



**2018/0106(COD)**

7.9.2018

# **AMENDMENTS**

## **22 - 250**

**Draft opinion**  
**Ramón Jáuregui Atondo**  
(PE623.888v01-00)

Protection of persons reporting on breaches of Union law

Proposal for a directive  
(COM(2018)0218 – C8-0159/2018 – 2018/0106(COD))



## Amendment 22

**Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group

### Proposal for a directive

#### Citation 1

##### *Text proposed by the Commission*

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 16, **33, 43**, 50, 53(1), 62, 91, 100, 103, 109, 114, 168, 169, 192, 207 and 325(4) thereof and to the Treaty establishing the European Atomic Energy Community, and in particular Article 31 thereof,

##### *Amendment*

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 16, **19 (2), 33,43**, 50, 53(1), 62, **77 (2), 78, 79, 83(1)**, 91, 100, 103, 109, 114, **153, 157**, 168, 169, 192, 207 and 325(4) thereof and to the Treaty establishing the European Atomic Energy Community, and in particular Article 31 thereof,

Or. en

## Amendment 23

**Fabio Massimo Castaldo**

### Proposal for a directive

#### Citation 1

##### *Text proposed by the Commission*

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 16, 33, 43, 50, 53(1), 62, 91, 100, 103, 109, 114, 168, 169, 192, 207 **and** 325(4) thereof and to the Treaty establishing the European Atomic Energy Community, and in particular Article 31 thereof,

##### *Amendment*

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 16, 33, 43, 50, 53(1), 62, 91, 100, 103, 109, 114, 168, 169, 192, 207, 325(4) **and 352** thereof and to the Treaty establishing the European Atomic Energy Community, and in particular Article 31 thereof,

Or. it

##### *Justification*

*Adding Article 352 TFEU (the 'flexibility' clause) to the legal basis may give the legislation better coverage and make it possible to adopt an across-the-board approach, rather than a sector-based one, ensuring a high level of general protection.*

**Amendment 24**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Citation 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*having regard to the European  
Convention on Human Rights, notably  
Article 10 thereof,*

Or. en

**Amendment 25**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Citation 1 b (new)**

*Text proposed by the Commission*

*Amendment*

*having regard to the Charter of  
Fundamental Rights of the European  
Union, in particular Article 11 thereof,*

Or. en

**Amendment 26**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Citation 1 c (new)**

*Text proposed by the Commission*

*Amendment*

*having regard to Article 294(2) and  
Articles 16,33, 43, 50, 53(1), 62, 91, 100,  
103, 109, 114, 153(1)(a) and (b), 168,169,  
192, 207 and 325(4) of the Treaty on the  
Functioning of the European Union and  
Article 31 of the Treaty establishing the  
European Atomic Energy Community,*

**Amendment 27**  
**Jérôme Lavrilleux**

**Proposal for a directive**  
**Recital 1**

*Text proposed by the Commission*

(1) Persons who work for an organisation or are in contact with it in the context of their work-related activities are often the first to know about threats or harm to the public interest which arise in this context. By ‘blowing the whistle’ they play a key role in exposing and preventing breaches of the law and in safeguarding the welfare of society. However, potential whistleblowers are often discouraged from reporting their concerns or suspicions for fear of retaliation.

*Amendment*

(1) Persons who work for an organisation or are in contact with it in the context of their work-related activities are often the first to know about threats or harm to the public interest which arise in this context. By ‘blowing the whistle’ they play a key role in exposing and preventing breaches of the law and in safeguarding the welfare of society ***and the public interest.*** However, potential whistleblowers are often discouraged from reporting their concerns or suspicions for fear of retaliation.

**Amendment 28**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 1**

*Text proposed by the Commission*

(1) Persons who work for an organisation or are in contact with it in the context of their work-related activities are often the first to know about threats or harm to the public interest which arise in this context. By ‘blowing the whistle’ they play a key role in exposing and preventing

*Amendment*

(1) Persons who work for an organisation or are in contact with it in the context of their work-related activities are often the first to know about threats or harm to the public ***or the general*** interest which arise in this context. By ‘blowing the whistle’ they play a key role in

breaches of the law and in safeguarding the welfare of society. However, potential whistleblowers are often discouraged from reporting their concerns or suspicions for fear of retaliation.

exposing and preventing breaches of the law and in safeguarding the welfare of society. However, potential whistleblowers are often discouraged from reporting their concerns or suspicions for fear of retaliation.

Or. en

**Amendment 29**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 2**

*Text proposed by the Commission*

(2) At Union level, reports by whistleblowers are one upstream component of enforcement of Union law: they feed national and Union enforcement systems with information leading to effective detection, investigation and prosecution of breaches of Union law.

*Amendment*

(2) At Union level, reports **and disclosures** by whistleblowers are one upstream component of enforcement of Union law: they feed national and Union enforcement systems with information leading to effective detection, investigation and prosecution of breaches of Union law.

Or. en

**Amendment 30**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 3**

*Text proposed by the Commission*

(3) In certain policy areas, breaches of Union law may cause serious harm to the public interest, in the sense of creating significant risks for the welfare of society. Where weaknesses of enforcement have been identified in those areas, and whistleblowers are in a privileged position to disclose breaches, it is necessary to enhance enforcement by ensuring effective

*Amendment*

(3) In certain policy areas, breaches of Union law may cause serious harm to the public **or general** interest, in the sense of creating significant risks for the welfare of society. Where weaknesses of enforcement have been identified in those areas, and whistleblowers are in a privileged position to disclose breaches, it is necessary to enhance enforcement by ensuring effective

protection of whistleblowers from retaliation and introducing effective reporting channels.

protection of whistleblowers from retaliation and introducing effective, **independent** reporting channels.

Or. en

### **Amendment 31**

**Maite Pagazaurtundúa Ruiz, Charles Goerens**

#### **Proposal for a directive**

##### **Recital 3**

###### *Text proposed by the Commission*

(3) In certain policy areas, breaches of Union law may cause **serious** harm to the public interest, in the sense of creating significant risks for the welfare of society. Where weaknesses of enforcement have been identified in those areas, and whistleblowers are in a privileged position to disclose breaches, it is necessary to enhance enforcement by ensuring effective protection of whistleblowers from retaliation and introducing effective reporting channels.

###### *Amendment*

(3) In certain policy areas, breaches of Union law may cause harm to the public interest, in the sense of creating significant risks for the welfare of society. Where weaknesses of enforcement have been identified in those areas, and whistleblowers are in a privileged position to disclose breaches, it is necessary to enhance enforcement by ensuring effective protection of whistleblowers from retaliation and introducing effective **and confidential** reporting channels.

Or. en

### **Amendment 32**

**Fabio Massimo Castaldo**

#### **Proposal for a directive**

##### **Recital 3**

###### *Text proposed by the Commission*

(3) **In certain policy areas**, breaches of Union law may cause serious harm to the public interest, in the sense of creating significant risks for the welfare of society. Where weaknesses of enforcement have been identified **in those areas**, and whistleblowers are in a privileged position

###### *Amendment*

(3) Breaches of Union law may cause serious harm to the public interest, in the sense of creating significant risks for the welfare of society. Where weaknesses of enforcement have been identified, and whistleblowers are in a privileged position to disclose breaches, it is necessary to

to disclose breaches, it is necessary to enhance enforcement by ensuring effective protection of whistleblowers from retaliation and introducing effective reporting channels.

enhance enforcement by ensuring effective protection of whistleblowers from retaliation and introducing effective reporting channels.

Or. it

**Amendment 33**  
**Jérôme Lavrilleux, Geoffroy Didier**

**Proposal for a directive**  
**Recital 5**

*Text proposed by the Commission*

(5) Accordingly, common minimum standards ensuring effective whistleblower protection should apply in those acts and policy areas where i) there is a need to strengthen enforcement; ii) under-reporting by whistleblowers is a key factor affecting enforcement, and iii) breaches of Union law cause serious harm to the public interest.

*Amendment*

(5) Accordingly, common minimum standards ensuring effective whistleblower protection should apply in those acts and policy areas where i) there is a need to strengthen enforcement; ii) under-reporting by whistleblowers is a key factor affecting enforcement, and iii) breaches of Union law cause serious harm to the public interest. ***In keeping with all these statements, whistleblower protection must ensure the reputation of companies is upheld, particularly if the subject of the report has not yet been proven.***

Or. fr

**Amendment 34**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 5**

*Text proposed by the Commission*

(5) Accordingly, common minimum standards ensuring effective whistleblower protection should apply in ***those*** acts and policy areas ***where i) there is a need to***

*Amendment*

(5) Accordingly, common minimum standards ensuring effective, whistleblower protection should apply in ***all*** acts and policy areas of ***the European Union,***



*strengthen enforcement; ii) under-reporting by whistleblowers is a key factor affecting enforcement, and iii) breaches of Union law cause serious harm to the public interest.*

*which by their very nature constitute a public and general interest.*

Or. en

**Amendment 35**  
**Fabio Massimo Castaldo**

**Proposal for a directive**  
**Recital 5**

*Text proposed by the Commission*

(5) Accordingly, common minimum standards ensuring effective whistleblower protection should apply *in* those acts and policy areas where i) there is a need to strengthen enforcement; ii) under-reporting by whistleblowers is a key factor affecting enforcement, and iii) breaches of Union law cause serious harm to the public interest.

*Amendment*

(5) Accordingly, common minimum standards ensuring effective whistleblower protection should apply, ***based on an across-the-board, organic approach, with a special focus on*** those acts and policy areas where i) there is a need to strengthen enforcement; ii) under-reporting by whistleblowers is a key factor affecting enforcement, and iii) breaches of Union law cause serious harm to the public interest.

Or. it

*Justification*

*An across-the-board approach could be feasible if Article 352 TFEU is added to the legal basis. Thanks to the theory of implicit competences of the Union developed by the Court of Justice of the European Union, this provides for the possibility of extending the competences of the Union with a view to achieving objectives set out in the Treaties when the latter have not provided the powers of action necessary to attain them.*

**Amendment 36**  
**Maite Pagazaurtundúa Ruiz, Charles Goerens, Jasenko Selimovic**

**Proposal for a directive**  
**Recital 5**

*Text proposed by the Commission*

(5) Accordingly, common minimum standards ensuring effective whistleblower protection should apply in those acts and policy areas where i) there is a need to strengthen enforcement; ii) under-reporting by whistleblowers is a key factor affecting enforcement, and iii) breaches of Union law cause *serious* harm to the public interest.

*Amendment*

(5) Accordingly, common minimum **legal** standards ensuring effective whistleblower protection should apply in those acts and policy areas where i) there is a need to strengthen enforcement; ii) under-reporting by whistleblowers is a key factor affecting enforcement, and iii) breaches of Union law cause harm to the public interest.

Or. en

**Amendment 37**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 10**

*Text proposed by the Commission*

(10) Evidence-gathering, detecting and addressing environmental crimes and unlawful conduct against the protection of the environment remain a challenge and need to be reinforced as acknowledged in the Commission Communication "EU actions to improve environmental compliance and governance" of 18 January 2018<sup>40</sup>. Whilst whistleblower protection rules exist at present only in one sectorial instrument on environmental protection<sup>41</sup>, the introduction of such protection appears necessary to ensure effective enforcement of the Union environmental acquis, whose breaches can cause serious harm to the public interest with possible spill-over impacts across national borders. This is also relevant in cases where unsafe products can cause environmental harm.

---

<sup>40</sup> COM(2018) 10 final.

<sup>41</sup> Directive 2013/30/EU of the European Parliament and of the Council, of 12 June

*Amendment*

(10) Evidence-gathering, detecting and addressing environmental crimes and unlawful conduct against the protection of the environment remain a challenge and need to be reinforced as acknowledged in the Commission Communication "EU actions to improve environmental compliance and governance" of 18 January 2018<sup>40</sup>. Whilst whistleblower protection rules exist at present only in one sectorial instrument on environmental protection<sup>41</sup>, the introduction of such protection appears necessary to ensure effective enforcement of the Union environmental acquis, whose breaches can cause serious harm to the public **or general** interest with possible spill-over impacts across national borders. This is also relevant in cases where unsafe products can cause environmental harm.

---

<sup>40</sup> COM(2018) 10 final.

<sup>41</sup> Directive 2013/30/EU of the European Parliament and of the Council, of 12 June

2013, on safety of offshore oil and gas operations (OJ L 178, p. 66).

2013, on safety of offshore oil and gas operations (OJ L 178, p. 66).

Or. en

### **Amendment 38**

**Maite Pagazaurtundúa Ruiz, Charles Goerens, Jasenko Selimovic**

#### **Proposal for a directive**

##### **Recital 10**

###### *Text proposed by the Commission*

(10) Evidence-gathering, detecting and addressing environmental crimes and unlawful conduct against the protection of the environment remain a challenge and need to be reinforced as acknowledged in the Commission Communication "EU actions to improve environmental compliance and governance" of 18 January 2018<sup>40</sup>. Whilst whistleblower protection rules exist at present only in one sectorial instrument on environmental protection<sup>41</sup>, the introduction of such protection appears necessary to ensure effective enforcement of the Union environmental acquis, whose breaches can cause *serious* harm to the public interest with possible spill-over impacts across national borders. This is also relevant in cases where unsafe products can cause environmental harm.

---

<sup>40</sup> COM(2018) 10 final.

<sup>41</sup> Directive 2013/30/EU of the European Parliament and of the Council, of 12 June 2013, on safety of offshore oil and gas operations (OJ L 178, p. 66).

###### *Amendment*

(10) Evidence-gathering, detecting and addressing environmental crimes and unlawful conduct against the protection of the environment remain a challenge and need to be reinforced as acknowledged in the Commission Communication "EU actions to improve environmental compliance and governance" of 18 January 2018<sup>40</sup>. Whilst whistleblower protection rules exist at present only in one sectorial instrument on environmental protection<sup>41</sup>, the introduction of such protection appears necessary to ensure effective enforcement of the Union environmental acquis, whose breaches can cause harm to the public interest with possible spill-over impacts across national borders. This is also relevant in cases where unsafe products can cause environmental harm.

---

<sup>40</sup> COM(2018) 10 final.

<sup>41</sup> Directive 2013/30/EU of the European Parliament and of the Council, of 12 June 2013, on safety of offshore oil and gas operations (OJ L 178, p. 66).

Or. en

### **Amendment 39**

**Kostas Chrysogonos**

## Proposal for a directive

### Recital 14

*Text proposed by the Commission*

(14) The protection of privacy and personal data is another area where whistleblowers are in a privileged position to disclose breaches of Union law which can seriously harm the public interest. Similar considerations apply for breaches of the Directive on the security of network and information systems<sup>45</sup>, which introduces notification of incidents (including those that do not compromise personal data) and security requirements for entities providing essential services across many sectors (e.g. energy, health, transport, banking, etc.) and providers of key digital services (e.g. cloud computing services). Whistleblowers' reporting in this area is particularly valuable to prevent security incidents that would affect key economic and social activities and widely used digital services. It helps ensuring the continuity of services which are essential for the functioning of the internal market and the wellbeing of society.

---

<sup>45</sup> Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union.

*Amendment*

(14) The protection of privacy and personal data is another area where whistleblowers are in a privileged position to disclose breaches of Union law which can seriously harm the public **or general** interest. Similar considerations apply for breaches of the Directive on the security of network and information systems<sup>45</sup>, which introduces notification of incidents (including those that do not compromise personal data) and security requirements for entities providing essential services across many sectors (e.g. energy, health, transport, banking, etc.) and providers of key digital services (e.g. cloud computing services). Whistleblowers' reporting in this area is particularly valuable to prevent security incidents that would affect key economic and social activities and widely used digital services. It helps ensuring the continuity of services which are essential for the functioning of the internal market and the wellbeing of society.

---

<sup>45</sup> Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union.

