

Regulations on Reporting Suspicions of Misconduct EUR 2023

(Whistleblower Regulations 2023)

Implementation of article 2 of the Whistleblower Protection Act

These Regulations were adopted by the [Executive Board](#) on 13 April 2023

The [University Council](#) issued an opinion on these Regulations on 13 June 2013.

These Regulations enter into force on 1 June 2023

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Preamble

The Executive Board of the EUR considers it very important that any misconduct within the EUR can be dealt with in a safe setting. Even though the EUR aims for a fair and open organisation, it recognises that misconduct can occur. A person who reports misconduct in good faith must be protected.

The Regulations on Reporting Suspicions of Misconduct EUR (hereinafter the 'Regulations') protect those who, in good faith, make an internal report to the Whistleblower Committee or externally via the Dutch Whistleblowers Authority. The circle of persons who can make a report is very broad ([recitals 36 to 38, 40,41,54 and art. 4 of the Directive](#)). This includes, regardless of nationality (Union citizens or third-country nationals), at least:

1. persons who are financially dependent on the EUR (employment relationship in any form whatsoever);
2. persons who do not have an employment relationship with the EUR, but who do play an important role in the report. For example: after the end of employment, a candidate for a job in the pre-contractual phase, paid/unpaid trainees or, on the other hand, persons who are not economically dependent, such as volunteers, or third parties (such as the authorised third party, counsel, an employee representative or EUR advisory committee members).

In addition, these Regulations offer protection to the other parties involved in the investigation. The Regulations pertain to internal reports. If a report relates to an incident involving private-law divisions affiliated with the EUR, the report may be shared by the Whistleblower Committee with those private-law divisions after the explicit written consent of the person reporting has been obtained. In the event of a suspicion of a criminal offence, the Executive Board can immediately share information about this, both internally and externally. No specific arrangements need be made in advance with the reporter or the person(s) concerned.

Any suspicion of illegal or immoral practices involving major social or institutional interests, which may have taken place under the responsibility of the institution under public law EUR, may be reported within the rules set out in the Regulations. The report is then investigated by a committee consisting of a chairman and members who do not work within EUR.

Following a report by the Whistleblower Committee on the results of the issue investigated to the Executive Board, the Board may decide to take measures. Measures may be based on, among other things, employment law (in the relationship between the employer and employee), administrative law (as detailed in the [Regulations for maintaining order EUR Buildings and Grounds](#), criminal law (reporting to the police and prosecution by justice) and private law (the EUR as owner of the buildings, sites and systems).

These Regulations, together with the procedures followed, are periodically evaluated in terms of adequacy, effectiveness and compliance with relevant legislation and regulations. In this context, the protection of the personal data and the safeguarding of confidentiality are assessed. There is also coordination with Internal Audit & Corporate Control ([recital 78 and art. 14 of the Directive](#)).

Chapter I - Definitions

Clause 1.1 – Definitions

- GDPR [General Data Protection Regulation](#);
- Awb General Administrative Law Act;
- Administrative body A body of a legal entity established pursuant to public law, or a person or body invested with any public authority, as referred to in [art. 1:1 Awb](#);
- Person concerned A natural person or legal entity named in the report or in the disclosure as a person to whom the infringement is attributed or with which that person is associated;
- Board Executive Board of Erasmus Universiteit Rotterdam, Administrative body as referred to in [art. 1:1\(1\)\(a\) Awb](#);
- Committee Whistleblower Committee; the Committee set up by the Board for the purpose of investigating, assessing and advising the Board on a Report;
- Course Participant A person following a degree programme, course or subject at the EUR, who does not fall under [art. 7.3](#) and [art. 7.3a of the WHW](#);
- Email Electronic communications requiring multifactor authentication for access ([recital 55 of the Directive](#));
- EUR A legal entity established pursuant to public law named Erasmus Universiteit Rotterdam;
- External student As referred to in [Chapter 7 of the WHW](#);
- Officer A person with an employment relationship with the EUR or person working under other title for the EUR;
- Infringements Infringements as referred to in [art. 2\(1\)\(a\) of the Directive](#) that fall within the scope of application as referred to in the Annex to this Directive;
- Lawyer A person who may use the title of meester ([art. 7.20\(1\)\(b\) of the WHW](#));

