Declaration on the conditions under which the whistleblower in the public interest is protected

The undersigned, _____ identified by the CNP (personal code number) _____, with domicile at _____, email / postal address _____, phone number _____ I, in my capacity of a reporting person/ whistleblower in the public interest,

- In order to benefit of protection against the liability on the confidentiality breach according to Law no. 361/2022 on the protection of whistleblowers in the public interest

and

- In order to benefit from reparative measures,

<u>I hereby declare that I meet the following conditions</u>:

1. I fall into one of the categories mentioned in art. 2 of Law no. 361/2022 on the protection of whistleblowers in the public interest and I acquired the information regarding violations of the law, in a professional context.
2. I had good reason to believe that the information regarding the reported violations was true at the time of reporting and that the said information falls within the scope of Law no. 361/2022 on the protection of whistleblowers in the public interest.
3. I have already submitted an internal reporting, another external reporting or a public disclosure.

I fully understand that in order to benefit from the reparative measures* I must meet the cumulative conditions of points 1-3 above, as well as the condition that the retaliation is the consequence of the reporting made.

* The foreseen reparative measures are also applicable to:

a) facilitators;
b) third persons who are connected with the reporting person and who could suffer retaliation in a work-related context, such as colleagues or relatives of the reporting person;
c) legal entities that the reporting person own, work for or are otherwise connected with in a work-related context;
d) persons who reported or publicly disclosed information on breaches anonymously, but who are subsequently identified and suffers retaliation;
e) persons reporting to the institutions, bodies, offices or competent agencies of the European Union.

Also, I understand that, according to art. 8, para. (5), from Law no. 361/2022 on the protection of whistleblowers in the public interest, ***the obligation to maintain confidentiality <u>does not exist if the public interest whistleblower has intentionally revealed his identity</u> in the context of a public disclosure***.

I have become aware of the fact that, in order to protect against reprisals, the persons referred to in art. 2[1] and to art. 20 para. (3)[2] from Law no. 361/2022 on the protection of whistleblowers in the public interest benefits from the measures provided for in art. 21, respectively:

(1) The reporting person who reports or publicly discloses information on law breaches does not violate the legal provisions or contractual clauses regarding disclosure of information and is not responsible for reporting or public disclosing of such information, if he had reasonable grounds to believe that the reported information was necessary for revealing the law breaches and that such information fell within the scope of the Law no. 361/2022 on the protection of whistleblowers in the public interest, Art. 1, para. (4) and (5) provisions remain applicable[3].

(2) The whistleblower in the public interest who acquires or accesses data and information of which he/she is aware by the virtue of his/her duties or employment relationships is not accountable if the access or acquisition is aimed at reporting or publicly disclosing a violation of

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[1] Article no. 2 – The field of application
(1) This law applies to persons who report and need to report violations of the law in a professional context. The category of these persons includes, at least, the following:
a) workers;
b) persons having self-employed status, within the meaning of Article 49 of the Treaty on the Functioning of the European Union;
c) shareholders and persons belonging to the administrative, management or supervisory body of an enterprise, including non-executive members, as well as volunteers and paid or unpaid trainees;
d) any persons working under the supervision and direction of contractors, subcontractors and suppliers.
(2) This law shall also apply to reporting persons whose work-based relationship is yet to begin in cases where information on breaches has been acquired during the recruitment process or other pre-contractual negotiations or where they report, or in cases where the employment or service relationship has ended.
(3) This law also applies to people who anonymously report or publicly disclose information about violations of the law.

[2] (3) The measures provided for in this chapter shall also apply to:
a) facilitators;
b) third persons who are connected with the reporting person and who could suffer retaliation in a work-related context, such as colleagues or relatives of the reporting person;
c) legal entities that the reporting person own, work for or are otherwise connected with in a work-related context;
d) persons who reported or publicly disclosed information on breaches anonymously, but who are subsequently identified and suffers retaliation;
e) persons reporting to the institutions, bodies, offices or competent agencies of the European Union.

[3] (4) This law should not apply to reports of breaches related to procurement involving defence or security aspects where those are covered by Article 346 of the Treaty on the Functioning of the European Union.
(5) This law shall not prejudice the provisions on:
a) protection of the classified information;
b) the lawyer's professional secrecy;
c) confidentiality of the medical information;
d) the secrecy of the judiciary deliberations;
e) the criminal procedure regulations.

the law, and the reporting or public disclosure has been carried out under the conditions of Law no. 361/2022 on the protection of whistleblowers in the public interest.

(3) The liability of the whistleblower in the public interest for acts or omissions unrelated to the reporting or public disclosure, or which are not necessary to reveal a breach of law is subject to the regulation of the common law.

(4) During the legal procedures regarding infringements, such as infringement of the right to image, infringement of copyright, breach of professional secrecy, breach of data protection rules, disclosure of trade secrets or actions for damages, the persons referred to in Art. 2 and Art. 20 para. (3) shall not be held accountable as a result of reports or public disclosures made under Law no. 361/2022. The persons referred to in Art. 2 and Art. 20, para. (3) have the right to invoke such reporting or public disclosure to pursue the closure of the case, under the condition that they had reasonable grounds to believe that the reporting or public disclosure was necessary to reveal a violation of law, pursuant to Law no. 361/2022 on the protection of whistleblowers in the public interest.

(5) If a person reports or publicly discloses information regarding violations of law under Law no. 361/2022 and this information includes trade secrets, such a reporting or public disclosing shall be considered lawful under the conditions of Art. 3, para. (2) of Government Emergency Ordinance no. 25/2019 on the protection of know-how and the undisclosed business information, which constitutes trade secrets against unlawful acquisition, use and disclosure, as well as for amending and supplementing certain normative acts.

(6) The persons referred to in Art. 2 and Art. 20, para. (3) who have made a report or public disclosure under Law no. 361/2022 on the protection of whistleblowers in the public interest are entitled to full compensation for the damage suffered as a result of reporting or public disclosure.

Date of signature	**Signature**
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