



2016/2055(INI)

6.10.2016

AMENDMENTS

1 - 40

Draft opinion
Morten Messerschmidt
(PE587.624v01-00)

The role of whistle-blowers in the protection of European Union's financial interests
(2016/2055(INI))

Amendment 1
Isabella Adinolfi, Fabio Massimo Castaldo

Draft opinion
Paragraph 1

Draft opinion

1. Maintains that whistle-blowers play an essential role in helping Member State and EU institutions and bodies to deter any breaches of the principle of integrity and misuse of power that might violate the rule of law at European and national levels, harm the economy and undermine the trust of citizens in democratic institutions and processes;

Amendment

1. Maintains that whistle-blowers play an essential role in helping Member State and EU institutions and bodies to deter any breaches of the principle of integrity and misuse of power that might violate the rule of law at European and national levels, harm the economy, ***raise unemployment, restrict and distort fair competition*** and undermine the trust of citizens in democratic institutions and processes; ***in this regard, whistle-blowers greatly contribute to increase the democratic quality of and the trust in public institutions by making them directly accountable to citizens and more transparent;***

Or. en

Amendment 2
Barbara Spinelli, Kostas Chrysogonos, Helmut Scholz

Draft opinion
Paragraph 1

Draft opinion

1. Maintains that whistle-blowers play an essential role in helping Member State and EU institutions and bodies to ***deter*** any breaches of the principle of integrity and misuse of power that ***might*** violate the rule of law at European and national levels, ***harm the economy*** and undermine the trust of citizens in democratic institutions and processes;

Amendment

1. Maintains that whistle-blowers play an essential role in helping Member State and EU institutions and bodies to ***prevent and tackle*** any breaches of the principle of integrity and misuse of power that ***threaten or violate public health and safety, financial integrity, economy, human rights, the environment and*** the rule of law at European and national levels, and undermine the trust of citizens in democratic institutions and processes;

Amendment 3

Ivan Jakovčić

Draft opinion

Paragraph 1

Draft opinion

1. Maintains that whistle-blowers play an essential role in helping Member State and EU institutions and bodies to deter any breaches of the principle of integrity and misuse of power that might violate the rule of law at European and *national* levels, harm the economy and undermine the trust of citizens in democratic institutions and processes;

Amendment

1. Maintains that whistle-blowers play an essential role in helping Member State and EU institutions and bodies to deter any breaches of the principle of integrity and misuse of power that might violate the rule of law at European, *national, regional,* and *local* levels, harm the economy and undermine the trust of citizens in democratic institutions and processes;

Or. hr

Amendment 4

Max Andersson

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 1

Draft opinion

1. Maintains that whistle-blowers play an essential role in helping Member State and EU institutions and bodies to deter any breaches of the principle of integrity and misuse of power that might violate the rule of law at European and national levels, harm the economy and undermine the trust of citizens in democratic institutions and processes;

Amendment

1. Maintains that whistle-blowers play an essential role in helping Member State and EU institutions and bodies to deter any breaches of the principle of integrity and misuse of power that might violate the rule of law at European and national levels, harm the economy *or environment* and undermine the trust of citizens in democratic institutions and processes;

Or. en

Amendment 5
Mercedes Bresso, Ramón Jáuregui Atondo

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Notes that the rights of both the whistle-blowers and the Public body or institution involved should enjoy the legal protection guaranteed by the European Charter of Fundamental Rights and the national legal provisions;

Or. en

Amendment 6
Enrico Gasbarra

Draft opinion
Paragraph 2

Draft opinion

Amendment

2. Recalls that Article 22(c) of the Staff Regulations requires EU institutions to introduce internal whistle-blowing rules providing protection for whistle-blowers, their rights and interests, and to provide for adequate remedies against ***negative action*** by the institution for which they work;

2. Recalls that Article 22(c) of the Staff Regulations requires EU institutions to introduce internal whistle-blowing rules providing protection for whistle-blowers ***who report suspected abuses and for*** their rights and interests, and to provide for ***protection and prevention policies as well as for*** adequate remedies against ***possible retaliation*** by the institution for which they work;

