

Brussels, 8 October 2018

FP/zv

Draft legislative opinion by Curzio MALTESE

on the “Protection of persons reporting on breaches of Union law”

(2018/0106(COD))

Documents: **CULT amendments:** **PA/1156617 PE 623.815 v01-00 (1-101)**
AM/1158338 PE 625.356 v 01-00 (102-336)

VOTING LIST

Concerned text	AM	Tabled by	Rap.	Remarks	Vote
Article 1	COMP 11	Rapporteur	+	<i>If adopted, AMs 38, 185, 186, 39, 187 and 188 fall</i> ▶ Go to COMP 12	
Article 1 – paragraph 1 – introductory part	38	Rapporteur			
	185	Damian Drăghici Silvia Costa			
Article 1 – paragraph 1 – point a – introductory part	186	Rapporteur Stelios Kouloglou			
Article 1 – paragraph 1 – point a – point -i (new)	39	Rapporteur			
Article 1 – paragraph 1 – point a a (new)	187	Rapporteur Stelios Kouloglou			
Article 1 – paragraph 2	188	Rapporteur Stelios Kouloglou			

Concerned text	AM	Tabled by	Rap.	Remarks	Vote
	189	Dominique Bilde		Linguistic amendment: NO VOTE ¹	
Article 2	COMP 12	Rapporteur	+	<i>If adopted, AMs 190, 191, 192, 193, 40, 41, 194 and 42 fall</i> ► Go to COMP 13	
Article 2 – paragraph 1 – introductory part	190	Dominique Bilde			
Article 2 – paragraph 1 – point a	191	Yana Toom			
Article 2 – paragraph 1 – point c	192	Dominique Bilde			
Article 2 – paragraph 1 – point c a (new)	193	Dominique Bilde			
Article 2 – paragraph 1 – point d a (new)	40	Rapporteur			
Article 2 – paragraph 1 – point d b (new)	41	Rapporteur			
Article 2 – paragraph 1 – point d a (new)	194	Francis Zammit Dimech			
Article 2 – paragraph 2	195	Dominique Bilde		NO VOTE	
Article 2 – paragraph 2 a (new)	42	Rapporteur			

¹ According to Rule 170, paragraph 1 (f) of the Rules of Procedure, linguistic amendments cannot be put to the vote.

Concerned text	AM	Tabled by	Rap.	Remarks	Vote
Article 3	COMP 13	Rapporteur	+	<i>If adopted, AMs 196, 43, 197, 198, 44, 45, 200, 46, 47, 48, 49, 202, 203, 204, 205, 50 and 206 fall</i> ▶ Go to COMP 14	
Article 3 – paragraph 1 – point 1	196	Rapporteur Stelios Kouloglou		<i>If adopted, AM 43 falls</i> ▶ Go to <i>AM 197</i>	
	43	Rapporteur			
	197	Dominique Bilde			
Article 3 – paragraph 1 – point 4	198	Isabella Adinolfi			
Article 3 – paragraph 1 – point 5	44	Rapporteur			
	199	Dominique Bilde		NO VOTE	
Article 3 – paragraph 1 – point 7	45	Rapporteur			
Article 3 – paragraph 1 – point 8	200	Yana Toom			
Article 3 – paragraph 1 – point 9	201	Dominique Bilde		NO VOTE	
Article 3 – paragraph 1 – point 9 a (new)	46	Rapporteur			
Article 3 – paragraph 1 – point 10	47	Rapporteur			
Article 3 – paragraph 1 – point 11	48	Rapporteur			
Article 3 – paragraph 1 – point 12	49	Rapporteur		<i>If adopted, AM 202 falls</i> ▶ Go to <i>AMs 203/204</i>	

Concerned text	AM	Tabled by	Rap.	Remarks	Vote
	202	Dominique Bilde			
	203	Damian Drăghici		Identical	
	204	Yana Toom			
	205	Isabella Adinolfi			
Article 3 – paragraph 1 – point 14	50	Rapporteur			
Article 3 – paragraph 1 – point 14 a (new)	206	Jill Evans			
Article 4	COMP 14	Rapporteur	+	<i>If adopted, AMs 51 207, 208, 52, 209, 210, 53, 211, 212, 213, 215 and 54 fall</i> ► Go to AM 214	
Article 4 – title	51	Rapporteur			
Article 4 – paragraph 1	207	Damian Drăghici Silvia Costa			
Article 4 – paragraph 2	208	Isabella Adinolfi		<i>If adopted, AM 52 falls</i> ► Go to AM 209	
	52	Rapporteur			
Article 4 – paragraph 3	209	Isabella Adinolfi			
Article 4 – paragraph 4	210	Isabella Adinolfi		<i>If adopted, AM 53 falls</i> ► Go to AM 211	
	53	Rapporteur			
Article 4 – paragraph 5	211	Isabella Adinolfi			

Concerned text	AM	Tabled by	Rap.	Remarks	Vote
Article 4 – paragraph 6 – point c	212	Isabella Adinolfi		<i>If adopted, AM 213 falls</i> ► Go to AM 214	
	213	Stelios Kouloglou Rapporteur			
Article 4 – paragraph 6 – point c a (new)	214	Isabella Adinolfi	+	<u><i>If voted as addition after COMP 14 was adopted</i></u> ► Go to COMP 15	
Article 4 – paragraph 6 – point d a (new)	215	Francis Zammit Dimech			
Article 4 – paragraph 6 a (new)	54	Rapporteur			
Article 5	COMP 15	Rapporteur	+	<i>If adopted, AMs 55, 219, 216, 217, 218, 220, 221, 223, 224, 56, 225, 226, 227, 57, 58 and 228 fall</i> ► Go to COMP 16	
Article 5 – paragraph 1 – point a	55	Rapporteur		<i>If adopted, AM 219 falls</i> ► Go to AM 216	
	219	Damian Drăghici			
	216	Jill Evans			
	217 ²	Isabella Adinolfi			
	218	Dominique Bilde			

² If AM 55 is adopted, the vote is only on the words “also in the digital environment”

Concerned text	AM	Tabled by	Rap.	Remarks	Vote
Article 5 – paragraph 1 – point b	220	Damian Drăghici			
	221	Jill Evans			
Article 5 – paragraph 1 – point d	222	Dominique Bilde		NO VOTE	
	223	Yana Toom		<i>If adopted, AM 224 falls</i> ► <i>Go to AM 56</i>	
	224	Jill Evans			
Article 5 – paragraph 1 – point e	56	Rapporteur			
Article 5 – paragraph 2 – subparagraph 1 – point a	225	Jill Evans		<i>If adopted, AM 226 falls</i> ► <i>Go to AM 227</i>	
	226	Yana Toom			
Article 5 – paragraph 2 – subparagraph 1 – point a (new)	227	Jill Evans			
Article 5 – paragraph 2 – subparagraph 2	57	Rapporteur			
Article 5 – paragraph 3	58	Rapporteur		<i>If adopted, AM 228 falls</i> ► <i>Go to COMP 16</i>	
	228	Damian Drăghici Silvia Costa			
	229	Dominique Bilde		NO VOTE	

