

ROMANIA NATIONAL REPORT

Analysis of the legal framework for whistleblower protection

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Introduction

This country report analyzes the implementation of the legal framework on whistleblower protection in Romania, with a focus on how the mechanisms are established by the legal framework in force and how the application of this legislative framework functions at the level of central and local public administration, as well as in other relevant public institutions.

The main purpose of the report is to assess the gap between the regulatory framework and its effective application, by analyzing the organization of reporting channels, their use, the typology of reported cases and the mechanisms for protecting whistleblowers against retaliation. The report also aims to identify the main challenges in implementing the legislation.

The analysis is based on a combination of sources:

- available public data (institutional reports, press releases of the National Integrity Agency, assessments within the National Anti-Corruption Strategy);
- official responses to requests for information of public interest sent to central and local public institutions (ministries, county councils, city halls, universities).

The data largely reflect official institutional perspectives, which may underestimate difficulties such as reprisals or lack of trust in the system. The absence of aggregated national data limits comparative analysis. Last but not least, the low level of reporting in many institutions makes it difficult to effectively assess how the system is working.

Evolution of the legislative framework regarding whistleblowers (chronological)

The legislative framework on whistleblower protection in Romania has evolved in several stages, starting from a limited national model later complemented by European requirements and standards. The first regulation was introduced by **Law no. 571/2004 on the protection of public authorities personnel reporting breaches of the law**, which enshrined the right of public officials to report irregularities and established the principle of protection against retaliation. However, the framework was limited exclusively to the public sector and did not include clear reporting procedures, institutionalized channels or effective protection mechanisms, which made its application in practice limited and uneven.

A turning point was the adoption at European level of **Directive (EU) 2019/1937 on the protection of persons reporting on breaches of Union law**, which required Member States to introduce mandatory minimum standards. The Directive extended protection to the private sector, established a structured reporting system (internal, external and public disclosure), introduced clear procedural deadlines and strengthened obligations on confidentiality and protection against retaliation. This highlighted the limits of the existing framework in Romania and generated the need for a comprehensive legislative reform.

The Directive was transposed by **Law no. 361/2022 on the protection of whistleblowers in the public interest**, which currently constitutes the main regulatory act in the field. It extends protection to both

public and private sectors, establishes a complete reporting system (internal, external and public), establishes clear procedural deadlines and introduces explicit obligations for private institutions and entities. The law also defines the role of the competent authorities, in particular the National Integrity Agency, as the central authority for the external reporting channel. Overall, Law 361/2022 replaces and goes beyond the previous framework established by Law 571/2004 and aligns Romania with the requirements of Directive (EU) 2019/1937.

An important role in implementing this framework falls to the National Integrity Agency (ANI), the institution responsible in Romania for managing the external whistleblower reporting channel. Through Law no. 361/2022, ANI received extended responsibilities, including receiving, registering, examining and directing reports, as well as providing information and support to whistleblowers on their rights and protection mechanisms. A dedicated whistleblower structure was created within the institution, marking the transition from a predominant role of controlling incompatibilities and conflicts of interest to a broader one, of central authority in the whistleblower protection architecture.

Personal and material scope of application

Law No. 361/2022 establishes an extended scope, in line with **Directive (EU) 2019/1937**, covering both the protected persons and the types of breaches that may be subject to reporting. According to the law, the whistleblower is “ **a natural person who makes a report or publicly discloses information regarding breaches of the law, obtained in a professional context** ”. This wording reflects the legislator’s intention to include a wide range of professional situations and to avoid limiting the protection only to classic employment relationships.

The law applies to all persons who obtain information in a professional context, including employees, self-employed workers, shareholders, members of management or supervisory bodies, volunteers, interns and persons working under the coordination of contractors or suppliers. Explicitly, the protection also extends to persons in the recruitment phase or whose professional relationships have ended, as well as to those who make anonymous reports. The law also specifies that the protection also applies to public disclosures, under the conditions provided for by the regulatory act.

In terms of the material scope, the law defines “violations of the law” in a broad sense, covering both national law and areas regulated by European Union law. The legal text refers to violations “**which consist of acts that constitute disciplinary offences, contraventions or criminal offences or that are contrary to the object or purpose of the law**”. In line with Directive (EU) 2019/1937, areas such as **public procurement, financial services, prevention of money laundering, product and transport safety, environmental protection, public health, food safety, consumer protection, data protection and cybersecurity, as well as violations affecting the financial interests of the European Union or the functioning of the internal market are included**.