Or. en

## Amendment 40

**Maite Pagazaurtundúa Ruiz, Charles Goerens, Jasenko Selimovic**

## Proposal for a directive

### Recital 14

*Text proposed by the Commission*

(14) The protection of privacy and personal data is another area where whistleblowers are in a privileged position to disclose breaches of Union law which can *seriously* harm the public interest. Similar considerations apply for breaches of the Directive on the security of network and information systems<sup>45</sup> · which introduces notification of incidents (including those that do not compromise personal data) and security requirements for entities providing essential services across many sectors (e.g. energy, health, transport, banking, etc.) and providers of key digital services (e.g. cloud computing services). Whistleblowers' reporting in this area is particularly valuable to prevent security incidents that would affect key economic and social activities and widely used digital services. It helps ensuring the continuity of services which are essential for the functioning of the internal market and the wellbeing of society.

---

<sup>45</sup> Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union.

*Amendment*

(14) The protection of privacy and personal data is another area where whistleblowers are in a privileged position to disclose breaches of Union law which can harm the public interest. Similar considerations apply for breaches of the Directive on the security of network and information systems<sup>45</sup> · which introduces notification of incidents (including those that do not compromise personal data) and security requirements for entities providing essential services across many sectors (e.g. energy, health, transport, banking, etc.) and providers of key digital services (e.g. cloud computing services). Whistleblowers' reporting in this area is particularly valuable to prevent security incidents that would affect key economic and social activities and widely used digital services. It helps ensuring the continuity of services which are essential for the functioning of the internal market and the wellbeing of society.

---

<sup>45</sup> Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union.

Or. en

**Amendment 41**  
**Fabio Massimo Castaldo**

**Proposal for a directive**  
**Recital 16**

*Text proposed by the Commission*

(16) The protection of the financial interests of the Union, which relates to the fight against fraud, corruption and any

*Amendment*

(16) The protection of the financial interests of the Union, which relates to the fight against fraud, corruption, *the*

other illegal activity affecting the use of Union expenditures, the collection of Union revenues and funds or Union assets, is a core area in which enforcement of Union law needs to be strengthened. The strengthening of the protection of the financial interests of the Union also encompasses implementation of the Union budget related to expenditures made on the basis of the Treaty establishing the European Atomic Energy Community. Lack of effective enforcement in the area of the financial interests of the Union, including fraud and corruption at national level, causes a decrease of the Union revenues and a misuse of EU funds, which can distort public investments and growth and undermine citizens' trust in EU action. Whistleblower protection is necessary to facilitate the detection, prevention and deterrence of relevant fraud and illegal activities.

*infringement of legal obligations, abuse of power* and any other illegal activity affecting the use of Union expenditures, the collection of Union revenues and funds or Union assets, is a core area in which enforcement of Union law needs to be strengthened. The strengthening of the protection of the financial interests of the Union also encompasses implementation of the Union budget related to expenditures made on the basis of the Treaty establishing the European Atomic Energy Community. Lack of effective enforcement in the area of the financial interests of the Union, including fraud and corruption at national level, causes a decrease of the Union revenues and a misuse of EU funds, which can distort public investments and growth and undermine citizens' trust in EU action. Whistleblower protection is necessary to facilitate the detection, prevention and deterrence of relevant fraud and illegal activities.

Or. it

## **Amendment 42** **Jiří Pospíšil**

### **Proposal for a directive** **Recital 18**

#### *Text proposed by the Commission*

(18) Certain Union acts, in particular in the area of financial services, such as Regulation (EU) No 596/2014 on market abuse<sup>49</sup> and Commission Implementing Directive 2015/2392, adopted on the basis of that Regulation<sup>50</sup>, already contain detailed rules on whistleblower protection. Such existing Union legislation, including the list in Part II of the Annex, should be complemented by the present Directive, so that these instruments are fully aligned with its minimum standards whilst

#### *Amendment*

(18) Certain Union acts, in particular in the area of financial services, such as Regulation (EU) No 596/2014 on market abuse<sup>49</sup> and Commission Implementing Directive 2015/2392, adopted on the basis of that Regulation<sup>50</sup>, already contain detailed rules on whistleblower protection. Such existing Union legislation, including the list in Part II of the Annex, should be complemented by the present Directive, so that these instruments are fully aligned with its minimum standards whilst

maintaining any specificities they provide for, tailored to the relevant sectors. This is of particular importance for ascertaining which legal entities in the area of financial services and the *prevention of* money laundering and terrorist financing are currently obliged to establish internal reporting channels.

---

<sup>49</sup> OJ L 173, p. 1

<sup>50</sup>Commission Implementing Directive (EU) 2015/2392 of 17 December 2015 on Regulation (EU) No 596/2014 of the European Parliament and of the Council as regards reporting to competent authorities of actual or potential infringements of that Regulation (OJ L 332, p. 126).

maintaining any specificities they provide for, tailored to the relevant sectors. This is of particular importance for ascertaining which legal entities in the area of financial services and the *fight against* money laundering and terrorist financing are currently obliged to establish internal reporting channels.

---

<sup>49</sup> OJ L 173, p. 1

<sup>50</sup>Commission Implementing Directive (EU) 2015/2392 of 17 December 2015 on Regulation (EU) No 596/2014 of the European Parliament and of the Council as regards reporting to competent authorities of actual or potential infringements of that Regulation (OJ L 332, p. 126).

Or. cs

**Amendment 43**  
**Jérôme Lavrilleux**

**Proposal for a directive**  
**Recital 18 a (new)**

*Text proposed by the Commission*

*Amendment*

***(18 a) In order to make full use of the provisions of this Directive, activities that are not deemed to be unlawful, but which would likely be detrimental to the public interest, should be potential subjects of reporting. A provision should thus be included to ensure that, in cases where reports relate to these activities, the reporting person is entitled to protection laid out in this Directive.***

Or. fr

**Amendment 44**  
**Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group

### Proposal for a directive

#### Recital 19

*Text proposed by the Commission*

**(19) Each time a new Union act for which whistleblower protection is relevant and can contribute to more effective enforcement is adopted, consideration should be given to whether to amend the Annex to the present Directive in order to place it under its scope.**

*Amendment*

**deleted**

Or. en

### Amendment 45

**Kostas Chrysogonos**

### Proposal for a directive

#### Recital 22

*Text proposed by the Commission*

(22) Persons who report information about threats or harm to the public interest obtained in the context of their work-related activities make use of their right to freedom of expression. The right to freedom 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), encompasses media freedom and pluralism.

*Amendment*

(22) Persons who report information about threats or harm to the public interest **or the general interest** obtained, *inter alia* in the context of their work-related activities, make use of their right to freedom of expression. The right to freedom 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), encompasses media freedom and pluralism **as well as the right to information**.

Or. en

### Amendment 46

**Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group



## Proposal for a directive

### Recital 22

*Text proposed by the Commission*

(22) Persons who report information about threats or harm to the public interest ***obtained in the context of their work-related activities*** make use of their right to freedom of expression. The right to freedom 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), encompasses media freedom and pluralism.

*Amendment*

(22) Persons who report information, ***particularly*** about threats or harm to the public interest, make use of their right to freedom of expression. The right to freedom 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), encompasses ***freedom of information as well as*** media freedom and pluralism.

Or. en

## Amendment 47

**Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group

## Proposal for a directive

### Recital 24

*Text proposed by the Commission*

(24) Persons need specific legal protection where they acquire ***the*** information ***they*** report ***through their work-related activities and therefore run the*** risk of work-related retaliation (for instance, for breaching the duty of confidentiality or ***loyalty***). The underlying reason for providing them with protection is their position of ***economic*** vulnerability vis-à-vis the person on whom they de facto depend for work. ***When there is no such work-related power imbalance (for instance in the case of ordinary complainants or citizen bystanders) there is no need for protection against retaliation.***

*Amendment*

(24) Persons need specific legal protection where they acquire information ***and their decision to report it results in a*** risk of work-related ***or other*** retaliation (for instance, for breaching the duty of confidentiality or ***Union legislation on trade secrets***). The underlying reason for providing them with protection is their position of vulnerability vis-à-vis the person on whom they ***are reporting or on whom they*** de facto depend for work.

#### **Amendment 48**

**Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

##### **Recital 25**

*Text proposed by the Commission*

(25) Effective enforcement of Union law requires that protection is granted to the broadest possible range of categories of persons, who, irrespective of whether they are EU citizens or third-country nationals, ***by virtue of work-related activities (irrespective of the nature of these activities, whether they are paid or not), have privileged*** access to information about breaches that would be in the public's interest to report and who may suffer retaliation if they report them. Member States should ensure that the need for protection is determined by reference to all the relevant circumstances and not merely by reference to the nature of the relationship, so as to cover ***the whole range of*** persons connected ***in a broad sense*** to the ***organisation where the breach has occurred***.

*Amendment*

(25) Effective enforcement of Union law requires that protection is granted to the broadest possible range of categories of persons, who, irrespective of whether they are EU citizens or third-country nationals, ***have*** access to information about breaches that would be in the public's interest to report and who may suffer retaliation if they report them. Member States should ensure that the need for protection is determined by reference to all the relevant circumstances and not merely by reference to the nature of the relationship, so as to cover ***all*** persons connected to the ***report***.

#### **Amendment 49**

**Kostas Chrysogonos**

#### **Proposal for a directive**

##### **Recital 25**

*Text proposed by the Commission*

(25) Effective enforcement of Union law requires that protection is granted to the broadest possible range of categories of

*Amendment*

(25) Effective enforcement of Union law requires that protection is granted to the broadest possible range of categories of

persons, who, irrespective of whether they are EU citizens or third-country nationals, by virtue of work-related activities (irrespective of the nature of these activities, whether they are paid or not), have privileged access to information about breaches that would be in the public's interest to report and who may suffer retaliation if they report them. Member States should ensure that the need for protection is determined by reference to all the relevant circumstances and not merely by reference to the nature of the relationship, so as to cover the whole range of persons connected in a broad sense to the organisation where the breach has occurred.

persons, who, irrespective of whether they are EU citizens or third-country nationals, **especially** by virtue of work-related activities (irrespective of the nature of these activities, whether they are paid or not), have privileged access to information about breaches that would be in the public's interest to report and who may suffer retaliation if they report them. Member States should ensure that the need for protection is determined by reference to all the relevant circumstances and not merely by reference to the nature of the relationship, so as to cover the whole range of persons connected in a broad sense to the organisation where the breach has occurred.

Or. en

## **Amendment 50** **Kostas Chrysogonos**

### **Proposal for a directive** **Recital 26**

#### *Text proposed by the Commission*

(26) Protection should, firstly, apply to persons having the status of 'workers', within the meaning of Article 45 TFEU, as interpreted by the Court of Justice of the European Union<sup>52</sup>, i.e. persons who, for a certain period of time, perform services for and under the direction of another person, in return of which they receive remuneration. Protection should thus also be granted to workers in non-standard employment relationships, including part-time workers and fixed-term contract workers, as well as persons with a contract of employment or employment relationship with a temporary agency, which are types of relationships where standard protections against unfair treatment are often difficult to apply.

#### *Amendment*

(26) Protection should, firstly, apply to persons having the status of 'workers', within the meaning of Article 45 TFEU, as interpreted by the Court of Justice of the European Union<sup>52</sup>, i.e. persons who, for a certain period of time, perform services for and under the direction of another person, in return of which they receive remuneration. ***In accordance with the Court's case law, the notion of "worker" should be interpreted broadly, including for example civil servants.*** Protection should thus also be granted to workers in non-standard employment relationships, including part-time workers and fixed-term contract workers, as well as persons with a contract of employment or employment relationship with a temporary agency,

which are types of relationships where standard protections against unfair treatment are often difficult to apply.

---

<sup>52</sup> Judgments of 3 July 1986, Lawrie-Blum, Case 66/85; 14 October 2010, Union Syndicale Solidaires Isère, Case C-428/09; 9 July 2015, Balkaya, Case C-229/14; 4 December 2014, FNV Kunsten, Case C-413/13; and 17 November 2016, Ruhrlandklinik, Case C-216/15.

---

<sup>52</sup> Judgments of 3 July 1986, Lawrie-Blum, Case 66/85; 14 October 2010, Union Syndicale Solidaires Isère, Case C-428/09; 9 July 2015, Balkaya, Case C-229/14; 4 December 2014, FNV Kunsten, Case C-413/13; and 17 November 2016, Ruhrlandklinik, Case C-216/15.

Or. en

## **Amendment 51**

### **Kostas Chrysogonos**

#### **Proposal for a directive**

##### **Recital 27**

###### *Text proposed by the Commission*

(27) Protection should also extend to further categories of natural or legal persons, who, whilst not being 'workers' within the meaning of Article 45 TFEU, can play a key role in exposing breaches of the law and may find themselves in a position of economic vulnerability in the context of their **work-related** activities. For instance, in areas such as product safety, suppliers are much closer to the source of possible unfair and illicit manufacturing, import or distribution practices of unsafe products; in the implementation of Union funds, consultants providing their services are in a privileged position to draw attention to breaches they witness. Such categories of persons, including self-employed persons providing services, freelance, contractors, sub-contractors and suppliers, are typically subject to retaliation in the form of early termination or cancellation of contract of services, licence or permit, loss of business, loss of

###### *Amendment*

(27) Protection should also extend to **people facilitating the reporting, such as intermediaries and investigative journalists, who disclose potential or occurred breach, as well as** further categories of natural or legal persons, who, whilst not being 'workers' within the meaning of Article 45 TFEU, can play a key role in exposing breaches of the law and may find themselves in a position of economic vulnerability in the context of their **work or social or political-related** activities. For instance, in areas such as product safety, suppliers are much closer to the source of possible unfair and illicit manufacturing, import or distribution practices of unsafe products; in the implementation of Union funds, consultants providing their services are in a privileged position to draw attention to breaches they witness. Such categories of persons, including self-employed persons providing services, freelance, contractors,

income, coercion, intimidation or harassment, blacklisting/business boycotting or damage to their reputation. Shareholders and persons in managerial bodies, may also suffer retaliation, for instance in financial terms or in the form of intimidation or harassment, blacklisting or damage to their reputation. Protection should also be granted to candidates for employment or for providing services to an organisation who acquired the information on breaches of law during the recruitment process or other pre-contractual negotiation stage, and may suffer retaliation for instance in the form of negative employment references or blacklisting/business boycotting.

sub-contractors and suppliers, are typically subject to retaliation in the form of early termination or cancellation of contract of services, licence or permit, loss of business, loss of income, coercion, intimidation or harassment, blacklisting/business boycotting or damage to their reputation. Shareholders and persons in managerial bodies, may also suffer retaliation, for instance in financial terms or in the form of intimidation or harassment, blacklisting or damage to their reputation. Protection should also be granted to candidates for employment or for providing services to an organisation who acquired the information on breaches of law during the recruitment process or other pre-contractual negotiation stage, and may suffer retaliation for instance in the form of negative employment references or blacklisting/business boycotting.