Concerned text	AM	Tabled by	Rap.	Remarks	Vote
Article 6	COMP 16	Rapporteur	+	<i>If adopted, AMs 59, 230, 231, 60, 232, 233, 61, 235, 62, 237, 238, 239, 63, 64, 241 and 65 fall</i> ► Go to COMP 17	
Article 6 – paragraph 1	59	Rapporteur		<i>If adopted, AM 230 falls</i> ► Go to AM 231	
	230	Isabella Adinolfi			
Article 6 – paragraph 1 a (new)	231	Francis Zammit Dimech			
Article 6 – paragraph 2 – point a	60	Rapporteur			
	232	Jill Evans			
	233	Isabella Adinolfi			
	234	Dominique Bilde		NO VOTE	
Article 6 – paragraph 2 – point a a (new)	61	Rapporteur			
Article 6 – paragraph 2 – point a a (new)	235	Damian Drăghici Silvia Costa			
Article 6 – paragraph 2 – point b	62	Rapporteur			
	236	Dominique Bilde		NO VOTE	
	237	Yana Toom		<i>If adopted, AM 238 falls</i> ► Go to AM 239	
	238	Jill Evans			
Article 6 – paragraph 2 – point c	239	Jill Evans			

Concerned text	AM	Tabled by	Rap.	Remarks	Vote
Article 6 – paragraph 2 – point c a (new)	63	Rapporteur			
Article 6 – paragraph 2 – point c b (new)	64	Rapporteur			
Article 6 – paragraph 3	240	Dominique Bilde		NO VOTE	
	241	Jill Evans			
Article 6 – paragraph 3 a (new)	65	Rapporteur			
Article 6 – paragraph 4	242	Dominique Bilde		NO VOTE	
Article 7	COMP 17	Rapporteur	+	<i>If adopted, AMs 243, 66, 244, 67, 245, 246, 247 and 248 fall</i> ► Go to COMP 18	
Article 7 – paragraph 1 – introductory part	243	Isabella Adinolfi			
Article 7 – paragraph 1 – point b	66	Rapporteur		<i>If adopted, AM 244 falls</i> ► Go to AM 67	
	244	Damian Drăghici			
Article 7 – paragraph 1 – point b a (new)	67	Rapporteur			
Article 7 – paragraph 1 – point c a (new)	245	Isabella Adinolfi			
Article 7 – paragraph 2 – point a	246	Jill Evans			
Article 7 – paragraph 2 – point b	247	Yana Toom			
Article 7 – paragraph 4	248	Dominique Bilde			

Concerned text	AM	Tabled by	Rap.	Remarks	Vote
Article 8	COMP 18	Rapporteur	+	<i>If adopted, AMs 249, 68, 250 and 69 fall</i> ► Go to COMP 19	
Article 8 – paragraph 1	249	Damian Drăghici Silvia Costa			
Article 8 – paragraph 2 – point a	68	Rapporteur		<i>Identical</i>	
	250	Damian Drăghici Silvia Costa			
Article 8 – paragraph 2 – point c	69	Rapporteur			
	251	Dominique Bilde		NO VOTE	
Article 9	COMP 19	Rapporteur	+	<i>If adopted, AMs 70, 252, 255, 257, 71, 259, 260 and 72 fall</i> ► Go to AM 73	
Article 9 – paragraph 1 – point a	70	Rapporteur			
	252	Damian Drăghici			
	253	Dominique Bilde		NO VOTE	
	254	Isabella Adinolfi		Withdrawn	
Article 9 – paragraph 1 – point b	255	Jill Evans		<i>If adopted, AM 257 falls</i> ► Go to AM 71	
	256	Dominique Bilde		NO VOTE	
	257	Yana Toom			

Concerned text	AM	Tabled by	Rap.	Remarks	Vote
Article 9 – paragraph 1 – point c	71	Rapporteur			
	258	Dominique Bilde		NO VOTE	
	259	Jill Evans			
Article 9 – paragraph 2	260	Jill Evans			
Article 9 – paragraph 3	72	Rapporteur			
	261	Dominique Bilde		NO VOTE	
Article 10 – paragraph 1 – point a	73	Rapporteur	+		
	262	Dominique Bilde	-		
Article 10 – paragraph 1 – point b – point i	263	Yana Toom	-	<i>If adopted, AM 74 falls</i> ▶ <i>Go to AM 75</i>	
	74	Rapporteur	+		
Article 11 – paragraph 2	75	Rapporteur	+		
	264	Dominique Bilde		NO VOTE	
Article 11 – paragraph 3 – subparagraph 1 – introductory part	76	Rapporteur	+		
	265	Dominique Bilde		NO VOTE	
Article 11 – paragraph 3 – subparagraph 2	77	Rapporteur	+		
	266	Dominique Bilde		NO VOTE	
Article 11 – paragraph 4	267	Yana Toom	-	<i>Deletion</i> <i>If adopted, AM 78 falls</i> ▶ <i>Go to AM 79</i>	
	78	Rapporteur	+		
	268	Dominique Bilde		NO VOTE	

Concerned text	AM	Tabled by	Rap.	Remarks	Vote
Article 11 – paragraph 5 – subparagraph 1 – introductory part	79	Rapporteur	+		
Article 11 – paragraph 5 – subparagraph 2	80	Rapporteur	+		
	269	Dominique Bilde		NO VOTE	
Chapter 4 – title	270	Dominique Bilde		NO VOTE	
Article 13	COMP 20	Rapporteur	+	<i>If adopted, AMs 81, 272, 82, 83, 274, 276, 275, 84, 279, 280, 281, 282, 85, 283 and 284 fall</i> ► Go to COMP 21	
Article 13 – title	81	Rapporteur			
	271	Dominique Bilde		NO VOTE	
Article 13 – paragraph 1	272	Jill Evans		<i>If adopted, AM 82 falls</i> ► Go to AM 83/274	
	82	Rapporteur			
	273	Dominique Bilde		NO VOTE	
Article 13 – paragraph 2	83	Rapporteur		<i>Identical: deletion</i> <i>If adopted, AMs 276 and 275 fall</i> ► Go to AM 84	
	274	Jill Evans			
Article 13 – paragraph 2 – point a	276	Isabella Adinolfi			
Article 13 – paragraph 2 – point b	277	Dominique Bilde		NO VOTE	
Article 13 – paragraph 2 – point c	275	Isabella Adinolfi			
	278	Dominique Bilde		NO VOTE	

