

Protection of whistle-blowers at EU level

In October, the European Parliament is due to discuss on an own-initiative report on legitimate measures to protect whistle-blowers. Whistle-blowers have proved to be a crucial resource in revealing harm to the public interest. The report calls on the Commission to present a horizontal legislative proposal with a view to protecting whistle-blowers effectively in the EU.

Background

'Whistle-blowers' are individuals who come across information about wrongdoing and about acts or omissions which represent a threat or harm to the public interest (e.g. fraud, corruption, tax evasion, and lack of protection of food safety or the environment) and report such acts or omissions to their employers, the competent authorities or the press. In recent years, whistle-blowers have played a key role in revealing serious breaches of the public interest such as in the case of the leaking of the Panama Papers. As a consequence, whistle-blower protection has become a hot topic at many political levels. Nevertheless, the level of whistle-blower protection is still inadequate and varies greatly among the EU institutions and EU Member States. The disparities between Member States may lead to legal insecurity and the risk of unequal treatment.

All the EU institutions have been obliged since 1 January 2014 to introduce internal rules protecting whistle-blowers who are officials of the EU institutions, in accordance with new Staff Regulations. In December 2015, the Parliament adopted its own internal rules, which entered into force in January 2016.

European Commission

In its 2016 [communication](#) on the fight against tax evasion and avoidance, the Commission expressed its full support for the protection of whistle-blowers, and announced that it would continue to monitor Member States' provisions and facilitate exchange of best practice to encourage improved protection at national level. It also indicated that it is assessing the scope for horizontal or further sectorial action at EU level, while respecting the principle of subsidiarity. This commitment was reaffirmed in its 2017 [work programme](#). Moreover, a [public consultation](#) on whistle-blower protection was also organised in 2017.

European Parliament position

On 14 February 2017, the Parliament adopted a [resolution](#) on the role of whistle-blowers in the protection of the EU's financial interests. It deplored the fact that the Commission has so far failed to submit any legislative proposals aimed at establishing a minimum level of protection for European whistle-blowers.

On 2 October 2017, the Committee on Legal Affairs (JURI) adopted an own-initiative [report](#) on legitimate measures to protect whistle-blowers. It calls on the Commission to present a horizontal legislative proposal before the end of 2017, with a view to protecting whistle-blowers effectively in the EU. It suggests that EU legislation should support current [international standards](#) developed to protect whistle-blowers. Five points are of particular importance: to set a definition of 'whistle-blower' broad enough to cover as many scenarios as possible; to protect not only reports of unlawful acts, but also, more broadly, disclosures of a breach of the public interest; to introduce clear reporting mechanisms in public and private organisations; to create an EU agency specifically dedicated to advise, guide and collect reports from whistle-blowers; and to extend the role of the European Ombudsman in order to supplement and coordinate Member States in protecting whistle-blowers. The report is due to be discussed during the October II plenary session.

Own-initiative report: [2016/2221\(INI\)](#). Committee responsible: JURI; Rapporteur: Virginie Rozière (S&D, France).

