



2018/0106(COD)

19.7.2018

AMENDMENTS

17 - 205

Draft opinion

Neoklis Sylikiotis

(PE623.789v01-00)

Protection of persons reporting on breaches of Union law

Proposal for a directive

(COM(2018)0218 – C8-0159/2018 – 2018/0106(COD))

Amendment 17

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

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, **153, 154**, 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 18

Neoklis Sylikiotis

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, **153, 154**, 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 19

Jean Lambert

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, 33, 43, 50, 53(1), 62, 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 20

Michael Detjen, Alex Mayer, Guillaume Balas, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

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

Text proposed by the Commission

Amendment

Having regard to initiative report of the European Parliament on legitimate measures to protect whistle-blowers acting in the public interest when disclosing the confidential information of companies and public bodies,

Or. en

**Amendment 21
Neoklis Sylikiotis**

**Proposal for a directive
Citation 2 a (new)**

Text proposed by the Commission

Amendment

Having regard to the European Convention on Human Rights, notably Article 10,

Amendment 22
Neoklis Sylikiotis

Proposal for a directive
Citation 3 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 23
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 1

Text proposed by the Commission

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. However, potential whistleblowers are often discouraged from reporting their concerns or suspicions for fear of retaliation.

(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. ***The purpose of this Directive is to create a climate of trust that enables whistleblowers to report observed or suspected breaches of law, as well as threats to the public interest.*** 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.

Or. en

Amendment 24
Dominique Martin, Joëlle Mélin

Proposal for a directive
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) *The role of whistleblowers shall consist in discouraging and preventing wrongdoing, fraud, mismanagement and corruption in order to promote respect for the law and transparency.*

Or. fr

Amendment 25
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 3

Text proposed by the Commission

Amendment

(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.

(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 **to ensure that there are** effective reporting channels.

Or. en

Amendment 26
David Casa

Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) *Reporting persons perform a public service by exposing wrongdoing, at times at great personal risk, and should be protected.*

Or. en

Amendment 27
Joëlle Mélin, Dominique Martin

Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) *Whistleblower protection is necessary to enhance the enforcement of Union law on public procurement. It is particularly necessary in combating corruption, a scourge that is deeply rooted in many EU Member States, even to the point where a genuine unofficial economy exists.*

Or. fr

Amendment 28
Dominique Martin, Joëlle Mélin

Proposal for a directive
Recital 6

Text proposed by the Commission

Amendment

(6) *Whistleblower protection is necessary to enhance the enforcement of Union law on public procurement.* In addition to the need of preventing and detecting fraud and corruption in the context of the implementation of the EU budget, including procurement, it is

(6) In addition to the need of preventing and detecting fraud and corruption in the context of the implementation of the EU budget, including procurement, it is necessary to tackle insufficient enforcement of rules on public procurement by national public

necessary to tackle insufficient enforcement of rules on public procurement by national public authorities and certain public utility operators when purchasing goods, works and services. Breaches of such rules create distortions of competition, increase costs for doing business, violate the interests of investors and shareholders and, overall, lower attractiveness for investment and create an uneven level playing field for all businesses across Europe, thus affecting the proper functioning of the internal market.

authorities and certain public utility operators when purchasing goods, works and services. Breaches of such rules create distortions of competition, increase costs for doing business, violate the interests of investors and shareholders and, overall, lower attractiveness for investment and create an uneven level playing field for all businesses across Europe, thus affecting the proper functioning of the internal market.

Or. fr

Amendment 29

Joëlle Mélin, Dominique Martin

Proposal for a directive

Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) The importance of whistleblowers can also be seen in economic intelligence: as this can be cross-border in scope, whistleblowers play a major role in bringing to light illegal acts carried out in other countries against national economic interests.

Or. fr

Amendment 30

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Claudiu Ciprian Tănăsescu, Evelyn Regner

Proposal for a directive

Recital 20

Text proposed by the Commission

Amendment

(20) This Directive should be without

(20) This Directive should be without

prejudice to the protection afforded to employees when reporting on breaches of Union employment law. In particular, in the area of occupational safety and health, Article 11 of Framework Directive 89/391/EEC already requires Member States to ensure that workers or workers' representatives shall not be placed at a disadvantage because of their requests or proposals to employers to take appropriate measures to mitigate hazards for workers and/or to remove sources of danger. ***Workers and their representatives are entitled to raise issues with the competent national authorities if they consider that the measures taken and the means employed by the employer are inadequate for the purposes of ensuring safety and health.***

prejudice to the protection afforded to employees when reporting on breaches of Union employment law. In particular, in the area of occupational safety and health, Article 11 of Framework Directive 89/391/EEC already requires Member States to ensure that workers or workers' representatives shall not be placed at a disadvantage because of their requests or proposals to employers to take appropriate measures to mitigate hazards for workers and/or to remove sources of danger ***but does not foresee the right to report breaches.***

Or. en

Justification

The reference to Directive 89/391 / EEC Article 11 is misleading. Article 11 stresses that workers have the right to make suggestions to their employer without disadvantage to improve health and safety at work. The Directive does not provide for the right to report violations to authorities or even the public.

Amendment 31

Jean Lambert

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

Amendment

(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.***

position of economic vulnerability vis-à-vis the person on whom they de facto depend for work.

Or. en

Amendment 32

Jean Lambert

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, 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 ***all*** persons connected to the ***report.***

Or. en

Amendment 33

David Casa

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 Union⁵², 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.

⁵² 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.

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 Union⁵², 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.

⁵² 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 34

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

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 Union⁵², 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.

⁵² 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, Ruhrländklinik, Case C-216/15.

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 Union⁵², i.e. persons who, for a certain period of time, perform *or performed* 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, *contractor or subcontractor or where the employee-like relationship is solely bound to directives*, which are types of relationships where standard protections against unfair treatment are difficult to apply.

⁵² 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, Ruhrländklinik, Case C-216/15.

Or. en

Amendment 35

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 30 a (new)

Text proposed by the Commission

Amendment

(30a) Protection should be given to individuals working at institutions within

the Union, but also to individuals working in European entities located outside Union territory. It should also apply to officials as well as other employees and interns working at the institutions, agencies and bodies of the Union.