Concerned text	AM	Tabled by	Rap.	Remarks	Vote
Article 13 – paragraph 3	84	Rapporteur		<i>If adopted, AM 279 falls</i> ► Go to AM 280	
	279	Jill Evans			
Article 13 – paragraph 4	280	Rapporteur Stelios Kouloglou		<i>If adopted, AM 281, 282, 85, 283 and 284 fall</i> ► Go to COMP 21	
Article 13 – paragraph 4 – introductory part	281	Jill Evans			
Article 13 – paragraph 4 – point a	282	Jill Evans			
Article 13 – paragraph 4 – point b	85	Rapporteur			
Article 13 – paragraph 4 – point b	283	Jill Evans			
Article 13 – paragraph 4 – point b a (new)	284	Francis Zammit Dimech			

Concerned text	AM	Tabled by	Rap.	Remarks	Vote
Article 14	COMP 21	Rapporteur	+	<i>If adopted, AMs 86, 286, 87, 88, 288, 89, 90, 91 and 289 fall</i> ► Go to COMP 22	
Article 14 – title	86	Rapporteur			
Article 14 – title	285	Dominique Bilde		NO VOTE	
Article 14 – paragraph 1 – introductory part	286	Rapporteur Stelios Kouloglou		<i>If adopted, AM 87 falls</i> ► Go to AM 88	
	87	Rapporteur			
	287	Dominique Bilde		NO VOTE	
Article 14 – paragraph 1 – point -a (new)	88	Rapporteur			
Article 14 – paragraph 1 – point d	288	Dominique Bilde			
Article 14 – paragraph 1 – point g	89	Rapporteur			
Article 14 – paragraph 1 – point i	90	Rapporteur			
Article 14 – paragraph 1 – point j	91	Rapporteur			
	289	Damian Drăghici Silvia Costa			

Concerned text	AM	Tabled by	Rap.	Remarks	Vote
Article 15	COMP 22	Rapporteur	+	<i>If adopted, AMs 92, 93, 94, 95, 293, 294 and 96 fall</i> ► Go to AM 299	
Article 15 – title	92	Rapporteur			
	290	Dominique Bilde		NO VOTE	
Article 15 – paragraph 1	93	Rapporteur			
	291	Dominique Bilde		NO VOTE	
Article 15 – paragraph 3	94	Rapporteur			
	292	Dominique Bilde		NO VOTE	
Article 15 – paragraph 5	95	Rapporteur			
	293	Isabella Adinolfi		<i>If adopted, AM 294 falls</i> ► Go to AM 96	
	294	Damian Drăghici			
	295	Dominique Bilde		NO VOTE	
Article 15 – paragraph 6	96	Rapporteur			
	296	Dominique Bilde		NO VOTE	
Article 15 – paragraph 7	297	Dominique Bilde		NO VOTE	
Article 15 – paragraph 8	298	Dominique Bilde		NO VOTE	
Article 16 – paragraph 2	299	Jill Evans	-	<i>If adopted, AM 300 falls</i> ► Go to COMP 23	
	300	Silvia Costa	0		

Concerned text	AM	Tabled by	Rap.	Remarks	Vote
Article 17	COMP 23	Rapporteur	+	<i>If adopted, AMs 301, 302, 97, 98, 99, 305, 306/307, 308, 309, 310 and 100 fall</i> ▶ Go to AM 312	
Article 17 – title	301	Dominique Bilde			
Article 17 – paragraph 1 – introductory part	302	Dominique Bilde			
Article 17 – paragraph 1 – point b	97	Rapporteur			
	303	Dominique Bilde		<i>NO VOTE</i>	
Article 17 – paragraph 1 – point c	98	Rapporteur			
	304	Dominique Bilde		<i>NO VOTE</i>	
Article 17 – paragraph 1 – point d	99	Rapporteur			
	305	Dominique Bilde			
Article 17 – paragraph 2	306	Jill Evans		<i>Identical: deletion</i>	
	307	Rapporteur Stelios Kouloglou		<i>If adopted, AMs 308, 309, 310 and 100 fall</i> ▶ Go to AM 312	
	308	Dominique Bilde		<i>If adopted, AMs 309, 310 and 100 fall</i> ▶ Go to AM 312	
	309	Isabella Adinolfi		<i>If adopted, AMs 310 and 100 fall</i> ▶ Go to AM 312	
	310	Damian Drăghici		<i>If adopted, AM 100 falls</i> ▶ Go to AM 312	

Concerned text	AM	Tabled by	Rap.	Remarks	Vote
	100	Rapporteur			
Article 19 – paragraph 1	311	Dominique Bilde	-	NO VOTE	
Article 20 – paragraph 1	312	Isabella Adinolfi	0		
Article 21 – paragraph 1	313	Isabella Adinolfi	0		
Article 21 – paragraph 2 – point c a (new)	314	Isabella Adinolfi	+		
Article 21 – paragraph 3	315	Isabella Adinolfi	0		
Article 21 – paragraph 3 a (new)	316	Isabella Adinolfi	+		
Annex I – part I – subpart A – point 1 – introductory part	317	Rapporteur Stelios Kouloglou	+		
Annex I – part I – subpart A – point 2 – introductory part	318	Rapporteur Stelios Kouloglou	+		
Annex I – part I – subpart B – paragraph 1 – introductory part	319	Rapporteur Stelios Kouloglou	+		
Annex I – part I – subpart C – point 1 – introductory part	320	Rapporteur Stelios Kouloglou	+		
Annex I – part I – subpart C – point 2 – introductory part	321	Rapporteur Stelios Kouloglou	+		
Annex I – part I – subpart D – point 1	322	Rapporteur Stelios Kouloglou	+		
Annex I – part I – subpart D – point 2	323	Rapporteur Stelios Kouloglou	+		
Annex I – part I – subpart D – point 3 – introductory part	324	Rapporteur Stelios Kouloglou	+		

Concerned text	AM	Tabled by	Rap.	Remarks	Vote
Annex I – part I – subpart D – point 4 – introductory part	325	Rapporteur Stelios Kouloglou	+		
Annex I – part I – subpart E – point i	326	Rapporteur Stelios Kouloglou	+		
Annex I – part I – subpart F – paragraph 1 – introductory part	327	Rapporteur Stelios Kouloglou	+		
Annex I – part I – subpart G – point 1	328	Rapporteur Stelios Kouloglou	+		
Annex I – part I – subpart G – point 2	329	Rapporteur Stelios Kouloglou	+		
Annex I – part I – subpart G – point 4 – introductory part	330	Rapporteur Stelios Kouloglou	+		
Annex I – part I – subpart H – point 1 – introductory part	331	Rapporteur Stelios Kouloglou	+		
Annex I – part I – subpart H – point 2 – introductory part	332	Rapporteur Stelios Kouloglou	+		
Annex I – part I – subpart H – point 3	333	Rapporteur Stelios Kouloglou	+		
Annex I – part I – subpart H – point 4	334	Rapporteur Stelios Kouloglou	+		
Annex I – part I – subpart H – point 5	335	Rapporteur Stelios Kouloglou	+		
Annex I – part I – subpart I – paragraph 1 – introductory part	336	Rapporteur Stelios Kouloglou	+		
Annex I – part II – subpart C a (new)	101	Rapporteur	+		
Recital -1 (new)	4	Rapporteur	+		

