Decision (EU) 2020/1575 of the European Central Bank of 27 October 2020 as regards the assessment of and follow-up on information on breaches reported through the whistleblowing tool where a person concerned is a high-level ECB official (ECB/2020/54)

DECISION (EU) 2020/1575 OF THE EUROPEAN CENTRAL BANK

of 27 October 2020

as regards the assessment of and follow-up on information on breaches reported through the whistleblowing tool where a person concerned is a high-level ECB official (ECB/2020/54)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 12.3 thereof,

Whereas:

(1) The whistleblowing policy of the European Central Bank (ECB) has recently been enhanced in the ethics framework of the ECB[(1)]. Information on breaches reported through the internal reporting platform set up for this purpose by the ECB ('the whistleblowing tool') may concern high-level ECB officials, that is, the officials referred to in Articles 1.1, 1.2 and 1.4 of the Code of conduct for high-level European Central Bank Officials[(2)].

(2) To be effective, the ECB's whistleblowing policy should provide for a thorough assessment and follow-up on all reports submitted through the new reporting tool. Such assessment and follow-up should be carried out in accordance with a harmonised procedure under the responsibility of a designated competent authority.

(3) It is appropriate to specify the procedure that will apply to the assessment of and follow up on information on breaches reported through the whistleblowing tool, where a report refers to a high-level ECB official as a person to whom a breach is attributed or with whom that person is associated.

(4) In order to ensure a smooth implementation of the enhanced framework and avoid legal uncertainty on the assessment of and follow up on information on breaches reported through the whistleblowing tool, where a report refers to a high-level ECB official as a person to whom a breach is attributed or with whom that person is associated, this Decision should enter into force on the third day following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS DECISION:

Changes to legislation: *There are currently no known outstanding effects for the Decision (EU) 2020/1575 of the European Central Bank. (See end of Document for details)*

Article 1

Definitions

Unless otherwise provided, the terms used in this Decision have the same meaning as those defined in the ethics framework of the ECB.

Article 2

Competent authority

Where reports of information on breaches received through the whistleblowing tool refer to a high-level ECB official as a person to whom a breach is attributed or with whom that person is associated, the competent authority to assess such reports and give feedback to the whistleblower, and/or to follow up on such reports, shall be:

(a) the President; or

(b) where the high-level ECB official referred to in the report is the President, the Vice-President.

Article 3

Procedure for assessment and follow-up

1 Reports of information on breaches received through the whistleblowing tool which refer to a high-level ECB official as a person to whom a breach is attributed or with whom that person is associated shall be followed up in accordance with Decision (EU) 2016/456 of the European Central Bank (ECB/2016/3)[(3)] where such reports fall within the scope of that Decision.

2 Where the reports of information on breaches referred to in paragraph 1 do not fall within the scope of Decision (EU) 2016/456 (ECB/2016/3), they shall be followed up in accordance with Administrative Circular 01/2006 on internal administrative inquiries[(4)].

3 Notwithstanding paragraph 2, the competent authority designated under Article 2 may:

a prior to concluding whether or not the information received justifies an internal inquiry, forward the information received to the ECB's Ethics Committee for its advice on the matter;

b if they conclude that the information received justifies an internal administrative inquiry, decide, in derogation from Article 4(1) to (4) of Administrative Circular 01/2006, to directly open an administrative inquiry, and take the relevant decision in accordance with Article 4(5) and (6) of Administrative Circular 01/2006, including the possibility that the competent authority designated under Article 2 exceptionally decides to carry out the administrative inquiry themself, designating in this case either an individual or a panel, with adequate seniority, to conduct the inquiry.