In practice, these provisions cover a wide range of concrete situations, such as: preferential award of a public contract, undeclared conflicts of interest, misuse of public or European funds, false reporting in projects financed from EU funds, failure to comply with environmental or safety rules in public institutions, unauthorized access to personal data, or administrative practices that violate competition or state aid legislation.

The law also includes a number of important limitations, stating that it does not affect special regimes regarding classified information, professional secrecy (including attorney-client and medical

confidentiality), judicial deliberations or criminal procedure rules. Certain reporting may also be excluded in sensitive areas such as defense and security.

Legal obligations for public administration

Law No. 361/2022 introduces detailed obligations for public authorities and institutions, establishing a **set of mandatory minimum requirements regarding the organization of reporting mechanisms, the management of procedures and the protection of whistleblowers.**

First, all public institutions, regardless of size, are required to establish **internal reporting channels**. These **must allow for the transmission of reports in writing, verbally or through face-to-face meetings** and guarantee the confidentiality of the whistleblower's identity.

Institutions covered by the law are required to designate a person, department or third party responsible for managing reports, who has clear responsibilities: receiving and registering reports, maintaining communication with the whistleblower, analyzing the content of the complaint and ordering follow-up measures.

Internal procedures must be formalized and communicated transparently. The **law requires that information on reporting channels be accessible to employees and the public, including by publishing it on the institution's website and displaying it on the institution's premises**. In practice, this requires the existence of written procedures, standardized forms, dedicated email addresses or online platforms, as well as clear rules on the flow of processing reports.

Regarding the external channel, the law establishes that whistleblowers can directly address the competent authorities, in particular the National Integrity Agency, which functions as a central point for receiving and managing external reports. Public institutions must cooperate with these authorities, including by transmitting reports when they do not fall within their competence or by providing additional information in the framework of investigations.

An essential element of the procedural framework of the law in Romania is the **respect of legal deadlines**. The law provides for the obligation to confirm receipt of the report within a maximum of 7 calendar days and to provide feedback on the measures taken within a maximum of 3 months. In justified situations, the deadline may be extended, but the institution must inform the whistleblower about this extension. These deadlines are mandatory and represent a minimum standard of institutional response.

Confidentiality is a central obligation. Institutions must ensure that “ **the identity of the whistleblower is not disclosed without his or her consent** ” and that access to the reporting information is strictly limited to authorized persons. In practice, this involves measures such as separating reporting registers, pseudonymizing data, restricting access and avoiding unjustified transmission of information.

Overall, the law not only requires the existence of these mechanisms, but also a standardized way of operating them. Public institutions must move from a formal approach to an operational one, in which procedures are effectively applied, staff are trained, and reports are handled in a consistent and predictable manner.

Legal framework for protection against retaliation

Law no. 361/2022 establishes a detailed framework for protection against retaliation, in line with the standards set out in **Directive (EU) 2019/1937**. According to the law, retaliation is defined as “ **any direct or indirect action or omission, occurring in a professional context, resulting from internal or external reporting or public disclosure, which causes or is likely to cause harm to the whistleblower** ” (art. 3 para. (12)). This definition allows for the coverage of a wide range of situations, from dismissal or demotion to more subtle forms, such as professional marginalization or damage to reputation.

The protection is not limited strictly to the whistleblower, but extends to a wider circle of persons. Thus, the law also includes "facilitators" (people who support the reporting), third parties in contact with the whistleblower (colleagues, family members), as well as legal entities owned or controlled by them. Whistleblowers who have made anonymous reports and are subsequently identified, as well as those who transmit information to European Union institutions or bodies, are also protected.

To benefit from protection, the law establishes cumulative conditions: the whistleblower must fall within the scope of application, have had reasonable grounds to believe that the information reported was true at the time of transmission and have used one of the channels provided for by law (internal, external or public disclosure). The protection mechanisms and remedies are applicable to the extent that a link can be established between the reporting and the retaliatory measures.

In terms of institutional support, the National Integrity Agency has an explicit role in informing and advising whistleblowers on their rights, procedures and available protection measures. ANI provides guidance on how to use reporting channels and can support whistleblowers in understanding their legal options in case of retaliation, thus contributing to strengthening the practical dimension of protection.

