



2016/2224(INI)

26.7.2017

AMENDMENTS

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Draft opinion
Fabio Massimo Castaldo
(PE607.865v01-00)

Legitimate measures to protect whistle-blowers acting in the public interest
when disclosing the confidential information of companies and public bodies
(2016/2224(INI))

Amendment 1
Pervenche Berès

Draft opinion
Recital A

Draft opinion

A. whereas respect for democracy, the rule of law and fundamental rights are key founding values of the EU, as set out in Article 2 TEU and in the Charter of Fundamental Rights, and whereas freedom of expression is explicitly safeguarded by Article 11 of the Charter;

Amendment

A. whereas respect for democracy, the rule of law and fundamental rights are key founding values of the EU, as set out in Article 2 TEU and in the Charter of Fundamental Rights, and whereas freedom of expression is explicitly safeguarded by Article 11, ***as well as the right of good administration by article 41*** of the Charter of Fundamental Rights;

Or. en

Amendment 2
Fabio Massimo Castaldo

Draft opinion
Recital A a (new)

Draft opinion

Amendment

A a. whereas whistle-blowers provide a fundamental service to the whole community, play a very important and valuable role for the safeguard of the general interest and are key in the fight against corruption and other infringements, as repeatedly recognised by the European Parliament, together with international organisations like the Council of Europe and the United Nations; bearing in mind that all these subjects expressed the necessity to protect whistle-blowers;

Or. en

Amendment 3
Kostas Chrysogonos

Draft opinion
Recital A a (new)

Draft opinion

Amendment

A a. whereas whistle-blowers played and are still playing an important role in cases such Lux Leaks, Swiss Leaks, Wiki Leaks and Panama Papers revelations, thus contributing to increased reforms to combat financial tax fraud, money laundering, intransparency and corruption, which infringe fundamental rights and hamper social, economic development and the rule of law;

Or. en

Amendment 4
Pervenche Berès

Draft opinion
Recital A a (new)

Draft opinion

Amendment

A a. Whereas the current and sectorial protection offered to whistle-blowers is largely inadequate and is too disjointed to offer a coherent framework in the EU;

Or. en

Amendment 5
Maite Pagazaurtundúa Ruiz, Charles Goerens

Draft opinion
Recital A a (new)

Draft opinion

Amendment

A a. whereas whistle-blowers play an essential role in the protection of democracy and act in the benefit of public interest,

Amendment 6
Kostas Chrysogonos

Draft opinion
Recital A b (new)

Draft opinion

Amendment

A b. whereas whistleblowing, based on the principles of transparency and integrity, is an essential source of information in the fight against crime and in the investigation of corruption in the public and private sector; whereas whistle-blowers play an essential role in helping Member State and EU institutions and bodies prevent and tackle, among others, any breaches of the principle of integrity and misuse of power that threaten or violate public health and safety, financial integrity, the economy, human rights, the environment or the rule of law at EU and national levels, or the raise of unemployment, restrict or distort fair competition and undermine the trust of citizens in democratic institutions and processes;

Or. en

Amendment 7
Pervenche Berès

Draft opinion
Recital A b (new)

Draft opinion

Amendment

A b. whereas EU law already contains certain provisions protecting whistle-blowers against reprisals, but does not yet provide for horizontal legislation applying to all public and private bodies; whereas fragmented provisions might prove inefficient, creates loopholes and

discrimination;

Or. en

Amendment 8
Fabio Massimo Castaldo

Draft opinion
Recital A b (new)

Draft opinion

Amendment

A b. whereas whistle-blowers protection in Europe is incomplete, sectorial and uneven among Member States (and in some cases, completely missing) with negative consequences, among others, on EU policies and financial interests;

Or. en

Amendment 9
Kostas Chrysogonos

Draft opinion
Recital A c (new)

Draft opinion

Amendment

A c. whereas the protection of whistle-blowers is essential for safeguarding the public good of the EU and Member States and for promoting the democratic quality of, and the trust in, public and private institutions, as well as for contributing decisively to a culture of public accountability and integrity in public and private institutions;

Or. en

Amendment 10
Fabio Massimo Castaldo

Draft opinion

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Recital A c (new)

Draft opinion

Amendment

A c. whereas at present whistle-blowers very often experience negative consequences and retaliation because of their disclosure, they become victim of social exclusion and stigmatisation - together with their families- and frequently lose their job;

