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General Secretariat
The Secretary-General

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Brussels,

27 OCT. 2014

Ms Emily O'REILLY
European Ombudsman
1, Avenue du Président Robert Schuman
CS 30403
F-67001 Strasbourg Cedex
France

Subject: Own initiative inquiry concerning whistleblowing (OI/1/2014/PMC)

Dear Ms O'Reilly,

Thank you for your letter dated 24 July 2014 informing me of the Ombudsman's own initiative inquiry on whistleblowing.

The GSC equally attaches importance to the subject of whistleblowing and is committed to the setting up of appropriate procedures for whistleblowing and the protection of whistleblowers. In that regard I will address your specific questions below.

(i) In 2006, the GSC has issued a Staff Note setting out the procedure for reporting serious misconduct or negligence, based on Articles 22a and 22b of the Staff Regulations (SR), and Article 60 of the Financial Regulation. After the entry into force of the new Article 22c SR, I have decided to update the rules currently in force. To that end, a first draft with internal rules on whistleblowing has been drawn up by my services and is currently under internal consultation.

(ii) The new rules on whistleblowing, once approved internally, will be brought to the attention of staff by an internal communication. Before such publication, the Staff Committee will be consulted on the text and given the opportunity to submit any observations or comments.

The Data Protection Officer has been informed and has advised me that the internal whistleblowing procedure will in principle have to be notified to the EDPS for prior checking.

(iii) Although a first draft text has been drawn up, this can only be considered a preliminary text which is still under review by the different services involved. For this reason, I am not in the position to enclose a copy of the text at this stage. Once the internal consultation has been concluded, I will be able to provide you with a copy of the new internal rules.

(iv) The Staff Regulations and the Conditions of Employment of Other Servants (CEOS) inherently limit the scope of application of the whistleblowing rules of articles 22a, 22b and 22c to officials, temporary agents and contract agents. However, I am committed to encouraging other staff, such as seconded national experts, trainees, interim and external staff, to make use of the procedures as set out in the internal rules. I am also committed to ensure the protection offered to members of staff under the internal rules is applied equally to these informants acting in good faith.

I would like to conclude, on a more general note, that the reflection on the treatment of external informants, not covered by the scope of the internal rules on whistleblowing, is an interesting matter, which could merit further discussion in an interinstitutional context.

Yours sincerely,



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Copy :

Mr William SHAPCOTT, Director-General for Administration

Mr Hubert LEGAL, Director-General of the Legal Service