Concerned text	AM	Tabled by	Rap.	Remarks	Vote
Recital 1	5	Rapporteur	+	<i>If adopted, AM 105 falls</i> ► Go to COMP 1	
	105	Dominique Bilde	-		
Recital 2	COMP 1	Rapporteur	+	<i>If adopted, AMs 6 and 106 fall</i> ► Go to AM 107	
	6	Rapporteur			
	106	Damian Drăghici Silvia Costa			
Recital 2 a (new)	107	Stelios Kouloglou Rapporteur	+		
Recital 3	7	Rapporteur	+		
	108 ³	Damian Drăghici	+		
	109	Dominique Bilde	-		
Recital 4	8	Rapporteur	+		
Recital 5	9	Rapporteur	+	<i>If adopted, AMs 110/111 fall</i> ► Go to AM 10	
	110	Damian Drăghici	+	<i>Identical</i>	
	111	Isabella Adinolfi			
Recital 5 a (new)	10	Rapporteur	+		
Recital 6	112	Isabella Adinolfi	+		
Recital 8	113	Dominique Bilde	-		

³ If AM 7 is adopted, the vote is only on the deletion of the word “serious”

Concerned text	AM	Tabled by	Rap.	Remarks	Vote
Recital 10	114	Damian Drăghici	-		
	115	Dominique Bilde	-		
Recital 14	116	Damian Drăghici	-		
	117	Dominique Bilde	-		
Recital 16 a (new)	118	Dominique Bilde	-		
Recital 17	119	Dominique Bilde	-		
Recital 21 a (new)	120	Dominique Bilde	-		
Recital 22	COMP 2	Rapporteur	+	<i>If adopted, AMs 11 and 121 fall</i> ► Go to COMP 3	
	11	Rapporteur		<i>If adopted, AM 121 falls</i> ► Go to COMP 3	
	121	Damian Drăghici Silvia Costa			

Concerned text	AM	Tabled by	Rap.	Remarks	Vote
Recital 24	COMP 3	Rapporteur	+	<i>If adopted, AMs 12, 122, 123 and 124 fall</i> ► Go to AM 125	
	12	Rapporteur		<i>If adopted, AMs 122, 123 and 124 fall</i> ► Go to AM 125	
	122	Damian Drăghici		<i>If adopted, AM 123 falls</i> ► Go to AM 124	
	123	Francis Zammit Dimech			
	124	Isabella Adinolfi			
Recital 25	125	Dominique Bilde	-		
	126	Damian Drăghici Silvia Costa	+		
Recital 26	127	Damian Drăghici Silvia Costa	+		
Recital 27	128	Damian Drăghici Silvia Costa	+	<i>Identical</i>	
	129	Isabella Adinolfi			
Recital 27 a (new)	13	Rapporteur	+		
Recital 28	14	Rapporteur	+		
Recital 29	130	Damian Drăghici	-	<i>Identical</i>	
	131	Isabella Adinolfi			

Concerned text	AM	Tabled by	Rap.	Remarks	Vote
Recital 30	15	Rapporteur	+	<i>If adopted, AMs 132 and 133 fall</i> ▶ Go to AM 16	
	132	Isabella Adinolfi	+	<i>If adopted, AM 133 falls</i> ▶ Go to AM 16	
	133	Damian Drăghici	-		
Recital 31	16	Rapporteur	+	<i>If adopted, AMs 134 and 135 fall</i> ▶ Go to AM 136	
	134	Dominique Bilde	-		
	135	Isabella Adinolfi	-		
Recital 32 a (new)	136	Francis Zammit Dimech	+		
Recital 32 a (new)	17	Rapporteur	+		
Recital 33	COMP 4	Rapporteur	+	<i>If adopted, AMs 18 and 137 fall</i> ▶ Go to COMP 5	
	18	Rapporteur		<i>If adopted, AM 137 falls</i> ▶ Go to COMP 5	
	137	Damian Drăghici Silvia Costa			

Concerned text	AM	Tabled by	Rap.	Remarks	Vote
Recital 34	COMP 5	Rapporteur	+	<i>If adopted, AMs 138 and 139 fall</i> ► Go to AM 140	
	138	Damian Drăghici Silvia Costa			
	139	Isabella Adinolfi			
Recital 36	140	Dominique Bilde	-		
Recital 37	19	Rapporteur	+		
Recital 38	141	Isabella Adinolfi	-		
Recital 39	142	Isabella Adinolfi	-		
Recital 40	20	Rapporteur	+	<i>If adopted, AM 144 falls</i> ► Go to AM 145	
	143	Dominique Bilde	-	NO VOTE	
	144	Isabella Adinolfi	0		
Recital 41	145	Isabella Adinolfi	+		
Recital 42	21	Rapporteur	+		
	146	Dominique Bilde		NO VOTE	
Recital 43	22	Rapporteur	+		

Concerned text	AM	Tabled by	Rap.	Remarks	Vote
Recital 45	COMP 6	Rapporteur	+	<i>If adopted, AMs 23 and 147 fall</i> ▶ Go to COMP 7	
	23	Rapporteur		<i>If adopted, AM 147 falls</i> ▶ Go to COMP 7	
	147	Damian Drăghici Silvia Costa			
Recital 47	COMP 7	Rapporteur	+	<i>If adopted, AMs 24 and 151 fall</i> ▶ Go to AM 149	
	24	Rapporteur			
	151	Isabella Adinolfi			
Recital 46	148	Dominique Bilde		NO VOTE	
	149	Damian Drăghici	0		
	150	Yana Toom	0		
Recital 48	25	Rapporteur	+		
Recital 49	152	Dominique Bilde		NO VOTE	
Recital 50	COMP 8	Rapporteur	+	<i>If adopted, AMs 26, 153 and 154 fall</i> ▶ Go to AM 156	
	26	Rapporteur		<i>If adopted, AM 153 falls</i> ▶ Go to AM 154	
	153	Damian Drăghici			
	154	Yana Toom			

Concerned text	AM	Tabled by	Rap.	Remarks	Vote
Recital 51	155	Dominique Bilde		<i>NO VOTE</i>	
Recital 53	156	Damian Drăghici Silvia Costa	+		
	157	Dominique Bilde		<i>NO VOTE</i>	
Recital 54	158	Francis Zammit Dimech	0	<i>If adopted, AM 27 falls</i> ► Go to AM 28	
	27	Rapporteur	+		
Recital 58	159	Dominique Bilde		<i>NO VOTE</i>	
Recital 60	28	Rapporteur	+	<i>If adopted, AM 161 falls</i> ► Go to AM 29	
	160	Dominique Bilde		<i>NO VOTE</i>	
	161	Isabella Adinolfi	-		
Recital 60 a (new)	29	Rapporteur	+		
Recital 61	30	Rapporteur	+		
	162	Dominique Bilde		<i>NO VOTE</i>	