Or. en

## **Amendment 52**

**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

### **Proposal for a directive**

#### **Recital 27**

*Text proposed by the Commission*

(27) Protection should also extend to further categories of natural or legal persons, who, whilst not being 'workers' within the meaning of Article 45 TFEU, can play a key role in exposing breaches of the law and may find themselves in a position of *economic* vulnerability ***in the context of their work-related activities***. For instance, in areas such as product safety, suppliers are much closer to the source of possible unfair and illicit manufacturing, import or distribution practices of unsafe products; in the

*Amendment*

(27) Protection should also extend to further categories of natural or legal persons, who, whilst not being 'workers' within the meaning of Article 45 TFEU, can play a key role in exposing breaches of the law and may find themselves in a position of vulnerability ***vis-à-vis the legal or natural person reported on***. For instance, in areas such as product safety, suppliers are much closer to the source of possible unfair and illicit manufacturing, import or distribution practices of unsafe products; in the implementation of Union

implementation of Union funds, consultants providing their services are in a privileged position to draw attention to breaches they witness. Such categories of persons, including self-employed persons providing services, freelance, contractors, sub-contractors and suppliers, are typically subject to retaliation in the form of early termination or cancellation of contract of services, licence or permit, loss of business, loss of income, coercion, intimidation or harassment, blacklisting/business boycotting or damage to their reputation. Shareholders and persons in managerial bodies, may also suffer retaliation, for instance in financial terms or in the form of intimidation or harassment, blacklisting or damage to their reputation. Protection should also be granted to candidates for employment or for providing services to an organisation who acquired the information on breaches of law during the recruitment process or other pre-contractual negotiation stage, and may suffer retaliation for instance in the form of negative employment references or blacklisting/business boycotting.

funds, consultants providing their services are in a privileged position to draw attention to breaches they witness. Such categories of persons, including self-employed persons providing services, freelance, contractors, sub-contractors and suppliers, are typically subject to retaliation in the form of early termination or cancellation of contract of services, licence or permit, loss of business, loss of income, coercion, intimidation or harassment, blacklisting/business boycotting or damage to their reputation. Shareholders and persons in managerial bodies, may also suffer retaliation, for instance in financial terms or in the form of intimidation or harassment, blacklisting or damage to their reputation. Protection should also be granted to candidates for employment or for providing services to an organisation who acquired the information on breaches of law during the recruitment process or other pre-contractual negotiation stage, and may suffer retaliation for instance in the form of negative employment references or blacklisting/business boycotting.

Or. en

**Amendment 53**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 28 a (new)**

*Text proposed by the Commission*

*Amendment*

***(28 a) Effective whistleblower protection should also include any individual who has evidence of such acts in the public or private sector without being necessary to have witnessed such acts first hand.***

Or. en

## **Amendment 54**

**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

### **Proposal for a directive**

#### **Recital 29**

##### *Text proposed by the Commission*

(29) Effective detection and prevention of serious harm to the public interest requires that the information reported which qualifies for protection covers not only unlawful activities but also abuse of law, namely acts or omissions which do not appear to be unlawful in formal terms but defeat the object or the purpose of the law.

##### *Amendment*

(29) Effective detection and prevention of serious harm to the public interest requires that the information reported which qualifies for protection covers not only unlawful activities but also abuse of law, namely acts or omissions which do not appear to be unlawful in formal terms but defeat the object or the purpose of the law ***or constitute a danger or potential threat to the public interest.***

Or. en

## **Amendment 55**

**Maite Pagazaurtundúa Ruiz, Charles Goerens, Jasenko Selimovic**

### **Proposal for a directive**

#### **Recital 29**

##### *Text proposed by the Commission*

(29) Effective detection and prevention of ***serious*** harm to the public interest requires that the information reported which qualifies for protection covers not only unlawful activities but also abuse of law, namely acts or omissions which do not appear to be unlawful in formal terms but defeat the object or the purpose of the law.

##### *Amendment*

(29) Effective detection and prevention of harm to the public interest requires that the information reported which qualifies for protection covers not only unlawful activities but also abuse of law, namely acts or omissions which do not appear to be unlawful in formal terms but defeat the object or the purpose of the law.

Or. en

**Amendment 56**  
**Fabio Massimo Castaldo**

**Proposal for a directive**  
**Recital 30**

*Text proposed by the Commission*

(30) Effective prevention of breaches of Union law requires that protection is also granted to persons who provide information about potential breaches, which have not yet materialised, but are likely to be committed. For the same reasons, protection is warranted also for persons who do not provide positive evidence but raise reasonable concerns or suspicions. ***At the same time, protection should not apply to the reporting of information which is already in the public domain or of unsubstantiated rumours and hearsay.***

*Amendment*

(30) Effective prevention of breaches of Union law requires that protection is also granted to persons who provide information about potential breaches, which have not yet materialised, but are likely to be committed. For the same reasons, protection is warranted also for persons who do not provide positive evidence but raise reasonable concerns or suspicions.

Or. it

*Justification*

*This sentence is superfluous because the text already stipulates that protection is only granted where the reporting person acts in good faith.*

**Amendment 57**  
**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Recital 30**

*Text proposed by the Commission*

(30) Effective prevention of breaches of Union law requires that protection is also granted to persons who provide information about potential breaches, which have not yet materialised, but are likely to be committed. For the same reasons, protection is warranted also for persons who do not provide positive

*Amendment*

(30) Effective prevention of breaches of Union law requires that protection is also granted to persons who provide information about potential breaches, which have not yet materialised, but are likely to be committed. For the same reasons, protection is warranted also for persons who do not provide positive



evidence but raise reasonable concerns or suspicions. At the same time, protection should not apply to the reporting of *information which is already in the public domain or of* unsubstantiated rumours and hearsay.

evidence but raise reasonable concerns or suspicions. At the same time, protection should not apply to the reporting of unsubstantiated rumours and hearsay.

Or. en

## **Amendment 58**

**Maite Pagazaurtundúa Ruiz, Charles Goerens, Jasenko Selimovic**

### **Proposal for a directive**

#### **Recital 30 a (new)**

*Text proposed by the Commission*

*Amendment*

***(30 a) Effective protection implies adequate training and a resource office available to inform whistleblowers on their rights, disclosure options, and limitations so they are aware of their rights and responsibilities.***

Or. en

## **Amendment 59**

**Kostas Chrysogonos**

### **Proposal for a directive**

#### **Recital 31**

*Text proposed by the Commission*

*Amendment*

(31) Retaliation expresses the close (cause and effect) relationship that must exist between the report and the adverse treatment suffered, directly or indirectly, by the reporting person, so that this person can enjoy legal protection. Effective protection of reporting persons as a means of enhancing the enforcement of Union law requires a broad definition of retaliation, encompassing any act or omission

(31) Retaliation expresses the close (cause and effect) relationship that must exist between the report and the adverse treatment suffered, directly or indirectly, by the reporting person, so that this person can enjoy legal protection. Effective protection of reporting persons as a means of enhancing the enforcement of Union law requires a broad definition of retaliation, encompassing any act or omission

occurring in the work-related context which causes them detriment.

occurring *especially* in the work-related context which causes them detriment.

Or. en

**Amendment 60**  
**Fabio Massimo Castaldo**

**Proposal for a directive**  
**Recital 31**

*Text proposed by the Commission*

(31) Retaliation expresses the *close* (cause and effect) relationship that must exist between the report and the adverse treatment suffered, directly or indirectly, by the reporting person, so that this person can enjoy legal protection. Effective protection of reporting persons as a means of enhancing the enforcement of Union law requires a broad definition of retaliation, encompassing any act or omission occurring in the work-related context which causes them detriment.

*Amendment*

(31) Retaliation expresses the (cause and effect) relationship that must exist between the report and the adverse treatment suffered, directly or indirectly, by the reporting person, so that this person can enjoy legal protection. Effective protection of reporting persons as a means of enhancing the enforcement of Union law requires a broad definition of retaliation, encompassing any act or omission occurring in the work-related context which causes them detriment.

Or. it

*Justification*

*Demonstrating a 'close' connection could be too onerous for the reporting person.*

**Amendment 61**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 33**

*Text proposed by the Commission*

(33) Whistleblowers are, in particular, important sources for investigative journalists. Providing effective protection to whistleblowers from retaliation increases the legal certainty of (potential)

*Amendment*

(33) Whistleblowers are, in particular, important sources for investigative journalists. Providing effective protection to whistleblowers from retaliation increases the legal certainty of (potential)

whistleblowers and thereby encourages and facilitates whistleblowing also to the media. In this respect, protection of whistleblowers as journalistic sources is crucial for safeguarding the ‘watchdog’ role of investigative journalism in democratic societies.

whistleblowers and thereby encourages and facilitates whistleblowing also to the media. In this respect, protection of whistleblowers as journalistic sources is crucial for safeguarding the ‘watchdog’ role of investigative journalism in democratic societies. ***In view of the variety of situations, this Directive does not establish an order of priority between the different channels of reporting and disclosure. It is for the reporting person to determine the most appropriate channel, taking into account the rights and legitimate interests of the concerned persons. Due to their importance for the freedom of expression and the right to receive information, public disclosures, including through the media, should be encouraged.***

Or. en

## **Amendment 62**

**Maite Pagazaurtundúa Ruiz, Charles Goerens, Jasenko Selimovic**

### **Proposal for a directive**

#### **Recital 34**

##### *Text proposed by the Commission*

(34) 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 regulatory or supervisory bodies in the areas concerned, law enforcement agencies, anti-corruption bodies and ombudsmen. The authorities designated as competent shall have the necessary capacities and powers to 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,

##### *Amendment*

(34) 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 regulatory or supervisory bodies in the areas concerned, law enforcement agencies, anti-corruption bodies and ombudsmen. The authorities designated as competent shall have the necessary capacities and powers to 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

or other appropriate remedial action, in accordance with their mandate.

accordance with their mandate. *The staff serving in those agencies shall be specialised and have proper training and formation.*

Or. en

**Amendment 63**  
**Fabio Massimo Castaldo**

**Proposal for a directive**  
**Recital 34**

*Text proposed by the Commission*

(34) 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 regulatory or supervisory bodies in the areas concerned, law enforcement agencies, anti-corruption bodies and ombudsmen. The authorities designated as competent shall have the necessary capacities and powers to 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.

*Amendment*

(34) 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 *which have the highest possible degree of independence and impartiality*. These may be regulatory or supervisory bodies in the areas concerned, law enforcement agencies, anti-corruption bodies and ombudsmen. The authorities designated as competent shall have the necessary capacities and powers to 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.

Or. it

**Amendment 64**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 34 a (new)**

*(34 a) The Commission should set up the Whistleblower Protection Office (OPLA). OPLA shall be the independent European authority for reports and for whistleblower protection that is responsible for receiving and providing appropriate follow up to reports on breaches falling within the scope of this Directive, and for ensuring the protection of whistleblowers. OPLA shall be accessible through a point of contact in each Member State, as well as via a secure online platform. It shall be a point of contact and information for whistleblowers or potential whistleblowers, to assess the accuracy of information and/or allegations made in the report and process those breaches reported, specifically by launching an investigation and by consulting one of the competent bodies of the European Union upon concluding its investigation (the European Anti-Fraud Office, the European Public Prosecutor's Office, the Court of Justice of the European Union etc.). It shall also be a point of contact for national authorities, journalists and civil society organisations involved in whistleblower protection. While fully independent, it will be able to work closely with the competent EU bodies (the European Anti-Fraud Office, the European Public Prosecutor's Office, the Court of Justice of the European Union etc.).*

Or. en

**Amendment 65**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 34 b (new)**

*Text proposed by the Commission*

*Amendment*

***(34 b) OPLA should also have adequate protection procedures for the processing of reports on breaches and for the protection of the personal data of the persons referred to in the report. Such procedures should ensure that the identity of every reporting person, concerned person, and third person referred to in the report (e.g. witnesses or colleagues) is protected at every stage of the procedure. This obligation should be without prejudice to the necessity and proportionality of the obligation to disclose information where this is required by Union or national law, and subject to appropriate safeguards under those laws, including in the context of investigations or judicial proceedings or to safeguard the freedoms of others, including the rights of defence of the concerned person.***

Or. en

**Amendment 66**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 34 c (new)**

*Text proposed by the Commission*

*Amendment*

***(34 c) Procedures for external reporting must allow national authorities and OPLA to receive reports and to investigate, in full confidentiality, any reports provided by any whistleblower.***

Or. en

**Amendment 67**  
**Fabio Massimo Castaldo**

**Proposal for a directive**  
**Recital 40**

*Text proposed by the Commission*

(40) It should be clear that, in the case of private legal entities which do not provide for internal reporting channels, reporting persons ***should be able*** to report directly externally to the competent authorities and such persons should enjoy the protection against retaliation provided by this Directive.

*Amendment*

(40) It should be clear that, in the case of private legal entities which do not provide for internal reporting channels, reporting persons ***must be given a guaranteed right*** to report directly externally to the competent authorities and such persons should enjoy the protection against retaliation provided by this Directive.

Or. it

**Amendment 68**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 40**

*Text proposed by the Commission*

(40) ***It should be clear that, in the case of private legal entities which do not provide for internal reporting channels,*** reporting persons should be able to report directly externally to the competent authorities and such persons should enjoy the protection against retaliation provided by this Directive.

*Amendment*

(40) ***In any case,*** reporting persons should be able to report directly externally to the ***national authority or OPLA (hereinafter 'competent authorities'), and to exercise their right to disclose,*** and such persons should enjoy the protection against retaliation provided by this Directive.

Or. en

**Amendment 69**  
**Jérôme Lavrilleux, Geoffroy Didier**

**Proposal for a directive**  
**Recital 41 a (new)**

*Text proposed by the Commission*

*Amendment*

*(41 a) Generally speaking, and for all those activities and companies covered by this Directive, external and internal reporting channels should be coordinated effectively so as to cover as many situations as possible.*

Or. fr

#### **Amendment 70**

**Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

##### **Recital 42**

*Text proposed by the Commission*

(42) Provided the confidentiality of the identity of the reporting person is ensured, it is up to each individual private and public legal entity to define the kind of reporting channels to set up, such as in person, by post, by physical complaint box(es), by telephone hotline or through an online platform (intranet or internet). However, reporting channels should not be limited to those amongst the tools, such as in-person reporting and complaint box(es), which do not guarantee confidentiality of the identity of the reporting person.

*Amendment*

(42) Provided the confidentiality of the identity of the reporting person *or its anonymity* is ensured, it is up to each individual private and public legal entity to define the kind of reporting channels to set up, such as in person, by post, by physical complaint box(es), by telephone hotline or through an online platform (intranet or internet). However, reporting channels should not be limited to those amongst the tools, such as in-person reporting and complaint box(es), which do not guarantee *anonymity nor* confidentiality of the identity of the reporting person.

Or. en

#### **Amendment 71**

**Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

##### **Recital 43**

*Text proposed by the Commission*

*Amendment*



(43) Third parties may also be authorised to receive reports on behalf of private and public entities, provided they offer appropriate guarantees of respect for independence, confidentiality, data protection and secrecy. These can be external reporting platform providers, external counsel or auditors or trade union representatives.

(43) Third parties may also be authorised to receive reports on behalf of private and public entities, provided they offer appropriate guarantees of respect for independence, confidentiality *or where relevant, anonymity*, data protection and secrecy. These can be external reporting platform providers, external counsel or auditors or trade union representatives.

Or. en

**Amendment 72**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 44**

*Text proposed by the Commission*

(44) Internal reporting procedures should enable private legal entities to receive and investigate in full confidentiality reports by the employees of the entity and of its subsidiaries or affiliates (the group), but also, to any extent possible, by any of the group's agents and suppliers and by any person who acquires information through his/her work-related activities with the entity and the group.

*Amendment*

(44) Internal reporting procedures should enable private legal entities to receive and investigate in full confidentiality reports by the employees of the entity and of its subsidiaries or affiliates (the group), but also, to any extent possible, by any of the group's agents and suppliers and by any person who acquires information *especially* through his/her work-related activities with the entity and the group.

Or. en

**Amendment 73**  
**Jérôme Lavrilleux, Geoffroy Didier**

**Proposal for a directive**  
**Recital 44 a (new)**

*Text proposed by the Commission*

*Amendment*

***(44 a) The confidentiality of the reporting person and anyone involved***

*must be ensured so that the reporting process runs as smoothly as possible without any impediment, and so that self-censorship is avoided. Indeed, the protection of personal data is laid down in Union law and in national law, and said data requires all the more protection in the event of reporting.*

Or. fr

**Amendment 74**  
**Fabio Massimo Castaldo**

**Proposal for a directive**  
**Recital 45**

*Text proposed by the Commission*

(45) 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, their function should ensure absence of conflict of interest and independence. In smaller entities, this function could be a dual function held by a company officer well placed to report directly to the organisational head, such as a chief compliance or human resources officer, a legal or privacy officer, a chief financial officer, a chief audit executive or a member of the board.

