



**2016/2224(INI)**

6.7.2017

# **AMENDMENTS**

## **1 - 76**

**Draft opinion**  
**Maite Pagazaurtundúa Ruiz**  
(PE606.049v01-00)

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



**Amendment 1**  
**Caterina Chinnici, Dietmar Köster**

**Draft opinion**  
**Recital A**

*Draft opinion*

A. whereas the Commission stated in its communication of 5 July 2016 that the protection of whistle-blowers, in both the public and private sectors, helps to address mismanagement and irregularities, including cross-border corruption, which deprives European tax authorities of legitimate tax revenue;

*Amendment*

A. whereas the Commission stated in its communication of 5 July 2016 that the protection of whistle-blowers, in both the public and private sectors, helps to address mismanagement and irregularities, including cross-border corruption, ***transnational tax evasion and unfair trading practices***, which deprives European tax authorities of legitimate tax revenue ***and contributes to distort fair competition within the European single market***;

Or. en

**Amendment 2**  
**Eva Joly**

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

*Draft opinion*

*Amendment*

***Aa. Whereas whistle-blowers who act in the public interest in order to expose misconduct, wrongdoing, fraud or illegal activity often take a very high personal risk as they may be dismissed, sued, boycotted, arrested, threatened or victimised and discriminated in a variety of other ways.***

Or. en

**Amendment 3**

**Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao**

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

*Draft opinion*

*Amendment*

*Aa. whereas the Union is founded on the values of democracy, the rule of law and respect for human rights, which are enshrined in Article 2 TEU;*

Or. it

**Amendment 4**  
**Caterina Chinnici**

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

*Draft opinion*

*Amendment*

*Aa. whereas large scale transnational fraud is increasing, mainly benefitting from legislative gaps existing between Member States' legislation;*

Or. en

**Amendment 5**  
**Caterina Chinnici**

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

*Draft opinion*

*Amendment*

*Ab. whereas whistle-blowing represents a fundamental source of information in the fight against organised crime, in the investigation of cases of corruption within the public sector as well as in the detection of tax avoidance schemes set up by private companies;*

**Amendment 6**  
**Caterina Chinnici, Dietmar Köster**

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

*Draft opinion*

*Amendment*

***Ac. whereas the protection of whistle-blowers is essential in order to safeguard the public good and the financial interests of the European Union and to promote a culture of public accountability and integrity in both public and private institutions;***

Or. en

**Amendment 7**  
**Eleftherios Synadinos**

**Draft opinion**  
**Recital B**

*Draft opinion*

*Amendment*

B. whereas the ***safeguarding*** of confidentiality contributes to the creation of more effective channels for reporting fraud, corruption or other serious infringements, and whereas, given the sensitivity of the information, mismanagement of confidentiality may lead to ***undesired*** information leaks and a violation of the public interest of the Union;

B. whereas the ***protection*** of confidentiality ***under statute law and European and national case law*** contributes to the creation of more effective ***and more fully defined*** channels for reporting fraud, corruption or other serious infringements, and whereas, given the sensitivity of the information, mismanagement of confidentiality may lead to information leaks and a violation of the ***interests of those directly concerned, the interests of EU citizens and the public interest of the Union Member States and of the Union itself;***

Or. el

## Amendment 8

Dietmar Köster, Sylvie Guillaume, Juan Fernando López Aguilar, Christine Revault D'Allonnes Bonnefoy, Ana Gomes, Cătălin Sorin Ivan, Caterina Chinnici

### Draft opinion

#### Recital B

##### *Draft opinion*

B. whereas the safeguarding of confidentiality contributes to the creation of more effective channels for reporting fraud, corruption or other serious infringements, and whereas, given the sensitivity of the information, mismanagement of confidentiality may lead to undesired information leaks and a violation of the public interest of the Union;

##### *Amendment*

B. whereas the safeguarding of *the confidentiality of the whistle-blowers' information* contributes to the creation of more effective channels for reporting fraud, corruption, *wrongdoing, misconduct* or other serious infringements, and whereas, given the sensitivity of the information, mismanagement of confidentiality may lead to undesired information leaks and a violation of the public interest of the Union;

Or. en

## Amendment 9

Nuno Melo, Roberta Metsola

### Draft opinion

#### Recital B a (new)

##### *Draft opinion*

##### *Amendment*

*Ba. Whereas in the public sector, protecting whistle-blowers can make it easier to detect the misuse of public funds, fraud and other forms of cross-border corruption linked to national or European Union interests.*

Or. en

## Amendment 10

Eleftherios Synadinos

**Draft opinion**  
**Recital C**

*Draft opinion*

C. whereas reporting by whistle-blowers of information that could threaten or harm the public interest is done on the basis of their freedom of expression and information, both rights enshrined in the EU Charter of Fundamental Rights, and with a strong sense of responsibility and civic morality;

*Amendment*

C. whereas reporting by whistle-blowers of information that could threaten or harm the public interest is done indirectly ***indirectly, ostensibly*** on the basis of their freedom of expression and information, both rights enshrined in the EU Charter of Fundamental Rights, and with ***what is a personally defined and perceived*** sense of responsibility and civic morality; ***whereas these rights and personal interpretations are subject to restrictions; whereas the principle of proportionality must be respected in exercise thereof, essentially remaining within certain limits and subject to interpretation and clarification; whereas the Charter of Fundamental Rights of the European Union expressly stipulates that national laws and practices must be taken into account; whereas, in addition, the exercise of such rights or principles may in no case entail acts or practices wrongfully negating or restricting other acknowledged or more widely applicable rights or freedoms;***