Concerned text	AM	Tabled by	Rap.	Remarks	Vote
Recital 62	COMP 9	Rapporteur	+	<i>If adopted, AMs 31, 163, 164 and 166 fall</i> ► Go to AM 32	
	31	Rapporteur		<i>If adopted, AMs 163, 164 and 166 fall</i> ► Go to AM 32	
	163	Isabella Adinolfi			
	164	Francis Zammit Dimech			
	165	Dominique Bilde		NO VOTE	
	166	Damian Drăghici			
Recital 63	32	Rapporteur	+		
	167	Dominique Bilde		NO VOTE	
Recital 64	33	Rapporteur	+		
	168	Dominique Bilde		NO VOTE	
Recital 65	COMP 10	Rapporteur	+	<i>If adopted, AMs 34 and 170 fall</i> ► Go to AM 35	
	34	Rapporteur			
	169	Dominique Bilde		NO VOTE	
	170	Damian Drăghici Silvia Costa			
Recital 67	35	Rapporteur	+		
Recital 68	171	Dominique Bilde		NO VOTE	
Recital 70	172	Isabella Adinolfi	+		
	173	Dominique Bilde		NO VOTE	

Concerned text	AM	Tabled by	Rap.	Remarks	Vote
Recital 71	174	Dominique Bilde		<i>NO VOTE</i>	
Recital 73	36	Rapporteur	+		
	175	Dominique Bilde		<i>NO VOTE</i>	
Recital 74	176	Dominique Bilde	-		
Recital 75	37	Rapporteur	+		
	177	Dominique Bilde		<i>NO VOTE</i>	
Recital 76	178	Silvia Costa	+		
Recital 78	179	Damian Drăghici	-		
	180	Dominique Bilde		<i>NO VOTE</i>	
Recital 80	181	Dominique Bilde		<i>NO VOTE</i>	
Recital 82	182	Rapporteur Stelios Kouloglou	+		
Recital 84	183	Damian Drăghici	0		
Recital 85 a (new)	184	Yana Toom	0		
Citation 6 a (new)	1	Rapporteur	+		
Citation 6 b (new)	2	Rapporteur	+		
Citation 6 c (new)	3	Rapporteur	+		
Citation 6 a (new)	102 ⁴	Damian Drăghici Silvia Costa	+		
Citation 6 b (new)	103 ⁵	Damian Drăghici Silvia Costa	+		
Citation 6 c (new)	104 ⁶	Damian Drăghici Silvia Costa	+		

⁴ If adopted, this citation has to be transformed in a Recital.

⁵ If adopted, this citation has to be transformed in a Recital.

⁶ If adopted, this citation has to be transformed in a Recital.

Final vote on the draft opinion as whole (roll call vote)		
for	against	abstentions
+		

COMPROMISE AMENDMENTS

COMP 1

Recital 2

Amendment 6 (Rapporteur) AM 106 (Drăghici, Costa)

At Union level, reports by whistleblowers are one upstream component of enforcement of Union law **and policies**: they feed national and Union enforcement systems with information leading to effective detection, investigation and prosecution of breaches of Union law, **thus enhancing transparency and accountability**.

COMP 2

Recital 22

Amendment 11 (Rapporteur) AM 121 (Drăghici, Costa)

Persons who report information about threats or harm to the public interest **are acting under the right of freedom of information and** of expression, enshrined in Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter') and in Article 10 of the European Convention on Human Rights (ECHR), **which** encompasses **the right to receive and impart information as well as** media freedom and pluralism.

COMP 3

Recital 24

Amendment 12 (Rapporteur), Amendment 122 (Drăghici), AM 123 (Zammit Dimech), AM 124 (Adinolfi)

Persons need specific - **legal, economic, social and psychological** - protection where they acquire the information they report-and therefore run the risk of retaliation (for instance, for breaching the duty of confidentiality or loyalty). The underlying reason for providing them with protection is, **amongst others**, their position of vulnerability vis-à-vis the person on whom they de facto depend for work. **Furthermore, the protection should be granted to defend citizens reporting breaches of law in order to safeguard the public interest and proper functioning of democracy**.

COMP 4

Recital 33

Amendment 18 (Rapporteur) AM 137 (Drăghici, Costa)

Whistleblowers are important sources for journalists, **therefore it is essential to create a safe environment**, providing **them and those assisting them** effective protection from retaliation. In this respect protection of whistleblowers is crucial **to ensure quality journalism which ultimately contributes to foster a culture of accountability and transparency in** democratic societies.

COMP 5

Recital 34

AM 138 (Drăghici, Costa), AM 139 (Adinolfi)

It is for the Member States to identify the authorities competent to receive and give appropriate follow up to the reports on breaches falling within the scope of this Directive. These may be **judicial authorities**, regulatory or supervisory bodies in the areas concerned, law enforcement agencies, anti-corruption bodies and ombudsmen. The authorities designated as competent shall **be independent and** have the necessary capacities and powers to **impartially and objectively** assess the accuracy of the allegations made in the report and to address the breaches reported, including by launching an investigation, prosecution or action for recovery of funds, or other appropriate remedial action, in accordance with their mandate.

COMP 6

Recital 45

Amendment 23 (Rapporteur) AM 147 (Drăghici, Costa)

The most appropriate persons or departments within a private legal entity to be designated as competent to receive and follow up on reports depend on the structure of the entity, but, in any case **they shall be designated in close collaboration with employees or employee representatives** and their **composition, function and working procedures** should ensure absence of conflict of interest and independence.

COMP 7

Recital 47

Amendment 24 (Rapporteur) AM 151 (Adinolfi)

Persons who are considering reporting breaches of Union law should be able to make an informed decision on whether, how, **via which channel** and when to report. Private and public entities shall provide information on **internal reporting** procedures as well as on procedures to report externally. Such information must be easily understandable and easily accessible, including, to any extent possible, also to other persons, beyond employees, who come in contact with the **relevant information on potential or occurred breaches through their work-related activities**. For instance, such information may be posted at a visible location accessible to all these persons and to the web of the entity and may also be included in courses and trainings on ethics and integrity.

COMP 8

Recital 50

Amendment 26 (Rapporteur) AM 154 (Toom)

Follow up and feedback should take place within **the shortest possible** timeframe; this is warranted by the need to promptly address the problem that may be the subject of the report. Such timeframe should not exceed **two** months, but could be extended to **four** months, where necessary due to the specific circumstances of the case, in particular the nature and complexity of the subject of the report, which may require a lengthy investigation.

COMP 9

Recital 62

Amendment 31 (Rapporteur) AM 163 (Adinolfi), AM 164 (Zammit Dimech), AM 166 (Drăghici)

Without prejudice to the other provisions of this Directive, as a general rule, reporting persons should use the internal channels at their disposal. In case that internal channels are deemed inadequate by the reporting persons, they should always be able to use external channels or directly reach out to the public.