Or. it

Amendment 7
Morten Messerschmidt

Draft opinion
Paragraph 3

Draft opinion

3. **Regrets that not all** EU institutions and bodies **have adopted the rules**;

Amendment

3. **Observes that while the nine** EU institutions and bodies **concerned by the Ombudsman's inquiry from 24th July 2014 - the European Parliament, the European Commission, the Council of the European Union, the Court of Justice of the European Union, the European Court of Auditors, the European External Action Service, the European Economic and Social Committee, the Committee of the Regions, and the European Data Protection Supervisor - have introduced whistleblowing framework, regrets that a large number of EU Agencies and bodies have not adopted equivalent rules that fully comply with the legal requirements of the new Staff Regulation**;

Or. en

Amendment 8
Sylvie Goulard, Maite Pagazaurtundúa Ruiz

Draft opinion
Paragraph 3

Draft opinion

3. Regrets that **not all** EU institutions and bodies **have adopted the** rules;

Amendment

3. Regrets that **of the nine** EU institutions and bodies **only the Commission and the Court of Auditors have so far adopted rules to protect whistle-blowers**;

Or. en

Amendment 9
Isabella Adinolfi, Fabio Massimo Castaldo

Draft opinion
Paragraph 3

Draft opinion

3. Regrets that not all EU institutions and bodies have adopted the rules;

Amendment

3. Regrets that not all EU institutions and bodies have adopted the rules ***and therefore calls on them to adopt as swiftly as possible such rules;***

Or. en

Amendment 10

Max Andersson

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 3

Draft opinion

3. Regrets that ***not all EU institutions and bodies*** have adopted ***the*** rules;

Amendment

3. Regrets that ***to date, only the Commission, the European Parliament, the Ombudsman and the Court of Auditors*** have adopted ***such*** rules;

Or. en

Amendment 11

Ramón Jáuregui Atondo, Mercedes Bresso, Jo Leinen

Draft opinion

Paragraph 3

Draft opinion

3. Regrets that not all EU institutions and bodies have adopted the rules;

Amendment

3. Regrets that not all EU institutions and bodies have adopted the rules ***and calls for such rules to be applied without delay;***

Or. es

Amendment 12

Barbara Spinelli, Kostas Chrysogonos, Helmut Scholz

Draft opinion
Paragraph 3

Draft opinion

3. Regrets that not all EU institutions and bodies have adopted the rules;

Amendment

3. Regrets that not all EU institutions and bodies have **yet** adopted the rules **to protect whistle-blowers**;

Or. en

Amendment 13
Max Andersson
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. Points out the need for the Parliament to carry out a study in order to come forward with a concrete proposal for a mechanism to protect Accredited Parliamentary Assistants in case they become whistle-blowers, when there is enough and solid evidence of corruption or serious misconduct on the part of his or her MEP, as well as creating a safe method of communication with the relevant posts of the European Parliament, while bearing in mind the special nature of the work of an Assistant;

Or. en

Amendment 14
Mercedes Bresso, Ramón Jáuregui Atondo

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. Recalls that the Member-States are

the first consignee of Funds from the European Union and therefore are bound to the scrutiny of the legality of their spending;

Or. en

Amendment 15

Ramón Jáuregui Atondo, Mercedes Bresso, Jo Leinen

Draft opinion

Paragraph 3 a (new)

Draft opinion

Amendment

3a. Considers it necessary to foster an ethical culture helping to ensure that whistle-blowers will not suffer retaliation or face internal conflicts;

Or. es

Amendment 16

Sylvie Goulard, Maite Pagazaurtundúa Ruiz

Draft opinion

Paragraph 4

Draft opinion

Amendment

4. Takes note that the Commission, in its EU Anti-Corruption report, stated that EU Member States have in place most of the necessary anti-corruption legal instruments and institutions, *the capacity and efficiency of which should be improved;*