Or. el

**Amendment 11**  
**Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao**

**Draft opinion**  
**Recital C**

*Draft opinion*

C. whereas reporting by whistle-blowers of information that could threaten or harm the public interest is done on the

*Amendment*

C. whereas reporting by whistle-blowers of information that could threaten or harm the public interest is done on the

basis of their freedom of expression and information, both rights enshrined in the EU Charter of Fundamental Rights, and with a strong sense of responsibility and civic morality;

basis of their freedom of expression and information, both rights enshrined in the EU Charter of Fundamental Rights, *in particular Article 11 thereof*, and with a strong sense of responsibility and civic morality;

Or. it

**Amendment 12**  
**Eva Joly**

**Draft opinion**  
**Recital C a (new)**

*Draft opinion*

*Amendment*

***Ca. Whereas in its Resolution of 23 October 2013 on ‘Organised crime, corruption and money laundering: recommendations on action and initiatives to be taken’ (P7\_TA(2013)0444), the European Parliament particularly called for the Commission, by the end of 2013, to submit a legislative proposal establishing an effective and comprehensive European whistle-blower protection programme in the public and in the private sector to protect those who detect inefficient management and irregularities and report cases of national and cross-border corruption relating to EU financial interests and to protect witnesses, informers, and those who cooperate with the courts, and in particular witnesses testifying against mafia-type and other criminal organisations, with a view to resolving the difficult conditions under which they have to live.***

Or. en

**Amendment 13**



**Caterina Chinnici, Dietmar Köster**

**Draft opinion  
Recital C a (new)**

*Draft opinion*

*Amendment*

***Ca. whereas protection of whistle-blowers cannot be achieved only via legal measures but also fostering a cultural change in European societies.  
Encourages Member States and European Commission to build a narrative, which underlines the fundamental role that whistle-blowers play in our societies;***

Or. en

**Amendment 14**

**Dietmar Köster, Sylvie Guillaume, Juan Fernando López Aguilar, Christine Revault D'Allonnes Bonnefoy, Ana Gomes, Cătălin Sorin Ivan, Elly Schlein, Birgit Sippel, Virginie Rozière**

**Draft opinion  
Recital C a (new)**

*Draft opinion*

*Amendment*

***Ca. Whereas the protection of whistle-blowers in the European Union should not only be limited to European cases, but should also apply to international cases.***

Or. en

**Amendment 15  
Eva Joly**

**Draft opinion  
Recital C b (new)**

*Draft opinion*

*Amendment*

***Cb. Whereas in its resolution adopted on 25th November 2015 on 'Tax Rulings and other measures similar in nature or effect' (P8\_TA(2015)0408), the European Parliament called on the European Commission to propose EU legislation to protect whistle-blowers by June 2016 and condemned the fact that citizens and journalists can be subject to legal prosecution rather than legal protection when, acting in the public interest, they disclose information or report suspected misconduct, wrongdoing, fraud or illegal activity.***

Or. en

**Amendment 16**  
**Eva Joly**

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

*Draft opinion*

*Amendment*

***Cc. Whereas in its Resolution adopted on 16th December 2015 on “Bringing transparency, coordination and convergence to corporate tax policies” (P8\_TA(2015)0457), the European Parliament called on the European Commission to bring forward a legislative proposal offering Union-wide protection for whistle-blowers who report suspected misconduct, wrongdoing, fraud or illegal activity to national or European authorities or, in cases of persistently unaddressed misconduct, wrongdoing, fraud or illegal activity that could affect the public interest, to the public as a whole.***

Or. en

**Amendment 17**  
**Eva Joly**

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

*Draft opinion*

*Amendment*

***Cd. Whereas in its Resolution of 14 February 2017 on the role of whistle-blowers in the protection of EU's financial interests (P8\_TA(2017)0022), the European Parliament urged the Commission to immediately submit a legislative proposal establishing an effective and comprehensive European whistle-blower protection programme which includes mechanisms for companies, public bodies and non-profit organisations and, in particular, called on the Commission to submit a legislative proposal before the end of 2017 protecting whistle-blowers as part of the necessary measures in the fields of the prevention of and fight against fraud affecting the financial interests of the Union, with a view to affording effective and equivalent protection in the Member States and in all the Union's institutions, bodies, offices and agencies;***

Or. en

**Amendment 18**  
**Eva Joly**

**Draft opinion**  
**Recital C e (new)**

*Draft opinion*

*Amendment*

***Ce. Whereas there exists significant variation between the ways in which different Member States provide protection for whistle-blowers and as a result workers both in the public and***

*private sector who hold vital information, which can also be of relevance in another Member State, are understandably reluctant to come forward and therefore that information will not be made available.*

Or. en

#### **Amendment 19**

**Dietmar Köster, Sylvie Guillaume, Juan Fernando López Aguilar, Christine Revault D'Allonnes Bonnefoy, Ana Gomes, Cătălin Sorin Ivan, Elly Schlein, Virginie Rozière**