*Amendment*

(45) 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, their function should ensure absence of conflict of interest and independence. ***A civil liability scheme should be applicable to these persons in the event of malicious acts or gross negligence.*** In smaller entities, this function could be a dual function held by a company officer well placed to report directly to the organisational head, such as a chief compliance or human resources officer, a legal or privacy officer, a chief financial officer, a chief audit executive or a member of the board.

Or. it

**Amendment 75**  
**Kostas Chrysogonos**

**Proposal for a directive**

## Recital 47

### *Text proposed by the Commission*

(47) Persons who are considering reporting breaches of Union law should be able to make an informed decision on whether, how and when to report. Private and public entities having in place internal reporting procedures shall provide information on these procedures as well as on procedures to report externally to relevant competent authorities. 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 entity through their work-related activities, such as service-providers, distributors, suppliers and business partners. 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.

### *Amendment*

(47) Persons who are considering reporting breaches of Union law should be able to make an informed decision on whether, how and when to report. ***To this end, they should be able to consult and seek advice from the national authority or OPLA, which is a first point of information and contact. They should also be able to consult civil society organisations involved in the protection of whistleblowers.*** Private and public entities having in place internal reporting procedures shall provide information on these procedures as well as on procedures to report externally to relevant competent authorities. ***They should also provide information on rights guaranteed to whistleblowers, particularly their right to disclosure guaranteed by this Directive, and their right to turn to civil society organisations involved in whistleblower protection to this end, specifically those who provide strategic and legal advice to whistleblowers, as well as to journalists.*** 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 entity ***especially*** through their work-related activities, such as service-providers, distributors, suppliers and business partners. 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.

Or. en

## Amendment 76 Fabio Massimo Castaldo

**Proposal for a directive**  
**Recital 57**

*Text proposed by the Commission*

(57) Member States should ensure the adequate record-keeping of all reports of infringement and that every report is retrievable within the competent authority and that information received through reports could be used as evidence in enforcement actions where appropriate.

*Amendment*

(57) Member States should ensure the adequate record-keeping of all reports of infringement and that every report is retrievable within the competent authority and that information received through reports could be used as evidence in enforcement actions where appropriate, ***respecting, where possible, the confidentiality of the reporting person.***

Or. it

**Amendment 77**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 58**

*Text proposed by the Commission*

(58) Protection of personal data of the reporting and concerned person is crucial in order to avoid unfair treatment or reputational damages due to disclosure of personal data, ***in particular data revealing the identity of a person concerned.*** Hence, in line with the requirements of Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation, hereinafter also referred to as 'GDPR'), competent authorities should establish adequate data protection procedures specifically geared to the protection of the reporting person, the concerned person and any third person referred to in the report that should include a secure system within the competent

*Amendment*

(58) Protection of personal data of the reporting and concerned person, ***as well as confidentiality of information,*** is crucial in order to avoid unfair treatment, ***any harassment or intimidation,*** or reputational damages due to disclosure of personal data. Hence, ***Member States and OPLA shall ensure that,*** in line with the requirements of Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation, hereinafter also referred to as 'GDPR'), competent authorities should establish adequate data protection procedures specifically geared to the protection of the reporting person, the concerned person and any third person referred to in the report that should include a secure system within

authority with restricted access rights for authorised staff only.

the competent authority with restricted access rights for authorised staff only.

Or. en

**Amendment 78**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 60**

*Text proposed by the Commission*

(60) To enjoy protection, the reporting persons should reasonably believe, in light of the circumstances and the information available to them at the time of the reporting, that the matters reported by them are true. This reasonable belief should be presumed unless and until proven otherwise. This is an essential safeguard against malicious and frivolous or abusive reports, ensuring that those who deliberately and knowingly report wrong or misleading information do not enjoy protection. At the same time, it ensures that protection is not lost where the reporting person made an inaccurate report in honest error. In a similar vein, reporting persons should be entitled to protection under this Directive if they have reasonable grounds to believe that the information reported falls within its scope.

*Amendment*

(60) ***The reporting persons should enjoy the protection of this Directive when they turn to one of the internal or external reporting channels (either a national authority or OPLA), with no special conditions or hierarchy, or when they exercise their right to disclosure to a journalist or a civil society organisation involved in whistleblower protection. This should apply throughout the procedure, including once the procedure is over, unless there is proven to be no threat of retaliation.*** To enjoy protection, the reporting persons should reasonably believe, in light of the circumstances and the information available to them at the time of the reporting, that the matters reported by them are true. This reasonable belief should be presumed unless and until proven otherwise. This is an essential safeguard against malicious and frivolous or abusive reports, ensuring that those who deliberately and knowingly report wrong or misleading information do not enjoy protection. At the same time, it ensures that protection is not lost where the reporting person made an inaccurate report in honest error. In a similar vein, reporting persons should be entitled to protection under this Directive if they have reasonable grounds to believe that the information reported falls within its scope.

**Amendment 79****Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a directive****Recital 61***Text proposed by the Commission*

(61) *The requirement of a tiered use of reporting channels, as a general rule, is necessary to ensure that the information gets to the persons who can contribute to the early and effective resolution of risks to the public interest as well as to prevent unjustified reputational damage from public disclosure. At the same time, some exceptions to its application are necessary, allowing the reporting person to choose the most appropriate channel depending on the individual circumstances of the case. Moreover, it is necessary to protect public disclosures taking into account democratic principles such as transparency and accountability, and fundamental rights such as freedom of expression and media freedom, whilst balancing the interest of employers to manage their organisations and to protect their interests with the interest of the public to be protected from harm, in line with the criteria developed in the case-law of the European Court of Human Rights<sup>57</sup>.*

---

<sup>57</sup> One of the criteria for determining whether retaliation against whistleblowers making public disclosures interferes with freedom of expression in a way which is not necessary in a democratic society, is whether the persons who made the disclosure had at their disposal alternative channels for making the disclosure; see, for

*Amendment*

(61) It is necessary to protect public disclosures taking into account democratic principles such as transparency and accountability, and fundamental rights such as freedom of expression and media freedom, whilst balancing the interest of employers to manage their organisations and to protect their interests with the interest of the public to be protected from harm, in line with the criteria developed in the case-law of the European Court of Human Rights<sup>57</sup>.

---

<sup>57</sup> One of the criteria for determining whether retaliation against whistleblowers making public disclosures interferes with freedom of expression in a way which is not necessary in a democratic society, is whether the persons who made the disclosure had at their disposal alternative channels for making the disclosure; see, for

instance, *Guja v. Moldova* [GC], no 14277/04, ECHR 2008.

instance, *Guja v. Moldova* [GC], no 14277/04, ECHR 2008.

Or. en

**Amendment 80**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 61**

*Text proposed by the Commission*

(61) *The requirement of a tiered use of reporting channels, as a general rule, is necessary to ensure that the information gets to the persons who can contribute to the early and effective resolution of risks to the public interest as well as to prevent unjustified reputational damage from public disclosure. At the same time, some exceptions to its application are necessary, allowing the reporting person to choose the most appropriate channel depending on the individual circumstances of the case. Moreover, it is necessary to protect public disclosures taking into account democratic principles such as transparency and accountability, and fundamental rights such as freedom of expression and media freedom, whilst balancing the interest of employers to manage their organisations and to protect their interests with the interest of the public to be protected from harm, in line with the criteria developed in the case-law of the European Court of Human Rights<sup>57</sup>*

*Amendment*

(61) *It is necessary to ensure that all reporting channels whether internal or external are open to the reporting person so as to ensure that the information gets to the persons or entities who can contribute to the early and effective resolution of risks to the public interest, by allowing the reporting person to choose the most appropriate channel depending on the individual circumstances of the case. Moreover, it is necessary to protect public disclosures taking into account democratic principles such as transparency and accountability, and fundamental rights such as freedom of expression and media freedom.*

---

<sup>57</sup> One of the criteria for determining whether retaliation against whistleblowers making public disclosures interferes with freedom of expression in a way which is not necessary in a democratic society, is whether the persons who made the

disclosure had at their disposal alternative channels for making the disclosure; see, for instance, *Guja v. Moldova* [GC], no 14277/04, ECHR 2008.

Or. en

#### **Amendment 81**

**Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

##### **Recital 62**

*Text proposed by the Commission*

*Amendment*

*(62) As a rule, reporting persons should first use the internal channels at their disposal and report to their employer. However, it may be the case that internal channels do not exist (in case of entities which are not under an obligation to establish such channels by virtue of this Directive or applicable national law) or that their use is not mandatory (which may be the case for persons who are not in an employment relationship), or that they were used but did not function properly (for instance the report was not dealt with diligently or within a reasonable timeframe, or no action was taken to address the breach of law despite the positive results of the enquiry).*

*deleted*

Or. en

#### **Amendment 82**

**Kostas Chrysogonos**

#### **Proposal for a directive**

##### **Recital 62**



*Text proposed by the Commission*

*Amendment*

(62) As a rule, reporting persons should ***first use the internal channels*** at their disposal ***and report to their employer***. ***However, it may be the case that internal channels do not exist (in case of entities which are not under an obligation to establish such channels by virtue of this Directive or applicable national law) or that their use is not mandatory (which may be the case for persons who are not in an employment relationship), or that they were used but did not function properly (for instance the report was not dealt with diligently or within a reasonable timeframe, or no action was taken to address the breach of law despite the positive results of the enquiry).***

(62) As a rule, reporting persons should ***have*** at their disposal ***both internal and external reporting*** channels ***including media outlets*** which ***play an essential role in preserving democratic values***.

Or. en

**Amendment 83**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 63**

*Text proposed by the Commission*

*Amendment*

(63) ***In other cases, internal channels could not reasonably be expected to function properly, for instance, where the reporting persons have valid reasons to believe that they would suffer retaliation in connection with the reporting; that their confidentiality would not be protected; that the ultimate responsibility holder within the work-related context is involved in the breach; that the breach might be concealed; that evidence may be concealed or destroyed; that the effectiveness of investigative actions by competent authorities might be jeopardised or that urgent action is required (for instance because of an***

***deleted***

*imminent risk of a substantial and specific danger to the life, health and safety of persons, or to the environment. In all such cases, persons reporting externally to the competent authorities and, where relevant, to bodies, offices or agencies of the Union shall be protected. Moreover, protection is also to be granted in cases where Union legislation allows for the reporting person to report directly to the competent national authorities or bodies, offices or agencies of the Union, for example in the context of fraud against the Union budget, prevention and detection of money laundering and terrorist financing or in the area of financial services.*

Or. en

#### **Amendment 84**

**Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

#### **Recital 63**

*Text proposed by the Commission*

*Amendment*

*(63) In other cases, internal channels could not reasonably be expected to function properly, for instance, where the reporting persons have valid reasons to believe that they would suffer retaliation in connection with the reporting; that their confidentiality would not be protected; that the ultimate responsibility holder within the work-related context is involved in the breach; that the breach might be concealed; that evidence may be concealed or destroyed; that the effectiveness of investigative actions by competent authorities might be jeopardised or that urgent action is required (for instance because of an imminent risk of a substantial and*

*deleted*

*specific danger to the life, health and safety of persons, or to the environment. In all such cases, persons reporting externally to the competent authorities and, where relevant, to bodies, offices or agencies of the Union shall be protected. Moreover, protection is also to be granted in cases where Union legislation allows for the reporting person to report directly to the competent national authorities or bodies, offices or agencies of the Union, for example in the context of fraud against the Union budget, prevention and detection of money laundering and terrorist financing or in the area of financial services.*

Or. en

**Amendment 85**  
**Jiří Pospíšil**

**Proposal for a directive**  
**Recital 63**

*Text proposed by the Commission*

(63) In other cases, internal channels could not reasonably be expected to function properly, for instance, where the reporting persons have valid reasons to believe that they would suffer retaliation in connection with the reporting; that their confidentiality would not be protected; that the ultimate responsibility holder within the work-related context is involved in the breach; that the breach might be concealed; that evidence may be concealed or destroyed; that the effectiveness of investigative actions by competent authorities might be jeopardised or that urgent action is required (for instance because of an imminent risk of a substantial and specific danger to the life, health and safety of persons, or to the environment. In all such cases, persons

*Amendment*

(63) In other cases, internal channels could not reasonably be expected to function properly, for instance, where the reporting persons have valid reasons to believe that they would suffer retaliation in connection with the reporting; that their confidentiality would not be protected; that the ultimate responsibility holder within the work-related context is involved in the breach; that the breach might be concealed; that evidence may be concealed or destroyed; that the effectiveness of investigative actions by competent authorities might be jeopardised or that urgent action is required (for instance because of an imminent risk of a substantial and specific danger to the life, health and safety of persons, or to the environment. In all such cases, persons

reporting externally to the competent authorities and, where relevant, to bodies, offices or agencies of the Union shall be protected. Moreover, protection is also to be granted in cases where Union legislation allows for the reporting person to report directly to the competent national authorities or bodies, offices or agencies of the Union, for example in the context of fraud against the Union budget, *prevention* and detection of money laundering and terrorist financing or in the area of financial services.

reporting externally to the competent authorities and, where relevant, to bodies, offices or agencies of the Union shall be protected. Moreover, protection is also to be granted in cases where Union legislation allows for the reporting person to report directly to the competent national authorities or bodies, offices or agencies of the Union, for example in the context of fraud against the Union budget, *the fight against* and detection of money laundering and terrorist financing or in the area of financial services.

Or. cs

## **Amendment 86**

**Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group

### **Proposal for a directive**

#### **Recital 65**

##### *Text proposed by the Commission*

(65) Reporting persons 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 of the reporting person who are also in a work-related connection with the latter's

##### *Amendment*

(65) Reporting persons 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. ***Protection against retaliation should also be granted to natural or legal persons closely linked to the reporting person, irrespective of the***

employer or customer/recipient of services and workers' representatives who have provided support to the reporting person.

***nature of the activities, and whether they are paid or not.*** Indirect retaliation also includes actions taken against relatives of the reporting person who are also in a work-related connection with the latter's employer or customer/recipient of services and workers' representatives who have provided support to the reporting person.

Or. en

### **Amendment 87**

**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

#### **Proposal for a directive** **Recital 77 a (new)**

*Text proposed by the Commission*

*Amendment*

***(77 a) Following an individual assessment, any third country national who reports information falling into the scope of this directive and suffers from a well-founded fear of persecution or would face a real risk of suffering serious harm because of the report and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country can be considered as qualifying as a refugee or beneficiary of subsidiary protection in accordance with chapters II and III of Directive 2011/95/EU***

Or. en

### **Amendment 88**

**Fabio Massimo Castaldo**

#### **Proposal for a directive** **Recital 78**

*Text proposed by the Commission*

*Amendment*

(78) Penalties are necessary to ensure the effectiveness of the rules on whistleblower protection. Penalties against those who take retaliatory or other adverse actions against reporting persons can discourage further such actions. *Penalties against persons who make a report or disclosure demonstrated to be knowingly false are necessary to deter further malicious reporting and preserve the credibility of the system. The proportionality of such penalties should ensure that they do not have a dissuasive effect on potential whistleblowers.*

(78) Penalties are necessary to ensure the effectiveness of the rules on whistleblower protection. Penalties against those who take retaliatory or other adverse actions against reporting persons can discourage further such actions.

Or. it

#### **Amendment 89**

**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

#### **Proposal for a directive** **Recital 78**

*Text proposed by the Commission*

(78) Penalties are necessary to ensure the effectiveness of the rules on whistleblower protection. Penalties against those who take retaliatory or other adverse actions against reporting persons can discourage further such actions. *Penalties against persons who make a report or disclosure demonstrated to be knowingly false are necessary to deter further malicious reporting and preserve the credibility of the system. The proportionality of such penalties should ensure that they do not have a dissuasive effect on potential whistleblowers.*

*Amendment*

(78) Penalties are necessary to ensure the effectiveness of the rules on whistleblower protection. Penalties against those who take retaliatory or other adverse actions against reporting persons can discourage further such actions.