Or. en

**Amendment 11
Pervenche Berès**

**Draft opinion
Recital A c (new)**

Draft opinion

Amendment

A c. whereas an effective protection of whistle-blowers would contribute to the efficiency of the internal market and reinforce the citizens' trust in the EU;

Or. en

**Amendment 12
Kostas Chrysogonos**

**Draft opinion
Recital A d (new)**

Draft opinion

Amendment

A d. whereas the protection of whistle-blowers has been recognised by all major international instruments concerning corruption and whistleblowing standards have been set out by the UN Convention against Corruption (UNCAC), Council of Europe Recommendation CM/Rec(2014)7 and the 2009 OECD Anti-Bribery Recommendation; whereas most EU Member States have ratified the UN

Convention against Corruption, which makes it obligatory to provide appropriate and effective protection to whistle-blowers;

Or. en

Amendment 13
Kostas Chrysogonos

Draft opinion
Recital A e (new)

Draft opinion

Amendment

A e. whereas the protection of whistle-blowers should be guaranteed by law and reinforced throughout the EU, provided that the purpose of their action is to protect the public interest by acting in good faith in accordance with the jurisprudence of the European Court of Human Rights;

Or. en

Amendment 14
Kostas Chrysogonos

Draft opinion
Recital A f (new)

Draft opinion

Amendment

A f. whereas there is a need to ensure that any kind of retaliation against whistle-blowers will be suitably punished, as according to the OECD more than one third of organisations with reporting mechanism do not have or do not know of, a written policy on protecting those who report from reprisals;

Or. en

Amendment 15
Kostas Chrysogonos

Draft opinion
Recital A g (new)

Draft opinion

Amendment

A g. whereas in many jurisdictions, and particularly in the private sector, employees are subject to duties of confidentiality with respect to certain information, with the possible consequence that whistle-blowers might encounter disciplinary actions for reporting outside their organisation;

Or. en

Amendment 16
Kostas Chrysogonos

Draft opinion
Recital A h (new)

Draft opinion

Amendment

A h. whereas the protection of whistle-blowers in the EU has become even more urgent, as the Trade Secrets Directive limits the rights of whistle-blowers and may thus have a discouraging effect on those who want to report irregularities, especially in the context of Union funding from which individual companies have benefitted;

Or. en

Amendment 17
Kostas Chrysogonos

Draft opinion
Recital A i (new)

Draft opinion

Amendment

A i. whereas the office of the European Ombudsman has a clear competence in relation to the investigation of complaints of EU citizens about maladministration in the EU institutions, but in itself plays no role in the protection of whistle-blowers;

Or. en

Amendment 18
Kostas Chrysogonos

Draft opinion
Paragraph -1 (new)

Draft opinion

Amendment

-1. whereas 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 Articles 22a, 22b and 22c of the Staff Regulations;

Or. en

Amendment 19
Kostas Chrysogonos

Draft opinion
Paragraph -1 a (new)

Draft opinion

Amendment

-1 a. whereas protection of whistle-blowers at Member States level has neither been implemented in all Member States, nor harmonised, it may be risky for whistle-blowers to provide institutions such as the European Parliament with information on irregularities, as they are afraid of what might happen to them owing to the lack of protection;

Or. en

Amendment 20
Kostas Chrysogonos

Draft opinion
Paragraph -1 b (new)

Draft opinion

Amendment

-1 b. whereas it is vital for a horizontal legal framework to be established as a matter of urgency, which by laying down rights and obligations, protects whistle-blowers throughout the EU, as well as in the EU institutions

Or. en

Amendment 21
Kostas Chrysogonos

Draft opinion
Paragraph -1 c (new)

Draft opinion

Amendment

-1 c. Regrets that the Commission has so far failed to submit any legislative proposals aimed at establishing a minimum level of protection for whistle-blowers; urges therefore the Commission to immediately submit a legislative proposal establishing an effective and comprehensive whistle-blower protection programme which includes such mechanisms for companies, public bodies and non-profit organisations, with a view affording effective and equivalent protection in the Member States and in all the Union's institutions, bodies, offices and agencies;

Or. en

Amendment 22
Kostas Chrysogonos

Draft opinion
Paragraph -1 d (new)