#### **Draft opinion**

#### **Paragraph -1 (new)**

*Draft opinion*

*Amendment*

*-1. Stresses that in democratic and open states based on the rule of law, citizens have a right to know about violations of their fundamental rights and to denounce them, including those involving their own government;*

Or. en

#### **Amendment 20**

**Dietmar Köster, Sylvie Guillaume, Juan Fernando López Aguilar, Christine Revault D'Allonnes Bonnefoy, Ana Gomes, Cătălin Sorin Ivan, Elly Schlein, Birgit Sippel, Virginie Rozière**

#### **Draft opinion**

#### **Paragraph -1 a (new)**

*Draft opinion*

*Amendment*

*-1a. Notes that the culture of whistleblowing is contested and ill-conceived in many Member States and among the European public; highlights the need for a change in the perception of whistleblowing and its connection to fundamental rights; states that whistle-*

*blowing should be promoted as civic engagement and as an act of good citizenship supported by communication, learning, education and training; states, that within the “risk society” information brought to light by whistle-blowers is needed to conduct a public discourse about the dangers and opportunities of social and technological innovation; therefore encourages the Member States to start a public dialogue on whistle-blowing in order to raise awareness and to incentivise citizens to speak up if they discover misconduct, wrongdoings or fraud;*

Or. en

## Amendment 21

Dietmar Köster, Sylvie Guillaume, Juan Fernando López Aguilar, Christine Revault D'Allonnes Bonnefoy, Ana Gomes, Cătălin Sorin Ivan, Virginie Rozière

### Draft opinion

#### Paragraph 1

##### *Draft opinion*

1. Recognises that whistle-blowing plays a crucial role in the fight against **corruption and other serious crimes**; points out that protection of whistle-blowers should not be limited only to cases **where confidential information is revealed** but to all cases of disclosure of misconduct, **wrongdoing or involvement in illegal activities**; points out that the existing Union legislation on protection of whistle-blowers is scattered and **that** the protection of whistle-blowers across the Member States is uneven, which often impacts negatively **on EU** policies;

##### *Amendment*

1. Recognises that whistle-blowing plays a crucial role in the fight against **misconduct, wrongdoing, activities that harm the public interest or criminal or illegal activities**; **notes that throughout the recent cases of whistle-blowing, it has become evident that whistle-blowers play a crucial role in unveiling serious violations of fundamental rights**; points out that **the** protection of whistle-blowers should not be limited only to cases of **illegal activities**, but to all cases of disclosure of misconduct **or, wrongdoing**; points out that the existing Union legislation on protection of whistle-blowers is scattered and the protection of whistle-blowers across the Member States is uneven which often impacts negatively **the Union** policies.

**Amendment 22**  
**Eleftherios Synadinos**

**Draft opinion**  
**Paragraph 1**

*Draft opinion*

1. *Recognises* that whistle-blowing plays a crucial role in the fight against corruption and other serious crimes; points out that protection of whistle-blowers should not be limited only to cases where confidential information is revealed but to all cases of disclosure of misconduct, wrongdoing or involvement in illegal activities; points out that the existing Union legislation on protection of whistle-blowers is scattered and that the protection of whistle-blowers across the Member States is uneven, which often impacts negatively on *EU* policies;

*Amendment*

1. *Points out* that *targeted and legitimate* whistle-blowing *that is not motivated by self-interest or malice* plays a crucial role in the fight against corruption and other serious crimes; points out that *adequate* protection of whistle-blowers should not be limited only to cases where confidential information is revealed but to all cases of disclosure of misconduct, wrongdoing or involvement in illegal activities; points out that the existing Union legislation on protection of whistle-blowers is scattered and that the protection of whistle-blowers across the Member States is uneven, which *undoubtedly* often impacts negatively on *the common policies, ambitions and interests of the Member States*;

Or. el

**Amendment 23**  
**Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao**

**Draft opinion**  
**Paragraph 1**

*Draft opinion*

1. Recognises that whistle-blowing plays a crucial role in the fight against corruption and other serious crimes; points out that protection of whistle-blowers should not be limited only to cases where confidential information is revealed but to

*Amendment*

1. Recognises that whistle-blowing plays a crucial role in the fight against corruption and other serious crimes; points out that protection of whistle-blowers should not be limited only to cases where confidential information is revealed but to

all cases of disclosure of misconduct, wrongdoing or involvement in illegal activities; points out that the existing Union legislation on protection of whistle-blowers is scattered and that the protection of whistle-blowers across the Member States is uneven, which *often impacts* negatively on EU policies;

all cases of disclosure of misconduct, wrongdoing or involvement in illegal activities; points out that the existing Union legislation on protection of whistle-blowers is scattered and that the protection of whistle-blowers across the Member States is uneven *and, in certain cases, non-existent*, which *could impact highly* negatively on EU policies;

Or. it

**Amendment 24**  
**Nuno Melo, Roberta Metsola**

**Draft opinion**  
**Paragraph 1**

*Draft opinion*

1. Recognises that whistle-blowing plays a crucial role in the fight against corruption and other serious crimes; points out that protection of whistle-blowers should not be limited only to cases where confidential information is revealed but to all cases of disclosure of misconduct, wrongdoing or involvement in illegal activities; points out that the existing Union legislation on protection of whistle-blowers is scattered and that the protection of whistle-blowers across the Member States is uneven, *which often impacts negatively on EU policies*;

*Amendment*

1. Recognises that whistle-blowing plays a crucial role in the fight against corruption and other serious crimes; points out that protection of whistle-blowers should not be limited only to cases where confidential information is revealed but to all cases of disclosure of misconduct, wrongdoing or involvement in illegal activities; points out that the existing *national legislation and the existing* Union legislation on protection of whistle-blowers is scattered and that the protection of whistle-blowers across the Member States is uneven.

