Basic information

2016/2224(INI) INI - Own-initiative procedure	Procedure completed
Legitimate measures to protect whistle-blowers acting in the public interest when disclosing the confidential information of companies and public bodies **Subject** 1.20.09 Protection of privacy and data protection 8.50 EU law	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	ROZIÈRE Virginie (S&D)	12/04/2017
	Shadow rapporteur LE GRIP Constance (PPE) DZHAMBAZKI Angel (ECR) CAVADA Jean-Marie (ALDE) CHRYSOGONOS Kostas (GUE/NGL) DURAND Pascal (Verts/ALE) LEBRETON Gilles (ENF)	

Committee for opinion	Rapporteur for opinion	Appointed
CONT Budgetary Control	DE JONG Dennis (GUE/NGL)	19/10/2016
ECON Economic and Monetary Affairs (Associated committee)	SCOTT CATO Molly (Verts /ALE)	08/11/2016
EMPL Employment and Social Affairs	CASA David (PPE)	27/10/2016
ENVI Environment, Public Health and Food Safety	FLANAGAN Luke Ming (GUE /NGL)	23/03/2017
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	

	CULT Culture and Education	KRASNODĘBSKI Zdzisław (ECR)	08/09/2016
	LIBE Civil Liberties, Justice and Home Affairs	PAGAZAURTUNDÚA Maite (ALDE)	05/09/2016
	AFCO Constitutional Affairs	CASTALDO Fabio Massimo (EFDD)	29/09/2016

European Commission	Commission DG	Commissioner
	Justice and Consumers	JOUROVÁ Věra

Key events

Date	Event	Reference	Summary
15/09/2016	Committee referral announced in Parliament		
15/09/2016	Referral to associated committees announced in Parliament		
02/10/2017	Vote in committee		
11/10/2017	Committee report tabled for plenary	A8-0295/2017	Summary
23/10/2017	Debate in Parliament		
24/10/2017	Decision by Parliament	T8-0402/2017	Summary
24/10/2017	Results of vote in Parliament		
24/10/2017	End of procedure in Parliament		

Technical information

Procedure reference	2016/2224(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/07745

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary

Committee opinion	CULT	PE601.025	31/05/2017	
Committee draft report		PE606.289	26/06/2017	
Committee opinion	EMPL	PE601.037	13/07/2017	
Committee opinion	ENVI	PE604.553	13/07/2017	
Amendments tabled in committee		PE609.386	26/07/2017	
Committee opinion	ECON	PE604.737	06/09/2017	
Committee opinion	CONT	PE604.740	07/09/2017	
Committee opinion	LIBE	PE606.049	08/09/2017	
Committee opinion	AFCO	PE607.865	12/09/2017	
Committee report tabled for plenary, single reading		A8-0295/2017	11/10/2017	Summary
Text adopted by Parliament, single reading		T8-0402/2017	24/10/2017	Summary

Legitimate measures to protect whistle-blowers acting in the public interest when disclosing the confidential information of companies and public bodies

2016/2224(INI) - 11/10/2017 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted an own-initiative report by Virginie ROZIÈRE (S&D, FR) on legitimate measures to protect whistle-blowers acting in the public interest when disclosing the confidential information of companies and public bodies.

The Committee on Economic and Monetary Affairs, exercising its prerogative as an associated committee in accordance with Article 54 of the Rules of Procedure, also gave its opinion on the report.

Whistle-blowers play a **central role in reporting unlawful or improper conduct** which undermines the general interest and functioning of society. However, the protection of whistle-blowers is fragmented in Europe, which creates legal uncertainty in cross-border situations in particular.

Protecting whistle-blowers: before the end of 2017, the Commission is invited to present a legislative proposal laying down the protection of whistle-blowers across the board in both public and private sectors and in national and European institutions.

Citizens and journalists should be given legal protection rather than be prosecuted for disclosing information in the public interest. Also, EU legislation should establish a **clear procedure for the correct handling of alerts and for effective protection of whistle-blowers**. Companies that take fully verified retaliatory action against whistle-blowers may not receive EU funds nor enter into contracts with public bodies.

Members regretted the fact that only a few Member States have sufficiently advanced early warning system protection systems. They called on Member States that have not yet adopted relevant legislation to do so in the near future and called on the Commission to consider the creation of a **platform for the exchange of good practice** in this field between Member States, as well as with third countries.

Member States and EU institutions are invited to promote the positive role that whistle-blowers play, in particular through awareness-raising and protection campaigns.

Reporting mechanism: Members called for a reliable system for internal reporting to competent authorities and outside the organisation. Employers should be encouraged to introduce internal reporting procedures and each organisation should establish clear reporting channels with an independent or impartial person or entity to collect reports. Each worker should be informed of the applicable reporting procedure, which should ensure **confidentiality** and a reasonable period of time in the handling of the report.

Protection given to whistle-blowers: Members considered that when a person is recognised as a whistle-blower, **measures should be taken to protect them against any retaliation and for** compensation to be granted for any harassment suffered. Retaliation should be penalised and **sanctioned effectively.**

Whistle-blowers should also have the opportunity to **lodge an application** for interim relief to prevent retaliation, such as dismissal.