- Notification
Written and substantiated findings in response to the Report, whereby the Board's opinion is announced ([art. 9:12 Awb](#));
- Supervisor
Direct Supervisor of the Officer making a Report. For persons who do not have an employment relationship with the EUR, the Supervisor is a contact person/external supervisor;
- Person Reporting
Any natural person who reports a suspicion of Misconduct, from a work-related context, to the EUR as referred to in Clause 4.1 of these Regulations;
- Report
A Verbal or Written internal Report of a Suspicion of Misconduct to the Committee;
- Verbal
By telephone, voice message systems or upon request by the Person Reporting, in a physical meeting;
- Misconduct
Improper modes of action or omission whereby the public interest is at stake in the violation of a statutory provision, a risk to public health, a danger to the safety of persons, a danger to the environment, a risk to the proper functioning of the public service or an enterprise. This also includes acts or omissions that do not seem to be officially contrary to the law, but which counteract the purpose or application of the law (recital 42 of the Directive). The acts or omissions of the nature mentioned above may already have taken place or are very likely to take place. Attempts to conceal such acts and omissions must also be deemed included under the above;
- Ombuds officer
The person designated by the Board as [Ombuds officer](#) at the EUR;
- Investigation
The collection of information by the Committee and the issuing of advice to the Board regarding the extent to which the Report being handled and other findings are well founded;
- Supervisory Board
Supervisory Board ([art. 9.7 of the WHW](#));
- Legal relationship
The person who:

- has or has had an employment contract with the EUR;
 - performs or has performed work for the EUR other than on the basis of an employment contract;
 - is (or has been) registered as Student or Course Participant at the EUR;
 - is (or has been) registered as External Student at the EUR;
 - has (or has had) a hospitality agreement with the EUR;
 - are or have been in the pre-contractual phase or in the application/registration phase for students and external students of one of the aforementioned Legal Relationships;
- Regulations Regulations on Reporting Suspicions of Misconduct EUR 2023 (Whistleblower Regulations)
 - Directive The European Whistleblowers Directive ([Directive \(EU\) 2019/1937](#)) dated 23-10-2019;
 - Retaliation Any direct or indirect act or omission taking place in a work-related context as a result of an internal or external report or disclosure and which leads or may lead to unjustified disadvantaging of the Person Reporting;
 - Written By letter or email ([art. 2:13-2:17 Awb](#));
 - Secretary Secretary of the Committee;
 - Student A person who is registered and admitted to the EUR, as referred to in [Chapter 7, Title 3, of the WHW](#);
 - In Good Faith Finding that it is plausible on the basis of reasonable grounds that the reported information falls within the scope of application of the Directive. The Reporting person's motive does not play a role here;
 - University Council As referred to in [art. 9.31 et seq. of the WHW](#);
 - Suspicion of Misconduct A suspicion based on reasonable grounds arising from the knowledge gained by the Reporting person at the EUR that there is Misconduct within the EUR;
 - Excuse

- The decision not to sit on the Committee for the handling of a Report;
- Confidential counsellor The person who has been designated as Confidential Counsellor by the Executive Board and to whom a Report can be made by an Officer ([Employee Confidential Counsellors](#)) or by a Student ([Student Confidential Counsellors](#));
 - Chair The person appointed as Chair of the Committee by the Board and who chairs the Committee during the Investigation;
 - Working Day As referred to in the [General Extension of Time Limits Act](#), all days with the exception of a Saturday, Sunday or public holiday;
 - Work-related context Current or previous work activities at the EUR which allow individuals, regardless of the nature of those activities, to obtain information on Infringements;
 - WHW [Higher Education and Research Act](#);
 - WPA [Whistleblower Protection Act](#)

Where used in these Regulations, a singular term may also be read as the plural and vice versa.

