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DECISION (EU) 2026/86 OF THE EUROPEAN CENTRAL BANK

of 19 December 2025

amending Decision (EU) 2016/456 (ECB/2016/3) as regards investigations in relation to the prevention of fraud, corruption and any other illegal activities affecting the financial interests of the Union and amending Decision (EU) 2020/1575 (ECB/2020/54) as regards the follow-up to suspected breaches of professional duties where the person concerned is a high-level ECB official *(ECB/2025/45)*

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 12.3 thereof,

Whereas:

(1) Decision (EU) 2016/456 of the European Central Bank (ECB/2016/3) ([1]) should be amended to ensure that all persons participating in the exercise of the functions of the European Central Bank (ECB) and therefore falling within the ECB's power of self-organisation are covered by that Decision.

(2) The ECB's internal investigation framework has been modified, in particular in order to ensure that alleged breaches of professional duties and obligations are reported to, and followed up by, a single unit in charge of internal investigations. This single unit should also be tasked with acting on suspicions of the existence of possible cases of fraud, corruption or any other illegal activity affecting the Union's financial interests that involves a person subject to the ECB's internal investigation framework. The review of the ECB's internal investigation framework resulted in the repeal of Administrative Circular 01/2006 on internal administrative inquiries ([2]) and in the inclusion of provisions relating to the ECB's internal investigation framework in the Conditions of Employment for Staff of the European Central Bank (hereinafter the 'Conditions of Employment').

(3) Decision (EU) 2020/1575 of the European Central Bank (ECB/2020/54) ([3]) should be amended to ensure that the relevant modified provisions of the ECB's internal investigation framework also apply in cases where the person concerned is a high-level ECB official.

(4) For reasons of legal certainty and consistency, the amendments to both Decisions should apply from the same date as the date of the amendments to the Conditions of Employment and the European Central Bank Staff Rules relating to the ECB's internal investigation framework.

(5) Therefore, Decision (EU) 2016/456 (ECB/2016/3) and Decision (EU) 2020/1575 (ECB/2020/54) should be amended accordingly,

([1]) Decision (EU) 2016/456 of the European Central Bank of 4 March 2016 concerning the terms and conditions for European Anti-Fraud Office investigations of the European Central Bank, in relation to the prevention of fraud, corruption and any other illegal activities affecting the financial interests of the Union (ECB/2016/3) (OJ L 79, 30.3.2016, p. 34, ELI: http://data.europa.eu/eli/dec/2016/456/oj).

([2]) Administrative Circular 01/2006 was adopted on 21 March 2006 and is available on the ECB's website.

([3]) Decision (EU) 2020/1575 of the European Central Bank of 27 October 2020 as regards the assessment of and follow-up on information on breaches reported through the whistleblowing tool where a person concerned is a high-level ECB official (ECB/2020/54) (OJ L 359, 29.10.2020, p. 14, ELI: http://data.europa.eu/eli/dec/2020/1575/oj).

HAS ADOPTED THIS DECISION:

Article 1

Amendments to Decision (EU) 2016/456 (ECB/2016/3)

Decision (EU) 2016/456 (ECB/2016/3) is amended as follows:

(1) Article 1 is replaced by the following:

‘*Article 1*

Scope of application

This Decision applies to:

— members of the ECB’s decision-making bodies or any other body established by Regulation (EU) No 1024/2013 or by the ECB, in matters related to their function as members of these ECB decision-making bodies or other bodies,

— members of the governing bodies or any member of staff of the national central banks or national competent authorities, who participate in the ECB’s decision-making bodies or other bodies as alternates and/or accompanying persons in matters related to that function

(hereinafter jointly referred to as “participants in the decision-making and other bodies”), and

— permanent or temporary ECB members of staff, who are subject to the ECB conditions of employment, and

— persons participating in the exercise of the functions of the ECB, other than participants in the decision-making bodies and other bodies or permanent or temporary ECB members of staff, in matters related to their participation in the exercise of the functions of the ECB

(hereinafter jointly referred to as “relevant persons”).’;

(2) Article 3 is replaced by the following:

‘*Article 3*

Duty to report any information about illegal activity

1. Relevant persons who become aware of information that gives rise to a suspicion of the existence of possible cases of fraud, corruption or any other illegal activity affecting the Union’s financial interests shall without delay provide such information to either (a) the Director Internal Audit, or (b) the senior manager in charge of their business area, or (c) the member of the Executive Board to whom their business area reports. Where the information is provided to the persons referred to in point (b) or (c), they shall without delay transmit the information to the Director Internal Audit. Relevant persons must in no way suffer inequitable or discriminatory treatment as a result of having communicated the information referred to in this Article.