4. Takes note that the Commission, in its EU Anti-Corruption report, stated that EU Member States have in place most of the necessary anti-corruption legal instruments and institutions, *but that, however, the results they deliver are not satisfactory across the EU; anti-corruption rules are not always vigorously enforced, systemic problems are not tackled effectively enough, and the relevant institutions do not always have sufficient capacity to enforce the rules; declared intentions are still too distant from concrete results, and genuine political will to eradicate corruption often*

appears to be missing;

Or. en

Amendment 17

Barbara Spinelli, Kostas Chrysogonos, Helmut Scholz

Draft opinion

Paragraph 4

Draft opinion

4. Takes note that the Commission, in its EU Anti-Corruption report, stated that EU Member States have in place most of the necessary anti-corruption legal instruments and institutions, ***the capacity and efficiency of which*** should be improved;

Amendment

4. Takes note that the Commission, in its EU Anti-Corruption report, stated that EU Member States have in place most of the necessary anti-corruption legal instruments and institutions, ***however, the results they deliver are not satisfactory across the EU and their capacity and efficiency*** should be improved; ***calls, therefore, on the Member States to enforce effective anti-corruption rules and, at the same time, to properly implement European and international standards and guidelines concerning whistle-blowers' protection in their national laws;***

Or. en

Amendment 18

Isabella Adinolfi, Fabio Massimo Castaldo

Draft opinion

Paragraph 4

Draft opinion

4. Takes note that the Commission, in its EU Anti-Corruption report, stated that EU Member States have in place most of the necessary anti-corruption legal instruments and institutions, the capacity and efficiency of which should be improved;

Amendment

4. Takes note that the Commission, in its EU Anti-Corruption report, stated that EU Member States have in place most of the necessary anti-corruption legal instruments and institutions, the capacity and efficiency of which should be improved; ***to this end, calls on Member***

States to put in place concrete efforts to ensure the adequate capacity of these instruments and institutions and improve their efficiency;

Or. en

Amendment 19
Max Andersson
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 4

Draft opinion

4. Takes note that the Commission, in its EU Anti-Corruption report, stated that EU Member States have in place most of the necessary anti-corruption legal instruments and institutions, the capacity and efficiency of *which* should be improved;

Amendment

4. Takes note that the Commission, in its EU Anti-Corruption report, stated that EU Member States have in place most of the necessary anti-corruption legal instruments and institutions, *however* the capacity and efficiency of *these instruments* should be improved;

Or. en

Amendment 20
Barbara Spinelli, Helmut Scholz

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Calls on the Commission to take legislative action with the aim of improving transparency, by providing for a full access to documents, and fighting against corruption, including mafia-related type; regards it as essential to strengthen legislative provisions designed to guarantee greater transparency and traceability of financial flows, in particular as far as EU funds are concerned, including by means of a final

audit to check that the funds have been properly used;

Or. en

Amendment 21

Max Andersson

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 4 a (new)

Draft opinion

Amendment

4a. Regrets that many Member States have still failed to put in place dedicated whistle-blower protection rules, particularly given the essential nature of whistle-blower protection in the prevention of and fight against corruption and the fact that whistle-blower protection is recommended under the UN Convention on Anti-Corruption in Article 33;

Or. en

Amendment 22

Barbara Spinelli, Kostas Chrysogonos, Helmut Scholz

Draft opinion

Paragraph 4 b (new)

Draft opinion

Amendment

4b. Points out that corruption, in particular in the context of the award of public contracts, makes it easier for organised crime to infiltrate the legal economy; calls, therefore on the Member States to take measures to curb the activities of professionals, banks, civil servants and politicians, who, although not members of criminal organisations, support them at various levels;

Amendment 23

Isabella Adinolfi, Fabio Massimo Castaldo

Draft opinion

Paragraph 5

Draft opinion

5. Recalls that Commission Directive 2015/2392 sets out the procedures for reporting, record-keeping requirements, and protection measures for whistle-blowers;