Or. en

#### **Amendment 90**

**Fabio Massimo Castaldo**

**Proposal for a directive  
Recital 80**

*Text proposed by the Commission*

(80) This Directive introduces minimum standards and Member States should have the power to introduce or maintain more favourable provisions to the reporting person, provided that such provisions do not interfere with the measures for the protection of concerned persons.

*Amendment*

(80) This Directive introduces minimum standards and Member States should have the power to introduce or maintain more favourable provisions to the reporting person, provided that such provisions do not interfere with the measures for the protection of concerned persons. ***In addition, Member States may establish a reward system that may offer a fair reward in the event that the reporting results in the prevention of considerable damage to the assets of the European Union or the recovery of large sums by the EU.***

Or. it

**Amendment 91  
Fabio Massimo Castaldo**

**Proposal for a directive  
Recital 82**

*Text proposed by the Commission*

(82) The material scope of this Directive is based on the identification of areas where the introduction of whistleblower protection appears justified and necessary on the basis of currently available evidence. ***Such material scope may be extended to further areas or Union acts, if this proves necessary as a means of strengthening their enforcement in the light of evidence that may come to the fore in the future or on the basis of the evaluation of the way in which this Directive has operated.***

*Amendment*

(82) The material scope of this Directive is based on the identification of areas where the introduction of whistleblower protection appears justified and necessary on the basis of currently available evidence ***and extends, on the basis of Article 352 TFEU, to all*** further areas or Union acts.

**Amendment 92**  
**Fabio Massimo Castaldo**

**Proposal for a directive**  
**Recital 84**

*Text proposed by the Commission*

(84) The objective of this Directive, namely to strengthen enforcement *in certain policy areas and acts where breaches* of Union law *can cause serious harm to the public interest* through effective whistleblower protection, cannot be sufficiently achieved by the Member States acting alone or in an uncoordinated manner, but can rather be better achieved by Union action providing minimum standards of harmonisation on whistleblower protection. Moreover, only Union action can provide coherence and align the existing Union rules on whistleblower protection. Therefore, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve this objective.

*Amendment*

(84) The objective of this Directive, namely to strengthen enforcement of Union law through effective whistleblower protection, cannot be sufficiently achieved by the Member States acting alone or in an uncoordinated manner, but can rather be better achieved by Union action providing minimum standards of harmonisation on whistleblower protection. Moreover, only Union action can provide coherence and align the existing Union rules on whistleblower protection. Therefore, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve this objective.

**Amendment 93**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 85**

*Text proposed by the Commission*

(85) This Directive *respects fundamental rights and observes the*

*Amendment*

(85) This Directive *is without prejudice to Member States' freedom to introduce*



*principles recognised in particular by the Charter of Fundamental Rights of the European Union. Accordingly, this Directive must be implemented in accordance with those rights and principles. In particular, this Directive seeks to ensure full respect for freedom of expression and information, the right to protection of personal data, the freedom to conduct a business, the right to a high level of consumer protection, the right to an effective remedy and the rights of defence.*

*the same or similar rules for breaches of national law, thereby providing a coherent and comprehensive framework for the protection of persons reporting on breaches.*

Or. en

**Amendment 94**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 1 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. *With a view to enhancing the enforcement of Union law and policies in specific areas*, this Directive lays down common minimum standards for the protection of persons reporting on the following unlawful activities or abuse of law:

*Amendment*

1. This Directive lays down common minimum standards for the protection of persons reporting on the following unlawful activities or abuse of law:

Or. en

**Amendment 95**  
**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 1 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. With a view to enhancing the enforcement of Union law and policies in specific areas, this Directive lays down common minimum standards for the protection of persons reporting on ***the following*** unlawful activities ***or*** abuse of law:

1. With a view to enhancing the enforcement of Union law and policies in specific areas, this Directive lays down common minimum standards for the protection of persons reporting on unlawful activities, abuse of law ***or threats to the public interest, including:***

Or. en

**Amendment 96**  
**Jiří Pospíšil**

**Proposal for a directive**  
**Article 1 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. With a view to enhancing the enforcement of Union law ***and*** policies in specific areas, this Directive lays down common minimum standards for the protection of persons reporting on the following unlawful activities or abuse of law:

*Amendment*

1. With a view to enhancing enforcement of ***the*** law ***when implementing*** Union policies in specific areas, this Directive lays down common minimum standards for the protection of persons reporting on the following unlawful activities or abuse of law:

Or. cs

**Amendment 97**  
**Fabio Massimo Castaldo**

**Proposal for a directive**  
**Article 1 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. With a view to enhancing the enforcement of Union law and policies ***in specific areas***, this Directive lays down common minimum standards for the protection of persons reporting on the following unlawful activities or abuse of law:

*Amendment*

1. With a view to enhancing the enforcement of Union law and policies, this Directive lays down common minimum standards for the protection of persons reporting on the following unlawful activities or abuse of law:

## Amendment 98

Maite Pagazaurtundúa Ruiz, Charles Goerens, Jasenko Selimovic

### Proposal for a directive

#### Article 1 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. With a view to enhancing the enforcement of Union law and policies *in specific areas*, this Directive lays down common minimum standards for the protection of persons reporting on the following unlawful activities or abuse of law:

*Amendment*

1. With a view to enhancing the enforcement of Union law and policies, this Directive lays down common minimum standards for the protection of persons reporting on the following unlawful activities or abuse of law:

Or. en

*Justification*

*General statement, as the areas are described later.*

## Amendment 99

Kostas Chrysogonos

### Proposal for a directive

#### Article 1 – paragraph 1 – point a – introductory part

*Text proposed by the Commission*

a) breaches falling within the scope of the Union acts set out in the Annex (Part I and Part II) as regards the following areas:

*Amendment*

a) ***breaches of fundamental rights and principles of the Union, as well as*** breaches falling within the scope of the Union acts set out in the Annex (Part I and Part II) as regards, ***including but not limited to*** the following areas:

Or. en

## Amendment 100

Max Andersson, Pascal Durand

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 1 – paragraph 1 – point a – introductory part**

*Text proposed by the Commission*

*Amendment*

a) breaches falling within the scope of the Union acts *set out in the Annex (Part I and Part II) as regards* the following areas:

a) breaches falling within the scope of the Union acts, ***including but not limited to*** the following areas:

Or. en

**Amendment 101**

**Kostas Chrysogonos**

**Proposal for a directive**

**Article 1 – paragraph 1 – point a – point i a (new)**

*Text proposed by the Commission*

*Amendment*

***(i a) employment;***

Or. en

**Amendment 102**

**Kostas Chrysogonos**

**Proposal for a directive**

**Article 1 – paragraph 1 – point a – point i b (new)**

*Text proposed by the Commission*

*Amendment*

***(i b) trade;***

Or. en

**Amendment 103**

**Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 1 – paragraph 1 – point a – point ii**

*Text proposed by the Commission*

(ii) financial services, prevention of money laundering and terrorist financing;

*Amendment*

(ii) financial services, prevention of money laundering and terrorist financing, ***corruption and organized crime***;

Or. en

**Amendment 104**  
**Jiří Pospíšil**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point a – point ii**

*Text proposed by the Commission*

ii) financial services, ***prevention of*** money laundering and terrorist financing;

*Amendment*

ii) financial services, ***the fight against*** money laundering and terrorist financing;

Or. cs

**Amendment 105**  
**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 1 – paragraph 1 – point a – point viii**

*Text proposed by the Commission*

(viii) public health;

*Amendment*

(viii) public health ***and public safety***;

Or. en

**Amendment 106**  
**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 1 – paragraph 1 – point a – point viii a (new)**

*Text proposed by the Commission*

*Amendment*

*(viii a) asylum and migration law;*

Or. en

**Amendment 107**

**Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 1 – paragraph 1 – point a – point ix a (new)**

*Text proposed by the Commission*

*Amendment*

*(ix a) employment and working conditions;*

Or. en

**Amendment 108**

**Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 1 – paragraph 1 – point a – point ix b (new)**

*Text proposed by the Commission*

*Amendment*

*(ix b) tax fraud, tax evasion and tax optimisation;*

Or. en

**Amendment 109**

**Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 1 – paragraph 1 – point a – point ix c (new)**

*Text proposed by the Commission*

*Amendment*

***(ix c) violations of human rights or of the rights enshrined in the European Charter of Fundamental Rights;***

Or. en

**Amendment 110**

**Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 1 – paragraph 1 – point a – point ix d (new)**

*Text proposed by the Commission*

*Amendment*

***(ix d) company law;***

Or. en

**Amendment 111**

**Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 1 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

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;

b) ***competition law, especially*** 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;

Or. en

**Amendment 112**

**Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 1 – paragraph 1 – point d**

*Text proposed by the Commission*

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.

*Amendment*

d) breaches relating to the internal market, as referred to in Article 26(2) TFEU, ***particularly*** 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.

Or. en

**Amendment 113**  
**Jérôme Lavrilleux**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point d a (new)**  
Directive 2018/0106  
Article 1, paragraph 1, point d a (new)

*Text proposed by the Commission*

*Amendment*

(da) ***infringements of those liberties, principles, common values and fundamental rights laid out in the Charter of Fundamental Rights of the European Union.***

Or. fr

*Justification*

*This detail about observing the Charter of Fundamental Rights allows for the scope of this Directive to be extended to certain rights and liberties relating to the protection of workers.*

**Amendment 114**  
**Fabio Massimo Castaldo**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point d a (new)**

PE627.634v01-00

56/122

AM\1162218EN.docx



*Text proposed by the Commission*

*Amendment*

(da) ***all other sectors in which the public interest is damaged or EU law is breached;***

Or. it

**Amendment 115**

**Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 1 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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.

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.***

Or. en

**Amendment 116**

**Maite Pagazaurtundúa Ruiz, Charles Goerens, Jasenko Selimovic**

**Proposal for a directive**

**Article 1 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2 a. Member States shall have specific provisions concerning data and documents covered by secret of defence,***

*classified information, public order, or other exceptions based on their national law, if applicable.*

Or. en

*Justification*

*Reflection in the text of the Directive what is established in whereas 21: "This Directive should be without prejudice to the protection of national security and other classified information which Union law or the laws, regulations or administrative provisions in force in the Member State concerned require, for security reasons, to be protected from unauthorised access."*

**Amendment 117**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 2 – paragraph 1 – introductory part**

*Text proposed by the Commission*

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:

*Amendment*

1. This Directive shall apply to reporting persons working in the private or public sector who acquired information on breaches including, at least, the following:

Or. en

**Amendment 118**  
**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 2 – paragraph 1 – introductory part**

*Text proposed by the Commission*

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:

*Amendment*

1. This Directive shall apply to reporting persons *and facilitators* in the private or public sector who acquired information on breaches including, at least, the following:

### **Amendment 119**

**Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

##### **Article 2 – paragraph 1 – point a**

*Text proposed by the Commission*

a) persons having the status of worker, with the meaning of Article 45 TFEU;

*Amendment*

a) persons having the status of worker, with the meaning of Article 45 TFEU, ***regardless of whether they are paid or unpaid;***

Or. en

### **Amendment 120**

**Kostas Chrysogonos**

#### **Proposal for a directive**

##### **Article 2 – paragraph 1 – point b**

*Text proposed by the Commission*

b) persons having the status of ***self-employed***, with the meaning of Article **49 TFEU**;

*Amendment*

b) persons having the status of ***worker or former worker***, with the meaning of Article **45 TFEU**, ***including persons having the status of civil servants;***

Or. en

### **Amendment 121**

**Kostas Chrysogonos**

#### **Proposal for a directive**

##### **Article 2 – paragraph 1 – point c**

*Text proposed by the Commission*

c) shareholders and persons belonging to the management body of an undertaking,

*Amendment*

c) shareholders and persons belonging to the management body of an undertaking,

including non-executive members, as well as volunteers and unpaid trainees;

including non-executive members, as well as volunteers and *paid and* unpaid trainees;

Or. en

### **Amendment 122**

**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

#### **Proposal for a directive**

##### **Article 2 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. Without prejudice to Articles 22a, 22b and 22c of Regulation No 31 (EEC), 11 (EAEC), this Directive shall also apply to the officials and the other servants of the European Union and the European Atomic Energy Community who report information on any of the breaches referred to in Article 1.***

Or. en

### **Amendment 123**

**Fabio Massimo Castaldo**

#### **Proposal for a directive**

##### **Article 2 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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. 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, ***and to reporting persons whose working relationship has ceased.***

Or. it

### *Justification*

*Reporting persons might suffer retaliation, of financial or other types, even after their working relationship has ceased.*

#### **Amendment 124**

**Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

##### **Article 2 – paragraph 2**

###### *Text proposed by the Commission*

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.

###### *Amendment*

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 **and whose work-based relationships that have terminated.**

Or. en

#### **Amendment 125**

**Kostas Chrysogonos**

#### **Proposal for a directive**

##### **Article 2 – paragraph 2**

###### *Text proposed by the Commission*

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.

###### *Amendment*

2. This Directive shall also apply to reporting persons whose work-based relationship **has ended or** is yet to begin in cases where information concerning a breach has been acquired during the recruitment process or other pre-contractual negotiation.

Or. en

**Amendment 126**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2 a. This Directive shall apply to officials as well as to other employees and interns working at the institutions, agencies and bodies of the Union.**

Or. en

**Amendment 127**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 2 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2 b. This Directive shall apply to individuals falling within the definition laid out in Article 1 of private or public legal entities located within the Union, as well as to private or public European legal entities located outside Union territory.**

Or. en

**Amendment 128**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 2 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

**2 c. This Directive shall apply to individuals facilitating the reporting on breaches such as journalists or intermediaries between the reporting**

*person and the person distributing the information.*

Or. en

**Amendment 129**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 2 – paragraph 2 d (new)**

*Text proposed by the Commission*

*Amendment*

*2 d. This Directive shall apply to any individual reporting on breaches of Union law who has evidence of such breaches in the public or private sector.*

Or. en

**Amendment 130**  
**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 1**

*Text proposed by the Commission*

*Amendment*

(1) ‘breaches’ means actual or potential unlawful activities or abuse of law relating to the Union acts *and* areas falling within the scope referred to in Article 1 *and in the Annex*;

(1) ‘breaches’ means actual or potential unlawful activities, *omissions* or abuse of law relating to the Union acts, *notably in* areas falling within the scope referred to in Article 1;

Or. en

**Amendment 131**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 1**

*Text proposed by the Commission*

(1) ‘breaches’ means actual or potential unlawful activities *or* abuse of law *relating to* the Union *acts and areas falling within the scope referred to in Article 1 and in the Annex*;

*Amendment*

(1) ‘breaches’ means actual or potential unlawful activities, abuse of law *or activities detrimental to the public interest or the general interest of* the Union;

Or. en

**Amendment 132**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 2**

*Text proposed by the Commission*

(2) ‘unlawful activities’ means acts or omissions contrary to *Union* law;

*Amendment*

(2) ‘unlawful activities’ means acts or omissions contrary to law;

Or. en

**Amendment 133**  
**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 3**

*Text proposed by the Commission*

(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;

*Amendment*

(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 *or represent a danger or a potential danger to the public interest*;

Or. en



**Amendment 134**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 3**

*Text proposed by the Commission*

(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;

*Amendment*

(3) ‘abuse of law’ means acts or omissions which do not appear to be unlawful in formal terms but defeat the object or the purpose pursued by the applicable rules;