Draft opinion

Amendment

-1 d. Notes that only a few Member States have introduced sufficiently advanced whistle-blower protection systems; calls on those Member States which have not yet adopted the principles to protect whistle-blowers in national law, to do so as soon as possible;

Or. en

Amendment 23
Kostas Chrysogonos

Draft opinion
Paragraph -1 d (new)

Draft opinion

Amendment

-1 d. Underlines that both the whistle-blowers and the private or public body or institution involved should ensure the legal protection of rights guaranteed by the EU Charter of Fundamental Rights and by national legal provisions;

Or. en

Amendment 24
Kostas Chrysogonos

Draft opinion
Paragraph 1

Draft opinion

Amendment

1. Takes the view that, given the central role of whistle-blowers in tackling corruption, it is important that people who disclose information (whether confidential or otherwise) concerning alleged irregularities are afforded proper

1. Takes the view that, given the central role of whistle-blowers in tackling corruption, it is important that people who disclose information (whether confidential or otherwise) concerning alleged irregularities are afforded proper

protection, both of their physical and moral integrity and their livelihoods, by being granted the highest possible level of confidentiality;

protection, both of their physical and moral integrity and their livelihoods, by being granted the highest possible level of confidentiality; *calls therefore on the Commission to ensure that all whistle-blowers, as well as people who assist them, e.g. defence witnesses, pursue a valid claim in court, have access to independent legal advice of their own choice, social, financial and psychological support, as well as relief measures, as appropriate;*

Or. en

Amendment 25

Max Andersson

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 1

Draft opinion

1. Takes the view that, given the central role of whistle-blowers in tackling corruption, it is *important* that people who disclose information (whether confidential or otherwise) concerning alleged irregularities are afforded proper protection, both of their physical and moral integrity and their livelihoods, by being granted the highest possible level of confidentiality;

Amendment

1. Takes the view that, given the central role of whistle-blowers in tackling corruption *and exposing wrongdoing*, it is *imperative* that people who disclose information (whether confidential or otherwise) concerning alleged irregularities, *wrongdoing or threats to the public interest* are afforded proper protection, both of their physical and moral integrity and *of* their livelihoods, by being granted the highest possible level of confidentiality *and by being protected from retaliation as a result of their disclosure, including administrative, civil and criminal procedures;*

Or. en

Amendment 26

Maite Pagazaurtundúa Ruiz

Draft opinion

Paragraph 1

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Draft opinion

1. Takes the view that, given the central role of whistle-blowers in tackling corruption, it is important that people who disclose information (whether confidential or otherwise) concerning alleged irregularities are afforded proper protection, both of their physical and moral integrity and their livelihoods, by being granted the highest possible level of confidentiality;

Amendment

1. Takes the view that, given the central role of whistle-blowers in tackling corruption, it is important that people who disclose information (whether confidential or otherwise) concerning alleged irregularities are afforded proper protection, both of their physical and moral integrity and their livelihoods, by being granted the highest possible level of confidentiality; ***underlines that these people need access to juridical assistance in order to protect their rights as individuals, and may need psychological protection;***

Or. en

Amendment 27
Daciana Octavia Sârbu

Draft opinion
Paragraph 1

Draft opinion

1. Takes the view that, given the central role of whistle-blowers in tackling corruption, it is important that people who disclose information (whether confidential or otherwise) concerning alleged irregularities are afforded proper protection, both of their physical and moral integrity and their livelihoods, by being granted the highest possible level of confidentiality;

Amendment

1. Takes the view that, given the central role of whistle-blowers in tackling corruption, it is important that people who disclose information (whether confidential or otherwise) concerning alleged irregularities are afforded proper protection, both of their physical and moral integrity and their livelihoods, by being granted the highest possible level of confidentiality ***and by being ensured that their career is not put in jeopardy because of their disclosures.***

Or. en

Amendment 28
Paulo Rangel

Draft opinion

PE608.093v01-00

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Paragraph 1

Draft opinion

1. Takes the view that, given the central role of whistle-blowers in tackling corruption, it is important that people who disclose information (whether confidential or otherwise) concerning alleged **irregularities** are afforded proper protection, both of their physical and moral integrity and their livelihoods, by being granted the highest possible level of confidentiality;

Amendment

1. Takes the view that, given the central role of whistle-blowers **acting in the public interest** in tackling corruption **and other forms of crime**, it is important that people who disclose information (whether confidential or otherwise) concerning alleged **unlawful conducts** are afforded proper protection, both of their physical and moral integrity and their livelihoods, **namely** by being granted the highest possible level of confidentiality;

