

Practice Name: ELIOS Platform	Practice category: • Whistleblowing	 Contact:
Country: France		<ul style="list-style-type: none"> • Délégation Générale à l'Emploi et à la Formation Professionnelle et Initiative pour l'Emploi des Jeunes • https://www.plateforme-elios.fse.gouv.fr/ • jeanne.laurent@emploi.gouv.fr

Fraud risk(s) countered

- Conflict of interest
- Avoidance or manipulation of public procurement procedures
- Double funding
- Collusion
- Manipulation of project costs
- Others

Context and objective(s)

Under Article 125 (4)c) of Regulation (EU) No 1303/2013, each managing authority is required to set up “effective and proportionate anti-fraud measures taking into account the risks identified” and to take measures to prevent, detect and sanction fraud and irregularities in an effective way.

The French Penal Code furthermore requires each authority or public official who learns about a crime during the exercise of their job to report this information.

To meet these requirements, the “Délégation Générale à l'Emploi et à la Formation Professionnelle” (DGEFP), the managing authority (MA) for the Operational Programmes for Employment and Inclusion in Metropolitan France (FSE) and Youth Employment Initiative (YEI), has developed ELIOS, a whistleblowing platform, in 2017.

ELIOS allows all whistle-blowers with suspicions of fraud, or of a conflict of interest regarding the implementation of ESF programs, to file a report via a form on the ELIOS platform. ELIOS is a website that provides information about fraud and conflicts of interests, as well as allows whistle-blowers to file non-anonymous reports on those topics. It aims to increase the detection of fraud relating to ESF programs.

Description of the practice

To administer the intake of whistleblowing reports, the DGEFP set up a homepage where anyone can contact a dedicated team with their concerns. The reported concerns arrive in a dedicated mailbox where cases can more easily be managed. Only authorised persons have access to the mailbox.

The implementation was organised by DGEFP in coordination with their in-house IT system provider. The system was operational after a year of precisely outlining the requirements, followed by testing the solution. The implementation represented a cost of approx. 90,000 EUR in addition to 20,000 EUR needed for maintenance each year.

The homepage of the platform provides users with information on the legal basis of whistleblowing protection. There are two possible topics for whistleblowing: fraud and conflict of interest. Users can file a claim up to six months after the date of the incident. Explanations and definitions of fraud, conflict of interest and related misconduct are provided. These topics were chosen as they represent the types of crimes which are most identified in audits and investigations.

Before the user can access the form for whistleblowing, the platform requires a 3-step confirmation procedure, each with its own warning. It is as follows:

- During the first step, the ELIOS platform states that the user can report a suspicion regarding projects of ESF or YEI only. The platform is not competent for reporting on other European funds (EAFRD / EMFF) nor for programs managed by regional management authorities (ERDF/FSE programs of the Regional Council). The whistleblowing platform provides users with guidance on where to address the inquiries related to topics not related to ESI Funds (e.g. tax evasion, contribution fraud and social benefits, customs fraud or fraud in the labour code);
- The second step contains a warning on the consequences and legal responsibility for false reporting;
- The third step includes a detailed description of the legal basis for whistle-blower protection.

Users must confirm their understanding of all warnings before accessing the whistleblowing form.

Finally, the platform requires whistle-blowers to provide their personal information; it does not allow anonymous reporting. This is meant to prevent any wrongful declarations that cannot be traced. All personal information is stored securely in the whistleblowing system and is only forwarded to any involved institutions or individuals. The General Terms and Conditions of use outline data privacy rules that are applicable to data collected by the Platform in relation to the user and to the whistleblowing claim. Access to the information is reserved only to Fraud Reviewers within DGEFP. The contact information also serves as a means of communication with the whistle-blower.

When the users have finished filing the report, an alert arrives at the inbox of a dedicated Fraud Reviewer in a secure manner. The whistle-blower receives an automatic receipt.

The Fraud Reviewer within DGEFP reviews the report and decides on the necessary actions to take, which may include forwarding the report to other institutions if it is not in the scope of the DGEFP, or refraining from further action if the report is non-substantive. Reports that have been deemed well-founded can be directly transmitted to the public prosecutor.

The DGEFP has an internal compliance committee which is regularly informed about the measures taken and can suggest further action. The committee can invite external representatives from institutions involved in the reports. In order to receive further input and advice, the internal committee can also inform the National Delegation to the Fight against Fraud (DNLF) which is specialised in the fight against fraud relating to public finance.

Four people currently have access to the reports that are being sent via the ELIOS platform, out of which one Fraud Reviewer assesses the reports and organises the internal compliance committee which meets once a year.

The whistle-blower is not informed about the outcome of the process.

Unique features

The development and implementation of the ELIOS platform allows to:

- Centralise all complaints, regardless of the management department concerned;
- Trace the filing of the complaints (registration and acknowledgment of receipt);
- Transfer claims to relevant manager services for processing;
- Check the details of the case with the whistle-blower;
- Assess reports specific to the managing authority internally;
- Potentially detect wrongdoing early on.

Outcomes and results

The ELIOS platform supports the detection and the reporting of the risks of fraud. It allows whistle-blowers to have a centralised and standardised form to signal fraud and conflicts of interest when a report within their own team/firm might not be an option.

ELIOS is an additional tool for fraud detection, improves the trust in the managing authority and creates a feedback loop for the beneficiaries and the general public.

So far, 36 reports have been filed to ELIOS, out of which 11 concerned European Funds and an additional two were forwarded to OLAF for further investigation.

Key success factors

- Information about the platform is available on all related websites
- Quick assessment of the received reports and the definition of measures with the involvement of accused or concerned parties
- Training for Fraud Reviewers

Challenges encountered & lessons learned

- Compliance with GDPR and ensuring data security should be secured for the successful implementation of such practice in other countries, as data protection and anonymity is a concern for users.

Potential for the transferability

- Easily transferable to other authorities as no specific setup or institutional landscape is necessary
- Existence of other national whistleblowing tools to be assessed in order to clearly separate responsibilities and communicate where to report different types of concerns