Or. en

**Amendment 135**  
**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 4**

*Text proposed by the Commission*

(4) ‘information on breaches’ means ***evidence*** about actual breaches as well as ***reasonable*** suspicions about potential breaches which have not yet materialised;

*Amendment*

(4) information on breaches’ means ***information*** about actual breaches as well as suspicions about potential breaches which have not yet materialised;

Or. en

**Amendment 136**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 5**

*Text proposed by the Commission*

(5) ‘report’ means the provision of information relating to a breach which has occurred or is likely to occur ***in the organisation at which the reporting***

*Amendment*

(5) ‘report’ means the provision of information relating to a breach which has occurred or is likely to occur;

*person works or has worked or in another organisation with which he or she is or was in contact through his or her work;*

Or. en

#### **Amendment 137**

**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

#### **Proposal for a directive**

#### **Article 3 – paragraph 1 – point 5**

*Text proposed by the Commission*

(5) ‘report’ means the provision of information relating to a breach which has occurred or is likely to occur *in the organisation at which the reporting person works or has worked or in another organisation with which he or she is or was in contact through his or her work;*

*Amendment*

(5) ‘report’ means the provision of information relating to a breach which has occurred or is likely to occur;

Or. en

#### **Amendment 138**

**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

#### **Proposal for a directive**

#### **Article 3 – paragraph 1 – point 8**

*Text proposed by the Commission*

(8) ‘disclosure’ means making information on breaches *acquired within the work-related context* available to the public domain;

*Amendment*

(8) ‘disclosure’ means making information on breaches available to the public domain;

Or. en

#### **Amendment 139**

**Kostas Chrysogonos**

**Proposal for a directive  
Article 3 – paragraph 1 – point 8**

*Text proposed by the Commission*

(8) ‘disclosure’ means making information on breaches acquired within the work-related context available to the public domain;

*Amendment*

(8) ‘disclosure’ means making information on breaches acquired *inter alia* within the work-related context available to the public domain;

Or. en

**Amendment 140  
Kostas Chrysogonos**

**Proposal for a directive  
Article 3 – paragraph 1 – point 9**

*Text proposed by the Commission*

(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*;

*Amendment*

(9) ‘reporting person’ means a natural or legal person who reports or discloses information on breaches acquired;

Or. en

**Amendment 141  
Max Andersson, Pascal Durand  
on behalf of the Verts/ALE Group**

**Proposal for a directive  
Article 3 – paragraph 1 – point 9**

*Text proposed by the Commission*

(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*;

*Amendment*

(9) ‘reporting person’ means a natural or legal person who reports or discloses information on breaches;

**Amendment 142**

**Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 3 – paragraph 1 – point 9 a (new)**

*Text proposed by the Commission*

*Amendment*

**(9 a) "facilitator" means a natural or legal person who contributes directly or indirectly to the reporting process;**

**Amendment 143**

**Fabio Massimo Castaldo**

**Proposal for a directive**

**Article 3 – paragraph 1 – point 12**

*Text proposed by the Commission*

*Amendment*

(12) ‘retaliation’ means any threatened or actual act or omission prompted by the internal or external reporting which occurs in a work-related context and causes or may cause unjustified detriment to the reporting person;

(12) ‘retaliation’ means any threatened or actual act or omission prompted by the internal or external reporting which occurs in a work-related context ***or after the cessation of the working relationship*** and causes or may cause unjustified detriment to the reporting person;

**Amendment 144**

**Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 3 – paragraph 1 – point 12**

*Text proposed by the Commission*

(12) ‘retaliation’ means any threatened or actual act or omission prompted by the internal *or* external reporting which ***occurs in a work-related context and*** causes or may cause unjustified detriment to the reporting person;

*Amendment*

(12) ‘retaliation’ means any threatened or actual act or omission prompted by the internal, external reporting ***or disclosure and*** which causes or may cause unjustified detriment to the reporting person, ***suspected reporting person or their family members, relatives and facilitators***;

Or. en

**Amendment 145**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 12**

*Text proposed by the Commission*

(12) ‘retaliation’ means any threatened or actual ***act or*** omission prompted by the internal or external reporting which occurs in a work-related context and causes or may cause unjustified detriment to the reporting person;

*Amendment*

(12) ‘retaliation’ means any threatened or actual ***actor*** omission prompted by the internal or external reporting ***or disclosure*** which occurs in a work-related context and causes or may cause unjustified detriment to the reporting person;

Or. en

**Amendment 146**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 13**

*Text proposed by the Commission*

(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

*Amendment*

(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,

internal enquiry, investigation, prosecution,  
action for recovery of funds and closure;

action for recovery of funds and closure, *as  
well as any other relevant remedial  
action;*

Or. en

**Amendment 147**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 13 a (new)**

*Text proposed by the Commission*

*Amendment*

*(13 a) ‘national authority’ means any  
national 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 to  
reports;*

Or. en

**Amendment 148**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 13 b (new)**

*Text proposed by the Commission*

*Amendment*

*(13 b) ‘OPLA’, the authority set up at  
European level to receive reports in  
accordance with Chapter III, and to carry  
out the functions provided for in this  
Directive;*

Or. en

**Amendment 149**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 13 c (new)**

*Text proposed by the Commission*

*Amendment*

**(13 c) 'facilitator' means any natural or legal person who contributes to the report or assists a person reporting on breaches with his report.**

Or. en

**Amendment 150**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 14**

*Text proposed by the Commission*

*Amendment*

(14) 'competent **authority**' means any national 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.**

(14) 'competent **authorities**' means any national authority **or OPLA.**

Or. en

**Amendment 151**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 4 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

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 **and negotiations with the worker**

up on reports, following consultations *with* social partners, *if appropriate*.

*representatives and/or the trade union and/or* social partners.

Or. en

**Amendment 152**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 4 – paragraph 2**

*Text proposed by the Commission*

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), but* the use of internal channels for reporting shall not be mandatory *for these categories of persons*.

*Amendment*

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. The use of internal channels for reporting shall not be mandatory.

Or. en

**Amendment 153**  
**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 4 – paragraph 2**

*Text proposed by the Commission*

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), *but the use of internal channels for reporting shall not be mandatory for these categories of persons*.

*Amendment*

2. Such channels and procedures shall allow for reporting by employees of the entity. They *shall* 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).



**Amendment 154**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 4 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2 a. These reporting channels shall be clearly defined by the entity and easily accessible both within and from outside the entity. Such channels shall fully safeguard the anonymity of persons reporting on breaches or their facilitators, provided that they so wish, as well as their personal data.**

Or. en

**Amendment 155**  
**Jiří Pospíšil**

**Proposal for a directive**  
**Article 4 – paragraph 3 – point c**

*Text proposed by the Commission*

*Amendment*

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.

c) private legal entities of any size operating in the area of financial services or ***making or receiving payments of EUR 10 000 or more in cash***, as regulated under the Union acts referred to in the Annex.

Or. cs

**Amendment 156**  
**Max Andersson**  
on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 4 – paragraph 3 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***c a) private legal entities of any size whose conducted activities are likely to constitute a danger to the environment or to public health;***

Or. en

**Amendment 157**

**Kostas Chrysogonos**

**Proposal for a directive**

**Article 4 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

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.

5. Any decision taken by a Member State pursuant to paragraph 4 shall be notified to the Commission ***and OPLA***, together with a justification and the criteria used in the risk assessment. The Commission shall communicate that decision to the other Member States.

Or. en

**Amendment 158**

**Kostas Chrysogonos**

**Proposal for a directive**

**Article 4 – paragraph 6 – point c**

*Text proposed by the Commission*

*Amendment*

c) municipalities ***with more than 10 000 inhabitants;***

c) municipalities;

Or. en

**Amendment 159**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 4 – paragraph 6 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**c a) European Union institutions,  
agencies and bodies.**

Or. en

**Amendment 160**  
**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 5 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

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 and prevents access to non-authorised staff members;

a) channels for receiving the reports which are designed, set up and operated in a manner that ensures ***an acknowledgment of the receipt of a report within 5 working days, that ensures*** the confidentiality ***or anonymity*** of the identity of the reporting person and prevents access to non-authorised staff members

Or. en

**Amendment 161**  
**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 5 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

d) a reasonable timeframe, not exceeding ***three months*** following the

d) a reasonable timeframe, not exceeding ***thirty days*** following the report,

report, to provide feedback to the reporting person about the follow-up to the report;

to provide feedback to the reporting person about the follow-up to the report;

Or. en

### **Amendment 162**

**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

#### **Proposal for a directive**

#### **Article 5 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***d a) the opportunity for the reporting person, with no obligation to do so, to look over, examine and comment on the final report at the end of the investigation, and that his/her comments must be included in the final report, and in the published version of the report, where applicable;***

Or. en

### **Amendment 163**

**Jiří Pospíšil**

#### **Proposal for a directive**

#### **Article 5 – paragraph 2 – subparagraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

a) written reports in electronic or paper format and/or oral report through telephone lines, ***whether*** recorded ***or unrecorded***;

a) written reports in electronic or paper format and/or oral report through recorded telephone lines;

Or. cs

### **Amendment 164**

**Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 5 – paragraph 2 – subparagraph 1 – point b**

*Text proposed by the Commission*

(b) physical meetings with the person or department designated to receive reports.

*Amendment*

(b) physical meetings with the person or department designated to receive reports ***accompanied, if the reporting person requests it, by a union representative, by a representative of civil society or his/her legal representative.***

Or. en

**Amendment 165**

**Jiří Pospíšil**

**Proposal for a directive**

**Article 5 – paragraph 2 – subparagraph 1 – point b**

*Text proposed by the Commission*

b) physical meetings with the person or department designated to receive reports.

*Amendment*

b) physical meetings with the person or department designated to receive reports, ***properly minuted and with the minutes dated and signed by the reporter.***

Or. cs

**Amendment 166**

**Kostas Chrysogonos**

**Proposal for a directive**

**Article 5 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3 a. It shall be ensured that a person considering reporting on breaches is protected to discuss, be accompanied and represented by his/her trade union and/or***

*legal advisor, including throughout the internal process.*

Or. en

**Amendment 167**

**Jérôme Lavrilleux, Geoffroy Didier**

**Proposal for a directive**

**Article 5 – paragraph 3 a (new)**

Directive 2018/0106

Article 5 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3 a. The reporting procedure ought to be scaled in some way so as to ensure measures designed to protect whistleblowers are balanced.***

Or. fr

**Amendment 168**

**Jiří Pospíšil**

**Proposal for a directive**

**Article 6 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

a) establish independent and autonomous external reporting channels, which are ***both*** secure ***and*** ensure confidentiality, for receiving and handling information provided by the reporting person;

a) establish independent and autonomous external reporting channels, which are secure, ensure confidentiality ***and guarantee that the identity of the reporting person will not be disclosed***, for receiving and handling information provided by the reporting person;

Or. cs

**Amendment 169**

**Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 6 – paragraph 2 – point a**

*Text proposed by the Commission*

a) establish independent and autonomous external reporting channels, which are both secure and ensure confidentiality, for receiving and handling information provided by the reporting person;

*Amendment*

a) establish independent and autonomous external reporting channels, which are both secure and ensure confidentiality, for receiving and handling information provided by the reporting person ***and allow for anonymous reporting***;

Or. en

**Amendment 170**

**Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 6 – paragraph 2 – point b**

*Text proposed by the Commission*

b) give feedback to the reporting person about the follow-up of the report within a reasonable timeframe not exceeding ***three months or six months in duly justified cases***;

*Amendment*

b) ***acknowledge receipt of the report within 5 working days***, give feedback to the reporting person about the follow-up of the report within a reasonable timeframe not exceeding ***two*** months;

Or. en

**Amendment 171**

**Max Andersson, Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 6 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***b a) gives the reporting person the opportunity, without compelling him/her,***

*to look over, examine and comment on the draft report over the course of the investigation, and the final report before it is published at the end of the investigation and, where relevant, take his/her comments into account;*

Or. en

**Amendment 172**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 6 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*c a) guarantee free and independent advice and legal support for persons reporting on breaches, as well as for facilitators and intermediaries;*

Or. en

**Amendment 173**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 6 – paragraph 2 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

*c b) give the reporting person the opportunity, without compelling him/her, to look over, examine and comment on the draft report over the course of the investigation, and the final report before it is published at the end of the investigation and, where relevant, take his/her comments into account;*

Or. en



**Amendment 174**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 6 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3 a. Member States shall ensure that the national authorities can take adequate remedial action.**

Or. en

**Amendment 175**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 6 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**3 b. Member States shall ensure that the national authority publishes the final report, ensuring the reporting person's anonymity is maintained unless he/she requests otherwise, and that the national authority ensures that this report contains the reporting person's comments as well as remedial action where appropriate.**

Or. en

**Amendment 176**  
**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 6 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. Member States shall ensure that any authority which has received a report but does not have the competence to address

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.

the breach reported transmits it to the competent authority *in line with clear procedures for handling all disclosed information securely with due regard to confidentiality or anonymity* and that the reporting person is informed.

Or. en

**Amendment 177**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 6 – paragraph 4**

*Text proposed by the Commission*

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.

*Amendment*

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 *within reasonable time* and that the reporting person is informed *without delay*.

Or. en

**Amendment 178**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 6 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 6 a*

*Whistleblower Protection Office (OPLA)*

*1. The Commission shall set up an independent European authority responsible for receiving and handling reports at Union level, and for guaranteeing the protection of whistleblowers. This authority shall*

*be called the 'Whistleblower Protection Office (OPLA)'.*

*2. OPLA: a) shall establish an independent, autonomous, secure and confidential reporting channel for receiving and handling information provided by the reporting person;*

*b) shall inform the reporting person of follow up to the report in a reasonable timeframe;*

*c) shall ensure the timely follow-up to reports and take appropriate action, and inform the whistleblower of this without delay and by any means;*

*d) shall consult, at the end of the investigation, the competent Union bodies for further investigation and/or for follow up and remedial action as appropriate, as quickly as is reasonably possible;*

*e) shall give the reporting person the opportunity, without compelling him/her, to look over, examine and comment on the draft report over the course of the investigation, and the final report before it is published at the end of the investigation, and, where appropriate, his/her comments must be taken into account;*

*f) shall inform the reporting person of the outcome of the investigations within a reasonable timeframe, not exceeding three months, or six months in duly justified cases, after the report or the submission of the report to OPLA;*

*g) shall set up and update a public register of all reports received, in compliance with confidentiality obligations, especially the reporting person's identity.*

*4. OPLA shall set up measures for legal support for whistleblowers throughout proceedings.*

*5. OPLA shall have a presence in all Member States via points of contact and*

*reference persons. It shall also be accessible via a secure online platform.*

*6. OPLA shall monitor the implementation of this Directive by Member States by doing the following:*

*a) it shall gather data on reports, investigations and their follow up, repeat breaches, poorly conducted investigations and remedial action taken by and in each Member State;*

*b) it shall regularly issue recommendations to Member States and to private or public legal entities to improve its implementation; c) it shall cooperate with national authorities, social partners and civil society organisation involved in whistleblower protection through continuous dialogue.*

*7. OPLA may be consulted directly: a) by any individual protected by this Directive;*

*b) by a national authority;*

*c) by bodies responsible for internal reporting.*

Or. en

**Amendment 179**  
**Jiří Pospíšil**

**Proposal for a directive**  
**Article 7 – paragraph 1 – point b**

*Text proposed by the Commission*

b) they are designed, set up and operated in a manner that ensures the completeness, integrity and confidentiality of the information and prevents access to non-authorised staff members of the competent authority;

*Amendment*

b) they are designed, set up and operated in a manner that ensures the completeness, integrity and confidentiality of the information, *offers an appropriate level of cybersecurity* and prevents access to non-authorised staff members of the competent authority;

Or. cs

**Amendment 180**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 7 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*c a) they guarantee free and independent advice and legal support for persons reporting on breaches, as well as for facilitators and intermediaries.*

Or. en

**Amendment 181**  
**Jiří Pospíšil**

**Proposal for a directive**  
**Article 7 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

b) oral report through telephone lines, *whether* recorded *or unrecorded*;

b) oral report through recorded telephone lines;

Or. cs

**Amendment 182**  
**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 7 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

c) physical meeting with dedicated staff members of the competent authority.

c) physical meeting with dedicated staff members of the competent authority *accompanied, if the reporting person requests it, by a union representative by a*

*representative of civil society or his/her legal representative.*

Or. en

**Amendment 183**

**Jiří Pospíšil**

**Proposal for a directive**

**Article 7 – paragraph 2 – point c**

*Text proposed by the Commission*

c) physical meeting with dedicated staff members of the competent authority.