Or. en

Amendment 29

Fabio Massimo Castaldo

Draft opinion

Paragraph 1

Draft opinion

1. Takes the view that, given the central role of whistle-blowers in tackling corruption, it is important that people who disclose information (whether confidential or otherwise) concerning alleged irregularities are afforded proper protection, **both** of their physical and moral integrity **and** their livelihoods, **by being granted the highest possible level of confidentiality**;

Amendment

1. Takes the view that, given the central role of whistle-blowers in tackling corruption, it is important that people who disclose information (whether confidential or otherwise) concerning alleged irregularities **or crimes** are afforded proper protection, of their physical and moral integrity, **of** their livelihoods **and legal expenses; believes that financial compensations should be considered as prior claims for legal purposes**;

Or. en

Amendment 30

Daciana Octavia Sârbu

Draft opinion

Paragraph 1 a (new)

Draft opinion

Amendment

1 a. Calls on the Commission to come up with a definition of whistle blowers that specify clearly ensure the whistle blowing it is done only for the public interest not for personal gain of the whistle blower.

Or. en

**Amendment 31
Fabio Massimo Castaldo**

**Draft opinion
Paragraph 1 a (new)**

Draft opinion

Amendment

1 a. Is convinced that the highest possible level of confidentiality should be granted to whistle-blowers and believes that anonymous disclosures should be admissible if supported by adequate evidences;

Or. en

**Amendment 32
Pervenche Berès**

**Draft opinion
Paragraph 1 a (new)**

Draft opinion

Amendment

1 a. Is convinced that the EU should take action by means of a horizontal legislation, in accordance with its objectives regarding democracy, pluralism of opinions and freedom of expression;

Or. en

Amendment 33

PE608.093v01-00

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Fabio Massimo Castaldo

**Draft opinion
Paragraph 1 b (new)**

Draft opinion

Amendment

1 b. considers that, when the reporting made by a whistle-blower results in a judgement acknowledging a fiscal damage or a damage to the image of the public institutions, he should be awarded with an amount of money to be calculated in proportion to the recovered sum;

Or. en

**Amendment 34
György Schöpflin**

**Draft opinion
Paragraph 2**

Draft opinion

Amendment

2. Calls on the Commission to look at the best practices employed in protecting whistle-blowers around the world and, on that basis, to take a holistic approach to the task of introducing a common regulatory framework which guarantees a high level of protection across the board in both the public and private sectors; reiterates its call for proposals to be submitted by the end of 2017;

2. Calls on the Commission to look at the best practices employed in protecting whistle-blowers around the world and, on that basis, to take a holistic approach to the task of introducing a common regulatory framework which guarantees a high level of protection across the board in both the public and private sectors; reiterates its call for proposals to be submitted by the end of 2017; ***this protection should not be extended to those, who disclose information for reasons of personal gain or malice or “false flag” operations or espionage or hybrid warfare or subversion or all forms of criminality; above all, sanctions should be imposed on those who disseminate falsehoods;***

Or. en

**Amendment 35
Max Andersson**

on behalf of the Verts/ALE Group

Draft opinion
Paragraph 2

Draft opinion

2. Calls on the Commission to look at the best practices employed in protecting whistle-blowers around the world and, on that basis, to take a holistic approach to the task of introducing a common regulatory framework which guarantees a high level of protection across the board in both the public and private sectors; reiterates its call for proposals to be submitted by the end of 2017;

Amendment

2. Calls on the Commission to look at the best practices employed in protecting whistle-blowers around the world and, on that basis, to take a holistic approach to the task of introducing a common regulatory framework ***in the EU*** which guarantees a high level of protection across the board in both the public and private sectors; ***whilst ensuring that Member States are free to legislate on stronger protection for whistle-blowers***; reiterates its call for ***horizontal*** proposals ***on whistleblower protection*** to be submitted by the end of 2017;

Or. en

Amendment 36
Pervenche Berès

Draft opinion
Paragraph 2

Draft opinion

2. Calls on the Commission to look at the best practices employed in protecting whistle-blowers around the world and, on that basis, to ***take*** a holistic approach to ***the task of introducing*** a common regulatory framework which guarantees a high level of protection across the board in both the public and private sectors; reiterates its call for proposals to be submitted by the end of 2017;