Competent authorities and oversight bodies

Law no. 361/2022 establishes a decentralized but coordinated institutional system for the management of reports and the application of the whistleblower protection framework. The notion of “competent authority” includes both public authorities and institutions with relevant sectoral responsibilities, as well as authorities with a general role, such as the National Integrity Agency. The law also provides for the possibility for reports to be redirected to other competent institutions, depending on the nature of the breach reported ¹.

ANI plays a central role in the architecture of the system, being designated as the main external reporting channel. In this regard, the law provides for the organization within ANI of a specialized structure dedicated to whistleblowers, with integrity inspectors responsible for receiving, registering, evaluating and transmitting reports. This attribution extends the role of the institution beyond its traditional mandate in the field of conflicts of interest and incompatibilities, towards a broader function of managing reporting mechanisms and protecting whistleblowers.^{2 3}

Operationally, ANI also has the role of ensuring the accessibility of the external channel, including by publishing relevant information and making available dedicated tools for submitting reports, both

¹Law no. 361/2022 on the protection of whistleblowers in the public interest, art. 3 and art. 10–12
<https://integritate.eu/wp-content/uploads/2024/03/Legea-361-2022.pdf>

²Idem 1, art. 13-15

³National Integrity Agency – Official press releases regarding the operationalization of the external reporting channel, 2023–2024
<https://integritate.eu/operationalizarea-canalului-extern-de-raportare-avertizori-de-integritate/>

nominally and anonymously. The institution also provides general guidance on the use of reporting mechanisms and can support whistleblowers in understanding the applicable legal framework.^{4 5}

A complementary role in monitoring the implementation of the legal framework is played, in Romania, by **the National Anti-Corruption Strategy (SNA) 2021–2025**, coordinated by the Ministry of Justice. Within the SNA, the implementation of the whistleblower legislation **is included as a specific objective and is periodically assessed through monitoring reports and dedicated indicators**. These assessments monitor, among others, the existence and functioning of internal reporting channels, the level of staff training, the use of reporting mechanisms and the institutional capacity to manage complaints.^{6 7}

Although the SNA does not have direct control or sanctioning powers, it functions as a coordination and systemic evaluation mechanism, providing an aggregated picture of how the legal framework is implemented at the central and local public administration levels. In practice, the SNA reports highlight both progress (establishment of channels and development of guidelines) and significant limitations, especially in terms of the effective use of mechanisms and institutional capacity⁸.

Identified legal gaps or ambiguities relevant to implementation

Although Law No. 361/2022 ensures a robust legal framework aligned with the requirements of **Directive (EU) 2019/1937**, the main challenges identified in Romania relate to the practical implementation and effective functioning of the mechanisms in force.

A first significant element is **the low level of use of reporting channels, especially in relation to the size of the public administration**. The data available from the National Integrity Agency indicate a relatively low number of external reports (47 in 2023 and 99 in 2024), which suggests a limited use of the mechanism, even after its operationalization.⁹

The assessments carried out within the framework of **the National Anti-Corruption Strategy 2021–2025**, coordinated by the Ministry of Justice, confirm this trend and indicate that, in many public institutions, whistleblowing mechanisms are more formally implemented than actually used. In some cases, institutional reports indicate a total absence of reporting or cases of retaliation, which raises questions about the real functionality of the system¹⁰.

Another critical aspect is the low level of trust in protection mechanisms, especially in terms of preventing retaliation. Although the law provides extensive safeguards, including a broad definition of retaliation and protection for facilitators and third parties, their effectiveness largely depends on institutional capacity. In practice, external assessments and regional analyses indicate that whistleblowers may remain vulnerable in the initial stages of reporting, before protection mechanisms are effectively activated¹¹.