Chapter II – General

Clause 2.1 - Suspicion of Misconduct ([art. 1 \(d\) WPA](#))

1. A Suspicion of [Misconduct](#) exists in the event of a Suspicion of Misconduct based on reasonable grounds resulting from the knowledge gained by the Person Reporting at the EUR.
2. A Suspicion of Misconduct does not include:
 - a. an appeal within the meaning of the '[EUR Rules of Procedure of the Examination Appeals Board](#)';
 - b. a complaint within the meaning of the '[Scientific Integrity Complaints Procedure EUR](#)';
 - c. a complaint within the meaning of the '[EUR Complaints Procedure for Undesirable Behaviour](#)';
 - d. a dispute based on the '[Employee Dispute Resolution Regulations EUR](#)';
 - e. complaint within the meaning of [Title 9.1 Awb](#);
 - f. an objection within the meaning of the '[EUR Regulations on the Advisory Committee for Complaints and Objections](#)';
 - g. a dispute based on the '[EUR Regulations for the Dispute Resolution Committee for Non-initial Education](#)';
 - h. an objection within the meaning of the '[EUR Regulations on the Student Disputes Advisory Committee](#)'.

Clause 2.2 - Legal framework

1. A Report will be handled in accordance with the [WPA](#) and, in so far as applicable, the provisions of the [Awb](#), in particular Title 9.1 Awb, and [GDPR](#).

Clause 2.3 - Prohibition on prejudice

1. Prejudice is in any case understood to mean:
 - a. Dismissal or suspension;
 - b. A fine as referred to in article 650, book 7 of the Dutch Civil Code;
 - c. Demotion;
 - d. Withholding promotion;
 - e. A negative review;
 - f. A written reprimand;
 - g. Transfer to another management unit;
 - h. Discrimination;
 - i. Harassment or exclusion;
 - j. Libel or slander;
 - k. Early termination of a contract for the provision of goods or services; and
 - l. Withdrawal of a permit.

Prejudice is also understood to mean a threat of an attempt of the abovementioned.
2. No persons involved in the procedure as laid down in these Regulations will not in any way be prejudiced in their position within the EUR as a result of being involved in the handling of the Report. This also applies to the person to whom the Report relates insofar as the Report is declared unfounded.
3. The Board shall ensure to the extent possible that the Person Reporting will not suffer any other disadvantage in the performance of his duties, or in the pursuit of his studies, as a result of a Report made in good faith and properly.
4. The Board shall ensure as much as possible that the persons involved in the Investigation of a Suspicion of Misconduct, including the Confidential Counsellor, will not be prejudiced in any way in their legal position or otherwise in the performance of their duties due to making statements or performing the duties described in these Regulations in good faith.
5. If there is a decision to dismiss a Person Reporting or to not promote him to a higher position or salary scale, the Board must substantiate that this decision is not related to the Report made in good faith.
6. Depending on the circumstances of the case, the prohibition on prejudice does not apply to ([recital 32 and art. 6 of the Directive](#)):
 - a. the Person Reporting who has made a Report not In Good Faith;
 - b. the person acting in violation of these Regulations or the Directive;
 - c. the person whose actions are the subject of the Investigation, whereby the Investigation shows that that person caused the Misconduct or was otherwise involved in it.
6. Depending on the circumstances of the case, it is possible that in the event of deliberate incorrect reporting or incorrect disclosure of information, proportionate criminal, private-law or administrative sanctions may be imposed ([recital 102 Directive](#)).