Amendment

5. Recalls that Commission Directive 2015/2392 sets out the procedures for reporting, record-keeping requirements, and protection measures for whistle-blowers; ***underlines the importance in guaranteeing that whistle-blowers can report infringements in a confidential way and that their anonymity is properly and fully safeguarded also in the digital environment;***

Or. en

Amendment 24

Max Andersson

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 5

Draft opinion

5. Recalls that Commission Directive 2015/2392 sets out the procedures for reporting, record-keeping requirements, and protection measures for whistle-blowers;

Amendment

5. Recalls that Commission Directive 2015/2392 sets out the procedures for reporting, record-keeping requirements, and protection measures for whistle-blowers, ***but regrets that this is one of the few pieces of sectorial legislation that includes provisions for whistle-blowers;***

Or. en

Amendment 25
Barbara Spinelli, Kostas Chrysogonos, Helmut Scholz

Draft opinion
Paragraph 6

Draft opinion

6. Calls on the Commission to set up *an EU legal framework on the protection of whistle-blowers without undermining Member State competences*;

Amendment

6. Calls on the Commission to set up *a common legislation to protect whistle-blowers, witnesses and persons who cooperate with the judicial process that includes the establishment of a specific fund aimed at giving protection to the person lodging the complaint, in order to support legal fees, medical bills, psycho-social counselling as a resettlement programme, taking into account that whistleblowing and filling of complaints generally cause the loss of job or deeply worsen the working conditions*;

Or. en

Amendment 26
Isabella Adinolfi, Fabio Massimo Castaldo

Draft opinion
Paragraph 6

Draft opinion

6. Calls on the Commission to set up an EU legal framework on the protection of whistle-blowers *without undermining Member State competences*;

Amendment

6. Calls on the Commission to set up an EU legal framework on the protection of whistle-blowers, *taking into account the best practices developed in other countries, in order to ensure economic, legal and social protection, and to specifically provide for adequate remedies against negative action taken by the institution for which they work*;

Or. en

Amendment 27

Max Andersson

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 6

Draft opinion

6. Calls on the Commission to *set up* an EU *legal* framework *on the* protection of whistle-blowers *without undermining Member State competences*;

Amendment

6. ***Reiterates its*** Calls on the Commission to *propose* an EU *legislative* framework *for the effective* protection of whistle-blowers *and the like taking into account the assessment of the rules at national level in order to provide for minimum rules for whistle-blower protection*;

Or. en

Amendment 28

Enrico Gasbarra

Draft opinion

Paragraph 6

Draft opinion

6. Calls on the Commission to set up an EU legal framework *on the protection of* whistle-blowers without undermining Member State competences;

Amendment

6. Calls on the Commission to set up an EU legal framework *putting forward common basic standard procedures to protect* whistle-blowers without *infringing the subsidiarity principle or* undermining Member State competences;

Or. it

Amendment 29

Ramón Jáuregui Atondo, Mercedes Bresso, Jo Leinen

Draft opinion

Paragraph 6

Draft opinion

6. Calls on the Commission to set up

Amendment

6. Calls on the Commission to set up

an EU legal framework on the protection of whistle-blowers *without undermining* Member *State competences*;

an EU legal framework on the protection of whistle-blowers *with a view to affording effective protection on the same footing in Member States and in all EU institutions and bodies*;

Or. es

Amendment 30
Mercedes Bresso, Ramón Jáuregui Atondo

Draft opinion
Paragraph 6

Draft opinion

6. Calls on the Commission to set up an EU legal framework on the protection of whistle-blowers *without undermining Member State competences*;

Amendment

6. Calls on the Commission to set up an EU legal framework on the protection of whistle-blowers *in order to improve their protection in the Member-States*;

Or. en

Amendment 31
Sylvie Goulard, Maite Pagazaurtundúa Ruiz

Draft opinion
Paragraph 6

Draft opinion

6. Calls on the Commission to set up an EU legal framework on the protection of whistle-blowers *without undermining Member State competences*;