Or. en

Amendment 36
Dominique Martin, Joëlle Mélin

Proposal for a directive
Recital 32 a (new)

Text proposed by the Commission

Amendment

(32a) Persons who report unlawful activities at their place of work should be guaranteed proper protection. Said protection should be provided in the workplace (against harassment, blackmail, unlawful redundancy practices, wage discrimination, wilful and unjustified attacks on the person's career) and in their personal life (protection for whistleblowers and their close relations in the event of real threats made against them).

Or. fr

Amendment 37
David Casa

Proposal for a directive
Recital 33

Text proposed by the Commission

Amendment

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

(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 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 38

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

**Proposal for a directive
Recital 33 a (new)**

Text proposed by the Commission

Amendment

(33a) Whistleblowers should be protected also when they disclose information to the public, including through the media, as insufficient whistleblower protection would affect individuals’ freedom of expression as well as the public’s right to access information and media freedom.

Or. en

Amendment 39

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu

Ciprian Tănăsescu, Evelyn Regner

Proposal for a directive
Recital 33 b (new)

Text proposed by the Commission

Amendment

(33b) *In order to facilitate public disclosures and establish an open culture of reporting in line with the Council of Europe Recommendation CM/Rec (2014) 7 on the protection of whistleblowers, the conditions for public disclosures should be sufficiently flexible, allowing the media to fulfil its democratic role as vector of freedom of expression and information.*

Or. en

Amendment 40
Joëlle Mélin, Dominique Martin

Proposal for a directive
Recital 34 a (new)

Text proposed by the Commission

Amendment

(34a) *Member States should also establish their own criteria, in line with the minimal bases set by this Directive, for appraising the relevance and veracity of information provided by whistleblowers, and the appropriate follow-up.*

Or. fr

Amendment 41
David Casa

Proposal for a directive
Recital 35 a (new)

Text proposed by the Commission

Amendment

(35a) *In cases of high level corruption*

additional safeguards are necessary to ensure that reporting persons are not prevented from receiving protection by the concerned persons the information in their possession will incriminate.

Or. en

Amendment 42
David Casa

Proposal for a directive
Recital 35 b (new)

Text proposed by the Commission

Amendment

(35b) Reporting persons in possession of information related to high-level corruption should have recourse to a judicial body that is autonomous from other branches of government with the powers to grant reporting persons effective protection and address the breaches that they expose.

Or. en

Amendment 43
Dominique Martin, Joëlle Mélin

Proposal for a directive
Recital 39

Text proposed by the Commission

Amendment

(39) The exemption of small and micro undertakings from the obligation to establish internal reporting channels should not apply to private undertakings active in the area of financial services. Such undertakings should remain obliged to establish internal reporting channels, in line with the current obligations set forth in the Union acquis on financial services.

(39) The exemption of small and micro undertakings from the obligation to establish internal reporting channels should not apply to private undertakings active in the area of financial services. Such undertakings should remain obliged to establish internal reporting channels, *without this becoming an excessive bureaucratic burden*, in line with the current obligations set forth in the Union

acquis on financial services.

Or. fr

Amendment 44
Joëlle Mélin, Dominique Martin

Proposal for a directive
Recital 40 a (new)

Text proposed by the Commission

Amendment

(40a) Regardless of their size and number of employees, workplaces need to cultivate a working environment within which persons feel confident in raising concerns about potential failings, misconduct or unlawful activities. Establishing the right culture where persons feel able to raise issues without the fear of being accused of being a ‘whistleblower’ or fear of retaliation or being disadvantaged in some way, whether within their current role or with a future employer is recommended. Such action would make it easier to distinguish between genuine warnings and rumours or unfounded complaints.

Or. fr

Amendment 45
Dominique Martin, Joëlle Mélin

Proposal for a directive
Recital 42

Text proposed by the Commission

Amendment

(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

(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, ***in line with the rules in force in the Member State in which it is established***, the kind of

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.

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.

Or. fr

Amendment 46

Jean Lambert

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 ***anonymity or*** 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 ***anonymity nor*** confidentiality of the identity of the reporting person.

Or. en

Amendment 47

Joëlle Mélin, Dominique Martin

Proposal for a directive

Recital 42 a (new)

Text proposed by the Commission

Amendment

(42a) Each individual private and public legal entity is duty bound to prepare in advance and in full transparency its own internal procedure(s) or kind(s) of channels. It should be easy for individuals to know about these procedures and channels and they should be easily accessible both within and from outside the entity.

Or. fr

Amendment 48

Jean Lambert

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, ***the possibility for anonymity*** data protection and secrecy. These can be external reporting platform providers, external counsel or auditors or trade union representatives.

Or. en

Amendment 49

Jean Lambert

on behalf of the Verts/ALE Group

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 ***and with respect of anonymity if appropriate*** 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.

Or. en

Amendment 50
Neoklis Sylikiotis

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.

Or. en

Amendment 51
Yana Toom

Proposal for a directive
Recital 46

Text proposed by the Commission

(46) In the context of internal reporting, the quality and transparency of information provided on the follow up procedure to the report is crucial to build trust in the effectiveness of the overall system of whistleblower protection and reduces the likelihood of further unnecessary reports or public disclosures. The reporting person should be informed within a reasonable timeframe about the action envisaged or taken as follow up to the report (for instance, closure based on lack of sufficient evidence or other grounds, launch of an internal enquiry and possibly its findings and/or measures taken to address the issue raised, referral to a competent authority for further investigation) as far as such information would not prejudice the enquiry or investigation or affect the rights of the concerned person. Such reasonable timeframe should not exceed in total **three** months. Where the appropriate follow up is still being determined, the reporting person should be informed about this and about any further feedback he/she should expect.