Or. en

**Amendment 25**  
**Eva Joly**

**Draft opinion**  
**Paragraph 1**

*Draft opinion*

1. Recognises that whistle-blowing plays a crucial role in the fight against corruption and other serious crimes; points out that protection of whistle-blowers should not be limited only to cases where confidential information is revealed but to all cases of disclosure of misconduct, wrongdoing or involvement in illegal activities; points out that the existing Union legislation on protection of whistle-blowers is scattered and that the protection of whistle-blowers across the Member States is uneven, which often impacts negatively on EU policies;

*Amendment*

1. Recognises that whistle-blowing plays a crucial role in the fight against corruption, ***fraud, tax fraud and tax evasion, mismanagement, oppression, discrimination*** and other ***wrongdoings and serious crimes; notes that whistleblowing is one of the most effective ways of halting and preventing wrongdoing from occurring or uncovering it if it already took place, and it is essential for protecting the public interest and for maintaining accountability and integrity in both the public and private sectors;*** points out that protection of whistle-blowers should not be limited only to cases where confidential information is revealed but to all cases of disclosure of misconduct, wrongdoing or involvement in illegal activities; points out that the existing Union legislation on protection of whistle-blowers is scattered and that the protection of whistle-blowers across the Member States is uneven, which often impacts negatively on EU policies;

Or. en

**Amendment 26**  
**Caterina Chinnici**

**Draft opinion**  
**Paragraph 1**

*Draft opinion*

1. Recognises that whistle-blowing plays a crucial role in the fight against corruption and other serious crimes; points out that protection of whistle-blowers should not be limited only to cases where confidential information is revealed but to all cases of disclosure of misconduct, wrongdoing or involvement in illegal activities; points out that the existing

*Amendment*

1. Recognises that whistle-blowing plays a crucial role in the fight against corruption and other serious crimes ***as well as in prosecuting violation that may affect public health safety, the environment, human rights or the rule of law at European level;*** points out that protection of whistle-blowers ***and their families*** should not be limited only to cases



Union legislation on protection of whistle-blowers is scattered and that the protection of whistle-blowers across the Member States is uneven, which often impacts negatively on EU policies;

where confidential information is revealed but to all cases of disclosure of misconduct, wrongdoing or involvement in illegal activities; points out that the existing Union legislation on protection of whistle-blowers is scattered and that the protection of whistle-blowers across the Member States is uneven, which often impacts negatively on EU policies;

Or. en

#### **Amendment 27**

**Dennis de Jong, Barbara Spinelli**

#### **Draft opinion**

#### **Paragraph 1 a (new)**

*Draft opinion*

*Amendment*

*1a. Stresses that the definition of whistleblowing includes the protection of those who disclose information with a reasonable belief that the information is true at the time it is disclosed, including those who make inaccurate disclosures in honest error;*

Or. en

#### **Amendment 28**

**Dietmar Köster, Sylvie Guillaume, Juan Fernando López Aguilar, Christine Revault D'Allonnes Bonnefoy, Ana Gomes, Cătălin Sorin Ivan, Elly Schlein, Caterina Chinnici, Virginie Rozière**

#### **Draft opinion**

#### **Paragraph 1 a (new)**

*Draft opinion*

*Amendment*

*1a. Highlights the need for a common and broad definition of whistle-blowing and whistle-blowers in order to ensure suitable legal protection for whistle-*

*blowers and the smooth functioning of the  
EU body mentioned in paragraph 4;*

Or. en

**Amendment 29**  
Nuno Melo

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

*Draft opinion*

*Amendment*

*1a. Emphasises that persons who knowingly report wrong or misleading information to competent authorities should not be considered as whistle-blowers and thus should not enjoy the protection mechanisms.*

Or. en

**Amendment 30**  
Nuno Melo, Roberta Metsola

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

*Draft opinion*

*Amendment*

*1b. Stresses that protection against further conviction for defamation or breach of professional secrecy must be ensured.*

Or. en

**Amendment 31**  
Nuno Melo, Roberta Metsola

**Draft opinion**  
**Paragraph 2**

*Draft opinion*

2. *Stresses that protection of whistle-blowers should be harmonised at EU level; is of the opinion that a horizontal EU legal instrument providing protection for whistle-blowers in the public and private sectors and complemented by sectoral rules would be the most efficient approach in order to ensure comprehensive and genuine protection of whistle-blowers; reiterates in this regard its call on the Commission to present by the end of 2017 a legislative proposal defining whistle-blowing and setting out common rules for the protection of whistle-blowers<sup>1</sup> ;*