*Amendment*

c) physical meeting with dedicated staff members of the competent authority, *properly minuted and with the minutes dated and signed by the reporter.*

Or. cs

**Amendment 184**

**Kostas Chrysogonos**

**Proposal for a directive**

**Article 7 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*2 a. Such channels shall safeguard the anonymity of the person reporting on breaches when he/she so wishes, as well as their personal data.*

Or. en

**Amendment 185**

**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 7 – paragraph 4**

*Text proposed by the Commission*

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.**

*Amendment*

4. Member States shall ensure that where a report being initially addressed to a person **or to an authority that** has not been designated as responsible handler for reports, **clear procedures are established for handling all disclosed** information **securely with due regard to confidentiality or anonymity;**

Or. en

**Amendment 186**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 8 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure that competent authorities have staff members dedicated to handling reports. Dedicated staff members shall receive specific training for the purposes of handling reports.

*Amendment*

1. Member States shall ensure that competent authorities have staff members dedicated to handling reports, **while respecting confidentiality of persons reporting on breaches.** Dedicated staff members shall receive specific training for the purposes of handling reports.

Or. en

**Amendment 187**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 9 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

**a a) the way in which the competent authorities ensure the reporting person can revise, correct and comment on the report over the course of the investigation, without compelling him/her to do so, the**

*fact that his/her comments are incorporated at the end of the investigation, as appropriate, and that he/she may comment on the final report, and that these comments are included in the final report and when it is published;*

Or. en

**Amendment 188**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 9 – paragraph 1 – point a b (new)**

*Text proposed by the Commission*

*Amendment*

*a b) due follow-up to the report by the designated person or department, including appropriate action as well as investigations into the subject of the reports, where necessary;*

Or. en

**Amendment 189**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 9 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*b a) contacts from civil society organisations involved in the protection of persons reporting on breaches;*

Or. en

**Amendment 190**  
**Maite Pagazaurtundúa Ruiz, Charles Goerens, Jasenko Selimovic**



**Proposal for a directive**  
**Article 10 – paragraph 1 – point a**

*Text proposed by the Commission*

a) the conditions under which reporting persons qualify for protection under this Directive;

*Amendment*

a) the conditions under which reporting persons ***and/or intermediators*** qualify for protection under this Directive;

Or. en

**Amendment 191**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 10 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***a a) the rights associated with the protection of the reporting person in the context of this Directive, including the possibility for the reporting person to consult OPLA directly;***

Or. en

**Amendment 192**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 10 – paragraph 1 – point g**

*Text proposed by the Commission*

*Amendment*

g) a statement clearly explaining that persons making information available to the competent ***authority*** in accordance with this Directive are not considered to be infringing any restriction on disclosure of information imposed by contract or by any legislative, regulatory or administrative provision, and are not to be involved in

g) a statement clearly explaining that persons making information available to the competent ***authorities and on internal reporting channels*** in accordance with this Directive are not considered to be infringing any restriction on disclosure of information imposed by contract or by any legislative, regulatory or administrative provision, and are not to be involved in

liability of any kind related to such disclosure.

liability of any kind related to such disclosure.

Or. en

**Amendment 193**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 10 – paragraph 1 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

***g a) access to reports and recommendations published by the competent authorities;***

Or. en

**Amendment 194**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 10 – paragraph 1 – point g b (new)**

*Text proposed by the Commission*

*Amendment*

***g b) contact information of organisations where legal advice can be obtained free of charge;***

Or. en

**Amendment 195**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 11 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Competent authorities shall promptly acknowledge the receipt of written reports to the postal or electronic address indicated by the reporting person, unless the reporting person explicitly requested otherwise or the competent authority *reasonably believes* that acknowledging receipt of a written report would jeopardise the protection of the reporting person's identity.

2. Competent authorities *as well as private and public legal entities* shall promptly acknowledge the receipt of written reports to the postal or electronic address indicated by the reporting person, unless the reporting person explicitly requested otherwise or the competent authority, *or private and public legal entities, believe* that acknowledging receipt of a written report would jeopardise the protection of the reporting person's identity.

Or. en

**Amendment 196**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 11 – paragraph 3 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

Where a recorded telephone line is used for reporting, subject to the consent of the reporting person, the competent *authority* shall have the right to document the oral reporting in one of the following ways:

*Amendment*

Where a recorded telephone line is used for reporting, subject to the consent of the reporting person *and ensuring the necessary confidentiality is maintained*, the competent *authorities and the private and public legal entities* shall have the right to document the oral reporting in one of the following ways:

Or. en

**Amendment 197**  
**Jiří Pospíšil**

**Proposal for a directive**  
**Article 11 – paragraph 3 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

Where a recorded telephone line is used for reporting, *subject to the consent of the*

*Amendment*

Where a recorded telephone line is used for reporting, the competent authority shall

**reporting person**, the competent authority shall **have the right to** document the **oral reporting** in one of the following ways:

document the **report** in one of the following ways:

Or. cs

**Amendment 198**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 11 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

The competent **authority** shall offer the possibility to the reporting person to check, rectify and agree the transcript of the call by signing it.

*Amendment*

The competent **authorities and the public and private legal entities** shall offer the possibility to the reporting person to check, rectify and agree the transcript of the call by signing it.

Or. en

**Amendment 199**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 11 – paragraph 4**

*Text proposed by the Commission*

4. Where an unrecorded telephone line is used for reporting, the competent **authority** shall have the right to document the oral reporting in the form of accurate minutes of the conversation prepared by the dedicated staff members. The competent **authority** shall offer the possibility to the reporting person to check, rectify and agree **with the minutes** of the call by signing **them**.

*Amendment*

4. Where an unrecorded telephone line is used for reporting, the competent **authorities and the private and public legal entities** shall have the right to document the oral reporting in the form of accurate minutes of the conversation prepared by the dedicated staff members. The competent **authorities and the public and private legal entities** shall offer the possibility to the reporting person to check, rectify and agree **the transcript** of the call by signing **it**.

Or. en

**Amendment 200**  
**Jiří Pospíšil**

**Proposal for a directive**  
**Article 11 – paragraph 4**

*Text proposed by the Commission*

4. Where an unrecorded telephone line is used for reporting, the competent authority shall ***have the right to*** document the oral ***reporting*** in the form of accurate minutes of the conversation prepared by the dedicated staff members. The competent authority shall offer the possibility to the reporting person to check, rectify and agree with the minutes of the call by signing them.

*Amendment*

4. Where an unrecorded telephone line is used for reporting, the competent authority shall document the oral ***report*** in the form of accurate minutes of the conversation prepared by the dedicated staff members. The competent authority shall offer the possibility to the reporting person to check, rectify and agree with the minutes of the call by signing them.

Or. cs

**Amendment 201**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 11 – paragraph 5 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

Where a person requests a meeting with the dedicated staff members of the competent ***authority*** for reporting according to Article 7(2)(c), competent authorities shall ensure, subject to the consent of the reporting person, that complete and accurate records of the meeting are kept in a durable and retrievable form. ***A*** competent ***authority*** shall have the right to document the records of the meeting in one of the following ways:

*Amendment*

Where a person requests a meeting with the dedicated staff members of the competent ***authorities or the private and public legal entities*** for reporting according to Article 7(2)(c), competent authorities ***and the private and public legal entities*** shall ensure, subject to the consent of the reporting person, that complete and accurate records of the meeting are kept in a durable and retrievable form. Competent ***authorities and private and public legal entities*** shall have the right to document the records of the meeting in one of the following ways:

**Amendment 202**  
**Jiří Pospíšil**

**Proposal for a directive**  
**Article 11 – paragraph 5 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

Where a person requests a meeting with the dedicated staff members of the competent authority for reporting according to Article 7(2)(c), competent authorities shall ensure, ***subject to the consent of the reporting person***, that complete and accurate records of the meeting are kept in a durable and retrievable form. A competent authority shall ***have the right to*** document the records of the meeting in one of the following ways:

*Amendment*

Where a person requests a meeting with the dedicated staff members of the competent authority for reporting according to Article 7(2)(c), competent authorities shall ensure that complete and accurate records of the meeting are kept in a durable and retrievable form. A competent authority shall document the records of the meeting in one of the following ways:

Or. cs

**Amendment 203**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 11 – paragraph 5 – subparagraph 1 – point b**

*Text proposed by the Commission*

b) accurate minutes of the meeting prepared by the dedicated staff members of the competent authority.

*Amendment*

b) accurate minutes of the meeting prepared by the dedicated staff members of the competent authority ***and the private and public legal entities***.

Or. en

**Amendment 204**  
**Kostas Chrysogonos**

**Proposal for a directive**

## Article 11 – paragraph 5 – subparagraph 2

*Text proposed by the Commission*

The competent **authority** shall offer the possibility to the reporting person to check, rectify and agree **with the minutes** of the **meeting** by signing **them**.

*Amendment*

The competent **authorities and the public and private legal entities** shall offer the possibility to the reporting person to check, rectify and agree **the transcript** of the **call** by signing **it**.

Or. en

## Amendment 205 Kostas Chrysogonos

### Proposal for a directive Article 13 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

1. A reporting person shall qualify for protection under this Directive **from the moment that he/she consults internal or external reporting channels referred to in 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.

Or. en

## Amendment 206 Fabio Massimo Castaldo

### Proposal for a directive Article 13 – paragraph 1

*Text proposed by the Commission*

1. A reporting person shall qualify for protection under this Directive provided he or she has reasonable grounds to believe that the information reported was true at

*Amendment*

1. A reporting person shall qualify for protection under this Directive provided he or she has reasonable grounds to believe

the time of reporting ***and that this information falls within the scope of this Directive.***

that the information reported was true at the time of reporting.

Or. it

#### **Amendment 207**

**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

#### **Proposal for a directive** **Article 13 – paragraph 1**

##### *Text proposed by the Commission*

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

##### *Amendment*

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

Or. en

#### **Amendment 208**

**Jiří Pospíšil**

#### **Proposal for a directive** **Article 13 – paragraph 1**

##### *Text proposed by the Commission*

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

##### *Amendment*

1. A reporting person shall qualify for protection under this Directive ***if he or she does not come forwards anonymously and*** provided he or she has reasonable grounds to believe that the information reported was true at the time of reporting and that this information falls within the scope of this Directive.

Or. cs



**Amendment 209**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 13 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. A report should not be discarded because it was made anonymously and full protection should be granted to persons reporting on breaches, who have reported or disclosed information anonymously.***

Or. en

**Amendment 210**  
**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 13 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. A person who anonymously reported information on breach and whose identity was revealed shall also qualify for protection under this Directive.***

Or. en

**Amendment 211**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 13 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

***2. A person reporting externally shall qualify for protection under this Directive***      ***deleted***

*where one of the following conditions is fulfilled :*

*a) he or she first reported internally but no appropriate action was taken in response to the report within the reasonable timeframe referred in Article 5;*

*b) internal reporting channels were not available for the reporting person or the reporting person could not reasonably be expected to be aware of the availability of such channels;*

*c) the use of internal reporting channels was not mandatory for the reporting person, in accordance with Article 4(2);*

*d) he or she could not reasonably be expected to use internal reporting channels in light of the subject-matter of the report;*

*e) he or she had reasonable grounds to believe that the use of internal reporting channels could jeopardise the effectiveness of investigative actions by competent authorities;*

*f) he or she was entitled to report directly through the external reporting channels to a competent authority by virtue of Union law.*

Or. en

**Amendment 212**

**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 13 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. A person reporting externally shall qualify for protection under this Directive** *deleted*

*where one of the following conditions is fulfilled :*

*a) he or she first reported internally but no appropriate action was taken in response to the report within the reasonable timeframe referred in Article 5;*

*b) internal reporting channels were not available for the reporting person or the reporting person could not reasonably be expected to be aware of the availability of such channels;*

*c) the use of internal reporting channels was not mandatory for the reporting person, in accordance with Article 4(2);*

*d) he or she could not reasonably be expected to use internal reporting channels in light of the subject-matter of the report;*

*e) he or she had reasonable grounds to believe that the use of internal reporting channels could jeopardise the effectiveness of investigative actions by competent authorities;*

*f) he or she was entitled to report directly through the external reporting channels to a competent authority by virtue of Union law.*

Or. en

**Amendment 213**  
**Fabio Massimo Castaldo**

**Proposal for a directive**  
**Article 13 – paragraph 2 – point d**

*Text proposed by the Commission*

(d) he or she could not reasonably be expected to use internal reporting channels in light of the subject-matter of the report;

*Amendment*

(d) he or she could not reasonably be expected to use internal reporting channels in light of the subject-matter of the report **and the gravity of the breach;**

**Amendment 214**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 13 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. A person reporting to relevant bodies, offices or agencies of the Union on breaches falling within the scope of this Directive shall qualify for protection as laid down in this Directive under the same conditions as a person who reported externally in accordance with the conditions set out in paragraph 2.** *deleted*

Or. en

**Amendment 215**  
**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 13 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. A person publicly disclosing information on breaches falling within the scope of this Directive shall qualify for protection under this Directive where:** *deleted*

**a) he or she first reported internally and/or externally in accordance with Chapters II and III and paragraph 2 of this Article, but no appropriate action was taken in response to the report within the timeframe referred to in Articles 6(2)(b) and 9(1)(b); or**

**b) he or she could not reasonably be expected to use internal and/or external reporting channels due to imminent or**

*manifest danger for the public interest, or to the particular circumstances of the case, or where there is a risk of irreversible damage.*

Or. en

**Amendment 216**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 13 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4.** *A person publicly disclosing information on breaches falling within the scope of this Directive shall qualify for protection under this Directive where:*

*deleted*

*a) he or she first reported internally and/or externally in accordance with Chapters II and III and paragraph 2 of this Article, but no appropriate action was taken in response to the report within the timeframe referred to in Articles 6(2)(b) and 9(1)(b); or*

*b) he or she could not reasonably be expected to use internal and/or external reporting channels due to imminent or manifest danger for the public interest, or to the particular circumstances of the case, or where there is a risk of irreversible damage.*

Or. en

**Amendment 217**  
**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 14 – paragraph 1 – introductory part**

*Text proposed by the Commission*

Member States shall take the necessary measures to prohibit any form of retaliation, whether direct or indirect, against reporting persons meeting the conditions set out in Article 13, including in particular in the form of:

*Amendment*

Member States shall take the necessary measures to prohibit any form of retaliation, whether direct or indirect, against reporting persons meeting the conditions set out in Article 13, ***or any kinds of actions, whether direct or indirect, that could discourage reporting persons from exercising the rights protected by this Directive***, including in particular in the form of:

Or. en

**Amendment 218**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 14 – paragraph 1 – point n a (new)**

*Text proposed by the Commission*

*Amendment*

***n a) physical, moral or financial pressure exerted on the persons protected by this Directive;***

Or. en

**Amendment 219**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 14 – paragraph 1 – point n b (new)**

*Text proposed by the Commission*

*Amendment*

***n b) obstruction or cancellation of retirement benefits;***

Or. en

**Amendment 220**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 15 – paragraph 3**

*Text proposed by the Commission*

3. Reporting persons 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.

*Amendment*

3. Reporting persons shall have access to effective assistance from competent authorities before any relevant authority involved in their protection against retaliation, including certification of the fact that they qualify for protection under this Directive.