⁴ <https://avertizori.integritate.eu/>

⁵ Public guidelines on whistleblowing, 2023–2025

<https://www.just.ro/wp-content/uploads/2025/06/Ghidul-avertizorului-in-interes-public.pdf>

⁶ National Anti-Corruption Strategy 2021–2025

<https://www.just.ro/wp-content/uploads/2021/12/Strategia-Nationala-Anticoruptie-2021-2025.pdf>

⁷ Monitoring reports published by the Ministry of Justice and the National Integrity Agency, 2023–2025

<https://sna.just.ro/ro/c/rapoarte-de-monitorizare>

⁸ Ditto 7

⁹ National Integrity Agency

<https://integritate.eu/comunicat-aproape-100-de-raportari-privind-incalcari-ale-legii-transmise-prin-canale-externe-de-raportare-in-2024/>

¹⁰ Ditto 7, 2023–2024

¹¹ Whistleblower Protection in Southeast Europe: As Good as it Gets? (2025)

<https://kli-ks.org/wp-content/uploads/2025/12/SEE-Regional-Report-2025-1.pdf>

There are also ambiguities and challenges related to the practical application of the procedural framework. Although the law establishes clear deadlines and institutional obligations, monitoring reports show significant variations between institutions in terms of implementation, including in the organization of internal channels, the level of staff training and the capacity to manage reports. In some cases, responsibilities are concentrated in structures with limited resources, which affects the efficiency of processing complaints.

Overall, the main gaps identified do not relate to the legal framework itself, but to the transition from formal compliance to effective implementation. Romania has a complete legislative framework in line with European standards, but its effectiveness depends crucially on strengthening institutional capacity, increasing trust and developing an organizational culture conducive to reporting violations.

Organization of reporting channels and cooperation with external actors

In Romania, the organization of reporting channels is regulated by Law no. 361/2022, and in practice most central and local public authorities (especially large urban administrations and county institutions) have developed clear, public and relatively standardized internal procedures. The analysis of the information available on the institutions' websites shows that these procedures are generally detailed and explicitly explain the reporting modalities, the protection conditions and the steps of the process.

Typically, public institutions offer multiple internal reporting channels, including dedicated email addresses, postal submission, and the possibility of direct reporting through scheduled meetings. For example, at the level of the Timiș County Prefect Institution, reporting can be done via email, correspondence, or direct meeting, and the procedure is described in detail and published on the institution's website. This structure reflects a general trend in public administration to ensure formal accessibility and multiple options for submitting complaints.

Institutional procedures clearly describe the difference between nominal and anonymous reports. In practice, nominal reports allow for further communication between the whistleblower and the designated person, which facilitates clarification of information and investigation of the case. In contrast, anonymous reporting comes with certain procedural limitations: they do not allow for further communication, do not benefit from the same protection mechanisms, and do not allow the whistleblower to be informed of the status or outcome of the resolution. These limitations are often explicitly explained in the institutions' public procedures.

The responsibility for handling reports usually falls on a designated person or department, often from the legal, internal control or audit areas. This person has clearly defined responsibilities: registering the report, confirming receipt within 7 days, maintaining communication with the whistleblower, requesting additional information and coordinating the analysis actions. After completing the examination, he or she draws up a report that includes a description of the situation, conclusions and possible recommendations or measures.

The analysis process follows, in most institutions, a similar procedural flow: initial assessment of the admissibility of the report, analysis of the merits of the case and, if necessary, transmission to other competent authorities. The law and institutional procedures provide for the obligation to inform the whistleblower within a maximum period of 3 months (with the possibility of extension to 6 months in justified cases) and to communicate the final result within a short period after the completion of the examination.

The external channel is mainly managed by the National Integrity Agency, which functions as a central point for receiving and forwarding reports. In practice, when institutions find that a report does not fall within their competence, it is transmitted to the ANI or to other competent authorities (e.g. control bodies or criminal prosecution bodies), without disclosing the identity of the whistleblower, unless the law requires otherwise.

As regards cooperation with external actors, this mainly takes the form of referrals to competent authorities, but is not yet structured or institutionalised in a consistent way. Interaction with non-governmental organisations, trade unions or other independent entities is limited and is usually not part of the standard procedural flow, although the law allows for public disclosure to such actors under certain conditions.

Factors that facilitate the effective functioning of the system include the existence of clear, public written procedures, the availability of multiple reporting channels, and the explicit designation of responsible persons. Institutions that have integrated these elements and that have experience in the field of internal control or compliance tend to manage reporting more coherently.

On the other hand, the main identified bottlenecks relate to the still formal nature of the implementation, the low number of reports and the lack of practical experience in case management. In some situations, the procedures are applied more formally than substantively, and the delimitation of competences between institutions can generate delays or successive redirections. Also, the limitations of anonymous reporting and the lack of continuous communication with whistleblowers can affect the efficiency of investigations and the level of trust in the system.