Amendment

(46) In the context of internal reporting, the quality and transparency of information provided on the follow up procedure to the report is crucial to build trust in the effectiveness of the overall system of whistleblower protection and reduces the likelihood of further unnecessary reports or public disclosures. The reporting person should be informed within a reasonable timeframe about the action envisaged or taken as follow up to the report (for instance, closure based on lack of sufficient evidence or other grounds, launch of an internal enquiry and possibly its findings and/or measures taken to address the issue raised, referral to a competent authority for further investigation) as far as such information would not prejudice the enquiry or investigation or affect the rights of the concerned person. Such reasonable timeframe should not exceed in total **two** months. Where the appropriate follow up is still being determined, the reporting person should be informed about this and about any further feedback he/she should expect.

Or. en

Amendment 52
Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a directive
Recital 47

Text proposed by the Commission

(47) Persons who are considering reporting breaches of Union law should be

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. 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.

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. ***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, in particular those who provide strategic and legal advice to whistleblowers.*** 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

Or. en

Amendment 53

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 48 a (new)

Text proposed by the Commission

Amendment

(48a) In all cases, the reporting person should be informed of the investigation's progress and should be able to access the draft report at least once so as to be able to revise it, comment on it and correct it if necessary, albeit with no obligation to do so. These comments must be incorporated

and taken into account in the monitoring of the investigation. The reporting person should be informed of the investigation's outcome and should be able to revise and comment on the final report of the investigation. These comments must be included in the final report.

Or. en

Amendment 54
Yana Toom

Proposal for a directive
Recital 50

Text proposed by the Commission

(50) Follow up and feedback should take place within a reasonable timeframe; this is warranted by the need to promptly address the problem that may be the subject of the report, as well as to avoid unnecessary public disclosures. Such timeframe should not exceed *three* months, but could be extended to *six* months, where necessary due to the specific circumstances of the case, in particular the nature and complexity of the subject of the report, which may require a lengthy investigation.

Amendment

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

Or. en

Amendment 55
Neoklis Sylikiotis

Proposal for a directive
Recital 51 a (new)

Text proposed by the Commission

Amendment

(51a) EU institutions should create a competent authority to receive and handle reports. EU should ensure that the competent authority establish independent

and autonomous external reporting channels, which are both secure and ensure confidentiality, for receiving and handling information provided by the reporting person; 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 and transmit the information contained in the report to competent bodies, offices or agencies of the Union, as appropriate, for further investigation, where provided for under national or Union law. EU should also ensure that competent authorities follow up on the reports by taking the necessary measures and investigate, to the extent appropriate, the subject matter of the reports. The competent authorities should communicate to the reporting person the final outcome of the investigations. EU 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.

Or. en

Amendment 56
Dominique Martin, Joëlle Mélin

Proposal for a directive
Recital 54 a (new)

Text proposed by the Commission

Amendment

(54a) Persons contacting external competent authorities should be able to prove that they have first contacted the private or public legal entity, via the reporting channels clearly made known by said entity. External procedures are not to be launched without having first tried to report internally, and any such request

will be deemed inadmissible.

Or. fr

Amendment 57
Joëlle Mélin, Dominique Martin

Proposal for a directive
Recital 54 b (new)

Text proposed by the Commission

Amendment

(54b) The obligation to report internally may only be ignored if whistleblowers have legitimate doubts about their anonymity being protected when reporting, or if reporting internally would lead to known risks.

Or. fr

Amendment 58
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 59

Text proposed by the Commission

Amendment

(59) The regular review of the procedures of competent authorities and the exchange of good practices between them should guarantee that those procedures are adequate and thus serving their purpose.

(59) The regular review of the procedures of competent authorities and the exchange of good practices between them ***and competent civil society organisations*** should guarantee that those procedures are adequate and thus serving their purpose.

Or. en

Amendment 59
Jean Lambert
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 Rights⁵⁷.*

⁵⁷ 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.

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.

⁵⁷ 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 60
Jean Lambert

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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 61

Jean Lambert

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*

deleted

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.

Or. en

Amendment 62
Neoklis Sylikiotis

Proposal for a directive
Recital 64

Text proposed by the Commission

(64) Persons making a public disclosure directly should also qualify for protection *in cases where a breach remains unaddressed (for example, it was not properly assessed or investigated or no remedial action was taken) despite having been reported internally and/or externally following a tiered use of available channels; or in cases where reporting persons have valid reasons to believe that there is collusion between the perpetrator of the breach and the competent authority is reasonably suspected , that evidence*

Amendment

(64) Persons making a public disclosure directly should also qualify for protection *under this Directive, regardless of whether the breach has been reported internally and/or externally.*

may be concealed or destroyed, or that the effectiveness of investigative actions by competent authorities might be jeopardised; or in cases of imminent and manifest danger for the public interest, or where there is a risk of irreversible damage, including, inter alia, harm to physical integrity.

Or. en

Amendment 63

Jean Lambert

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

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 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 64

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 67

Text proposed by the Commission

(67) Potential whistleblowers who are not sure about how to report or whether they will be protected in the end may be discouraged from reporting. Member States should ensure that relevant information is provided in a user-friendly way and is easily accessible to the general public. Individual, impartial and confidential advice, free of charge, should be available on, for example, whether the information in question is covered by the applicable rules on whistleblower protection, which reporting channel may best be used and which alternative procedures are available in case the information is not covered by the applicable rules ('signposting'). Access to such advice can help ensure that reports are made through the appropriate channels, in a responsible manner and that breaches and wrongdoings are detected in a timely manner or even prevented.

Amendment

(67) Potential whistleblowers who are not sure about how to report or whether they will be protected in the end may be discouraged from reporting. Member States should ensure that relevant information is provided in a user-friendly way and is easily accessible to the general public ***and support the work of civil society organisations providing this information.*** Individual, impartial and confidential advice, free of charge, should be available on, for example, whether the information in question is covered by the applicable rules on whistleblower protection, which reporting channel may best be used and which alternative procedures are available in case the information is not covered by the applicable rules ('signposting'). Access to such advice can help ensure that reports are made through the appropriate channels, in a responsible manner and that breaches and wrongdoings are detected in a timely manner or even prevented.

Or. en

Amendment 65

Jean Lambert

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 66
Dominique Martin, Joëlle Mélin

Proposal for a directive
Recital 78 a (new)

Text proposed by the Commission

Amendment

(78a) For the sake of fairness to all sides, there has to be a fair and proportional system of penalties for deliberately false accusations made in bad faith by whistleblowers against a private or public legal entity.