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<sup>1</sup> *Text adopted P8\_TA(2016)0403.*

*Amendment*

2. *Takes note on the European Commission consultation on whistle-blowers protection; emphasises that only EU action must have an appropriate legal basis and must be in line with the principle of proportionality and subsidiarity.*

Or. en

**Amendment 32**

**Dietmar Köster, Sylvie Guillaume, Juan Fernando López Aguilar, Christine Revault D'Allonnes Bonnefoy, Ana Gomes, Cătălin Sorin Ivan, Elly Schlein, Caterina Chinnici**

**Draft opinion**

**Paragraph 2**

*Draft opinion*

2. Stresses that protection of whistle-blowers should be harmonised at EU level; is of the opinion that a horizontal EU legal instrument providing *protection for whistle-blowers in the public and private sectors and* complemented by *sectoral rules would* be the most efficient approach in order to ensure comprehensive and genuine protection of whistle-blowers; reiterates in this regard its call on the Commission to present by the end of 2017 a legislative proposal defining whistle-blowing and *setting out* common rules for

*Amendment*

2. *Emphasises the need for a legal protection of whistle-blowers in the European Union and at international level that should be of benefit for the individual whistle-blowers as well as in the public interest; recalls that legislation in most Member States is not extensive; stresses that protection of whistle-blowers should be harmonised at EU level; is of the opinion that a horizontal EU legal instrument providing *for protection of whistle-blowers*, complemented by *sectorial* rules *will* be the most efficient*

the protection of whistle-blowers<sup>1</sup> ;

approach in order to ensure comprehensive and genuine protection of whistle-blowers, reiterates in this regard its call on the Commission to present by the end of 2017 a legislative proposal defining *the* whistle-blowing and *providing for* common rules for the protection of whistle-blowers[1].  
***Reaffirms that the rule of law is crucial for a culture of freedom of expression.***  
***[1] European Parliament resolution of 25 October 2016 on the fight against corruption and follow-up of the CRIM resolution, Text adopted P8\_TA(2016)0403.***

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<sup>1</sup> Text adopted P8\_TA(2016)0403.

Or. en

### **Amendment 33** **Eva Joly**

#### **Draft opinion** **Paragraph 2**

##### *Draft opinion*

2. Stresses that protection of whistle-blowers should be harmonised at EU level; is of the opinion that a horizontal EU legal instrument providing protection for whistle-blowers in *the public and private sectors and complemented by sectoral rules* would be the most efficient approach in order to ensure comprehensive and genuine protection of whistle-blowers; reiterates in this regard its call on the Commission to present by the end of 2017 a legislative proposal defining whistle-blowing and setting out common rules for the protection of whistle-blowers<sup>1</sup> ;

##### *Amendment*

2. Stresses that protection of whistle-blowers should be harmonised at EU level; is of the opinion that a horizontal EU legal instrument providing protection for whistle-blowers in *all fields of EU competence* would be the most efficient approach in order to ensure comprehensive and genuine protection of whistle-blowers; ***emphasises that whistle-blowers who disclose inaccurate information in honest error should still be protected and they should not have to prove that they acted in good faith:*** reiterates in this regard its call on the Commission to present by the end of 2017 a legislative proposal defining whistle-blowing and setting out common rules for the protection of whistle-blowers<sup>1</sup> ;

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<sup>1</sup> Text adopted P8\_TA(2016)0403.

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<sup>1</sup> Text adopted P8\_TA(2016)0403.

Or. en

**Amendment 34**  
**Eleftherios Synadinos**

**Draft opinion**  
**Paragraph 2**

*Draft opinion*

2. *Stresses* that protection of whistle-blowers *should* be harmonised at EU level; is of the opinion that a horizontal EU legal instrument providing protection for whistle-blowers in the public and private sectors and complemented by sectoral rules *would be the most efficient approach* in order to ensure comprehensive and genuine protection of whistle-blowers; reiterates in this regard its call on the Commission to present by the end of 2017 a legislative proposal defining whistle-blowing and setting out common rules for the protection of whistle-blowers<sup>1</sup>;

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<sup>1</sup> Texts adopted, P8\_TA(2016)0403.

*Amendment*

2. *Notes* that protection of whistle-blowers *could* be harmonised at EU level *in line with the principles of proportionality and subsidiarity*; is of the opinion that a horizontal EU legal instrument providing protection for whistle-blowers in the public and private sectors and complemented by sectoral rules *is one of a number of possible approaches* in order to ensure comprehensive and genuine protection of whistle-blowers; reiterates in this regard its call on the Commission to present by the end of 2017 a legislative proposal defining whistle-blowing and setting out common rules for the protection of whistle-blowers<sup>1</sup>;

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<sup>1</sup> Texts adopted, P8\_TA(2016)0403.

