
ENTSO-E WHISTLEBLOWING POLICY **(for application to Secretariat Staff and** **ENTSO-E Contractors)**

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1. Why a Whistleblowing Policy?

As a general rule, Reporting Persons are encouraged to Report Information on Breaches to their supervisor or to the person ultimately in lead of the work or project.

However, there might be circumstances that require the possibility to Report Information on Breaches through a reporting channel guaranteeing confidentiality, Feedback on the Report, and protection against Retaliation.

ENTSO-E Secretariat has therefore put in place an Internal Reporting channel (<https://entsoe.grantthornton-whistle.com/>) allowing at any time Internal Reporting of Information on Breaches within the scope of this Whistleblowing Policy (“**Policy**”) in a responsible and effective manner.

This Policy aims at encouraging Reporting Persons to voice Information on Breaches internally and promptly in order to prevent or remedy any Breaches.

The purpose of this Policy is to:

- encourage the Internal Reporting of Information on Breaches;
- protect Reporting Persons who Report Information on Breaches in good faith against Retaliation;
- treat all Reports made under this Policy uniformly, discreetly and confidentially;
- investigate all Reports of Information on Breaches thoroughly, fairly and in a timely manner, and ensure an honest investigation for all involved;
- take all reasonable measures to prevent and to deal with Breaches if they have occurred; and
- take measures against anyone who Retaliates against a Reporting Person who Reports Information on Breaches in good faith (for employees, this includes the disciplinary sanctions provided for in the work regulations).

This Policy is governed by Belgian law.

2. What can be Reported and Who can Report?

2.1 What incidents can be Reported?

Reporting Persons may Report Information on Breaches observed in a work-related context, which fall within what is described below:

- breaches of ENTSO-E’s Code of Business Conduct;
- breaches of the law and regulations on:
 - public procurement;
 - financial services, products and markets, prevention of money laundering and terrorist financing;
 - product safety and compliance;
 - transport safety;
 - protection of the environment;
 - radiation protection and nuclear safety;
 - food and feed safety, animal health and welfare;

- public health;
- consumer protection;
- protection of privacy and personal data, and security of network and information systems;
- tax fraud;
- social fraud;
- breaches affecting the financial interests of the European Union; and
- breaches related to the EU internal market, including breaches on EU competition and state aid rules as well as breaches relating to the internal market in relation to acts which breach the rules of corporate tax or to arrangements the purpose of which is to obtain a tax advantage that defeats the object or purpose of the applicable corporate tax law.

This Policy does not apply to Reports for which a specific reporting channel or procedure is in place, such as complaints relating to wellbeing at work, in particular psychosocial aspects at work.

2.2 Who can Report a Breach?

This Policy applies to Reporting Persons who acquire and Report Information on Breaches in a work-related context. Reporting Persons are further defined under section 10 “Definitions” and include employees, volunteers, (paid/unpaid) trainees and secondees of ENTSO-E Secretariat as well as contractors and suppliers of ENTSO-E, including self-employed persons providing services to ENTSO-E, and individual(s) working for contractors and suppliers of ENTSO-E, it being understood that such contractors, suppliers and individuals only qualify as Reporting Persons within the framework of their working relation with ENTSO-E.

The protective measures as set out under section 7.4 of this Policy also apply to the Other Protected Persons.

2.3 Reporting with due care

Members of the Staff and Contractors are expected to read and understand this Policy and abide by it. It is recommended that any Reporting Person makes a Report only after gathering adequate facts/data to substantiate the Report and, e.g., does not make a Report merely based on hearsay or rumour.

3. Where to Report: the Internal Reporting channel

3.1 Reporting channel

Reporting Persons can use [the following Internal Reporting channel to Report Information](#) on Breaches within ENTSO-E.

Reporting Persons can Report Information on Breaches in writing confidentially on <https://entsoe.grantthornton-whistle.com/>.

The Report shall be received and handled by the Whistleblowing Officer on <https://entsoe.grantthornton-whistle.com/>.

3.2 What happens when you Report an incident?

3.2.1 The Report

Reporting Persons will be asked to provide sufficient information on the Reported Breaches.

The Report must in any case include the following information:

- Information on Breaches, such as a detailed presentation of the facts, dates, etc., as well as any supporting documentation.

3.2.2 Receipt of the Report

The Whistleblowing Officer shall receive the Report and treat the Report impartially and confidentially. Unauthorized Staff and Contractors will not have access to the Reports.

Due to its design, set-up and management, the Internal Reporting channel is set up in a secure manner and protects the confidentiality of the identity of the Reporting Person and of any Other Protected Persons named in the Report.