Amendment

2. Calls on the Commission to look at the best practices employed in protecting whistle-blowers around the world, ***especially in the EU Member States*** and, on that basis, to ***elaborate*** a holistic approach to ***propose*** a common regulatory framework which guarantees a high level of protection across the board in both the public and private sectors; reiterates its call for proposals to be submitted by the end of 2017;

Or. en

Amendment 37

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Ramón Jáuregui Atondo, Mercedes Bresso

**Draft opinion
Paragraph 2**

Draft opinion

2. Calls on the Commission to look at the best practices employed in protecting whistle-blowers around the world and, on that basis, to take a holistic approach to the task of introducing a common regulatory framework which guarantees a high level of protection across the board in both the public and private sectors; reiterates its call for proposals to be submitted by the end of 2017;

Amendment

2. Calls on the Commission to look at the best practices employed in protecting whistle-blowers around the world and, on that basis, to take a holistic approach to the task of introducing, ***as soon as possible***, a common regulatory framework which guarantees a high level of protection across the board in both the public and private sectors; reiterates its call for proposals to be submitted by the end of 2017;

Or. en

**Amendment 38
Kostas Chrysogonos**

**Draft opinion
Paragraph 2**

Draft opinion

2. Calls on the Commission to ***look at the*** best practices employed in protecting whistle-blowers around the world and, on that basis, to take a holistic approach to the task of introducing a common regulatory framework which guarantees a high level of protection across the board in both the public and private sectors; reiterates its call for proposals to be submitted by the end of 2017;

Amendment

2. Calls on the Commission to ***study*** best practices employed in protecting whistle-blowers around the world and, on that basis, to take a holistic approach to the task of introducing a common regulatory framework which guarantees a high level of protection across the board in both the public and private sectors; reiterates its call for proposals to be submitted by the end of 2017;

Or. en

**Amendment 39
Maite Pagazaurtundúa Ruiz, Charles Goerens**

**Draft opinion
Paragraph 2**

Draft opinion

2. Calls on the Commission to look at the best practices employed in protecting whistle-blowers ***around the world*** and, on that basis, to take a holistic approach to the task of introducing a common regulatory framework which guarantees a high level of protection across the board in both the public and private sectors; reiterates its call for proposals to be submitted by the end of 2017;

Amendment

2. Calls on the Commission to look at the best practices employed in protecting whistle-blowers and, on that basis, to take a holistic approach to the task of introducing a common regulatory framework which guarantees a high level of protection across the board in both the public and private sectors; reiterates its call for proposals to be submitted by the end of 2017;

Or. en

Amendment 40
Pervenche Berès

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2 a. Recalls that several legal bases enables the EU to take action on the matter; calls on the Commission to consider all those options and to present a horizontal legislative proposal with the aim of proposing a coherent and effective protection to whistle-blowers;

Or. en

Amendment 41
Max Andersson
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2 a. Calls on the Commission to guarantee whistle-blowers the right to directly report externally in cases of serious wrongdoings, or in cases in which internal channels are either ineffective or

counter-productive;

Or. en

Amendment 42
Ramón Jáuregui Atondo

Draft opinion
Paragraph 2 b (new)

Draft opinion

Amendment

2 b. *Suggests article 114TFEU, on approximation of national legislations for the purposes of the internal market, as the appropriate legal basis for the introduction of a comprehensive and horizontal Directive for the harmonized minimum requirements for the protection of whistle-blowers;*

Or. en

Amendment 43
Max Andersson
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 2 b (new)

Draft opinion

Amendment

2 b. *Calls on the Commission and Member States to safeguard the anonymity of those whistle-blowers who do not want their identities to be known;*

Or. en

Amendment 44
Mercedes Bresso, Ramón Jáuregui Atondo

Draft opinion
Paragraph 2 c (new)

Draft opinion

Amendment

2 c. *Stresses that the common regulatory framework should include a broad and clear legal definition of “whistle-blower” as well as a selection of tools for safeguarding protection against unjustified legal prosecution and retaliation, but also incentives to encourage the whistle-blower's contribution to exposing wrongdoings;*

Or. en

Amendment 45

Max Andersson

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 2 c (new)

Draft opinion

Amendment

2 c. *Calls on the Commission to take into account the model of whistle-blower protection whereby public authorities are not allowed to try to discover the identities of whistle-blowers.*