COMP 10

Recital 65

Amendment 34 (Rapporteur) AM 170 (Drăghici, Costa)

Reporting persons ***and people who assist them in disclosing breaches or potential breaches*** should be protected against any form of retaliation, whether direct or indirect, taken by their employer or customer/recipient of services and by persons working for or acting on behalf of the latter, including co-workers and managers in the same organisation or in other organisations with which the reporting person is in contact in the context of his/her work-related activities, where retaliation is recommended or tolerated by the concerned person. Protection should be provided against retaliatory measures taken vis-à-vis the reporting person him/herself but also those that may be taken vis-à-vis the legal entity he/she represents, such as denial of provision of services, blacklisting or business boycotting. Indirect retaliation also includes actions taken against relatives ***or people bound by bonds of affection or friendship with*** the reporting person, ***colleagues*** or customer/recipient of services and workers' representatives ***or other persons and organisations*** who have provided support to the reporting person. ***There should be sanctions for harassing whistleblowers, or their family or colleagues as a result of a disclosure.***

COMP 11

Article 1

Amendment 38, 39 (Rapporteur), AM 186, 187, 188 (Kouloglou, Maltese) AM 185 (Drăghici, Costa)

1. With a view ***to protecting the public interest, safeguarding freedom of information and expression*** and to enhancing the enforcement of Union law and policies, this Directive lays down common minimum ***standards*** for the protection of persons ***disclosing information, related to breaches of the law or any unlawful activity and abuse of law which undermine or endanger the public interest in any field of EU competence, including:***
 - (aa) ***fundamental rights guaranteed by the Charter of Fundamental Rights of the European Union, and more specifically freedom of expression and information as referred to in Article 11 of the Charter and case-law based on that Article;***
 - a) breaches falling within the scope of the Union ***legislation, for example those*** acts set out in the Annex (Part I and Part II) as regards the following areas:
 - (i) public procurement;
 - (ii) financial services, prevention of money laundering and terrorist financing;
 - (iii) product safety;
 - (iv) transport safety;

- (v) protection of the environment;
 - (vi) nuclear safety;
 - (vii) food and feed safety, animal health and welfare;
 - (viii) public health;
 - (ix) consumer protection;
 - (x) protection of privacy and personal data, and security of network and information systems.
- b) breaches of Articles 101, 102, 106, 107 and 108 TFEU and breaches falling within the scope of Council Regulation (EC) No 1/2003 and Council Regulation (EU) No 2015/1589;
 - c) breaches affecting the financial interests of the Union as defined by Article 325 TFEU and as further specified, in particular, in Directive (EU) 2017/1371 and Regulation (EU, Euratom) No 883/2013;
 - d) breaches relating to the internal market, as referred to in Article 26(2) TFEU, as regards acts which breach the rules of corporate tax or arrangements whose purpose is to obtain a tax advantage that defeats the object or purpose of the applicable corporate tax law.
2. Where specific rules on the reporting of breaches are provided for in sector-specific Union acts listed in Part 2 of the Annex, those rules shall apply. The provisions of this Directive shall be applicable for all matters relating to the protection of reporting persons not regulated in those sector-specific Union acts. ***This paragraph shall apply only in cases where the protection foreseen in sector-specific acts is higher than the one guaranteed by this directive.***

COMP 12

Article 2

Amendment 40, 41, 42 (Rapporteur), AM 191 (Toom) AM 194 (Zammit Dimech)

1. This Directive shall apply to reporting persons working in the private or public sector who acquired information on breaches in a work-related context including, at least, the following:
- a) persons having the status of worker, with the meaning of Article 45 TFEU ***as well as former workers***;
 - b) persons having the status of self-employed, with the meaning of Article 49 TFEU;
 - c) shareholders and persons belonging to the management body of an undertaking, including non-executive members, as well as volunteers and unpaid trainees;
 - d) any persons working under the supervision and direction of contractors, subcontractors and suppliers.
- d a) civil servants***
d b) European Union staff members, as defined within the EU Staff Regulation;
2. This Directive shall also apply to reporting persons whose work-based relationship is yet to begin in cases where information concerning a breach has been acquired during the recruitment process or other pre-contractual negotiation.
- 2 a. This Directive shall also apply to intermediaries facilitating the reporting and/or the disclosure, including journalists.***

COMP 13

Article 3

Amendments 43, 44,46, 47, 48, 49, 50, (Rapporteur), AM 196 (Kouloglou, Maltese), AM 198, 205 (Adinolfi), AM 203 (Drăghici), AM 204 (Toom) AM 206 (Evans)

For the purposes of this Directive, the following definitions shall apply:

- (1) ‘breaches’ means actual or potential unlawful activities or abuse of law ***or other forms of misconduct which undermine or endanger the public interest in any field of EU competence,***
- (2) ‘unlawful activities’ means acts or omissions contrary to Union law;
- (3) ‘abuse of law’ means acts or omissions falling within the scope of Union law which do not appear to be unlawful in formal terms but defeat the object or the purpose pursued by the applicable rules;
- (4) ‘information on breaches’ means evidence (***confidential or otherwise***) about actual breaches as well as reasonable suspicions about potential breaches which have not yet materialised;
- (5) ‘report’ means the provision of information relating to a breach which has occurred or is likely to occur;
- (6) ‘internal reporting’ means provision of information on breaches within a public or private legal entity;
- (7) ‘external reporting’ means provision of information on breaches to the competent authorities;
- (8) ‘disclosure’ means making information on breaches acquired within the work-related context available to the public domain ***by revealing them to media, civil society organizations or another body not falling under (14) of this article;***
- (9) ‘reporting person’ means a natural or legal person who reports or discloses information on breaches acquired in the context of his or her work-related activities;
- (9 a) ***‘intermediary’ means a natural or legal person who facilitates the report or disclosure;***
- (10) ‘work-related context’ means current or past work activities in the public or private sector through which, irrespective of their nature, persons may acquire information on breaches;
- (11) ‘concerned person’ means a natural or legal person who is referred to in the report or disclosure as a person to whom the breach is attributed or with which he or she is ***or was*** associated;
- (12) ‘retaliation’ means any threatened or actual act or omission prompted by the internal or external reporting ***or a public disclosure*** which causes or may cause unjustified ***direct or indirect*** detriment to the reporting person, ***to his or her colleagues, personal contacts and to persons facilitating the reporting and disclosure;***
- (13) ‘follow-up’ means any action taken by the recipient of the report, made internally or externally, to assess the accuracy of the allegations made in the report and, where relevant, to address the breach reported, including actions such as internal enquiry, investigation, prosecution, action for recovery of funds and closure;
- (14) ‘competent authority’ means any authority entitled to receive reports in accordance with Chapter III and designated to carry out the duties provided for in this Directive, in particular as regards the follow up of reports.

