

INTERNAL RULES IMPLEMENTING ARTICLE 22c OF THE STAFF REGULATIONS

THE SECRETARY-GENERAL OF THE EUROPEAN PARLIAMENT,

having regard to the Staff Regulations of Officials of the European Union (hereinafter ‘the Staff Regulations’) and to the Conditions of Employment of Other Servants of the European Union (hereinafter ‘CEOS’), and in particular to Article 22c of the Staff Regulations and Articles 11, 81 and 127 of the CEOS,

having consulted the Legal Service, the Data Protection Officer, the Staff Committee and the Committee on Equal Opportunities and Diversity,

whereas when members of Parliament's staff report serious irregularities in accordance with Articles 22a and 22b of the Staff Regulations they must be informed of the action taken in response, and whereas Parliament has a duty to protect their legitimate interests and their privacy,

HAS ADOPTED THESE INTERNAL RULES:

Article 1 ***Scope***

1. These Internal Rules shall apply to all Parliament staff.
2. They shall also apply, *mutatis mutandis*, to trainees and national experts.

Article 2 ***Definitions***

For the purposes of these Internal Rules:

- *superior* means the relevant head of unit, director or director-general or the Secretary-General¹,
- *whistleblower* means a person who, acting in good faith, forwards to his or her superior, in writing, information on facts of which he or she has become aware during or in connection with the performance of his or her duties and which suggest that serious irregularities may have taken place,
- *serious irregularities* means illegal activities detrimental to the interests of the European Union, such as fraud, corruption, theft, serious infringements of public procurement rules or a serious failure to comply with the obligations incumbent on officials and other staff members,

¹ In the event of an infringement of a provision of the Financial Regulation or of a provision relating to financial management or the checking of operations resulting from an act or omission of an official or other servant, the whistleblower may also refer the matter directly to the Specialised Financial Irregularities Panel set up by the Bureau decision of 10 March 2004.

- *good faith* means the firm belief that the information reported is true, i.e. the whistleblower reasonably and honestly believes that the information forwarded and allegations made are substantially true,
- *false or malicious allegations* means allegations that an impartial and reasonable observer placed in the same circumstances would have good reason to regard as false, deceitful or too improbable to be true.

Article 3 ***Advice and assistance***

1. Whistleblowers may, on request, obtain confidential advice on and assistance with reporting serious irregularities.
2. That advice and assistance shall be provided by the whistleblower's superior and/or by the member of the Secretary-General's Office with responsibility for relations with OLAF.

Article 4 ***Protection for whistleblowers***

1. Whistleblowers may not act anonymously. Their identity shall be kept confidential. They may, however, agree to have their identity disclosed to specific persons or authorities.
2. The Administration shall take reasonable steps to help whistleblowers transfer to another post, should they wish to do so. Where warranted, whistleblowers may, after having been heard, be transferred in the interest of the service under Article 7(1) of the Staff Regulations.
3. The Administration shall make sure that whistleblowers are not disadvantaged during staff reports and/or promotion procedures.
4. Where whistleblowers have drawn attention to an activity that is illegal or constitutes a serious failure to comply with the obligations incumbent on officials and other staff members and in which they themselves are implicated, this shall count in their favour in disciplinary proceedings.
5. Anyone making false or malicious allegations shall be denied the protection provided for in paragraphs 1 to 3 and disciplinary proceedings may be taken against them.

Article 5 ***Right to information***

1. The whistleblower's superior shall acknowledge receipt of the information forwarded to him or her within five working days of receiving it.

2. In accordance with Article 22c of the Staff Regulations, the whistleblower shall be informed within 60 days of the period of time required in order to take appropriate action. He or she shall be informed at the earliest opportunity of any referral of the matter to OLAF.
3. On expiry of the period set by the Administration, the whistleblower shall be informed to the appropriate extent and with due regard for the circumstance of the case and the rights of third parties of the action taken by the institution and, in particular, of the conclusions reached following the investigations carried out and/or the nature of the action to be taken and/or taken.

Article 6

Appeals

1. If whistleblowers believe that they have been victimised as a result of their actions, they may ask for assistance under Article 24 of the Staff Regulations. Any reprisals against whistleblowers shall be regarded as grounds for disciplinary action.
2. The Administration shall inform whistleblowers of the action it intends to take on their requests for assistance within two months of the date on which the requests were submitted.
3. Where a whistleblower lodges a complaint under Article 90 of the Staff Regulations, the time limit for a response from the Administration shall be reduced to two months, except where there is good reason not to do so.
4. Requests and complaints under paragraphs 1 and 3 shall be treated as confidential.

Article 7

Data protection

Any processing of personal data pursuant to these Internal Rules shall be subject to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

Article 8

Entry into force

These Internal Rules shall enter into force on the first day of the month following that in which they are signed.

Luxembourg, 4 December 2015

Klaus Welle