Or. el

**Amendment 35**  
**Dennis de Jong, Barbara Spinelli**

**Draft opinion**  
**Paragraph 2**

*Draft opinion*

2. Stresses that protection of whistle-

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*Amendment*

2. Stresses that protection of whistle-

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blowers should be harmonised at EU level; is of the opinion that a horizontal EU legal instrument providing protection for whistle-blowers in the public and private sectors and complemented by sectoral rules would be the most efficient approach in order to ensure comprehensive and genuine protection of whistle-blowers; reiterates in this regard its call on the Commission to present by the end of 2017 a legislative proposal defining whistle-blowing and setting out common rules for the protection of whistle-blowers<sup>1</sup> ;

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<sup>1</sup> Text adopted P8\_TA(2016)0403.

blowers should be harmonised at EU level; is of the opinion that a horizontal EU legal instrument providing protection for whistle-blowers in the public and private sectors and complemented by sectoral rules would be the most efficient approach in order to ensure comprehensive and genuine protection of whistle-blowers; reiterates in this regard its call on the Commission to present by the end of 2017 a legislative proposal defining whistle-blowing and setting out common rules for the protection of whistle-blowers<sup>1</sup> ***and to immediately submit a legislative proposal establishing an effective and comprehensive European whistle-blower protection programme which includes mechanisms for companies, public bodies and non-profit organisations***<sup>2a</sup>;

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<sup>1</sup> Text adopted P8\_TA(2016)0403.

<sup>2a</sup> ***Text adopted P8\_TA(2017)0022***

Or. en

### **Amendment 36**

**Monica Macovei, Angel Dzhambazki, Barbara Spinelli, Dennis de Jong, Tomáš Zdechovský, Ana Gomes, Patricija Šulin, Sven Giegold, Monika Hohlmeier**

#### **Draft opinion**

#### **Paragraph 2 a (new)**

*Draft opinion*

*Amendment*

***2a. Underlines that the EU institutions must be interested and show strong willingness to support the role of whistle-blowers and the benefits they bring in correcting wrongdoing; reminds the lack of follow-up and proper settlement regarding whistle-blowing cases at this level; considers a matter of urgency, before a Directive on the protection of whistle-blowers would be adopted, that the Commission Guidelines on the protection***

*of whistle-blowers within the EU institutions are properly implemented and urges all institutions, including Agencies, to establish clear rules for the protection of whistle-blowers, as well as measures against ‘‘revolving doors’’;*

Or. en

**Amendment 37**

**Dietmar Köster, Sylvie Guillaume, Juan Fernando López Aguilar, Christine Revault D'Allonnes Bonnefoy, Ana Gomes, Cătălin Sorin Ivan, Elly Schlein, Birgit Sippel, Virginie Rozière**

**Draft opinion**

**Paragraph 2 a (new)**

*Draft opinion*

*Amendment*

*2a. Recognises that every person who contributes information to a relevant authority or who discloses an infringement in another appropriate way has to have the right to legal protection.*

Or. en

**Amendment 38**

**Monica Macovei, Angel Dzhambazki, Siegfried Mureşan, Barbara Spinelli, Dennis de Jong, Tomáš Zdechovský, Ana Gomes, Patricija Šulin, Sven Giegold, Monika Hohlmeier**

**Draft opinion**

**Paragraph 2 b (new)**

*Draft opinion*

*Amendment*

*2b. Urges the European Court of Auditors and the European Ombudsman to publish, each, by the end of 2017: 1) special reports containing statistics and a clear track record of whistle-blowing cases identified in the European institutions, businesses, associations, organisations and other bodies registered*

*in the Union; 2) the follow-up of the institutions concerned in relation to the cases revealed, based on the current Commission guidelines and rules; 3) the outcome of each investigation open as a result of the information received from whistle-blowers; 4) the measures foreseen in every case for the whistle-blowers' protection;*

Or. en

### **Amendment 39**

**Nuno Melo, Roberta Metsola**

#### **Draft opinion**

#### **Paragraph 3**

##### *Draft opinion*

3. Expresses its concern at retaliation against whistle-blowers in their personal and professional lives, and at the possibility of initiating criminal and civil judicial proceedings against whistle-blowers; calls for the *creation of a clear horizontal legal framework that includes definitions, protection against different forms of reprisals, and exemptions from criminal and civil proceedings, according to criteria to be established;*

##### *Amendment*

3. Expresses its concern at retaliation against whistle-blowers in their personal and professional lives, and at the possibility of initiating criminal and civil judicial proceedings against whistle-blowers; calls for the *definition of common principles on the protection of whistle-blowers in the Member States, with respect for the principle of subsidiarity, with a view to the possible harmonisation of the different legal frameworks.*

Or. en

### **Amendment 40**

**Dietmar Köster, Sylvie Guillaume, Juan Fernando López Aguilar, Christine Revault D'Allonnes Bonnefoy, Ana Gomes, Cătălin Sorin Ivan, Elly Schlein, Virginie Rozière**

#### **Draft opinion**

#### **Paragraph 3**

##### *Draft opinion*

##### *Amendment*



3. ***Expresses its concern at*** retaliation against whistle-blowers in their personal and professional lives, and at the possibility of ***initiating*** criminal and civil judicial proceedings against whistle-blowers; calls for the creation of a clear horizontal legal framework that includes ***definitions***, protection against different forms of ***reprisals***, and exemptions from criminal and civil proceedings, according to criteria to be established;

3. ***States that whistle-blowers are extremely vulnerable to*** retaliation attacks; ***expresses its concern for the labour and personal retaliation***, and the possibility to ***initiate*** criminal and civil judicial proceedings against whistle-blowers and calls for the creation of a clear horizontal legal framework that includes ***definition and*** protection against different forms of ***reprisal and for*** exemptions from criminal and civil proceedings, according to ***the*** criteria to be established.