Or. fr

Amendment 67
Neoklis Sylikiotis

Proposal for a directive
Recital 82

Text proposed by the Commission

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. 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.*

(82) The material scope of this Directive is based on *all* Union Acts.

Or. en

Amendment 68

Yana Toom

Proposal for a directive

Recital 85 a (new)

Text proposed by the Commission

Amendment

(85a) This Directive is a new standard for protecting the rights of persons reporting on breaches of Union law and should serve as an example for the candidate countries, associated countries and other countries that have committed to bring their legislation closer to the European acquis, especially in the context of reporting on abuse of EU funding and EU macro-financial assistance provided to these countries.

Or. en

Amendment 69

David Casa

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 unlawful activities or abuse of law:

Or. en

Amendment 70

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

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 the individual protection of persons reporting breaches* 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:

Or. en

Amendment 71

David Casa

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

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*

Amendment

deleted

following areas:

- (i) *public procurement;*
- (ii) *financial services, prevention of money laundering and terrorist financing;*
- (iii) *product safety;*
- (iv) *transport safety;*
- (v) *protection of the environment;*
- (vi) *nuclear safety;*
- (vii) *food and feed safety, animal health and welfare;*
- (viii) *public health;*
- (ix) *consumer protection;*
- (x) *protection of privacy and personal data, and security of network and information systems.*

Or. en

Amendment 72
Neoklis Sylikiotis

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 *are amongst others* the following areas:

Or. en

Amendment 73
Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

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 Union acts as regards the following areas:

Or. en

Amendment 74

Czesław Hoc, Kosma Złotowski, Zdzisław Krasnodębski

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 set out in the Annex (Part I and Part II), *in particular* as regards the following areas:

Or. pl

Amendment 75

Jean Lambert

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, *and especially those* set out in the Annex (Part I and Part II) as regards the following areas:

Or. en

Amendment 76

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

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

Text proposed by the Commission

Amendment

(xa) social rights, individual and collective workers' rights as well as the rights of their representatives;

Or. en

Justification

To be added as (xi) new

Amendment 77
Jean Lambert
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

Amendment

(xa) employment and working conditions

Or. en

Amendment 78
David Casa

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; *deleted*

Amendment 79

David Casa

Proposal for a directive

Article 1 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) breaches affecting the financial interests of the Union as defined by Article 325 TFEU and as further specified, in particular, in Directive (EU) 2017/1371 and Regulation (EU, Euratom) No 883/2013; **deleted**

Or. en

Amendment 80

David Casa

Proposal for a directive

Article 1 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(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. **deleted**

Or. en

Amendment 81

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

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 *or having had* the status of *a* worker *or an employee-like employment relationship*, with the meaning of Article 45 TFEU;

Or. en

Amendment 82
David Casa

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, *including persons having the status of civil servants*;

Or. en

Amendment 83
Yana Toom

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 *as well as former workers*;

Or. en

Amendment 84
Jean Lambert

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 **or formal workers**, with the meaning of Article 45 TFEU;

Or. en

Amendment 85

Czesław Hoc, Kosma Złotowski, Zdzisław Krasnodębski

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

Amendment

(c) shareholders and persons belonging to the management body of an undertaking, including non-executive members;

Or. pl

Amendment 86

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

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

Amendment

(c) shareholders and persons belonging to the management body of an undertaking, including non-executive members, as well as volunteers and trainees;

Or. en

Amendment 87

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

Proposal for a directive

Article 2 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) any person facilitating the report on possible breaches;

Or. en

Justification

To be added as e) new

Amendment 88

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

Proposal for a directive

Article 2 – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

(db) family members of the reporting person;

Or. en

Justification

To be added as f) new

Amendment 89

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

Proposal for a directive

Article 2 – paragraph 1 – point d c (new)

Text proposed by the Commission

Amendment

(dc) any person presenting new information on the breach.

Or. en

Justification

To be added as g) new

Amendment 90

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a directive

Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. 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 91

David Casa

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**

(1) ‘breaches’ means actual or potential unlawful activities or abuse of Union **law**;

the Annex;

Or. en

Amendment 92

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

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 ***any actual or potential unethical or dishonest misconduct or*** 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;

Or. en

Amendment 93

Yana Toom

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

Or. en

Amendment 94

David Casa

Proposal for a directive

Article 3 – paragraph 1 – point 8 a (new)

Text proposed by the Commission

Amendment

(8a) 'high level corruption' means breaches and abuse of law by concerned persons at ministerial level or higher and heads of public authorities and the staff that report directly to such concerned persons;

Or. en

Amendment 95

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a directive

Article 3 – paragraph 1 – point 9

Text proposed by the Commission

Amendment

(9) 'reporting person' means a natural or legal person who reports or discloses information on breaches ***acquired in the context of his or her work-related activities;***

(9) 'reporting person' means a natural or legal person who reports or discloses information on breaches, ***who contributes, assists or aids to reveal or make public information on breaches as well as persons representing the reporting person and family and relatives of the reporting person;***

Or. en

Amendment 96

Neoklis Sylikiotis

Proposal for a directive

Article 3 – paragraph 1 – point 9

Text proposed by the Commission

Amendment

(9) 'reporting person' means a natural or legal person who reports or discloses information on breaches ***acquired in the context of his or her work-related activities;***

(9) 'reporting person' means a natural or legal person who reports or discloses information on breaches, ***without necessarily being in a traditional employee-employer relationship and***

without necessarily having witnessed such acts first hand;

Or. en

Amendment 97

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

Proposal for a directive

Article 3 – paragraph 1 – point 10

Text proposed by the Commission

(10) ‘work-related context’ means current or past work activities in the public or private sector through which, irrespective of their nature, persons may acquire information on breaches and within which these persons may suffer retaliation if they report them.

Amendment

(10) ‘work-related context’ means current or past work activities *regardless of the employment status or business relationship* in the public or private sector through which, irrespective of their nature, persons may acquire information on breaches and within which these persons may suffer retaliation if they report them.

