

**Question for written answer E-009487/2016
to the Commission**

Rule 130

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Subject: Legal basis for a proposal for a directive on the protection of whistle blowers in the private and public sectors

A number of Member States have some type of protection for whistle blowers, but unfortunately there are still some countries whose national legislation offers an inadequate level of protection. In addition to the public concern resulting from the Luxleaks, the Council conclusions of 11 October 2016 called on the Commission to explore the possibility for action at EU level to protect whistle blowers. A possible legal basis for a directive on this subject would be Articles 151 and 153(2)(b) of the Treaty on the Functioning of the European Union (TFEU) concerning working conditions. They would appear to permit the disclosure of infringements by a worker, without this possibility involving fear, personal risk or intimidation. Another option would be to use Article 114 of the TFEU, stressing that the lack of protection for whistle blowers in any Member State affects the operation of the internal market by creating competitive disadvantages for enterprises.

Does the Commission plan to submit a proposal for a directive on this issue? If so, what legal bases is it considering, and what are the criteria underpinning it?