Or. en

#### **Amendment 41** **Eleftherios Synadinos**

#### **Draft opinion** **Paragraph 3**

##### *Draft opinion*

3. ***Expresses its concern at*** retaliation against whistle-blowers in their personal and professional lives, and ***at*** the possibility of initiating criminal and civil judicial proceedings against whistle-blowers; calls for the creation of a clear ***horizontal*** legal framework that includes definitions, protection against ***different*** forms of reprisals, and exemptions from criminal and civil proceedings, according to criteria to be established;

##### *Amendment*

3. ***Notes the frequent*** retaliation against whistle-blowers in their personal and professional lives, and ***abuse of*** the ***legal*** possibility of initiating criminal and civil judicial proceedings against whistle-blowers; calls for the creation of a clear legal framework that includes definitions, protection against ***certain excessive*** forms of reprisals, and exemptions, ***in certain cases and where appropriate*** from criminal and civil proceedings, ***or recognition of extenuating circumstances***, according to criteria to be established, ***in line with the spirit of existing national laws and practices; recognition of extenuating circumstances and exemptions should be entrusted to a duly established independent and impartial court, ensuring that matters can be referred to it and decisions reached by it within a reasonable period of time;***

Or. el

**Amendment 42**  
**Eva Joly**

**Draft opinion**  
**Paragraph 3**

*Draft opinion*

3. Expresses its concern at retaliation against whistle-blowers in their personal and professional lives, and at the possibility of initiating criminal and civil judicial proceedings against whistle-blowers; calls for the creation of a clear horizontal legal framework that includes definitions, protection against different forms of reprisals, and exemptions from criminal and civil proceedings, according to criteria to be established;

*Amendment*

3. Expresses its concern at retaliation against whistle-blowers in their personal and professional lives, and at the possibility of initiating criminal and civil judicial proceedings against whistle-blowers; calls for the creation of a clear horizontal legal framework that includes definitions, protection against different forms of reprisals, and exemptions from criminal and civil proceedings *related to the disclosure as well as from other disciplinary measures or other forms of reprisal (including dismissal, demotion, withholding of promotion and others)* according to criteria to be established; *stresses that whistle-blowers should be able to report information anonymously and to have their identity kept secret and have the possibility, wherever it fits with the national legal system, to file for interim or injunctive relief in order to prevent dismissal until the outcome of the whistleblowing case has been established.*

Or. en

**Amendment 43**  
**Monica Macovei, Benedek Jávor, Angel Dzhambazki, Barbara Spinelli, Tomáš Zdechovský, Ana Gomes, Patricija Šulin, Sven Giegold, Monika Hohlmeier**

**Draft opinion**  
**Paragraph 3**

*Draft opinion*

*Amendment*

3. Expresses its concern at retaliation against whistle-blowers in their personal and professional lives, and at the possibility of initiating criminal and civil judicial proceedings against whistle-blowers; calls for the creation of a clear horizontal legal framework that includes definitions, protection against different forms of reprisals, and exemptions from criminal and civil proceedings, according to criteria to be established;

3. Expresses its concern at retaliation against whistle-blowers in their personal and professional lives, and at the possibility of initiating criminal and civil judicial proceedings against whistle-blowers; ***considers that people who want to reveal irregularities, mismanagement, misuse of funds, maladministration or potential corruption related to the activity of public and private bodies within the Union are not truly protected and do not feel protected; this is why many of them use other means to reveal the wrongdoing or even refrain from acting; therefore,*** calls for the creation of a clear horizontal legal framework that includes definitions, protection against different forms of reprisals, and exemptions from criminal and civil proceedings, according to criteria to be established; ***strongly believes that this will increase the citizens' trust in their European and national bodies;***

Or. en

#### **Amendment 44**

**Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao**

#### **Draft opinion**

#### **Paragraph 3**

##### *Draft opinion*

3. Expresses its concern at retaliation against whistle-blowers in their personal and professional lives, and at the possibility of initiating criminal and civil judicial proceedings against whistle-blowers; calls for the creation of a clear horizontal legal framework that includes definitions, protection against different forms of reprisals, and exemptions from criminal and civil proceedings, according to criteria to be established;

##### *Amendment*

3. Expresses its concern at retaliation against whistle-blowers in their personal and professional lives, ***resulting in discrimination and social exclusion, not infrequently affecting their families also,*** and at the possibility of initiating criminal and civil judicial proceedings against whistle-blowers; calls for the creation of a clear horizontal legal framework that includes definitions, protection against different forms of reprisals, and exemptions from criminal and civil proceedings, according to criteria to be

established; *considers it essential, moreover, to protect whistle-blowers in psychological, physical, financial and professional terms and ensure prompt compensation for any harm suffered by them as a result of their actions;*

Or. it

**Amendment 45**  
**Caterina Chinnici**

**Draft opinion**  
**Paragraph 3**

*Draft opinion*

3. Expresses its concern at retaliation against whistle-blowers in their personal and professional lives, and at the possibility of initiating criminal and civil judicial proceedings against whistle-blowers; calls for the creation of a clear horizontal legal framework that includes definitions, protection against different forms of reprisals, and exemptions from criminal and civil proceedings, according to criteria to be established;