COMP 14

Article 4

Amendment 51, 52, 53, 54 (Rapporteur), AM 207 (Drăghici, Costa), AM 213 (Kouloglou, Maltese), AM 215 (Zammit Dimech)

Internal channels and procedures for reporting and follow-up of reports

1. Member States shall ensure that legal entities in the private and in the public sector establish internal channels and procedures for reporting and following up on reports, following consultations with social partners.
2. Such channels and procedures shall allow for reporting by employees of the entity. They may allow for reporting by other persons who are in contact with the entity in the context of their work-related activities, referred to in Article 2(1)(b),(c) and (d).
3. The legal entities in the private sector referred to in paragraph 1 are the following:
 - a) private legal entities with 50 or more employees;
 - b) private legal entities with an annual business turnover or annual balance sheet total of EUR 10 million or more;
 - c) private legal entities of any size operating in the area of financial services or vulnerable to money laundering or terrorist financing, as regulated under the Union acts referred to in the Annex.
4. Following an appropriate risk assessment taking into account the nature of activities of the entities and the ensuing level of **relevance and risk for the public**, Member States may require small private legal entities, as defined in Commission Recommendation of 6 May 2003⁶², other than those referred to in paragraph 3(c) to establish internal reporting channels and procedures.
5. Any decision taken by a Member State pursuant to paragraph 4 shall be notified to the Commission, together with a justification and the criteria used in the risk assessment. The Commission shall communicate that decision to the other Member States.
6. The legal entities in the public sector referred to in paragraph 1 shall be the following:
 - a) state administration;
 - b) regional administration and departments;
 - c) municipalities with more than **5000** inhabitants;
 - d) other entities governed by public law.
7. ***European Union institutions, agencies and bodies should also establish channels and procedures for reporting and following up on reports, following consultations with social partners.***

COMP 15

Article 5

Amendment 55, 56, 57, 58 (Rapporteur), AM 216, 224, 225 (Evans), AM 217 (Adinolfi), AM 219, 220 (Drăghici), AM 223(Toom)

1. The procedures for reporting and following-up of reports referred to in Article 4 shall include the following:
 - a) channels for receiving the reports which are designed, set up and operated in a manner that ensures the confidentiality of the identity of the reporting person, ***allows for anonymous disclosures also in the digital environment*** and prevents access to non-authorised ***persons***;

- b) designation, ***in close collaboration with employees, employee representatives*** of a person, department competent for following up on the reports;
 - c) diligent follow up to the report by the designated person or department;
 - d) a reasonable timeframe, not exceeding ***two*** months following the report, to provide feedback to the reporting person about the follow-up to the report;
 - e) clear and easily accessible information regarding the procedures and information on how ***to report*** externally.
2. The channels provided for in point (a) of paragraph 1 shall allow for reporting in all of the following ways:
- (a) written reports in electronic or paper format, ***including options for anonymous disclosures, as well as disclosures employing cryptographic methods*** and/or oral report through telephone lines, whether recorded or unrecorded;
 - (b) physical meetings with the person or department designated to receive reports.
- Reporting channels may be operated internally by a person or department designated for that purpose.
3. The person or department referred to in point (b) of paragraph 1 may be the same person who is competent for receiving the reports. **(AM 58)**

COMP 16

Article 6

Amendment 59, 60, 61, 62, 63, 64, 65 (Rapporteur), AM 230, 233 (Adinolfi), AM 231 (Zammit Dimech), AM 232, 238, 239, 241 (Evans), AM 235 (Drăghici, Costa), AM 237 (Toom)

1. Member States shall designate the authorities competent to receive and handle reports, ***which must be independent and have sufficient power and adequate financial and human resources to operate effectively.***
- 1a. Member States are also to ensure that persons requiring protection as whistleblowers will be entitled to the right of appeal before the Courts –and that under no circumstances can the authority tasked to grant such status or protection have an actual or potential conflict of interest with regard to whether or not to grant such status or protection.***
2. Member States shall ensure that the competent authorities:
- a) establish independent and autonomous, ***clear and transparent*** external reporting channels, which are both secure and ensure confidentiality ***and allow for anonymous disclosures***, for receiving and ***processing*** information provided by the reporting person ***or intermediaries***;
 - aa) are independent and dispose over adequately qualified and trained staff and appropriate funding;***
 - aa) guarantee advice and legal support for reporting persons and intermediaries;***
 - b) give feedback to the reporting person ***or intermediaries*** about the follow-up of the report within a reasonable timeframe not exceeding ***two*** months or ***four*** months in duly justified cases;
 - c) transmit, ***while further ensuring confidentiality and/or anonymity of the reporting person***, the information contained in the report to competent bodies, offices or agencies of the Union, as appropriate, for further investigation, where provided for under national or Union law.
 - ca) raise public awareness so to ensure the report of breaches;***

- cb) collect and publish data and information regarding the functioning of whistleblowing laws and frameworks;*
3. Member States shall ensure that competent authorities follow up on the reports by taking the necessary measures and investigate, to the extent appropriate, the subject-matter of the reports. The competent authorities shall communicate to the reporting person the outcome of the investigations.
 - 3a. ***Member States shall ensure that competent authorities are entitled to receive, investigate and address complaints of unfair treatments and improper investigation on persons reporting the breaches.***
 4. Member States shall ensure that any authority which has received a report but does not have the competence to address the breach reported transmits it to the competent authority and that the reporting person is informed.

COMP 17

Article 7

Amendment 66, 67 (Rapporteur), AM 243, 245 (Adinolfi), AM 246 (Evans), AM 244 (Drăghici)

1. Dedicated external reporting channels shall be considered independent, autonomous, ***clear and transparent*** if they meet all of the following criteria:
 - a) they are separated from general communication channels of the competent authority, including those through which the competent authority communicates internally and with third parties in its ordinary course of business;
 - b) they are designed, set up and operated in a manner that ensures the completeness, integrity and confidentiality of ***the identity and/or the anonymity of the reporting person or intermediaries;***
 - ba) ***they prevent access to non-authorised persons;***
 - c) they enable the storage of durable information in accordance with Article 11 to allow for further investigations.
 - (ca) ***they are easily accessible also to people with disabilities;***
2. The dedicated reporting channels shall allow for reporting in at least all of the following ways:
 - a) written report in electronic or paper format, ***including options for anonymous disclosures, as well as disclosures employing cryptographic methods;***
 - b) oral report through telephone lines, whether recorded or unrecorded;
 - c) physical meeting with dedicated staff members of the competent authority.
3. Competent authorities shall ensure that a report received by means other than dedicated reporting channels referred to in paragraphs 1 and 2 is promptly forwarded without modification to the dedicated staff members of the competent authority by using dedicated communication channels.
4. Member States shall establish procedures to ensure that, where a report being initially addressed to a person who has not been designated as responsible handler for reports that person is refrained from disclosing any information that might identify the reporting or the concerned person.