The Whistleblowing Officer will on short notice check the accuracy of the Report in order to take sufficient account of legal deadlines and to provide the Reporting Person with timely Feedback. The Whistleblowing Officer will confirm the receipt of the Report within seven (7) days to the Reporting Person in writing.

3.2.3 How will you receive Follow-up and Feedback on the Report?

The Whistleblowing Officer shall Follow-up on the Report diligently in an impartial, confidential, and discreet manner and in full autonomy and independence.

The Whistleblowing Officer shall assess the accuracy of the Reported Information on Breaches and will rely on the designated person within ENTSO-E to assess the Report and Follow-up.

The Whistleblowing Officer shall ensure the necessary communication with the Reporting Person and may request additional information as necessary from the Reporting Person.

The Whistleblowing Officer shall take the appropriate actions and measures in relation to the Report and the Reported Breaches. Such actions and measures may include, without limitation, internal inquiries, investigations, prosecutions, actions for recovery and the closure of the procedure.

The Whistleblowing Officer shall provide Feedback to the Reporting Person in writing within three (3) months following the receipt confirmation mentioned under section 3.2.2 on:

- the taken or planned actions and measures; and
- the main reasons for such actions and measures.

If no confirmation of receipt (see section 3.2.2) has been sent to the Reporting Person, the Whistleblowing Officer will provide Feedback three months after the expiry of the period of seven days after the Report.

4. Reporting Structure for the Whistleblowing Officer within ENTSO-E

The Whistleblowing Officer will report to ENTSO-E's Secretary-General except when ENTSO-E's Secretary-General is allegedly involved in the Reported Breach. In this situation, the Whistleblowing Officer will report to the Chair of the Board.

This approach ensures that an alternative team is available to manage the different types of situations and to liaise with the Whistleblowing Officer.

5. What is “External Reporting”?

Reporting Persons are encouraged to make an Internal Report on Information on Breaches through the Internal Reporting channel mentioned under 3.1. This allows ENTSO-E to respond swiftly and appropriately.

However, Reporting Persons can always make an External Report on Information of Breaches, for example if the Internal Reporting has not led to an adequate response or if the Reporting Person feels that an External Report is more appropriate.

Reporting Persons have the possibility to Report Breaches externally to the Competent Authorities designated by Belgian law¹ as part of their competences (as listed in the Royal Decree of 22 January 2023):

1. the Federal Public Service Economy, SMEs, Self-Employed and Energy;
2. the Federal Public Service Finance;
3. the Federal Public Service Health, Food Chain Safety and Environment;
4. the Federal Public Service Mobility and Transport;
5. the Federal Public Service Employment, Labour and Social Dialogue;
6. the Public Service Programming Social Integration, Poverty Reduction, Social Economy and Urban Policy;
7. the Federal Agency for Nuclear Control;
8. the Federal Agency for Medicines and Health Products;
9. the Belgian Competition Authority;
10. the Data Protection Authority;
11. the Financial Services and Markets Authority;
12. the National Bank of Belgium;
13. the Supervisory Board of Company Auditors;
14. the authorities reported in Article 85 of the Act of 18 September 2017 on the prevention of money laundering and terrorist financing and on the restriction of the use of cash;
15. the National Committee for the Security of the Supply and Distribution of Drinking Water;
16. the Belgian Institute for Postal Services and Telecommunications;
17. the National Institute for Health and Disability Insurance;
18. the National Institute for the Social Security of the Self-Employed;

¹ See the Belgian Royal Decree of 22 January 2023 designating the competent authorities for the implementation of the Act of 28 November 2022 on the protection of Reporters of breaches of Union or national law established within a legal entity in the private sector (“**Royal Decree of 22 January 2023**”) (as amended from time to time).

19. the National Employment Office;
20. the National Social Security Office;
21. the Social Intelligence and Investigation Service;
22. the Autonomous Anti-Fraud Coordination Service (CAF); and
23. the Shipping Control.

In the absence of a designation or if no authority considers itself competent to receive a Report, the Federal Ombudsman shall act as Federal Coordinator for the application of the Act. You can contact the Federal Ombudsman here: www.Federaalombudsman.be

The Federal Coordinator coordinates the External Report and can be contacted at the following address:

Website	https://www.federaalombudsman.be/
Email	contact@federalombudsman.be
Address	Leuvenseweg 48 bus 6 / Rue de Louvain 48 letter box 6 1000 Brussel1000 Brussels
Phone	+32(0)800 99 961

6. Record keeping of the Reports

In accordance with the Act, ENTSO-E shall keep a register of each Report received. This register shall be kept during the working relationship between the Reporting Person and ENTSO-E.

7. How the protection and support of the Reporting Person is handled

7.1 Prohibition of Retaliation

The Protected Persons shall benefit from protection against Retaliation, as well as threats and attempts of Retaliation. This is, depending on the case, e.g., suspension, dismissal, demotion or refusal of promotion, modification of the workplace, salary reduction, negative evaluation, disciplinary measures, intimidation, harassment, etc.