Or. en

Amendment 46

Max Andersson

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 2 d (new)

Draft opinion

Amendment

2 d. *Calls on the Commission and Member States to safeguard whistle-blowers from retaliation by their employer or other parties and to reverse the burden of proof so that it is the employer who must establish any changes or reprisals are unrelated to the protected disclosure;*

Amendment 47
Pervenche Berès

Draft opinion
Paragraph 2 d (new)

Draft opinion

Amendment

2 d. Considers it appropriate to settle a legal definition of "whistle-blowers" covering a broad scope of working relationships and covering disclosure of information on an unlawful or wrongful act or an act which undermines the public interest;

Or. en

Amendment 48
Ramón Jáuregui Atondo, Mercedes Bresso

Draft opinion
Paragraph 2 e (new)

Draft opinion

Amendment

2 e. Considers it necessary to foster an ethical culture in the public service and in workplaces so as to highlight the importance of awareness-raising amongst employees of already existing whistle-blowing legal frameworks and in cooperation with trade union organisations;

Or. en

Amendment 49
Ramón Jáuregui Atondo, Mercedes Bresso

Draft opinion
Paragraph 2 f (new)

Draft opinion

Amendment

2 f. *Calls on the Member States to refrain from criminalising the actions of whistle-blowers in disclosing information in the public interest.*

Or. en

Amendment 50

Ramón Jáuregui Atondo, Mercedes Bresso

Draft opinion

Paragraph 2 g (new)

Draft opinion

Amendment

2 g. *Notes that this protection must be also insured for the private or public person accused of such alleged irregularities which include i.e. procedural rights against defamation and calumny;*

Or. en

Amendment 51

György Schöpflin

Draft opinion

Paragraph 3

Draft opinion

Amendment

3. Takes the view that current EU law should be applied whenever appropriate by both the EU institutions and the Member States, and that it should be interpreted in such a way as to offer whistle-blowers the best possible protection;

3. Takes the view that current EU law should be applied whenever appropriate by both the EU institutions and the Member States, ***except when issues of national security or counter-terrorism or the fight against organised crime are involved***, and that it should be interpreted in such a way as to offer whistle-blowers the best possible protection;

Or. en

Amendment 52
Max Andersson
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 3

Draft opinion

3. Takes the view that current EU law should be ***applied whenever appropriate by both the EU institutions and the Member States, and that it should be interpreted in such a way as to offer whistle-blowers the best possible protection;***

Amendment

3. Takes the view that current EU law should be ***interpreted in such a way as to offer whistle-blowers the best possible protection; highlights that whistleblower protection has already been recognised as a key mechanism for ensuring the effective application of EU legislation;***

Or. en

Amendment 53
Paulo Rangel

Draft opinion
Paragraph 3

Draft opinion

3. Takes the view that current EU law should be applied whenever appropriate by both the EU institutions and the Member States, and that it should be interpreted in such a way as to offer whistle-blowers the best possible protection;

Amendment

3. Takes the view that current EU law should be applied whenever appropriate by both the EU institutions and the Member States, and that it should be interpreted in such a way as to offer whistle-blowers ***acting in the public interest*** the best possible protection;

Or. en

Amendment 54
Pervenche Berès

Draft opinion
Paragraph 3

Draft opinion

3. ***Takes the view that*** current EU law ***should*** be applied whenever appropriate by

Amendment

3. ***Recalls that that, in the meanwhile,*** current EU law ***has to***

both the EU institutions and the Member States, and *that it should* be interpreted in such a way as to offer whistle-blowers the best possible protection;

be applied whenever appropriate by both the EU institutions and the Member States, and be interpreted in such a way as to offer whistle-blowers the best possible protection;

Or. en

Amendment 55

Max Andersson

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 4

Draft opinion

4. Calls on all the EU institutions and bodies to carry out comprehensive and effective follow-up work on the Ombudsman's own-initiative report of 24 July 2014, *in keeping with* Article 22 of the Staff Regulations, which provides for internal measures to protect whistle-blowers;

Amendment

4. Calls on all the EU institutions and bodies to carry out comprehensive and effective follow-up work on the Ombudsman's own-initiative report of 24 July 2014, *building on* Article 22 of the Staff Regulations, which provides for internal measures to protect whistle-blowers;