Members also suggested that **clearly regulated means of reporting anonymously** should be introduced. The identity of the whistle-blower and any information enabling his identification may not be revealed without his or her consent and any breach confidentiality of identity should be subject to criminal penalties and sanctions.

Supporting whistleblowers: Members recalled that, beyond professional risks, whistle-blowers face personal, psychological, social and financial risks.

For this reason, Members considered it necessary to provide **psychological support**, the granting of **legal aid** to whistle-blowers who request it and lack sufficient resources, as well as the granting of **social and financial aid** where necessary in the event of civil or judicial proceedings against them. The Commission is urged look into the feasibility of entrusting the **European Ombudsman** in this context.

Members called for the establishment of a **centralised European authority** for the effective protection of whistle-blowers and people who assist their acts. They also called on Member States to establish **independent bodies**, with sufficient budgetary resources and appropriate specialists, responsible for collecting reports, verifying their credibility, following up on the response given and providing guidance to whistle-blowers.

Lastly, the report stressed that investigations into issues raised by whistle-blowers should be conducted independently and as quickly as possible, while also protecting the rights of individuals that might be implicated by a disclosure.

Legitimate measures to protect whistle-blowers acting in the public interest when disclosing the confidential information of companies and public bodies

2016/2224(INI) - 24/10/2017 - Text adopted by Parliament, single reading

The European Parliament adopted by 399 votes to 101 with 166 abstentions, a resolution on legitimate measures to protect whistle-blowers acting in the public interest when disclosing the confidential information of companies and public bodies.

A replacement resolution, tabled by the ENF group, was rejected in plenary by 45 votes to 555 with 66 abstentions.

Parliament recalled that **whistle-blowers play a central role** in reporting unlawful or improper conduct, which undermines the general interest and functioning of society. Citizens and journalists should benefit from legal protection rather than prosecution when disclosing information in the public interest. However, **the protection of whistle-blowers is fragmented in Europe,** which creates legal uncertainty in cross-border situations in particular.

Protecting whistle-blowers at EU level: Parliament asked the Commission to **present a legislative proposal before the end of 2017**, laying down establishing protection for whistle-blowers across the board in both public and private sectors and in national and European institutions.

EU legislation should establish **a clear procedure for the correct handling of alerts and for effective protection of whistle-blowers.** It should ensure that companies that take fully verified retaliatory action against whistle-blowers might not receive EU funds nor enter into contracts with public bodies.

Parliament called on Member States that have not yet adopted relevant legislation to do so in the near future. It called on the Commission to monitor Member States' provisions on whistle-blowers and to consider **the creation of a platform for the exchange of good practice** in this field between Member States, as well as with third countries.

Noting that whistle-blowing should be promoted as an act of good citizenship, Members called for the promotion the positive role that whistle-blowers play, in particular through awareness-raising and protection campaigns.

Reporting mechanism: bearing in mind the absence of clearly identified means of protection and of safe reporting, Parliament called for **a reliable system for internal reporting** to competent authorities and outside the organisation. Employers should be encouraged to introduce internal reporting procedures and each organisation should establish clear reporting channels with an independent or impartial person or entity to collect reports. Each worker should be informed of the applicable reporting procedure, which should ensure **confidentiality** and a reasonable period of time in the handling of the report.

Protection given to whistle-blowers: Members considered that when a person is recognised as a whistle-blower, **measures should be taken to protect them against any retaliation and for** compensation to be granted for any harassment suffered. Retaliation should be penalised and **sanctioned effectively. These provisions should be part of the Commission's draft directive.**

Whistle-blowers should also have the opportunity to **lodge an application** for interim relief to prevent retaliation, such as dismissal. Parliament condemned the practice of gagging orders, which involve filing or threatening to file lawsuits against the whistle-blower in an effort to bring about self-censorship or financial, mental or psychological exhaustion.

Members also suggested that **clearly regulated means of reporting anonymously** should be introduced. The identity of the whistle-blower and any information enabling his identification may not be revealed without his or her consent and any breach confidentiality of identity should be subject to criminal penalties and sanctions.

Supporting whistleblowers: beyond professional risks, whistle-blowers face personal, psychological, social and financial risks.

For this reason, Parliament considered it necessary to provide **psychological support**, the granting of **legal aid** to whistle-blowers who request it and lack sufficient resources, as well as the granting of **social and financial aid** where necessary in the event of civil or judicial proceedings against them. The Commission is urged look into the feasibility of entrusting the **European Ombudsman** in this context.

Members called for:

- the establishment of a **centralised European authority** for the effective protection of whistle-blowers and people who assist their acts;
- Member States to establish **independent bodies**, with sufficient budgetary resources and appropriate specialists, responsible for collecting reports, verifying their credibility, following up on the response given and providing guidance to whistle-blowers.

Lastly, the resolution stressed that **investigations** into issues raised by whistle-blowers should be conducted independently and as quickly as possible, while also protecting the rights of individuals that might be implicated by a disclosure.