7.2 Who benefits from the protection?

The following Protected Persons may benefit from the protection and support measures mentioned in this Policy:

- Reporting Persons who:

- had reasonable grounds to believe that the Information on Breaches Reported was true at the time of Reporting and that such Information on Breaches fell within the scope of this Policy and the Act; and
 - made a Report in accordance with this Policy and the Act.
- The Other Protected Persons, provided that they had reasonable grounds to believe that the protective measures are applicable to the Reporting Person.

7.3 Confidentiality

The Whistleblowing Officer shall treat the identity and all information from which the identity of the Protected Persons can be deducted confidentially and shall not disclose this to any other person other than the authorized staff members to receive or Follow-up on Reports without the explicit consent of the Protected Person concerned, unless when permitted by law.

The same confidentiality shall be respected towards the identity of the Person Concerned.

7.4 How the protection works in practice

Members of the Staff and Contractors shall at all times refrain from any Retaliation towards Protected Persons. Any violation of this obligation may give rise to the disciplinary sanctions included in the work regulations or in the remedies following the agreement with the person concerned, or the sanctions provided for in the Act.

A Protected Person who believes (s)he is being subjected to Retaliation, may:

- submit a reasoned complaint to the Whistleblowing officer, who will investigate and take appropriate action on the complaint;
- submit a reasoned complaint to the Federal Coordinator (see section 5 for contact details), who will follow the extrajudicial protection procedure provided by the Act; or

Furthermore, provided that the Reporting Person has reasonable grounds to believe that the Report was necessary to reveal Breaches:

- they will not be subject to any civil, criminal, or administrative legal action or disciplinary sanctions because of the Report;
- they will not be held liable for Reporting Information on Breaches in accordance this Policy; and
- the Report will not be considered a violation of any legal or conventional limitation to the disclosure of information.

7.5 Supportive measures

The Protected Persons are also entitled to impartial information and advice, technical, psychological, and other assistance, as well as in certain cases legal and financial assistance.

More information on and assistance relating to the protection and support measures can be obtained from the Federal Institute for the protection and promotion of Human Rights.

Website	https://federaalinstituutmensenrechten.be
Address	Leuvenseweg 48 1000 Brussel
E-mail address	info@firm-ifdh.be

8. Sanctions

Reporting Persons who submit a Report in good faith will not be disadvantaged in any way.

Members of the Staff and Contractors who do not adhere to this Policy and obstruct or try to obstruct Reports, take Retaliatory measures, institute unnecessary or abusive procedures against Protected Persons or unlawfully disclose the identity of Protected Persons can be subjected to the disciplinary actions included in the work regulations or to the remedies following the agreement with the person concerned.

Reporting Persons who deliberately Report false information can be subjected to the disciplinary actions included in the work regulations or to the remedies following the agreement with the person concerned, next to the criminal sanctions in the Act.

9. Data protection

Submitting, handling, and investigating Reports for the purpose of this Policy involves processing the personal data of those involved. ENTSO-E is the controller for the processing of the personal data that is exchanged for the purpose of this Policy.

The personal data involves the data mentioned under section 3.2.1. It concerns identification of the persons involved, such as the name, position, and department of the Reporting Person, written Reports, and the description of the facts, nature, period and proof of the Breach and other relevant facts. The personal data can also contain criminal convictions and offences.

Personal data is processed for the purposes of receiving and Following-up on Breaches in order to verify the accuracy of the allegations made and to Follow-up on the Reported Breaches if necessary, including through measures such as internal preliminary investigations, inquiries, complaints, recovery of funds, and alike proceedings with a view of legally protecting the interests of ENTSO-E, its employees or third parties, etc.).

The legal basis for the processing of personal data for the purpose of this Policy is based on:

- ENTSO-E's legal obligation: to provide appropriate Internal Reporting procedures in light of the Act, Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who Report breaches of Union law²;

² OJ L 305/17, 26 November 2019.

- ENTSO-E’s obligation to carry out and exercise specific rights of persons involved in the field of employment, social security, and social protection law: this is in line with the obligations set out in the Act;
- Explicit consent: the consent can be expressed by e.g., explicitly consenting to the recording of a voice by the Reporting Persons, if applicable. Persons have the right to always withdraw their consent for the future.

ENTSO-E may share personal data to processors (such as Grant Thornton to provide service for the Internal Reporting Channel), external advisers, auditors and investigators, competent authorities and supervisory bodies and insurers.