Overall, Romania has a relatively well-defined and visible procedural framework at the institutional level, but cooperation between actors and the effective use of mechanisms remain under consolidation.

Report numbers, topics and results

National-level statistics At the national level, the most consistent public data is available for the external channel managed by the National Integrity Agency. According to the institution's official communications, **47 external reports were registered in 2023 and 99 in 2024 (83 nominal and 16 anonymous)**. This increase indicates a progressive activation of the mechanism, but the absolute volume remains low in relation to the size of the public administration ¹².

For domestic channels, there is not yet a consolidated public system of aggregated reporting at the national level. The recent introduction of standardized reporting forms to ANI, under Law No. 361/2022, suggests that this system is under development, and data remains fragmented and dispersed at the institutional level ¹³.

Institution-level data (central level, regional and local level)

The available data from the evaluations of **the National Anti-Corruption Strategy (SNA) 2021–2025** show an uneven situation. Some institutions report a limited number of cases (e.g., 6 reports to a central agency or 3 reports to a ministry), while many institutions do not record any reports at all.

¹²Ditto 9

¹³National Integrity Agency, "Guide for completing the annual reporting form according to art. 27 par. (2) of Law no. 361/2022", 2025

Central public administration

Data collected directly from ministries with significant exposure and large volume, as part of the documentation carried out by CRPE for this report, provides a more detailed picture of the functioning of internal mechanisms. For example, at the level of the Ministry of Development, Public Works and Administration (MDLPA), **5 reports were registered in 2023 and 4 reports in 2024**, all nominal, with no anonymous reports. The reported topics concerned concrete administrative aspects, such as cadastral procedures, construction work authorization and housing distribution, and following the analysis it was found that the notifications did not meet the legal conditions to be classified as warnings within the meaning of Law no. 361/2022.

At the level of the Ministry of Investments and European Projects (MIPE), the data shows a similarly reduced, but more thematically diversified use: **5 reports in 2023, 5 in 2024 and 1 in 2025 (so far)**, of which **9 nominal and 2 anonymous**. The reports mainly concerned public procurement, conflicts of interest, human resources and disciplinary offenses. Approximately **50% of the reports were confirmed as well-founded**, and the average resolution time was approximately 3 months.

A higher volume of reports is observed at the level of the Ministry of Environment, Waters and Forests, where the data shows a significant increase over time: **1 report in 2023, 5 in 2024, 34 in 2025 and 4 in 2026 (up to the time of reporting)**. Of the total, **40 were nominal and 4 anonymous**, and the topics included areas such as environment, European funds, human resources and waste management.

In the case of the Ministry of Internal Affairs, an upward trend in the number of reports is observed: **4 in 2023, 6 in 2024 and 25 in 2025**, the majority nominal. The main theme is different from other institutions, being focused on **abusive management and incorrect performance of official duties**, and the percentage of confirmed reports is relatively low (below 10%).

Local and regional level of the public administration

According to the results of the research conducted by CRPE, following the analysis of official responses to requests for information of public interest sent to the local public administration, at the level of county councils, the use of reporting channels is almost non-existent. Most of the institutions analyzed (Bihor, Cluj, Constanța, Iași) did not register any reporting in the period 2023–present. In all these cases, there are designated persons and internal procedures, but these are not used in practice. In addition, responsibilities are usually cumulated with other duties, and participation in training programs is limited or absent. Timiș County Council represents a marginal exception, with only one reporting in the analyzed period, which did not directly target the institution.

At the level of large municipalities, the general trend remains similar. Several city halls (Cluj-Napoca, Oradea) have not registered any reports at all. In other cases, the number of reports is very low, such as the case of Brașov (three reports in two years), without

confirmations as well-founded. An additional example is the City Hall of Sector 1, where only two reports were registered in the analyzed period (2023-present), none of which was confirmed as well-founded. One of these did not meet the minimum conditions provided by law, which required the request for completions. Although the institution has established a more complex formal structure (designated person and resolution commission), the attributions are cumulative, and training programs are missing. The only institution that clearly stands out from this pattern remains the City Hall of Timișoara, where the number of reports is significantly higher: 45 reports in 2 years.