Clause 2.4 - Confidentiality during the Investigation

1. Every Report will be treated confidentially. All those who are directly or indirectly involved in the Report must observe confidentiality with regard to everything they know about it ([recital 77 and art. 16 of the Directive](#)).
2. In the event of a non-anonymous Report, the identity of the Person Reporting will be treated confidentially. This confidentiality can only be lifted if the Person Reporting expressly makes his/her identity known or gives explicit consent for this In Writing.
3. In the case of a witness, the identity of the witness is treated confidentially. This confidentiality can only be lifted if the witness expressly makes his/her identity known or gives explicit consent for this In Writing.
4. The Committee may conduct a further investigation into a breach of confidentiality.
5. Following the verification of the breach of confidentiality, the Committee may take further measures to ensure confidentiality. These measures can extend to the manner in which the Investigation is conducted.
6. Violation of the duty of confidentiality, resulting in compromise of the finding of truth, may result in the handling by the Committee being discontinued, of which the Board, the Person Reporting and the Persons Concerned will be informed.
7. The Board may take appropriate measures vis-à-vis the party that violates the confidentiality, depending on the circumstances of the case. The Committee can request the Board to take appropriate measures.
8. Confidentiality does not apply to the exchange of information between the Secretary, the Committee and other persons designated for that purpose by the Board or the Committee, nor to the exchange of information in the event of reports pertaining to an incident involving private-law divisions affiliated with the EUR. In the event of a suspicion of a criminal offence, the Board can immediately share information both within the organisation and externally, even if no specific arrangements have been made in advance.
9. A Person Reporting making a disclosure is eligible for protection under the Directive if one of the following conditions is met ([art. 15 of the Directive](#)):
 - the Person Reporting first made an internal and external report, or immediately made an external report in accordance with Chapters II and III of the Directive, but no appropriate measures were taken as a result of that report within the time limits referred to in Clauses 4.5(1), 4.8 and 4.14 of these Regulations, or
 - the Person Reporting has well-founded reasons to assume that:
 - o the infringement may constitute an imminent or real threat to the public interest, for example in the event of an emergency or a risk of irreparable harm; or
 - o there is a risk of retaliation in the event of external reports, or it is unlikely that the infringement will be effectively remedied due to the special circumstances of the case, for example because evidence can be withheld or destroyed, or an authority can conspire with the perpetrator of the infringement or with someone involved in the infringement.

Clause 2.5 - Processing of personal data

1. The Committee only collects and processes Personal Data necessary for the handling of the Report and the provision of an opinion on the Report ([art. 6\(1\)\(c\) GDPR](#)) and according to the [EUR Privacy Policy](#).

2. Manifestly irrelevant personal data collected (unintendedly) will be deleted immediately ([art. 17 of the Directive](#)).
3. The processing of personal data takes place in accordance with the principles of, and in line with, [Regulation \(EU\) 2016/679](#) and [Directive \(EU\) 2016/680](#).
4. The processing of personal data of a criminal law nature takes place in accordance with [article 31](#) and [32\(d\)](#) General Data Protection Regulation (Implementation) Act.
5. The exchange or transfer of personal data takes place in accordance with [Regulation \(EU\) 2018/1725](#).
6. The systems in which the personal data are collected, processed and stored meet the criteria set out in [article 25 of Regulation \(EU\) 2016/679](#), [article 20 Directive \(EU\) 2016/680](#) and [article 27 and 85 of Regulation \(EU\) 2018/1725](#).
7. The Board or the Committee will only provide personal data to third parties within the framework of these Regulations and/or if there is a statutory obligation to do so.

Clause 2.6 - Performance of powers

1. The following powers under the Awb are performed by the Committee for the application of these Regulations:
 - [article 9:4 Awb](#) (remedying of omission);
 - [article 9:6 Awb](#) (confirmation of receipt);
 - [article 9:8 Awb](#) (taking Report into handling);
 - [article 9:10 Awb](#) (hearing);
 - [article 9:12a Awb](#) (registration of processing of Report).

Chapter III - The Committee

Clause 3.1 - Appointment

1. After the University Council has been heard, the Board appoints the Chairs and the members of the Committee for a period of four years. The Chairs and members may be reappointed.
2. The Chairs and the members of the Committee do not form part of and are not employed by or for the EUR or a legal entity in which the EUR has a substantial interest.

Clause 3.2 - Composition and Excusal

1. The Committee consists of three members including the Chair and at least one of the members is a Lawyer.
2. The members of the Committee are not and have not been involved in any way in the Suspicion of Misconduct, Person Reporting or Person(s) Concerned ([recital 56, 74 and art. 9\(1\)\(c\) of the Directive](#)).
3. The Chair or a member of the Committee can Excuse themselves.
4. In the case of a Report extending to both the EUR and other organisation(s), the Committee may be expanded ad hoc by two members of the Whistleblower Committee from that other organisation or other organisations.

Clause 3.3 - End of appointment

1. The appointment of a Chair or a member of the Committee may be terminated by the Board, after having been heard, if there are compelling reasons to do so in the opinion of the Board.

2. A Chair or a member may request termination of the appointment to the Committee at any time. This request will be granted immediately without the Board's decision-making.
3. Membership of the Committee lapses by operation of law if a position is accepted that is incompatible with membership of the Committee, as referred to in clause 3.1(2) of these Regulations.