Personal data that is clearly irrelevant for the handling of a Report will not be collected or, if accidentally collected, deleted immediately. If a Report appears to be unfounded, ENTSO-E will delete the personal data within a reasonable period (e.g., taking into account potential sanctions against the Reporting Person of an intentional false Report). If a Report appears to be founded, ENTSO-E will retain the personal data for as long as necessary with a view to taking measures or imposing sanctions or with a view to its defence in court. The storage period will not exceed the expiry of the limitation period for the Reported Breach.

People whose personal data is processed for the purposes of Reporting a Breach are entitled to access their personal data. They may arrange for the personal data to be corrected, ask for it to be deleted, or limit its processing.

They can even oppose the processing of their personal data on the basis of justified mandatory grounds. They can request the portability of their personal data.

The exercise of the above rights happens through a request to the Data Protection Officer, who can be contacted at DPO@entsoe.eu. The exercise of the above rights may be subject to conditions. However, these rights do not imply any entitlement to access the personal data of other people.

People whose data is processed for the purposes of Reporting a Breach are also entitled to file a complaint with the supervisory authority (in Belgium: The Data Protection Authority (contact@apd-gba.be)).

The Reporting Person does not have the right to consult the personal data of the accused person, nor those of a third party, unless, after investigation, it appears that the accused person wrongly suspects the Reporting Person (e.g., by claiming that the Reporting Person was involved in the malfunctioning he or she Reported) or where third parties act in bad faith (e.g., by giving false testimony).

10. Definitions

1	Act	Act of 28 November 2022 on the protection of persons who report breaches of Union or national law observed within a private sector legal entity and its implementing decrees.
2	Breaches	Any act or omission that (a) is unlawful and relates to the areas falling within the material scope of the Act as defined in section 2.1

		and/or, (b) defeat the object or the purpose of the rules falling within the material scope of the Act.
3	Competent Authorities	The Federal Ombudsmen or other appointed competent authorities.
4	External Report(ing)	Reporting of Information on Breaches to the Federal Coordinator or the Competent Authority.
5	Facilitator	A natural person who assists a Reporting Person in the Reporting process, and whose assistance should be confidential.
6	Federal Coordinator	The entity responsible for the coordination of External Reports according to the Act.
7	Feedback	The provision to the Reporting Person of information on the actions envisaged or taken as Follow-up and the grounds for such Follow-up.
8	Follow-up	Any action by the Whistleblowing Officer to verify the accuracy of the allegations made in the Report and, where relevant, to address the Reported Breach as appropriate, including through measures such as an internal enquiry, an investigation, a prosecution, an action for recovery of funds or the termination of the procedure, and with the assistance of authorised staff.
9	Information on Breaches	Information, including reasonable suspicions, about actual or potential Breaches, that have occurred or are very likely to occur, as well as attempts to conceal such Breaches.
10	Internal Report(ing)	The written communication of Information on Breaches within ENTSO-E.
11	Other Protected Persons	The following persons, provided that they had reasonable grounds to believe that the

		<p>protective measures are applicable to the Reporting Person:</p> <ul style="list-style-type: none"> • Facilitators; • Third persons connected with Reporting Persons who could suffer Retaliation in a work-related context; • Legal entities owned by Reporting Persons, for which Reporting Persons work or to which Reporting Persons are connected in a work-related context.
12	Person Concerned	A natural or legal person who is referred to in the Report as a person to whom the Breach is attributed or with whom that person is associated.
13	Protected Person(s)	The Reporting Person(s) and the Other Protected Persons.
14	Report or to Report	The written communication of Information on Breaches.
15	Reporting Person(s)	<p>The following persons who Report Information on Breaches:</p> <ul style="list-style-type: none"> • Employees, volunteers and (paid/unpaid) trainees and secondees of ENTSO-E (together the “Staff”); • Contractors and suppliers of ENTSO-E, including self-employed persons providing services to ENTSO-E, and individual(s) working for contractors and suppliers of ENTSO-E, it being understood that such contractors, suppliers and individuals only qualify as Reporting Persons within the framework of their working relation with ENTSO-

		E (together the “Contractors”).
16	Retaliation	Any direct or indirect act or omission resulting from an Internal or External Report, and which leads or may lead to unjustified detriment to the Reporting Person or Other Protected Persons.
17	Whistleblowing Officer	The person at Grant Thornton appointed by ENTSO-E and being authorized to receive and Follow-up on the Reports, to maintain communication with the Reporting Person, if necessary to request him/her for an additional information, to provide Feedback to him/her.

11. Final provisions

This Policy enters into force upon respective notification to the Staff and to Contractors and shall remain applicable for an indefinite duration.

ENTSO-E reserves the right to unilaterally amend or revoke this Policy.

Members of the Staff may consult this Policy published on the ENTSO-E extranet or request the updated version of this Policy from ENTSO-E Secretary-General at any time.