However, even here, none of the reports were confirmed, and a significant part did not fall within the scope of the law. A relevant element is also the typology of the reports, which is predominantly administrative (public relations, employee behavior, internal procedures). This suggests that the mechanism is used in practice as a general channel for complaints rather than as a tool for reporting serious violations of the law.

Within the CRPE research, a distinct section was allocated to universities, in the context in which, in recent years, the need for the existence and effective use of whistleblowing mechanisms in the academic environment has become increasingly evident. This interest is linked both to the institutional specificity (autonomy, complex internal structures) and to the increased exposure to integrity risks, including in areas such as academic ethics, resource management or labor relations. Therefore, the results of the CRPE research show that, in the academic environment, the mechanisms exist but are not used. Both Babeș-Bolyai University and UMF Iași did not register any reports during the analyzed period, and the attributions are cumulative and the training is limited. The same situation is found at UMF "Carol Davila" in Bucharest, where no reports were registered during the period 2023–2025.

Overall, the data at the institutional level confirms a trend: whistleblowing mechanisms are generally formally implemented, but their use is low and unevenly distributed across institutions.

Topics of reports

Public data available on the subject of reporting in Romania remains limited and does not allow for a detailed quantitative analysis, but the legal framework and official materials provide clear indications on the types of violations that are the subject of notifications. According to Law no. 361/2022, “violations of the law” include acts that may constitute disciplinary offenses, administrative offences or crimes and that target areas such as public procurement, financial services, money laundering prevention, environmental protection, public health, consumer protection, data protection or information systems security ¹⁴.

In addition, the guides and materials published by the National Integrity Agency show that reports frequently target situations such as **conflicts of interest, improper use of public or European funds, irregularities in procurement procedures or breaches of integrity**

¹⁴Idem 1, Annex no. 2 and art. 2

obligations in public institutions. These areas reflect the main integrity risks identified at the institutional level and within the framework of anti-corruption policies ¹⁵.

The legal framework also extends the reporting scope to violations affecting the financial interests of the European Union or the functioning of the internal market, including issues related to competition, state aid or abusive tax mechanisms.^{16 17}

In addition to the "classic" integrity categories, the law also allows for reporting of situations related to the work environment or organizational conduct. However, in the absence of detailed statistics and public databases on resolved cases, these types of reporting are less visible and documented.

Overall, the reporting patterns in Romania reflect legally and institutionally defined risk areas rather than a complete mapping of actual cases. The lack of nationally aggregated and standardized data limits empirical analysis of the typology of reporting and makes it difficult to compare their frequency and nature.

In this context, the data collected by CRPE directly from institutions complements this general picture and offers a more realistic perspective on the typology of reporting.

Institutional data shows that the subject matter of reporting varies significantly depending on the type of institution:

- At the central administration level, reporting tends to reflect classic integrity areas. These include public procurement, conflicts of interest, the use of public or European funds, as well as issues related to internal management and compliance with official duties. In some institutions, the subject matter is more diverse and includes sectoral areas, while in others the reporting is focused on management and internal discipline issues.
- At the local level, the profile of reports is different. Where there are reports, they mainly concern administrative dysfunctions: relations with citizens, employee behavior or compliance with internal procedures. Cases such as the Sector 1 City Hall also show another problem: reports that do not meet the minimum legal requirements or that require additional clarifications in order to be analyzed.

Another important element is the almost total absence of reporting in many institutions, especially at the local and university levels. In these cases, a clear typology of the reported facts cannot be identified, which limits the analysis and suggests a very low use of the mechanism.

At the same time, a common pattern in institutions where reporting exists is the high proportion of unconfirmed cases. This may indicate either an incipient use of the mechanism or a limited understanding of its scope by potential whistleblowers.

¹⁵ <https://www.just.ro/wp-content/uploads/2025/06/Ghidul-avertizorului-in-interes-public.pdf>

¹⁶Idem 1

¹⁷Art 26, Treaty on the Functioning of the European Union, https://eur-lex.europa.eu/eli/treaty/tfeu_2016/art_26/oj

Overall, the data suggests that the warning mechanism is still in an early phase of use, and its function differs significantly between institutions: from a tool for signaling integrity risks, to a general channel for administrative complaints, or, in many cases, an unused formal mechanism.