2. When the Director Internal Audit receives information in accordance with paragraph 1, they shall follow up as follows:

(a) If the information refers to any participant in the decision-making and other bodies as a person to whom a breach is attributed or with whom that person is associated, the Director Internal Audit shall transmit the information without delay to the Director-General Secretariat.

(b) In all other cases, the Director Internal Audit shall, subject to Article 4 and following the outcome of a preliminary assessment in accordance with the ECB’s internal investigation framework, transmit the information received without delay to the Office and inform, where appropriate, the President.

3. When the Director-General Secretariat receives information in accordance with paragraph 2, the Director-General Secretariat shall, subject to Article 4, transmit it without delay to the Office and inform the Director Internal Audit and, where appropriate, the President.

4. Participants in the decision-making and other bodies who become aware of information as referred to in paragraph 1 shall without delay provide the Director-General Secretariat or the President with such information. If the President receives the information, the President shall transmit the information without delay to the Director-General Secretariat.

The Director-General Secretariat shall initiate the appropriate follow-up according to the criteria and in compliance with the provisions laid down in paragraphs 2 and 3, thereby also ensuring that in all cases that do not relate to any participant in the decision-making and other bodies as a person to whom a breach is attributed or with whom that person is associated, the information received is transmitted without delay to the Director Internal Audit.

5. In cases in which a participant in the decision-making and other bodies or a relevant person has concrete information supporting the possible existence of a case of fraud, corruption or any other illegal activity within the meaning of paragraph 1, and, at the same time, has justified reasons to consider that the procedure provided for in the above paragraphs would prevent in that specific case the proper reporting of such information to the Office, they may report such information directly to the Office without being subject to Article 4.’.

Article 2

Amendment to Decision (EU) 2020/1575 (ECB/2020/54)

Article 3 of Decision (EU) 2020/1575 (ECB/2020/54) is replaced by the following:

‘*Article 3*

Procedure for assessment and follow-up

1. Reports of information on breaches received through any of the reporting channels referred to in Article 0.4bis.2.1 of the European Central Bank Staff Rules (hereinafter the “Staff Rules”) which refer to a high-level ECB official as a person to whom a breach is attributed or with whom that person is associated shall be followed up in accordance with Decision (EU) 2016/456 of the European Central Bank (ECB/2016/3) (*) where such reports fall within the scope of that Decision.

2. Where the reports of information on breaches referred to in paragraph 1 do not fall within the scope of Decision (EU) 2016/456 (ECB/2016/3), they shall be followed up in accordance with Annex XI to the Staff Rules.

3. Notwithstanding paragraph 2, the competent authority designated under Article 2 may:

(a) prior to concluding whether or not the information received justifies an administrative investigation, forward the information received to the ECB’s Ethics Committee for its advice on the matter;

(b) if they conclude that the information received justifies an administrative investigation, decide to open one, and take the relevant decisions of the appointing authority in accordance with Annex XI of the Staff Rules, and also exceptionally decide to carry out the tasks of the Director Internal Audit in accordance with Annex XI of the Staff Rules, designating in this case investigators with adequate seniority to conduct the inquiry.

(*) Decision (EU) 2016/456 of the European Central Bank of 4 March 2016 concerning the terms and conditions for European Anti-Fraud Office investigations of the European Central Bank, in relation to the prevention of fraud, corruption and any other illegal activities affecting the financial interests of the Union (ECB/2016/3) (OJ L 79, 30.3.2016, p. 34, ELI: http://data.europa.eu/eli/dec/2016/456/oj).’;

Article 3

Entry into force

This Decision shall enter into force on 1 February 2026.

Done at Frankfurt am Main, 19 December 2025.

The President of the ECB
Christine LAGARDE