Clause 3.4 – Secretary

1. The Committee will be assisted by a Secretary who is a Lawyer and who observes the Chair's instructions in the performance of the work.

Clause 3.5 - Compensation of Chair and Members

1. The Chair and the members of the Committee will receive compensation in accordance with the EUR-Attendance Fee and indemnification scheme adopted by the Board.

Clause 3.6 - Duties and powers of the Committee (art. 8(1), 5 and 9 of the Directive)

1. Without any burden or consultation, the Committee will issue advice to the Board on the merits of the Report based on the Investigation. If no opinion can be given on the merits of the Report, this will be substantiated in the advice to the Board.
2. The Committee will not issue an opinion on any measures or sanctions to be taken by the Board in follow-up to the handling of the report.
3. The Committee is authorised to advise the Board, either upon request or of its own accord, on the policy to be adopted by the Board with regard to the prevention of misconduct within the EUR.

Clause 3.7 - Working method

1. The Committee advises the Board to the exclusion of others on a Report of a suspicion of Misconduct.
2. The Board will make available to the Committee, at its request or otherwise, all information necessary for the proper performance of its duties.
3. The Committee is authorised to obtain information from current and former Officers, current and former Students, current and former Course Participants, and bodies of the EUR. It may request access to all documentation and correspondence it deems relevant for the assessment of the Report.
4. The Committee may consult experts and engage research agencies.
5. The Chair is in charge of the Investigation.
6. The Committee's procedural decisions are not open to appeal or objection.
7. The Committee may, on its own initiative, handle Reports on the same or a related subject together and split up the handling of joined cases.

Chapter IV - Procedure ([art. 2 WPA](#) and [art. 9 of the Directive](#))

Title I - The Report

Clause 4.1 - Registration of Reports

1. The EUR keeps a record of each report received in accordance with the established confidentiality requirements ([art. 16 and 18\(1\) of the Directive](#)).
2. Reports are not stored longer than necessary and proportionate to comply with the requirements of the Directive and the GDPR.

3. If a Report makes use of the recording of a telephone call or other recorded voice message system, the EUR has the right to register the verbal Report in one of the following ways ([art. 18\(2\) of the Directive](#)):
 - a. by making a recording of the conversation in a fixed and retrievable format; or
 - b. by a complete and accurate written record of the conversation, drawn up by the Committee, Confidential Counsellor, Ombuds officer of the EUR, or Supervisor responsible for the handling of the Report (art. 4.2(1) of the Regulations).

The EUR offers the Person Reporting the opportunity to check, correct and sign the Written record of the telephone call for approval ([art. 18\(2\) of the Directive](#)).

4. If a telephone line without call recording or another voice message system without call recording is used for the Report, the EUR has the right to register the verbal Report in the form of an accurate account of the conversation, drawn up by one of the officers referred to in Clause 4.2(1) of the Regulations. This officer offers the Person Reporting the opportunity to check, correct and sign the account for approval.
5. If the Person Reporting requests a meeting in person with one of the officers referred to in Clause 4.2(1) of the Regulations, the officer will make a complete and accurate report of this meeting, recorded in a fixed and retrievable format. The Person Reporting is given the opportunity to check, correct and sign the Written account of the meeting for approval.

Clause 4.2 - Reporting method

1. The Report may be submitted by the Person Reporting to the Confidential Counsellor, the Ombuds officer, the Supervisor or the Committee.
2. A Written Report can also be submitted via CK@eur.nl ([recital 53 and art. 8\(2\), art. 9\(1\)\(a\) and \(2\) of the Directive](#)).
3. A Report can be made anonymously. Because of the Person Reporting's anonymity, the prohibition on prejudice as referred to in Clause 2.3 of these Regulations cannot be guaranteed. However, persons who have made anonymous reports or anonymous disclosures that are subject to these Regulations and meet their conditions must enjoy protection if they are later identified and are subjected to retaliation (art. 9(1)(e) of the Directive).
4. A Written Report will be submitted to the Committee in the Dutch language. If the use of another language is more effective and the interests of the Person Reporting or the Person(s) Concerned are not disproportionately harmed, this other language can be used ([art. 2:6 Awb](#)). The Chair determines which language is effective. If it is established that an interpreter must be engaged, this will be done under the conditions described in Clause 4.10 of these Regulations.
5. The Written Report (not made anonymously) must in any case contain:
 - a. the name, position, current or former Legal relationship, address, email address and telephone number of the Person Reporting (for multifactor authentication); and
 - b. the name and position of the person(s) to whom the Report relates; and
 - c. a clear description of the Suspicion of Misconduct and the time period in which it occurred; and
 - d. the date; and
 - e. the documents or other evidence relating to the Report.