Or. en

Amendment 98

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

Proposal for a directive

Article 3 – paragraph 1 – point 10 a (new)

Text proposed by the Commission

Amendment

(10a) ‘worker’ means a natural person who for a certain period of time performs services for and under the direction of another person in return for remuneration;

Or. en

Amendment 99
Yana Toom

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 internal or external reporting **or a public disclosure** which occurs in a work-related context and causes or may cause detriment to the reporting person;

Or. en

Amendment 100
Neoklis Sylikiotis

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 or external reporting and causes or may cause unjustified detriment to the reporting person;

Or. en

Amendment 101
Ádám Kósa

Proposal for a directive
Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) Member States may stipulate that legal entities in the private sector should establish internal reporting channels and

procedures for reporting and following up on reports, following consultations with social partners, if appropriate.

Or. hu

Amendment 102

Joëlle Mélin, Dominique Martin

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 in the context of their work-related activities, referred to in Article 2(1)(b),(c) and (d), **and** the use of internal channels for reporting shall be mandatory for these categories of persons, **except in legitimate, proven cases of risks to the person's anonymity or safety.**

Or. fr

Amendment 103

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

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

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 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.

categories of persons. *Workers and their representatives shall be consulted on proposals to set up respective channels and procedures.*

Or. en

Amendment 104

Dominique Martin, Joëlle Mélin

Proposal for a directive

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. These reporting channels shall be clearly defined by the entity and easily accessible both within and from outside the entity.

Or. fr

Amendment 105

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

Proposal for a directive

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Such channels must guarantee the anonymity of the reporting person as well as their personal information.

Or. en

Amendment 106

Robert Rochefort, Jean-Marie Cavada

Proposal for a directive

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *Such channels shall safeguard the anonymity of whistleblowers, as well as their personal data.*

Or. fr

Amendment 107

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

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 108

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a directive

Article 4 – paragraph 6 – point d a (new)

Text proposed by the Commission

Amendment

(da) *European Union institutions, agencies and bodies.*

Or. en

Amendment 109

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a directive

Article 5 – paragraph 1 – point a

Text proposed by the Commission

(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;

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. ***Recipients of disclosed information within the workplace shall include, but not be limited to:***

- ***Line-managers, superiors or representatives of the organisation;***
- ***Human resources, ethics officers, work councils or other bodies in charge of mediating***
- ***conflicts at work, including conflicts of interest;***
- ***Internal financial oversight bodies within the organisation;***
- ***Disciplinary bodies within the organisation.***

Or. en

Amendment 110

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a directive

Article 5 – paragraph 1 – point c

Text proposed by the Commission

(c) diligent follow up to the report by the designated person or department;

Amendment

(c) diligent follow up to the report by the designated person or department ***and appropriate and timely action if needed;***

Or. en

Amendment 111

Jean Lambert

on behalf of the Verts/ALE Group

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

Text proposed by the Commission

(d) a reasonable timeframe, not exceeding three months following the report, to provide feedback to the reporting person about the follow-up to the report;

Amendment

(d) a reasonable timeframe, not exceeding **30 days or** three months ***in duly justified cases*** following the report ***with an acknowledgement of the receipt of report within 30 days***, to provide feedback to the reporting person about the follow-up to the report;

Or. en

Amendment 112
Yana Toom

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

Text proposed by the Commission

(d) a reasonable timeframe, not exceeding **three** months following the report, to provide feedback to the reporting person about the follow-up to the report;

Amendment

(d) a reasonable timeframe, not exceeding **two** months following the report, to provide feedback to the reporting person about the follow-up to the report;

Or. en

Amendment 113
Yana Toom

Proposal for a directive
Article 5 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 114

Jean Lambert

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 and/or by a representative of civil society and/or his/her legal representative.***

Or. en

Amendment 115

Dominique Martin, Joëlle Mélin

Proposal for a directive

Article 5 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Reporting channels may be operated internally by a person or department designated for that purpose or provided externally by a third party, provided that the safeguards and requirements referred to in point (a) of paragraph 1 are respected.

Amendment

Reporting channels may be operated internally by a person or department designated for that purpose or provided externally by a third party, provided that the safeguards and requirements referred to in point (a) of paragraph 1 are respected.

These channels shall be clearly defined by the entity to ensure the procedure is transparent and easy to use by the reporting person.

Or. fr

Amendment 116

Ádám Kósa

Proposal for a directive
Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) *Member States may stipulate that follow-ups on reports with the same content as previous reports can be dispensed with.*

Or. hu

Amendment 117
Joëlle Mélin, Dominique Martin

Proposal for a directive
Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *A reporting person who wishes to report a problem or negligence shall use the channels and methods offered by the entity unless:*

(a) *the reporting person has legitimate reason to doubt that his action will remain anonymous;*

(b) *the reporting person has legitimate reason to fear for his professional or personal safety;*

(c) *the legal entity has failed in its obligation and does not offer any appropriate reporting channels or methods.*

All reports made via a channel or method other than those clearly defined by the entity will be deemed inadmissible and it will not be possible to use said reports subsequently as proof when reporting externally.

Or. fr

Amendment 118

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a directive

Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall ensure the protection of report to an employer other than his or her direct employer where there are multiple organisations or employers involved and the worker reasonably believes the information relates solely or mainly to the conduct of that person or organisation, or is a matter for which that person or organisation has legal responsibility. Any such disclosure shall be treated as internal reporting.

Or. en

Amendment 119

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

Proposal for a directive

Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. It shall be ensured that a worker considering making a report is protected to discuss, be accompanied and represented by his/her trade union, including throughout the internal process.

Or. en

Justification

To be added as 4 (new)

Amendment 120
Yana Toom

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

Or. en

Amendment 121
Jean Lambert
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) give feedback to the reporting person about the follow-up of the report within a reasonable timeframe not exceeding **two** months or **four** months in duly justified cases;

Or. en

Amendment 122
Jean Lambert
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

(ba) 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 123
Robert Rochefort, Jean-Marie Cavada

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

Text proposed by the Commission

Amendment

(ca) safeguard the anonymity of whistleblowers, as well as their personal data.