Amendment

6. Calls on the Commission to set up an EU legal framework on the protection of whistle-blowers;

Or. en

Amendment 32
Sylvie Goulard, Maite Pagazaurtundúa Ruiz

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6a. *Encourages the Commission to study best-practices from existing whistle-blower programmes which are already in place in other countries around the world; draws attention to the fact that some existing schemes provide financial rewards (for example a percentage of the sanctions ordered) to whistle-blowers; considers that although this needs to be carefully managed to prevent potential abuse, these financial rewards could provide important income to whistle-blowers who have lost their job as a result of whistleblowing;*

Or. en

Amendment 33

Ramón Jáuregui Atondo, Mercedes Bresso, Jo Leinen

Draft opinion

Paragraph 6 a (new)

Draft opinion

Amendment

6a. *Calls on the Member States to refrain from criminalising the actions of whistle-blowers when they disclose information about illegal activities or irregularities against the EU's financial interests;*

Or. es

Amendment 34

Sylvie Goulard, Maite Pagazaurtundúa Ruiz

Draft opinion

Paragraph 7

Draft opinion

Amendment

7. ***Regrets the Commission's decision to withdraw a chapter on the EU institutions from the report on corruption in the Member States;***

deleted

Or. en

Amendment 35

Isabella Adinolfi, Fabio Massimo Castaldo

**Draft opinion
Paragraph 7**

Draft opinion

Amendment

7. Regrets the Commission's decision to withdraw a chapter on the EU institutions from the report on corruption in the Member States;

7. Regrets the Commission's decision to withdraw a chapter on the EU institutions from the report on corruption in the Member States ***and therefore calls on the Commission to reintroduce such important chapter;***

Or. en

Amendment 36

Morten Messerschmidt

**Draft opinion
Paragraph 8**

Draft opinion

Amendment

8. Calls on the Commission to address the Ombudsman's ***request and to encourage all EU institutions and*** bodies to adopt internal rules ***on whistle-blowing.***

8. Calls on the Commission to address the Ombudsman's ***own initiative inquiry opened on the 24th of July 2014 in order to comply with article 22 c of the new Staff regulation, by recommending all the EU*** bodies to adopt ***ethical alert mechanisms and whistle-blowing legal framework directly based on the*** internal rules ***of the Ombudsman's office ;***

Amendment 37

Sylvie Goulard, Maite Pagazaurtundúa Ruiz

Draft opinion

Paragraph 8

Draft opinion

8. Calls on *the Commission* to address the Ombudsman's request *and to encourage* all EU institutions and bodies to adopt internal rules on whistle-blowing.

Amendment

8. Calls on *all EU institutions* to address the Ombudsman's request *for* all EU institutions and bodies to adopt internal rules on whistle-blowing; *reiterates the Parliament's determination to do so*;

Or. en

Amendment 38

Isabella Adinolfi, Fabio Massimo Castaldo

Draft opinion

Paragraph 8 a (new)

Draft opinion

Amendment

8a. Calls on the Commission and Member States to develop and put in place specific policies and programmes to raise awareness on the social importance of whistle-blowers in ensuring the respect of the principle of integrity, detecting violations of fundamental rights and the rule of law as well as avoiding the misuse of power within our societies;

Or. en

Amendment 39

Barbara Spinelli, Kostas Chrysogonos, Helmut Scholz

Draft opinion

Paragraph 8 a (new)

Draft opinion

Amendment

8a. *Finally believes that, in order to avoid any conflicts of interests that could undermine public perception as far as the integrity of the EU Institutions is concerned, the Commission should swiftly revise its Code of Conduct for Commissioners by strengthening its transparency and aligning it with the Treaty rules;*

Or. en

Amendment 40

Ramón Jáuregui Atondo, Mercedes Bresso, Jo Leinen

Draft opinion

Paragraph 8 a (new)

Draft opinion

Amendment

8a. *Calls for accessible secure direct channels to be set up for information about possible irregularities affecting the EU's financial interests, while also ensuring confidentiality where such information and whistle-blowers are concerned;*

Or. es