Beyond the subject matter of the reports, the analysis of institutional data also provides relevant clues on how these cases are managed in practice.

Typical process The reporting management process is, in principle, standardized by law and institutional procedures:

1. **Receiving and recording reporting** through internal or external channels;
2. **Confirmation of receipt** within a maximum of 7 days;
3. **Preliminary assessment** of admissibility;
4. **Analysis and investigation of the case**, including requesting additional information;
5. **Transmission to competent authorities**, if applicable;
6. **Feedback to the whistleblower** within 3 months (or 6 months in complex cases);
7. **Communication of the final result** within a short period of time after completion.

Possible outcomes include: case closure, internal corrective measures, disciplinary sanctions, referral to other authorities, or referral to criminal prosecution.

Institutional variations Although the procedural framework is uniform at the legal level, the application differs significantly between institutions. In large public administrations, the procedures are more detailed, the channels are multiple and there is a better management capacity. In smaller institutions or with limited experience, the mechanisms are often used formally, with few actual cases and limited analytical capacity.

Key observations The main conclusion is that Romania has a functional system at the formal level, but with **low utilization and uneven distribution of cases**. Data collected directly from institutions confirm the trends identified at the national level: the number of reports is low, but increasing in some institutions, and the distribution is uneven. There are significant differences between ministries in terms of the volume, typology and results of reports. While some institutions register predominantly administrative or compliance cases, others (such as the Ministry of Internal Affairs) more clearly reflect issues of management and internal discipline.

Another important element is that a significant proportion of reports are not confirmed or do not meet the legal criteria, which suggests either an incipient use of the mechanism or a limited understanding of the framework by potential whistleblowers. At the same time, there are institutions where confirmed reports generate concrete actions (transmission to ANI, disciplinary committees or other authorities), indicating the beginning of a functional use of the system.

Protection measures and support for whistleblowers

Law no. 361/2022 provides for strict confidentiality obligations. The identity of the whistleblower must be protected and cannot be disclosed without consent, and access to information is limited

to designated persons. In practice, institutions apply measures such as separate registers, access restrictions and pseudonymisation of data.

Treatment of anonymous reports Anonymous reports are permitted, including through the external channel managed by ANI. However, in practice: they do not allow for further communication with the whistleblower, do not benefit from the full protection provided by law, and do not allow for information on the progress or outcome of the case. This limitation may reduce the efficiency of investigations and may discourage the use of the channels, especially in environments where the risk of identification is high.

Measures against retaliation

Law no. 361/2022 explicitly prohibits any form of retaliation against whistleblowers, whether direct or indirect. In practice, this means that a whistleblower cannot be sanctioned, fired, demoted or subjected to pressure or discriminatory treatment as a result of a report made in accordance with the law.

To make this protection effective, the law introduces several important legal mechanisms. An essential element is that, in the event of a dispute, **the burden of proof is reversed** : it is not the whistleblower who must prove that he or she was subject to retaliation, but the employer or institution that must show that the measure taken is unrelated to the reporting. In addition, whistleblowers have the right to claim **compensation for the damages suffered** and can request in court **the suspension of measures considered to be retaliation** , even before the final resolution of the case.

The law also provides for forms of practical support, such as **access to free legal assistance in certain procedures**, which is especially important in the context where whistleblowers may enter into litigation with institutions or employers.

Overall, the legal framework provides solid protection tools, aligned with European standards. However, their effectiveness depends largely on how these mechanisms are used in practice and on the ability of whistleblowers to access these remedies.

Support measures : Institutional support is mainly provided by the National Integrity Agency, which offers: confidential counselling (e-mail, telephone, meetings), guides and information materials, training and awareness activities. Within the framework of the SNA, these measures have been complemented by training sessions and methodological tools for institutions.

Reported experiences with retaliation. In some institutional reports (for example, within the SNA), cases of retaliation or litigation are not recorded, which does not necessarily reflect the absence of the phenomenon, but rather the reduced use of mechanisms, the difficulty of reporting retaliation or the lack of systematic monitoring. Data collected from ministries indicate that, at the institutional level, **no cases of retaliation were reported** during the period analyzed. Both the Ministry of Investments and European Projects, the Ministry of Environment

and the Ministry of Internal Affairs explicitly communicated the absence of such cases in their records.