Or. fr

Amendment 124
Jean Lambert
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

Amendment

(ca) guarantee free and independent advice and legal support for reporting persons and intermediaries.

Or. en

Amendment 125
Yana Toom

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. en

Amendment 126

Jean Lambert

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
and/or by a representative of civil society
and/or his/her legal representative.***

Or. en

Amendment 127

Robert Rochefort, Jean-Marie Cavada

Proposal for a directive

Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

***2a. These channels shall safeguard
the anonymity of whistleblowers, as well
as their personal data.***

Or. fr

Amendment 128

**Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu
Ciprian Tănăsescu, Evelyn Regner**

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

Text proposed by the Commission

(a) the manner in which the competent authority may require the reporting person to clarify the information reported or to provide additional information that is available to the reporting person;

Amendment

(a) the manner in which the competent authority may require the reporting person to clarify the information reported or to provide additional information that is available to the reporting person ***while protecting her or his anonymity;***

Or. en

Amendment 129
Yana Toom

Proposal for a directive
Article 9 – paragraph 1 – point b

Text proposed by the Commission

(b) a reasonable timeframe, not exceeding ***three*** months or ***six*** months in duly justified cases, for giving feed-back to the reporting person about the follow-up of the report and the type and content of this feed-back;

Amendment

(b) a reasonable timeframe, not exceeding ***two*** months or ***four*** months in duly justified cases, for giving feed-back to the reporting person about the follow-up of the report and the type and content of this feed-back;

Or. en

Amendment 130
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a directive
Article 9 – paragraph 1 – point b

Text proposed by the Commission

(b) a reasonable timeframe, not exceeding ***three*** months or ***six*** months in duly justified cases, for giving feed-back to the reporting person about the follow-up of

Amendment

(b) a reasonable timeframe, not exceeding ***two*** months or ***four*** months in duly justified cases, for giving feed-back to the reporting person about the follow-up of

the report and the type and content of this
feed-back;

the report and the type and content of this
feed-back;

Or. en

Amendment 131

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a directive

Article 9 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) giving 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 132

Ádám Kósa

Proposal for a directive

Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(3a) Member States may stipulate that follow-ups on reports with the same content as previous reports can be dispensed with.

Or. hu

Amendment 133

David Casa

Proposal for a directive
Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9a

Reporting of High Level Corruption

Reporting persons in possession of information on high-level corruption shall be able to report directly to a judicial body set-up and self-regulated by the judiciary in a member state. This judicial body shall be completely autonomous from other branches of government and shall have the powers to provide the reporting person with physical and legal protection and take every action necessary ensure the breaches are thoroughly investigated and concerned persons brought to justice.

Or. en

Amendment 134
Yana Toom

Proposal for a directive
Article 10 – paragraph 1 – point b – point i

Text proposed by the Commission

Amendment

(i) the phone numbers, indicating ***whether*** conversations are recorded ***or unrecorded when using those phone lines***;

(i) the phone numbers, indicating ***that*** conversations are recorded;

Or. en

Amendment 135
Jean Lambert
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

Amendment

(ga) contact information of CSOs where legal advice can be obtained free of charge.

Or. en

Amendment 136
Yana Toom

Proposal for a directive
Article 11 – paragraph 4

Text proposed by the Commission

Amendment

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.

deleted

Or. en

Amendment 137
Ádám Kósa

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall ensure that competent authorities review their procedures for receiving reports and their follow-up regularly, and at least once every ***two*** years. ***In reviewing such procedures, competent authorities must take into account their experience and that of other***

Member States shall ensure that competent authorities review their procedures for receiving reports and their follow-up regularly, and at least once every ***five*** years.

competent authorities and must adapt their procedures accordingly.

Or. hu

Amendment 138

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

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 that the information reported falls within the scope of this Directive. ***The protection covers whatever reporting channel was used; the individual circumstances of each case will determine the most appropriate channel.***

Or. en

Amendment 139

Jean Lambert

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 ***and regardless of the reporting channel he or she chose.***

Or. en

Amendment 140
David Casa

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 ***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 141
David Casa

Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission

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

deleted

Amendment

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 142

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a directive

Article 13 – paragraph 2 – introductory part

Text proposed by the Commission

2. A person *reporting externally* shall qualify for protection under this Directive *where one of the following conditions is fulfilled* :

Amendment

2. A person *who anonymously disclosed information that falls within the scope of this directive and whose identity was revealed* shall *also* qualify for protection under this directive.

Or. en

Amendment 143

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

Proposal for a directive

Article 13 – paragraph 2 – introductory part

Text proposed by the Commission

2. A person reporting *externally* shall qualify for protection under this Directive *where one of the following conditions is*

Amendment

2. A person reporting shall qualify for protection under this Directive *when raising concerns about matters under*

fulfilled :

national law implementing union law in particular when he or she was entitled to report directly to a competent authority by virtue of Union law :

Or. en

Amendment 144

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a directive

Article 13 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(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;

deleted

Or. en

Amendment 145

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a directive

Article 13 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(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;

deleted

Or. en

Amendment 146

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a directive
Article 13 – paragraph 2 – point c

Text proposed by the Commission

Amendment

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

Or. en

Amendment 147

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

Proposal for a directive
Article 13 – paragraph 2 – point c

Text proposed by the Commission

Amendment

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

Or. en

Amendment 148

Jean Lambert

on behalf of the Verts/ALE Group

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 149

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

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 to use internal reporting channels in light of the subject-matter of the report;

Or. en

Amendment 150

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a directive

Article 13 – paragraph 2 – point e

Text proposed by the Commission

(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;***

Amendment

deleted

Or. en

Amendment 151

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

Proposal for a directive

Article 13 – paragraph 2 – point e

Text proposed by the Commission

(e) he or she had ***reasonable*** grounds to believe that the use of internal reporting

Amendment

(e) he or she had grounds to believe that the use of internal reporting channels

channels could jeopardise the effectiveness of investigative actions by competent authorities;

could jeopardise the effectiveness of investigative actions by competent authorities;

Or. en

Amendment 152

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a directive

Article 13 – paragraph 2 – point f

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 153

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

Proposal for a directive

Article 13 – paragraph 2 – point f

Text proposed by the Commission

Amendment

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

deleted

Or. en

Justification

Rephrased and added under Art. 13 (2)

Amendment 154
Dominique Martin, Joëlle Mélin

Proposal for a directive
Article 13 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) he or she has reasonable grounds for doubting the anonymity of his action and may legitimately fear professional or personal reprisals.