Or. en

Amendment 56

Paulo Rangel

Draft opinion

Paragraph 4 a (new)

Draft opinion

Amendment

4 a. Calls on all the EU institutions and bodies to carry out comprehensive and effective follow-up work on the Ombudsman's own-initiative report of 24 July 2014, in keeping with Article 22 of the Staff Regulations, which provides for internal measures to protect whistle-blowers when acting in the public interest;

Or. en

Amendment 57
Kostas Chrysogonos

Draft opinion
Paragraph 5

Draft opinion

5. Calls on Member States to establish transparent and clear channels for information disclosure, to set up independent national authorities to protect whistle-blowers, and to consider providing those authorities with specific support funds; calls for a centralised European authority based on the model of national privacy watchdogs to be set up.

Amendment

5. Calls on Member States **and EU institutions, in cooperation with all relevant authorities, to introduce and take all necessary measures to protect the confidentiality of the information sources in order to prevent any discriminatory actions or threats, as well as** to establish transparent and clear channels for information disclosure, to set up independent national authorities to protect whistle-blowers, and to consider providing those authorities with specific support funds; calls for a centralised European authority based on the model of national privacy watchdogs to be set up;

Or. en

Amendment 58
Pervenche Berès

Draft opinion
Paragraph 5

Draft opinion

5. Calls on Member States to establish transparent and clear channels for information disclosure, to set up independent national authorities to protect whistle-blowers, and to consider providing those authorities with specific support funds; calls for a centralised European authority based on the model of national privacy watchdogs to be set up.

Amendment

5. Calls on Member States to establish transparent and clear channels for information disclosure, to set up independent national authorities to protect whistle-blowers, and to consider providing those authorities with specific support funds; calls for a centralised European authority based on the model of national privacy watchdogs to be set up **to provide citizens with a single reporting channel and, when justified, legal and financial advices and protections, as well as anonymity and confidentiality;**

Amendment 59

Maite Pagazaurtundúa Ruiz, Charles Goerens

Draft opinion

Paragraph 5

Draft opinion

5. Calls on Member States to establish transparent and clear channels for information disclosure, *to set up independent national authorities to protect whistle-blowers, and to consider providing those authorities with specific support funds; calls for a centralised European authority based on the model of national privacy watchdogs to be set up.*

Amendment

5. Calls on Member States to establish transparent and clear channels for information disclosure, *with clear and safe denounce protocols which guarantee the confidentiality of those who disclose the information.*

Amendment 60

Paulo Rangel

Draft opinion

Paragraph 5

Draft opinion

5. Calls on Member States to establish transparent and clear channels for information disclosure, to set up independent national authorities to protect whistle-blowers, and to consider providing those authorities with specific support funds; calls for a centralised European authority based on the model of national privacy watchdogs to be set up.

Amendment

5. Calls on Member States to establish transparent and clear channels for information disclosure, to set up independent national authorities to protect whistle-blowers *acting in the public interest*, and to consider providing those authorities with specific support funds; calls for a centralised European authority based on the model of national privacy watchdogs to be set up.

Amendment 61

Max Andersson

on behalf of the Verts/ALE Group

Draft opinion
Paragraph 5

Draft opinion

5. Calls on Member States to establish transparent and clear channels for information disclosure, to set up independent national authorities to protect whistle-blowers, and to consider providing those authorities with specific support funds; calls for ***a centralised European authority based on the model of national privacy watchdogs to be set up.***

Amendment

5. Calls on Member States to establish transparent and clear channels for information disclosure, to set up independent national authorities to protect whistle-blowers, and to consider providing those authorities with specific support funds; calls for ***the establishment of a European fund for the protection of whistle-blowers;***

Or. en

Amendment 62
Kostas Chrysogonos

Draft opinion
Paragraph 5 a (new)

Draft opinion

5 a. Stresses the need to establish an independent information-gathering, and referral EU body, with offices in all Member States, which should be in position to receive reports of irregularities in private or public sector, with sufficient budgetary resources, adequate competences and appropriate specialists, in order to help internal and external whistle-blowers in using the right channels to disclose their information on possible irregularities, while protecting their confidentiality and offering needed support and advice; considers it necessary that the work of this body would be primarily based at first stage on reliable verification of the information received;

