

	Standard Operating Procedure Handling complaints submitted by whistleblowers
Public	

Scope	This SOP covers the handling of requests under Article 22c of the Staff Regulations submitted by whistleblowers that face retaliation after having blown the whistle.
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Special Requirements	This procedure is a controlled document maintained by Quality Management. It may not be deleted without comparable controls.
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Responsibilities	<p>The service receiving a request under Article 22c of the Staff Regulations has to channel it to LA. It can be expected that in most of the cases, this service will be either the Human capital Unit or the Executive Director.</p> <p>The legal assessment lies within the responsibility of LA. Therefore, LA is responsible for the processing of the request. All Units/Departments that LA considers as supportive for the legal assessment shall assist actively LA in its task.</p> <p>The adoption of the final reply lies with the Executive Director.</p>
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Abbreviations and definitions

ED	Executive Director
AACC	Authority Authorised to conclude contracts
HoU	Head of Unit
LA	EFSA Legal and Assurance Services
SOP	Standard Operating procedures – prescribe the operational steps to be followed to implement the legal acts, strategies and decisions.
Whistleblowing	The reporting, in writing, of suspicions of fraud, corruption or other serious professional wrongdoing by members of staff inside EFSA in the sense of Article 22a (1) of the Staff Regulations.
Whistleblower	An EFSA staff member who, in good faith, reports facts which he or she honestly and reasonably believes suggest the existence of serious misconduct inside EFSA. This definition can also apply in the case of Seconded National Experts, trainees, interim staff and local agents, even though they fall outside the remit of applicability of the Staff Regulations.

Step 1	1.0 Request under Article 22c of the Staff Regulations
Whistleblower/EFSA services	1.1 A whistleblower who considers that he/she has not received adequate support and protection may submit a request for assistance in

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	<p>accordance with Article 24 of the Staff Regulations ('the requestor'). The request may be submitted at any time.</p> <p>1.2 A whistleblower who considers that he/she is facing retaliation may submit a complaint in accordance with Article 90(2) of the Staff Regulations ('the complainant'), within the timeline indicated there.</p> <p>1.3 The service receiving the request under Article 24 of the Staff Regulations ('the request') or the complaint under Article 90(2) of the Staff Regulations ('the complaint') channels it immediately to LA.</p>
Step 2 LA	<p>2.0 Acknowledgement of receipt and assessment of the request or complaint</p> <p>2.1 LA acknowledges receipt of the request or complaint.</p> <p>2.2 LA analyses the request or complaint by assessing the matter in the light of the applicable rules as interpreted by the case-law.</p> <p>2.3 If needed, LA requests, in strictest confidence, contributions/feedback by other units.</p> <p>2.4 If the level of available information is not adequate, but there is at least the beginning of proof of a potential breach of the Staff Regulations by a staff member, LA may propose to the AACC to open an administrative inquiry in order to gather all relevant facts.</p>
Step 3 LA/ ED	<p>3.0 Drafting the EFSA Reply</p> <p>3.1 Upon completion of the assessment, LA prepares the draft reply of the Authority and a draft note to the ED explaining the proposed EFSA position.</p>
Step 4 LA	<p>4.0 Dispatching of the EFSA Reply</p> <p>4.1 Upon approval, the reply is sent to the requestor before the expiry of the four-month deadline set out in Article 90 of the Staff Regulations.</p> <p>4.2 In the case of a reply following a request submitted under Article 24 of the Staff Regulations, if the requestor regards the reply as unsatisfactory he/she may submit a complaint within 3 months under Article 90(2) of the Staff Regulations.</p> <p>4.3 In the case of a reply following a complaint submitted under Article 90(2) of the Staff Regulations, if the complainant regards the reply as unsatisfactory he/she may lodge an appeal under Article 91 of the Staff Regulations or submit a complaint with the European Ombudsman under Article 228 of the Treaty on the Functioning of the European Union.</p>