Or. fr

Amendment 155
Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

Proposal for a directive
Article 13 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) he or she has reasonable grounds to believe that the information reported was true at the time of reporting.

Or. en

Justification

To be added as g) new

Amendment 156
Jean Lambert
on behalf of the Verts/ALE Group

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

deleted

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.

Or. en

Amendment 157

David Casa

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 158

David Casa

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 159

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

Proposal for a directive

Article 13 – paragraph 4 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 160

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a directive

Article 13 – paragraph 4 – point a

Text proposed by the Commission

(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)***

Amendment

(a) he or she first reported internally and/or externally in accordance with Chapters II and III; or

and 9(1)(b); or

Or. en

Amendment 161

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a directive

Article 13 – paragraph 4 – point b

Text proposed by the Commission

(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.

Amendment

(b) he or she could not reasonably be expected to use internal and/or external reporting channels, *due, for instance,* 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 162

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

Proposal for a directive

Article 13 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

(ba) where the public has an overriding interest in being informed directly.

Or. en

Justification

To be added as c) new

Amendment 163
Joëlle Mélin, Dominique Martin

Proposal for a directive
Article 13 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *A person who makes deliberately false accusations in bad faith may not benefit from the protection accorded by this Directive.*

Or. fr

Amendment 164
Ádám Kósa

Proposal for a directive
Article 13 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4a) *Member States may establish rules which differ from paragraphs (2)-(4) in order to afford greater protection to reporting persons.*

Or. hu

Amendment 165
Joëlle Mélin, Dominique Martin

Proposal for a directive
Article 14 – title

Text proposed by the Commission

Amendment

Prohibition of retaliation against reporting persons

Prohibition of **professional** retaliation against reporting persons

Or. fr

Amendment 166

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

Proposal for a directive

Article 14 – paragraph 1 – point c

Text proposed by the Commission

(c) transfer of duties, change of location of place of work, reduction in wages, change in working hours;

Amendment

(c) transfer **or restriction** of duties, change of location of place of work, reduction in wages **and allowances**, change **or reduction** in working hours **and working time arrangements**;

Or. en

Amendment 167

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

Proposal for a directive

Article 14 – paragraph 1 – point d

Text proposed by the Commission

(d) withholding of training;

Amendment

(d) withholding of training **and vocational training**;

Or. en

Amendment 168

Dominique Martin, Joëlle Mélin

Proposal for a directive

Article 14 – paragraph 1 – point e

Text proposed by the Commission

(e) negative performance assessment or employment reference;

Amendment

(e) **unjustified** negative performance assessment or employment reference;

Or. fr

Amendment 169
Joëlle Mélin, Dominique Martin

Proposal for a directive
Article 14 – paragraph 1 – point g

Text proposed by the Commission

(g) coercion, intimidation, harassment or ostracism at the workplace;

Amendment

(g) coercion, intimidation, **job blackmail**, harassment or ostracism at the workplace;

Or. fr

Amendment 170
Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

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

Text proposed by the Commission

Amendment

(ha) mandatory psychiatric or medical referrals;

Or. en

Amendment 171
Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

Proposal for a directive
Article 14 – paragraph 1 – point i

Text proposed by the Commission

Amendment

(i) failure to convert a temporary employment contract into a permanent one;

(i) failure to convert a temporary **or non-standard** employment contract into a permanent one;

Or. en

Amendment 172
Joëlle Mélin, Dominique Martin

Proposal for a directive
Article 14 – paragraph 1 – point i

Text proposed by the Commission

(i) failure to convert a temporary employment contract into a permanent one;

Amendment

(i) ***unjustified*** failure to convert a temporary employment contract into a permanent one;

Or. fr

Amendment 173
Dominique Martin, Joëlle Mélin

Proposal for a directive
Article 14 – paragraph 1 – point j

Text proposed by the Commission

(j) failure to renew or early termination of the temporary employment contract;

Amendment

(j) ***unjustified*** failure to renew or early termination of the temporary employment contract;

Or. fr

Amendment 174
Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

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

Text proposed by the Commission

Amendment

(na) ***actual, threatened or attempted retaliatory actions;***

Or. en

Amendment 175

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a directive

Article 14 – paragraph 1 – point n a (new)

Text proposed by the Commission

Amendment

(na) mandatory psychiatric or medical referrals,

Or. en

Amendment 176

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

Proposal for a directive

Article 14 – paragraph 1 – point n b (new)

Text proposed by the Commission

Amendment

(nb) obstruction or cancellation of retirement benefits.

Or. en

Amendment 177

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a directive

Article 14 – paragraph 1 – point n b (new)

Text proposed by the Commission

Amendment

(nb) obstruction or cancellation of retirement benefits,

Or. en

Amendment 178

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a directive

Article 14 – paragraph 1 – point n c (new)

Text proposed by the Commission

Amendment

(nc) loss of benefits or status,

Or. en

Amendment 179

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a directive

Article 14 – paragraph 1 – point n d (new)

Text proposed by the Commission

Amendment

(nd) cancellation of duties,

Or. en

Amendment 180

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a directive

Article 14 – paragraph 1 – point n e (new)

Text proposed by the Commission

Amendment

*(ne) suspension of revocation of
security clearance,*

Or. en

Amendment 181

Jean Lambert

on behalf of the Verts/ALE Group

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

Text proposed by the Commission

Amendment

(nf) retaliatory investigations,

Or. en

Amendment 182
Jean Lambert
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

Amendment

*(ng) failure by managers to make
reasonable efforts to prevent retaliation,*

Or. en

Amendment 183
Jean Lambert
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

Amendment

*(nh) initiation of retaliatory lawsuits or
prosecutions.*

Or. en

Amendment 184
Jean Lambert
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

Amendment

(ni) wilful ignorance of the retaliation by a supervisor or supervisory body who are tasked with monitoring the protected person