6. The Committee confirms receipt of the Report to the Person Reporting within 5 Working Days ([art. 9\(1\)\(b\) of the Directive](#)).
7. The Secretary will inform the Chair of the Board Verbally that a Report has been received and about its contents, whereby the identity of the Person Reporting will not be disclosed. During the handling of the Report, the Board will only be kept informed of the procedural progress. The Board will only be informed of the content of the advice upon the sending of the opinion, with due observance of the provisions of Clause 3.6 of these Regulations.

Clause 4.3 - Forwarding

1. If the Written Report is made to a party other than the Committee in accordance with Clause 4.1(1) of these Regulations, the Report will be forwarded to the Committee without delay.
2. A Verbal Report is written down by the Confidential Counsellor, Ombuds officer or Supervisor and will be forwarded to the Committee after consent has been given by the Person Reporting.
3. A Verbal Report to the Committee will be recorded in writing by the Chair, assisted by the Secretary, and, after consent has been given by the Person Reporting, will be handled with due observance of article 4.4 of these Regulations.
4. The person to whom the Report is made will inform the Person Reporting In Writing about the forwarding to the Committee.
5. A Report relating to Misconduct at an administrative entity other than the EUR will be forwarded by the Committee to that entity and removed from handling by the Committee (art. 2:3 Awb). The Person Reporting will be informed of this forwarding by the Committee ([recitals 65 and 66 of the Directive](#)).

Clause 4.4 - Remedying of omission and adjournment of the decision period

1. If the requirements referred to in Clause 4.2 of these Regulations are not met, the Committee will give the Person Reporting the opportunity to remedy the default within a period of ten Working Days.
2. The period within which the Committee must decide whether or not to handle the Report will be suspended from the day after the day after the day on which the Person Reporting was asked to remedy the default until the day on which the failure was remedied or the period set for that purpose expired unused.
3. If the Person Reporting does not remedy the identified omission within the period of ten Working Days, the Committee may decide not to handle the Report.
4. Periods already running will be suspended until the Person Reporting has remedied the omission or allowed the period to expire unused.
5. The decision period is adjourned during the investigation by services charged with investigating criminal offences.

Clause 4.5 - Decision of the Committee in relation to handling the Report

1. If the Report can be handled, the Committee will inform the Person Reporting of this In Writing, giving the Person Reporting a non-binding indication of the duration of the Investigation.
2. Until the Investigation has been completed, the Person Reporting will be informed of the progress In Writing every two months ([recital 58 of the Directive](#)).
3. The Committee may decide not to handle a Report if:
 - a. there is conflict with [article 2:15 Awb](#);

- b. the Committee's request that an omission be remedied or additional information be provided has not been complied with in a timely manner pursuant to Clauses 4.1(5) and 4.4(3) of these Regulations, as a result of which it cannot reasonably be ascertained what the Report pertains to or whether there is Misconduct;
 - c. the Suspicion of Misconduct is not based on reasonable grounds and is therefore manifestly unfounded;
 - d. If the Person Reporting has never had a Legal Relationship with the EUR;
 - e. the person whom the Report concerns does not have or has not had a Legal Relationship with the EUR;
 - f. the public interest in an Investigation, or the seriousness of the Misconduct, is manifestly insufficient;
 - g. the Suspicion of Misconduct is at the discretion of:
 - authorities tasked with investigating criminal offences;
 - authorities tasked with the supervision of compliance with any statutory provision;
 - the [Dutch Whistleblowers Authority](#).
 - h. another Report on the same Misconduct has been disposed of by the Committee, except if a new fact or new circumstance has become known and this could have led to a different opinion on the Misconduct referred to; or
 - i. an irrevocable court decision has already been rendered on the Misconduct.
4. If the Report will not be taken into handling, the Person Reporting will be notified In Writing, whereby the period within which the Person Reporting can submit an application to the National Ombudsman will be stated.