Amendment

Or. en

Amendment 63
Max Andersson
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5 a. *Highlights that whistle-blowers' reports should be quickly and seriously investigated, and that both the whistle-blower and any person implicated by a disclosure should be able to provide additional arguments and evidence throughout the investigation, and they should be kept informed of the handling of the disclosure;*

Or. en

Amendment 64
Fabio Massimo Castaldo

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5 a. *Encourages Member States to promote a culture of recognition of the important role played by whistle-blowers for the society, also through awareness-raising campaigns;*

Or. en

Amendment 65
Ramón Jáuregui Atondo, Mercedes Bresso

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5 a. *Recommends that the EU institutions lead by example by swiftly*

installing an internal whistle-blowing protection framework;

Or. en

Amendment 66
Kostas Chrysogonos

Draft opinion
Paragraph 5 b (new)

Draft opinion

Amendment

5 b. Urges the Member States and the EU institutions to raise awareness of the serious concerns of defenceless whistle-blowers; recommends, particularly the Commission, to provide a comprehensive plan on this issue; calls in this context for a website to be launched where information on the protection of whistle-blowers should be provided, as well as complaints can be submitted; stresses that this website should be easy accessible to the public and should keep their data anonymous;

Or. en

Amendment 67
Kostas Chrysogonos

Draft opinion
Paragraph 5 c (new)

Draft opinion

Amendment

5 c. Recommends the establishment of a special unit with a reporting line as well as dedicated facilities (e.g. hotlines, websites, contact points) within European Parliament and within each national Parliament of the Member States for receiving relevant information from whistle-blowers, which will also provide them with advice and help in protecting them against any possible retaliatory;

Amendment 68
Kostas Chrysogonos

Draft opinion
Paragraph 5 d (new)

Draft opinion

Amendment

5 d. Calls for the Commission to provide a clear legal framework that guarantees that whistle-blowers exposing irregularities, unlawful or unethical activities are fully protected from all forms of retaliation; urges the Member States to refrain from criminalizing the actions of whistle-blowers in disclosing information about illegal activities or irregularities harmful to some interests of public or private sector;

Or. en

Amendment 69
Kostas Chrysogonos

Draft opinion
Paragraph 5 e (new)

Draft opinion

Amendment

5 e. Calls on the Commission to carry out a public consultation to seek the view of stakeholders on the reporting mechanisms and on the potential shortcomings of the procedures at national level; maintains that the results of the public consultation will present a valuable input for the Commission regarding a possible proposal on the protection of whistle-blowers in the future;

Or. en

Amendment 70
Kostas Chrysogonos

Draft opinion
Paragraph 5 f (new)

Draft opinion

Amendment

5 f. Encourages the Member States to develop data, benchmarks and indicators on whistle-blower policies in both the public and private sector;

Or. en

Amendment 71
Kostas Chrysogonos

Draft opinion
Paragraph 5 g (new)

Draft opinion

Amendment

5 g. Underlines the importance of guaranteeing that whistle-blowers can report infringements in confidential way and that their anonymity is properly and fully safeguarded, also in the digital environment;

Or. en

Amendment 72
Kostas Chrysogonos

Draft opinion
Paragraph 5 h (new)

Draft opinion

Amendment

5 h. Calls on all EU institutions to address the Ombudsman's own initiative report of 24 July 2014, in compliance with Article 22(c) of the new Staff Regulation, inviting all EU bodies to adopt ethical alert mechanisms and whistle-blowing legal frameworks directly based on the

*internal rules of the Ombudsman's office;
reiterates its determination to do so;*

Or. en

Amendment 73
Kostas Chrysogonos

Draft opinion
Paragraph 5 i (new)

Draft opinion

Amendment

5 i. Calls on the Member States and the Commission to draw up a strict legal framework which will enable businesses to establish internal whistle-blower systems, properly defining the concept of a reasonable period for a reply from the undertaking, and ensuring that these systems comply with social legislation and the law protecting personal data;

Or. en

Amendment 74
Kostas Chrysogonos

Draft opinion
Paragraph 5 j (new)

Draft opinion

Amendment

5 j. Highlights the need for legal certainty regarding the protective provisions afforded to whistle-blowers, as a continued lack of clarity and a fragmented approach deters potential whistle-blowers from coming forward, and is detrimental to their employers; points out therefore that relevant EU legislation should establish a clear procedure for handling disclosures from start to finish to ensure proper follow through on the actions taken by whistle-blowers.