COMP 18

Article 8

Amendment 68, 69 (Rapporteur), AM 249, 250 (Drăghici, Costa)

1. Member States shall ensure that competent authorities have staff members dedicated to handling reports. Dedicated staff members shall receive specific **and regular** training for the purposes of handling reports.
2. Dedicated staff members shall exercise the following functions:
 - a) providing any interested person with information on the procedures for reporting **and on the protection to which he/she is entitled;**
 - b) receiving and following-up reports;
 - c) maintaining contact with the reporting person **or the intermediary** for the purpose of informing **them** of the progress and the outcome of the investigation.

COMP 19

Article 9

Amendment 70, 71, 72 (Rapporteur), AM 252 (Drăghici), AM 257 (Toom), AM 255, 259, 260 (Evans)

1. The procedures applicable to external reporting shall provide for the following:
 - a) the manner in which the competent authority may require the reporting person or **the intermediary** to clarify the information reported or to provide additional information that is available to the reporting person;
 - aa) the manner in which the reporting person may request to clarify the information reported or provide additional information.**
 - b) a reasonable timeframe, not exceeding **two** months or **four** months in duly justified cases, for giving **updates** to the reporting person **on the actual and forthcoming status** of the report **as well as a description of the form** and content of this **feed-back;**
 - c) the confidentiality **measures** applicable to reports, including a detailed description of the circumstances under which the confidential data of a reporting person may be disclosed. **When identifying information must be disclosed, reporting persons and intermediaries should be given notice sufficiently in advance and potentially provided with additional protection measures.**
2. The detailed description referred to in point (c) of paragraph 1 shall include the exceptional cases in which confidentiality of personal data may **be breached**, including where the disclosure of data is a necessary and proportionate obligation required under Union or national law in the context of investigations or subsequent judicial proceedings or to safeguard the freedoms of others including the right **to** defence, and in each case subject to appropriate safeguards under such laws.
3. The detailed description referred to in point (c) of paragraph 1 must be written in clear and easy to understand language and be easily accessible to the reporting persons **or intermediaries**.

COMP 20

Article 13

Amendment 81, 82, 83, 84 (Rapporteur), AM 272, 274 (Evans), Am 280 (Kouloglou, Maltese)

Framework for the protection of reporting persons *and intermediaries*

1. A reporting person *or intermediary* shall qualify for protection under this Directive provided he or she has reasonable grounds to believe that the information reported *or disclosed* was true at the time of reporting *or disclosure* and that this information falls within the scope of this Directive.

para 2 deleted (AM 83, AM 274)

para 3 and 4 deleted (AM 84 and AM 280)

COMP 21

Article 14

Amendment 86, 88, 89, 90, 91 (Rapporteur), AM 286 (Kouloglou, Maltese), AM 289 (Drăghici, Costa)

Prohibition of retaliation against reporting persons *and intermediaries*

Member States shall take the necessary measures to prohibit any *threatened, attempted or implemented action that could undermine the exercise of rights protected by the present Directive. This includes, but is not limited to* retaliation measures such as:

- a) *harassment, physical and verbal violence, including coercion, intimidation or ostracism;*
 - a) suspension, lay-off, dismissal or equivalent measures;
 - b) demotion or withholding of promotion;
 - c) transfer of duties, change of location of place of work, reduction in wages, change in working hours;
 - d) withholding of training;
 - e) negative performance assessment or employment reference;
 - f) imposition or administering of any discipline, reprimand or other penalty, including a financial penalty;
 - ~~g) coercion, intimidation, harassment or ostracism at the workplace;~~
 - h) discrimination, disadvantage or unfair treatment;
 - i) failure to convert *an internship or* a temporary employment contract into a permanent one ;
 - j) failure to renew or early termination of the temporary employment, *voluntary work* contract ;
 - k) damage, including to the person's reputation, or financial loss, including loss of business and loss of income;
 - l) blacklisting on the basis of a sector or industry-wide informal or formal agreement, which entails that the person will not, in the future, find employment in the sector or industry;
 - m) early termination or cancellation of contract for goods or services;
 - n) cancellation of a licence or permit.

COMP 22

Article 15

Amendment 92, 93, 94, 95, 96 (Rapporteur), AM 293 (Adinolfi), AM 294 (Drăghici)

Measures for the protection of reporting persons *and intermediaries* against retaliation

1. Member States shall take the necessary measures to ensure the protection of reporting persons *and intermediaries according to the framework* set out in Article 13 against retaliation. Such measures shall include, in particular, those set out in paragraphs 2 to 8.
2. Comprehensive and independent information and advice shall be easily accessible to the public, free of charge, on procedures and remedies available on protection against retaliation.
3. Reporting persons *and intermediaries* shall have access to effective assistance from competent authorities before any relevant authority involved in their protection against retaliation, including, where provided for under national law, certification of the fact that they qualify for protection under this Directive.
4. Persons reporting externally to competent authorities or making a public disclosure in accordance with this Directive shall not be considered to have breached any restriction on disclosure of information imposed by contract or by any legislative, regulatory or administrative provision, and incur liability of any kind in respect of such disclosure.
5. In judicial proceedings relating to a detriment suffered by the reporting person *or the intermediary*, it shall be for the person who has taken the retaliatory measure to prove that the detriment was not a consequence of the report *or public disclosure* but was exclusively based on duly justified grounds.
6. Reporting persons *and intermediaries* shall have access to remedial measures against retaliation as appropriate, including interim relief pending the resolution of legal proceedings, in accordance with the national framework.
7. In addition to the exemption from measures, procedures and remedies provided for in Directive (EU) 2016/943, in judicial proceedings, including for defamation, breach of copyright, breach of secrecy or for compensation requests based on private, public, or on collective labour law, reporting persons shall have the right to rely on having made a report or disclosure in accordance with this Directive to seek dismissal.
8. In addition to providing legal aid to reporting persons in criminal and in cross-border civil proceedings in accordance with Directive (EU) 2016/1919 and Directive 2008/52/EC of the European Parliament and of the Council⁷, and in accordance with national law, Member States may provide for further measures of legal and financial assistance and support for reporting persons in the framework of legal proceedings.

COMP 23

Article 17

GUE/NGL, GREENS/EFA

Amendment 97, 98, 99 (Rapporteur), AM 306 (Evans), AM 307 (Kouloglou, Maltese)

1. Member States shall provide for effective, proportionate and dissuasive penalties applicable to natural or legal persons that:
 - a) hinder or attempt to hinder reporting;
 - b) take retaliatory measures against reporting persons *or intermediaries*;

⁷ Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters (OJ L 136, 24.5.2008, p. 3).

- c) bring vexatious proceedings against reporting persons *or intermediaries*;
- d) breach the duty of maintaining the confidentiality of the identity of reporting persons *and intermediaries*.

para 2 deleted