsequently be released in the public domain.

Questions raised by Member States’ focussed on two-way communication, anonymous reports and ensuring the confidential treatment of reports received. It was clarified that communication is generally encrypted using an alphanumeric code that is exclusively known to the reporting person.

A representative from the Maastricht University presented a best practice guide developed for Eurocadres in the context of the project “Whistleblowing in European Companies”². The significance of the Directive as a global leading example was underlined, including as regards its wide personal scope. As most reporting persons prefer to first report internally it is important that employers develop a listening culture in view of avoiding the risk of higher (reputational) costs of external reporting or public disclosure.

The ISO standard 37002:2021 on Whistleblowing management systems was presented by the leader of the project team that developed the standard, who emphasised the importance of the principles of trust, impartiality and protection.

¹ <https://www.transparency.org/en/publications/internal-whistleblowing-systems>

² <https://www.eurocadres.eu/publications/research-report-whistleblowing-in-european-companies-dr-vigilencia-abazi/>

To ensure impartiality, the investigation of reported wrongdoings should be separated from protection. Support to reporting persons should also include enabling them to protect confidentiality from their side.

3. Funding opportunities

The Commission informed participants about the funding opportunities offered by the recently adopted Annual Work Justice Programme and the Citizens, Equality, Rights and Values (CERV) Programme.

4. State of play of the transposition of Directive (EU) 2019/1937

At the time of the meeting, 10 Member States had notified complete transposition of the Directive to the Commission. Several Member States estimated their national transposition laws to be adopted soon while a limited number indicated a longer timeframe. Those Member States that already have achieved complete transposition reported on their implementation and support efforts, including the development of guidance material, awareness raising campaigns and funding provided.

The Chair invited Member States that were already more advanced in their transposition and implementation efforts to share their experiences at the next meeting and urged the other Member States to intensify efforts to complete the transposition process. It recalled the obligation of Member States not only to notify the transposition measures but also to provide clear and precise information on how each and every provision of the Directive is transposed; Member States may use the correlation table provided by DG JUST or other explanatory documents.

5. AOB

The Chair recalled the upcoming reporting exercise of the statistics referred to in Article 27 of the Directive. The Commission will circulate the link to be used for submitting the requested data.