Or. en

Amendment 185

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a directive

Article 14 – paragraph 1 – point n j (new)

Text proposed by the Commission

Amendment

(nj) breaching the confidentiality and anonymity of the reporting person and other persons protected by this Directive

Or. en

Amendment 186

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a directive

Article 14 – paragraph 1 – point n k (new)

Text proposed by the Commission

Amendment

(nk) denying the rights of defence, including excessive delays in the handling of cases within the place of work

Or. en

Amendment 187

Jean Lambert

on behalf of the Verts/ALE Group

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

Text proposed by the Commission

Amendment

(nl) *and all other actions that could chill employees from exercise of rights protected by the Directive*

Or. en

Amendment 188
Jean Lambert
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

Amendment

(nm) *furthermore, all recommendations for any of the retaliatory actions listed in this article.*

Or. en

Amendment 189
Ádám Kósa

Proposal for a directive
Article 15 – paragraph 3

Text proposed by the Commission

Amendment

(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.***

(3) Reporting persons shall have access to effective assistance from competent authorities before any relevant authority involved in their protection against retaliation.

Or. hu

Amendment 190

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

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 191

Ádám Kósa

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 externally to competent authorities or making a public disclosure in accordance with this Directive – ***with the exception of cases involving the public disclosure of classified information and information relating to trade secrets*** – 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. hu

Amendment 192

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

Proposal for a directive

Article 15 – paragraph 5

Text proposed by the Commission

5. In judicial proceedings relating to a detriment suffered by the reporting person, **and subject to him or her providing reasonable grounds to believe that the detriment was in retaliation for having made the report or disclosure**, it shall be for the person who has taken the retaliatory measure to prove that the detriment was not a consequence of the report but was exclusively based on duly justified grounds.

Amendment

5. In judicial proceedings relating to a detriment suffered by the reporting person, it shall be for the person who has taken the retaliatory measure to prove that the detriment was not a consequence of the report but was exclusively based on duly justified grounds.

Or. en

Amendment 193

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

Proposal for a directive

Article 15 – paragraph 7

Text proposed by the Commission

7. In addition to the exemption from measures, procedures and remedies provided for in Directive (EU) 2016/943, in judicial proceedings, including for defamation, breach of copyright, breach of secrecy or for compensation requests based on private, public, or on collective labour law, reporting persons shall have the right to rely on having made a report or disclosure in accordance with this Directive to seek dismissal.

Amendment

7. In addition to the exemption from measures, procedures and remedies provided for in Directive (EU) 2016/943, in judicial proceedings, including for defamation, breach of copyright, breach of secrecy or for compensation requests based on private, public, or on collective labour law, reporting persons shall have the right to rely on having made a report or disclosure in accordance with this Directive to seek dismissal **of proceedings**.

Or. en

Amendment 194

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

Proposal for a directive

Article 15 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Justification

To be added as 9 new

Amendment 195

Joëlle Mélin, Dominique Martin

Proposal for a directive

Article 16 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that the concerned **persons** fully enjoy the right to an effective remedy and to a fair trial as well as the presumption of innocence and the rights of defence, including the right to be heard and the right to access their file, in accordance with the Charter of Fundamental Rights of the European Union.

1. Member States shall ensure that **all** the **parties** concerned fully enjoy the right to an effective remedy and to a fair trial as well as the presumption of innocence and the rights of defence, including the right to be heard and the right to access their file, in accordance with the Charter of Fundamental Rights of the European Union.

Or. fr

Amendment 196

Dominique Martin, Joëlle Mélin

Proposal for a directive

Article 17 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for effective, proportionate and dissuasive penalties applicable to natural or legal persons that:

Amendment

1. Member States shall provide for effective, proportionate and dissuasive penalties applicable, ***under civil and/or criminal law***, to natural or legal persons that:

Or. fr

Amendment 197
Neoklis Sylikiotis

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. en

Amendment 198
Jean Lambert
on behalf of the Verts/ALE Group

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***

Amendment

2. Member States shall provide for effective, proportionate and dissuasive penalties applicable to persons making malicious or abusive reports or disclosures ***by retaining the protection and applying the rules of general law.***

malicious or abusive reports or disclosures.

Or. en

Amendment 199
Joëlle Mélin, Dominique Martin

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

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

Or. fr

Amendment 200
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a directive
Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17a

No Waiver of Rights and Remedies

The rights and remedies provided for under this Directive may not be waived or limited by any agreement, policy, form or condition of employment, including by any pre-dispute arbitration agreement. Any attempt to waive or limit these rights and remedies shall be considered void and unenforceable and may be subject to penalty or sanction.

Amendment 201

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

**Proposal for a directive
Article 19**

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 *shall* introduce or retain provisions more favourable to the rights of the reporting persons than those set out in this Directive *and shall establish reporting systems on national provisions*, without prejudice to Article 16 and Article 17(2).

Or. en

Amendment 202

Michael Detjen, Guillaume Balas, Alex Mayer, Agnes Jongerius, Rory Palmer, Claudiu Ciprian Tănăsescu, Evelyn Regner

**Proposal for a directive
Article 20 a (new)**

Text proposed by the Commission

Amendment

Article 20a

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 203
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a directive
Article 21 a (new)

Text proposed by the Commission

Amendment

Article 21a

Updating the Annexes

Whenever a new EU legal act falls into the material scope laid down in Article 1 (1) (a) or Article 1 (2), the Commission shall update the Annexes accordingly via a delegated act.

Or. en

Amendment 204
Neoklis Sylikiotis

Proposal for a directive
Annex I

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 205
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a directive
Annex I – part I – subpart J a (new)

Text proposed by the Commission

Amendment

Ja Article 1 (a) (xi) - (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 L 288, 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);*

(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 2009 laying 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) 2015/848 of 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 3 December 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 Directive 2006/15/EC

of 7 February 2006 establishing a second list of indicative occupational exposure limit values in implementation of Council Directive 98/24/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 inland 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