Or. en

**Amendment 221**  
**Jérôme Lavrilleux**

**Proposal for a directive**  
**Article 15 – paragraph 4**

*Text proposed by the Commission*

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.

*Amendment*

4. Persons reporting ***information concerning breaches of Union law detrimental to the public interest*** 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.

Or. fr

**Amendment 222**  
**Jérôme Lavrilleux, Geoffroy Didier**

**Proposal for a directive**  
**Article 15 – paragraph 5 a (new)**  
Directive 2018/0106  
Article 15, paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

**5 a.** *Where the legal proceedings instituted against the whistleblower are a clear consequence of their reporting and there is sufficient evidence that they have been initiated with abusive intent, the competent court shall sanction the applicant for abuse of procedure.*

Or. fr

**Amendment 223**  
**Jérôme Lavrilleux, Geoffroy Didier**

**Proposal for a directive**  
**Article 15 – paragraph 5 b (new)**  
Directive 2018/0106  
Article 15 paragraph 5 b (new)

*Text proposed by the Commission*

*Amendment*

**5 b.** *Similarly, the reputation of the company the reporting person is calling into question must be protected throughout the reporting procedure to ensure that any allegation that proves to be false does not have lasting consequences for the company concerned.*

Or. fr

**Amendment 224**  
**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 15 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*



**8 a.** *Member States shall ensure that, following an individual assessment, any third country national who reports information falling into the scope of this directive and suffers from a well-founded fear of persecution or would face a real risk of suffering serious harm because of the report and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country can be considered as qualifying as a refugee beneficiary of subsidiary protection in accordance with chapters II and III of Directive 2011/95/EU.*

Or. en

**Amendment 225**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 15 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**8 a.** *Reporting persons shall have access to psychological support.*

Or. en

**Amendment 226**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 17 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

b) take retaliatory measures against reporting persons;

b) take retaliatory measures against reporting persons *and against any natural or legal person associated with the activities protected by this Directive;*

Or. en

**Amendment 227**

**Max Andersson, Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 17 – paragraph 1 – point d**

*Text proposed by the Commission*

d) breach the duty of maintaining the confidentiality of the identity of reporting persons.

*Amendment*

d) breach the duty of maintaining the confidentiality of the identity of reporting persons ***or take actions that uncover or aim at uncovering the identity of the reporting persons in case of anonymous reporting.***

Or. en

**Amendment 228**

**Fabio Massimo Castaldo**

**Proposal for a directive**

**Article 17 – paragraph 2**

*Text proposed by the Commission*

***2. Member States shall provide for effective, proportionate and dissuasive penalties applicable to persons making malicious or abusive reports or disclosures, including measures for compensating persons who have suffered damage from malicious or abusive reports or disclosures.***

*Amendment*

***deleted***

Or. it

*Justification*

*The offence of slander already exists as a deterrent for malicious reports, if the report relates to an offence, and lack of protection in the event of a request for compensation of damages. Imposing penalties on persons merely for having made a report could have an overly inhibiting effect on reporting persons.*

## Amendment 229

Max Andersson, Pascal Durand  
on behalf of the Verts/ALE Group

### Proposal for a directive Article 17 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. *Member States shall provide for effective, proportionate and dissuasive penalties applicable to persons making malicious or abusive reports or disclosures, including measures for compensating persons who have suffered damage from malicious or abusive reports or disclosures.*

*deleted*

Or. en

## Amendment 230

Fabio Massimo Castaldo

### Proposal for a directive Article 19 – paragraph 1

*Text proposed by the Commission*

*Amendment*

Member States may introduce or retain provisions more favourable to the rights of the reporting persons than those set out in this Directive, without prejudice to Article 16 and Article 17(2).

Member States may introduce or retain provisions more favourable to the rights of the reporting persons than those set out in this Directive, without prejudice to Article 16 and Article 17(2). *In particular, it is possible to establish a reward system that may offer a fair reward in the event that the reporting results in the prevention of considerable damage to the assets of the European Union or the recovery of large sums by the EU.*

Or. it

## Amendment 231

Kostas Chrysogonos

### Proposal for a directive

## Article 19 – paragraph 1

*Text proposed by the Commission*

Member States may introduce or retain provisions more favourable to the ***rights of the*** reporting persons than those set out in this Directive, without prejudice to Article 16 and Article 17(2).

*Amendment*

Member States may introduce or retain provisions more favourable to the reporting persons than those set out in ***any provision of*** this Directive, without prejudice to Article 16 and Article 17(2).

Or. en

### Amendment 232 Kostas Chrysogonos

#### Proposal for a directive Article 19 a (new)

*Text proposed by the Commission*

*Amendment*

#### **Article 19 a**

##### ***Non-regression clause***

***1. The implementation of this Directive shall under no circumstances constitute valid grounds for reducing the general level of protection already afforded when reporting on breaches other than those mentioned in Article 1.***

***2. This Directive is without prejudice to any other rights conferred on reporting persons by other legal acts of the Union.***

Or. en

### Amendment 233 Kostas Chrysogonos

#### Proposal for a directive Annex I – part I – subpart A – point 2 – introductory part

*Text proposed by the Commission*

*Amendment*

2. Review procedures regulated by:

2. Review procedures regulated *in particular* by:

Or. en

**Amendment 234**  
**Jiří Pospíšil**

**Proposal for a directive**  
**Annex I – part I – subpart B – title**

*Text proposed by the Commission*

B Article 1(a)(ii) – financial services, *prevention of* money laundering and terrorist financing;

*Amendment*

B Article 1(a)(ii) – financial services, *the fight against* money-laundering and terrorist financing:

Or. cs

**Amendment 235**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Annex I – part I – subpart B – paragraph 1 – introductory part**

*Text proposed by the Commission*

Rules establishing a regulatory and supervisory framework and consumer and investor protection in the Union financial services and capital markets, banking, credit, insurance and re-insurance, occupational or personal pensions, securities, investment funds, payment and investment advice and the services listed in Annex I to Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338), as regulated by:

*Amendment*

Rules establishing a regulatory and supervisory framework and consumer and investor protection in the Union financial services and capital markets, banking, credit, insurance and re-insurance, occupational or personal pensions, securities, investment funds, payment and investment advice and the services listed in Annex I to Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176,

27.6.2013, p. 338), as regulated *in particular* by:

Or. en

**Amendment 236**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Annex I – part I – subpart C – point 1 – introductory part**

*Text proposed by the Commission*

1. General safety requirements of products placed in the Union market as defined and regulated by:

*Amendment*

1. General safety requirements of products placed in the Union market as defined and regulated *in particular* by:

Or. en

**Amendment 237**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Annex I – part I – subpart C – point 2 – introductory part**

*Text proposed by the Commission*

2. Marketing and use of sensitive and dangerous products, as regulated by:

*Amendment*

2. Marketing and use of sensitive and dangerous products, as regulated *in particular* by:

Or. en

**Amendment 238**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Annex I – part I – subpart D – point 3 – introductory part**

*Text proposed by the Commission*

*Amendment*

3. Safety requirements in the road sector as regulated by:

3. Safety requirements in the road sector as regulated *in particular* by:

Or. en

**Amendment 239**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Annex I – part I – subpart D – point 4 – introductory part**

*Text proposed by the Commission*

*Amendment*

4. Safety requirements in the maritime sector as regulated by:

4. Safety requirements in the maritime sector as regulated *in particular* by:

Or. en

**Amendment 240**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Annex I – part I – subpart E – title**

*Text proposed by the Commission*

*Amendment*

E Article 1(a)(v) – protection of the environment:

E Article 1(a)(v) – protection of the environment, *sustainable development, waste management, marine, air and noise pollution, protection and management of water and soils, protection of nature and biodiversity and the fight against climate change, as well as provisions on environmental responsibility, including:*

Or. en

**Amendment 241**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Annex I – part I – subpart E a (new)**

*Text proposed by the Commission*

*Amendment*

***E a Provisions on access to environmental information including: (i) Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26); (ii) Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43); (iii) Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ L 264, 25.9.2006, p. 13); (iv) Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1-14).***

Or. en

**Amendment 242**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Annex I – part I – subpart E b (new)**

*Text proposed by the Commission*

*Amendment*

***E b Provisions on the environment and the climate, including: (i) Regulation (EU) No 1293/2013 of the European***



*Parliament and of the Council of 11 December 2013 on the establishment of a Programme for the Environment and Climate Action (LIFE) and repealing Regulation (EC) No 614/2007 (OJ L 347, 20.12.2013, p. 185); (ii) Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (OJ L 140, 5.6.2009, p. 16); (iii) Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community (OJ L 140, 5.6.2009, p. 63), and all related Regulations; (iv) Regulation (EU) No 421/2014 of the European Parliament and of the Council of 16 April 2014 amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in view of the implementation by 2020 of an international agreement applying a single global market-based measure to international aviation emissions (OJ L 129, 30.4.2014, p. 1); (v) Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (OJ L 140, 5.6.2009, p. 114); (vi) Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC (OJ L 165, 18.6.2013, p.*

13); (vii) *Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006 (OJ L 150, 20.5.2014, p. 195)*; (viii) *Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for taxation of energy products and electricity (OJ L 283 of 31.10.2003 p. 51)*; (ix) *Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1)*.

Or. en

**Amendment 243**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Annex I – part I – subpart E c (new)**

*Text proposed by the Commission*

*Amendment*

*E c Provisions on chemicals, including: (i) Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).*

Or. en

**Amendment 244**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Annex I – part I – subpart F – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

Rules on nuclear safety as regulated by:

Rules on nuclear safety as regulated **in particular** by:

Or. en

**Amendment 245**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Annex I – part I – subpart H – point 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. Measures setting high standards of quality and safety of organs and substances of human origin, as regulated by:

1. Measures setting high standards of quality and safety of organs and substances of human origin, as regulated **in particular** by:

Or. en

**Amendment 246**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Annex I – part I – subpart H – point 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

2. Measures setting high standards of quality and safety for medicinal products and devices of medical use as regulated by:

2. Measures setting high standards of quality and safety for medicinal products and devices of medical use as regulated **in particular** by:

Or. en

**Amendment 247**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Annex I – part I – subpart I – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

Consumer rights and consumer protection  
as regulated by:

Consumer rights and consumer protection  
as regulated *in particular* by:

Or. en

**Amendment 248**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Annex I – part I – subpart J a (new)**

*Text proposed by the Commission*

*Amendment*

***J a Article 1 (a) (xi) - employment and  
working conditions:***

***1. Employment legislation of the  
European Union, as regulated in  
particular by:***

***(i) Council Directive 79/7/EEC of 19  
December 1978 on the progressive  
implementation of the principle of equal  
treatment for men and women in matters  
of social security (OJ L 6, 10.1.1979,p.  
24);***

***(ii) Council Directive 91/533/EEC of 14  
October 1991 on an employer's obligation  
to inform employees of the conditions  
applicable to the contract or employment  
relationship (OJ L288, 18.10.1991, p. 32);***

***(iii) Council Directive 91/383/EEC of 25  
June 1991 supplementing the measures to  
encourage improvements in the safety and  
health at work of workers with a fixed-  
duration employment relationship or a***

*temporary employment relationship (OJ L 206, 29.7.1991, p.19);*

*(iv) Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work (OJ L 216, 20.8.1994,p. 12);*

*(v) Council Directive 98/59/EC on the approximation of the laws of the Member States relating to collective redundancies (OJ L 225, 12.8.1998, p. 16);*

*(vi) Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community (OJ L 209, 25.7.1998, p.46);*

*(vii) Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16);*

*(viii) Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19.7.2000,p. 22); (viii) Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19.7.2000,p. 22);*

*(ix) Council Directive 2000/79/EC of 27 November 2000 concerning the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation concluded by the Association of European Airlines (AEA), the European Transport Workers' Federation (ETF), the European Cockpit Association (ECA), the European Regions Airline Association (ERA) and the International Air Carrier Association (IACA)(OJ L 302, 1.12.2000, p. 57); (x) Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating*

*to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses (OJ L 82,22.3.2001, p. 16);*

*(xii) Directive 2003/41/EC of the European Parliament and of the Council of 3 June 2003 on the activities and supervision of institutions for occupational retirement provision (OJ L 235,23.9.2003, p. 10);*

*(xiii) Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (OJ L 373, 21.12.2004,p. 37);*

*(xiv) Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9);*

*(xv) Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (OJ L 204, 26.7.2006, p. 23);*

*(xvi) Directive 2008/94/EC of the European Parliament and of the Council of 22 October 2008 on the protection of employees in the event of the insolvency of their employer (OJ L 283,28.10.2008, p. 36); (xvii) Directive 2010/41/EU of the*

*European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC (OJ L180, 15.7.2010, p. 1); (xviii) Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of*

*freedom of movement for workers (OJ L 128, 30.4.2014, p. 8);*

*(xix) Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (OJ L 159, 28.5.2014, p. 11);*

*(xx) Directive 2014/50/EU of the European Parliament and of the Council of 16 April 2014 on minimum requirements for enhancing worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights (OJ L 128,30.4.2014, p. 1); (xxi) Regulation (EC) No450/2003 of the European Parliament and of the Council of 27 February 2003concerning the labour cost index (OJ L 69, 13.3.2003, p. 1); (xxii) Regulation (EC) No1071/2009 of the European Parliament and of the Council of 21 October 2009establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51);*

*(xxiii) Regulation (EC) No987/2009 of the European Parliament and of the Council of 16 September 2009laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (OJ L 284, 30.10.2009, p. 1);*

*(xxiv) Regulation (EU) No492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union (OJ L 141, 27.5.2011, p. 1.);*

*(xxv) Regulation (EU) No223/2014 of the European Parliament and of the Council of 11 March 2014 on the Fund for European Aid to the Most Deprived (OJ L 72, 12.3.2014, p. 1);*

*(xxvi) Regulation (EU) 2015/848of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings (OJ L 141, 5.6.2015, p. 19);*  
*2. Working conditions, as regulated in particular by:*

*(i) all individual Directives within the meaning of Article 16(1) of Directive 89/391/EEC;*

*(ii) Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels (OJ L 113, 30.4.1992, p. 19);*

*(iii) Directive 2001/95/EC of 3December 2001 on general product safety (OJ L 11, 15.01.2002, p. 4); (*

*iv) Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (OJ L 157, 9.6.2006, p. 24);*

*(v) Commission Directive2006/15/EC of 7 February 2006 establishing a second list of indicative occupational exposure limit values in implementation of Council Directive98/24/EC and amending Directives 91/322/EEC and 2000/39/EC (OJ L 38, 9.2.2006,p. 36);*

*(vi) Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the in land transport of dangerous goods (OJ L 260, 30.9.2008, p. 13);*

*(vii) Directive 2009/104/EC of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers*



*at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (OJ L 260, 3.10.2009, p. 5);*

*(viii) Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work (OJ L 330, 16.12.2009, p. 28);*

*(ix) Regulation (EC) No 1338/2008 of the European Parliament and of the Council of 16 December 2008 on Community statistics on public health and health and safety at work (OJ L 354, 31.12.2008, p. 70).*

Or. en

## **Amendment 249**

**Jiří Pospíšil**

### **Proposal for a directive**

#### **Annex I – part II – subpart A – title**

*Text proposed by the Commission*

A Article 1(a)(ii) – financial services, **prevention of** money laundering and terrorist financing:

*Amendment*

A Article 1(a)(ii) – financial services, **the fight against** money laundering and terrorist financing:

Or. cs

## **Amendment 250**

**Jiří Pospíšil**

### **Proposal for a directive**

#### **Annex I – part II – subpart A – point 2 – introductory part**

*Text proposed by the Commission*

2. **Prevention of** money laundering and terrorist financing:

*Amendment*

2. **The fight against** money laundering and terrorist financing:

Or. cs