Monitoring mechanisms There is still no consolidated public system for monitoring reprisals at the national level. SNA assessments and ANI reports provide a general picture, but do not systematically track the trajectory of cases or their outcomes in court.

In conclusion, the legal framework offers solid guarantees regarding whistleblower protection, but practical application is limited by: the low number of cases, the low use of the mechanisms and the lack of consolidated data on retaliation. Consequently, the system is developed at the normative level but has very limited practical application.

Achievements and challenges for protecting whistleblowers in Romania

The analysis carried out highlights a clear contrast between the robustness of the legal framework and the low level of use of the mechanisms in practice.

The main challenge identified is the very limited use of reporting channels. In many public institutions, especially at the local level and in the academic environment, no reports were recorded during the period under review. Even in institutions where reports exist, the volume is low and unevenly distributed. This situation suggests either a low level of trust in the existing mechanisms or a lack of awareness and familiarity with them.

A second important challenge is the predominantly formal nature of implementation. While most institutions have established procedures, designated responsible persons, and created reporting channels, these mechanisms are not always integrated into the current practices of the organizations. In many cases, the tasks are combined with other responsibilities and training programs are limited or non-existent, which affects the institutional capacity to manage reporting.

The analyzed data also indicate difficulties in the correct use of the mechanism by potential whistleblowers. A significant proportion of reports do not meet the legal conditions or are not confirmed as well-founded. This suggests an incomplete understanding of the scope of the law and an unclear demarcation between whistleblowing and other types of administrative complaints.

Another important limitation is the lack of aggregated and standardized data at the national level. In the absence of a consolidated reporting and monitoring system, analysis remains fragmented and comparative assessment across institutions is difficult. The same problem is found in the case of reprisals, where the absence of reported cases cannot automatically be interpreted as the absence of the phenomenon.

At the same time, the report also highlights a number of strengths and good practices. First, the legislative framework is complete and aligned with European standards, providing a coherent system of reporting and protection. The law establishes clear deadlines, precise institutional obligations and robust protection mechanisms, including confidentiality and the reversal of the burden of proof in case of retaliation.

Second, at the institutional level, there is visible progress in the organization of the mechanisms. Many institutions have developed clear, public and accessible internal procedures, offer multiple

reporting channels and ensure, at least formally, confidentiality conditions. In institutions with more experience (especially some ministries), a more diversified use of the mechanism and a better capacity for case management are also observed.

Another positive element is the existence of a centralized institutional framework for the external channel, through the role of the National Integrity Agency, as well as the integration of the topic into the National Anti-Corruption Strategy. These mechanisms contribute to the coordination of the system and the development of common standards.

Overall, Romania has all the necessary elements for a functional system, but the main challenge remains the transition from formal compliance to the effective use of the mechanisms.

Conclusion

The report shows that Romania has made progress in developing the legal framework for whistleblower protection, in particular through the adoption of Law No. 361/2022 and alignment with European standards. The system is, from a normative point of view, complete and well-structured, covering both reporting mechanisms and protection against retaliation.

However, the analysis of practical implementation highlights a low use of these mechanisms. The number of reports remains low in most institutions and their distribution is uneven. In many cases, the mechanisms formally exist but are not used or are used in a way that is different from their original purpose.

The collected data indicate significant differences between types of institutions. At the central administration level, there is a more visible use of the mechanisms and a greater diversity of reporting topics. In contrast, at the local level and in the academic environment, the mechanisms are largely unused, despite the existence of the procedural framework.

Another important result is that a significant part of the reports is not confirmed or does not meet the legal criteria, which suggests difficulties in understanding and using the mechanism correctly. At the same time, the typology of reports varies between institutions, from classic integrity issues to administrative dysfunctions, which reflects an uneven use of the tool.

Regarding whistleblower protection, the legal framework offers solid guarantees, but the lack of reported cases of retaliation and the absence of consolidated data make it difficult to assess the effectiveness of these mechanisms in practice.

Overall, the main conclusion is that Romania has a functional system at a formal level, but it is still in an early stage of use. For the system to become fully effective, institutions need greater capacity to handle reports, staff and potential whistleblowers need to be more familiar with the available mechanisms, and trust in the system needs to grow. Visible examples of cases in which whistleblowing mechanisms have worked as intended could also help build that trust.

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