Clause 4.6 - Informing the Person(s) Concerned

1. After the Report has been taken into handling by the Committee, the Committee informs the Person(s) Concerned about this and asks the Person(s) Concerned to provide telephone number(s) (for multifactor authentication).
2. A copy of the Report will be sent by the Committee to the Person(s) Concerned by email.
3. The Person(s) Concerned may send a Written response to the Committee before the hearing, within a time period to be determined by the Committee.
4. A copy of the Written response will be sent to the Person Reporting.

Title II - Handling of Report by the Committee

Clause 4.7 - Investigation by the Committee

1. Within six weeks of receipt of the Report, the Committee will decide on the handling of the Report ([art. 6\(1\) WPA](#)).
2. The Committee aims to advise the Board within three months after the start of the Investigation ([recital 67 and art. 9\(1\)\(f\) of the Directive](#)). This period may be extended to six month if specific circumstances of the Report require this, such as, in particular, the nature and complexity of the subject of the Report that may require a lengthy investigation. The Person Reporting, the Person(s) Concerned and the Board will be informed accordingly.
3. During the Investigation, the Committee applies the principle of hearing both sides of the argument.

Clause 4.8 - Hearing

1. The Committee will give the Person Reporting and the Person(s) Concerned to whom the Report relates the opportunity to be heard.
2. The Committee may hear the Person Reporting and the Person(s) Concerned, witnesses and experts.
3. The person being heard with a view to a punitive sanction that may be imposed on him is not obliged to make statements regarding the violation for that purpose. Before the hearing, the person being heard will be informed that he is not obliged to answer any questions.
4. The Person Reporting and the Person Concerned may submit further documents up to 10 Working Days before the hearing.
5. The hearing is not public.
6. The hearing is conducted by the Committee or assigned to the Chair or a member of the Committee, in the presence of the Secretary.
7. The Person Reporting and the Person(s) Concerned will be heard in person and, in principle, outside of each other's presence. If it sees cause to do so, the Committee may hear the Person Reporting and the Person(s) Concerned in each other's presence.
8. The Committee will make a sound recording and/or visual recording of the hearing. The recordings remain in the possession of the Committee and will be deleted after recourse to the available legal remedies has been availed of.

Clause 4.9 - Assistance

1. The Person Reporting and the Person(s) Concerned may be assisted at the hearing by a Confidential Counsellor and authorised representative.
2. The costs of assistance will be borne by the party that is being assisted.
3. A Person Reporting may seek advice free of charge from the [Dutch Whistleblowers Authority](#).
4. Under certain circumstances, the Person Reporting and the Person(s) Concerned may qualify for subsidised legal assistance from the Legal Aid Board. Information about this possibility can be found here: [Legal Aid Board](#).

Clause 4.10 - Interpreter ([art. 2:6 Awb](#))

1. If a request for subsidised legal aid has been granted by the Legal Aid Board, the lawyer may also, where applicable, request a sworn and subsidised interpreter from the Legal Aid Board if the Person Reporting and Person(s) Concerned do not have a command of the Dutch language.
2. If an interpreter is not provided by the Legal Aid Board, the Board will, if desired, make a native-language interpreter available to the Person Reporting or the Person(s) Concerned at the expense of the EUR.

Clause 4.11 - Reporting

1. After the hearing, the report of the hearing will be sent to the person who was heard, with the request that the report be returned as reviewed within 5 Working Days, possibly with a separate, substantive response attached to the report. If the report is not returned within 5 Working Days, the report will be adopted by operation of law.
2. The report of the hearing and the Written response thereto will only be provided to the Board.

3. If there is reason for this, the Committee can decide not to share the reports of the hearing between the Person Reporting and the Person(s) Concerned, in which case the reports do not form part of the opinion.

Clause 4.12 - Anonymous witness

1. The Committee will disregard unverifiable information.

Title III - Handling of opinion by the Board

Clause 4.13 - Suspension of the investigation

1. The handling of the Report or the Investigation may be suspended if:
 - a. In the Committee's opinion, the Person Reporting is not cooperating sufficiently with the careful conduct of the Investigation and the preservation of the confidentiality of the results of the Investigation; or
 - b. A new fact or new circumstance becomes known, on the basis of which the Committee concludes that the Report is not eligible for handling.
 - c. If, during the investigation, authorities responsible for investigating criminal offences assess the report, the investigation by the Committee will be suspended or discontinued pending the outcome of the criminal proceedings.
2. If the Investigation is suspended, the Person Reporting, the Person(s) Concerned and the Board will be informed as soon as possible In Writing, stating the period within which the Person Reporting can submit an application to the National Ombudsman.

Clause 4.14 - Handling of opinion by the Board

1. The Committee will issue a Written opinion to the Board in the Dutch language. The opinion is always explained verbally to the Executive Board by the chair and secretary of the Committee. The Written advice will provide at least an overview of all the steps in the investigation, advise on the content and accuracy of the allegations in the Report, any Infringements ascertained, which follow-up measures are recommended and how these follow-up and remedial measures can resolve the identified Infringements.
2. The Board will adopt its decision within four weeks of receiving the Committee's opinion and send the Person Reporting and the Person(s) Concerned the Notification, while simultaneously sending a copy of the Committee's opinion.
3. The Board will draw up the Notification in the Dutch language. If the Board deems this effective, a full translation into English will be added to the Notification. The Dutch text is decisive.
4. The Board will also send the Notification to the Committee for information.
5. If the Board's position deviates from the Committee's opinion, the reason for that deviation will be stated in the Notification.
6. No objection or appeal can be lodged against the Notification.
7. The Notification states that the Person Reporting can submit an application to the National Ombudsman within one year.

Title IV - External Report to the Dutch Whistleblowers Authority

Clause 4.15 - External report ([art. 4 WPA](#))

1. At any stage of the procedure, an external report of the Suspicion of Misconduct may be made to and via the [Dutch Whistleblowers Authority](#), provided there are compelling reasons for doing so.

2. An external report as referred to in paragraph 1 of this clause does not qualify as a violation of the confidentiality as referred to in Clause 2.4 of these Regulations with regard to the information provided to the [Dutch Whistleblowers Authority](#). In all other respects, the duty of confidentiality remains in force.
3. If there is a reasonable suspicion of a criminal offence or a serious threat to public health or the safety of the environment, the Person Reporting may report this directly to the competent authority.
4. The Board will provide evidence or other documentation that is required to other authorities or judicial authorities after the external report has been made ([recital 90 of the Directive](#)).

Chapter V - Final and transitional provisions

Clause 5.1 - Report addressed to the Board

1. If a Report relates to (a member of) the Board, wherever these Regulations refer to the 'Board', this will be replaced with 'Supervisory Board'.
2. The Supervisory Board may decide to compose the Committee from a Chair and members other than those already appointed by the Board.

Clause 5.2 - Interpretation

1. In cases not provided for in these Regulations or in cases in which these Regulations give rise to multiple interpretations, the Board, and in the situation described in Clause 5.1 of these Regulations, the Supervisory Board will decide.
2. The Board, or in the situation referred to in Clause 5.1 of these Regulations, the Supervisory Board, can take decisions in deviation from the provisions of or pursuant to these Regulations.

Clause 5.3 - Translation

1. If these Regulations have been translated and there is a conflict between the translation and the Dutch version, the Dutch version will prevail.

Clause 5.4 - Publication

1. The Board will post these Regulations on the EUR website.

Clause 5.5 - Effective date

1. These Regulations will enter into force on a date to be determined by the Board.

Clause 5.6 - Short title

1. These Regulations are referred to as the 2023 Whistleblower Regulations.

Clause 5.7 - Withdrawal

1. With the date of entry into force, older versions of these Regulations shall be withdrawn.

Clause 5.8 - Applicable law

1. These Regulations are exclusively governed by the laws of the Netherlands.

Clause 5.9 - Management of Regulations

1. These Regulations are managed by the General Administrative Service, Legal Protection Department.