*Amendment*

3. Expresses its concern at retaliation against whistle-blowers in their personal and professional lives, and at the possibility of initiating criminal and civil judicial proceedings against whistle-blowers; *encourages both the European Commission and Member States to adopt measures to protect the confidentiality of the information sources in order to prevent any discriminatory actions or threats;* calls for the creation of a clear horizontal legal framework that includes definitions, protection against different forms of reprisals, and exemptions from criminal and civil proceedings, according to criteria to be established;

Or. en

**Amendment 46**  
**Dietmar Köster, Sylvie Guillaume, Juan Fernando López Aguilar, Christine Revault D'Allonnes Bonnefoy, Ana Gomes, Cătălin Sorin Ivan, Elly Schlein, Caterina Chinnici, Birgit Sippel, Virginie Rozière**

**Draft opinion**  
**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

**3a. Emphasises that no employment relationship should restrict someone's right of freedom of expression and no one should be discriminated against in cases of exercising that right.**

Or. en

**Amendment 47**

**Dietmar Köster, Sylvie Guillaume, Juan Fernando López Aguilar, Christine Revault D'Allonnes Bonnefoy, Ana Gomes, Elly Schlein, Virginie Rozière**

**Draft opinion**

**Paragraph 3 b (new)**

*Draft opinion*

*Amendment*

**3b. Highlights that whistle-blowers act at high personal and professional risk and may pay a high price; is therefore of the opinion that measures for the alleviation of those costs and adequate compensation have to be established; states that a new workplace should be found in order to avoid a deterioration of their living conditions and falling into precariousness; notes that mental and psychological help must be secured; notes that in court cases the legal fees of the whistle-blowers have to be reimbursed; states that personal data of the whistle-blowers should never be published;**

Or. en

**Amendment 48**

**Dietmar Köster, Sylvie Guillaume, Juan Fernando López Aguilar, Christine Revault D'Allonnes Bonnefoy, Ana Gomes, Virginie Rozière**

**Draft opinion**

**Paragraph 3 c (new)**

*Draft opinion*

*Amendment*

**3c. *Emphasises that the protection of whistle-blowers also applies if the expressed suspicion is in the end not confirmed if the person acted in good faith.***

Or. en

#### **Amendment 49**

**Dietmar Köster, Sylvie Guillaume, Juan Fernando López Aguilar, Christine Revault D'Allonnes Bonnefoy, Ana Gomes, Cătălin Sorin Ivan, Elly Schlein, Virginie Rozière**

#### **Draft opinion Paragraph 4**

##### *Draft opinion*

4. Calls for the creation of ***legal and secure disclosure channels at national level to facilitate reporting to the competent authorities of information on threats to the public interest;***

##### *Amendment*

4. ***Expresses the need of a complaints system managed by a centralised and independent authority; calls therefore for the creation of an independent information-gathering, advisory and referral EU body, with offices in Member States which are in a position to receive reports of irregularities, with sufficient budgetary resources, adequate competences and appropriate specialists, in order to help internal and external whistle-blowers in using the right channels to disclose their information while protecting their confidentiality and offering needed support and advice;***

Or. en

#### **Amendment 50**

**Eleftherios Synadinos**

#### **Draft opinion Paragraph 4**

##### *Draft opinion*

4. Calls for the creation of legal and

##### *Amendment*

4. Calls for the creation of legal and

secure disclosure channels at national level to facilitate reporting to the competent authorities of information on threats to the public interest;

secure disclosure channels *or other procedures for reporting misdeeds, criminal offences or involvement in illicit activities* at national *and European* level, *depending on jurisdiction, making it easier to bring the allegations or information in question to the attention of the competent authorities;*

Or. el

## Amendment 51

Eva Joly

### Draft opinion

#### Paragraph 4

#### *Draft opinion*

4. Calls for the creation of legal *and* secure disclosure channels at national level to facilitate reporting to the competent authorities of information on threats to the public interest;

#### *Amendment*

4. Calls for the creation of legal, *confidential*, secure *and safe* disclosure channels at national level to facilitate reporting to the competent authorities of information on threats to the public interest; *emphasises that whistle-blowers should be free to report both internally, within the workplace, and externally to the competent authorities, parliamentarians and oversight agencies, trade unions and employers' associations, and also to the public through the media or non-governmental organisations.*

Or. en

## Amendment 52

Dennis de Jong, Barbara Spinelli

### Draft opinion

#### Paragraph 4

#### *Draft opinion*

4. Calls for the creation of legal and

#### *Amendment*

4. Calls for the creation of legal and

secure disclosure channels at national level to facilitate reporting to the competent authorities of information on threats to the public interest;

secure disclosure channels at national level to facilitate reporting to the competent authorities of information on threats to the public interest; ***reiterates in this regard its call for the need for an independent information-gathering, advisory and referral EU body, with offices in Member States which are in a position to receive reports of irregularities, with sufficient budgetary resources, adequate competences and appropriate specialists, in order to help internal and external whistle-blowers in using the right channels to disclose their information; highlights in this regard the potential role of the Office of the European Ombudsman;***

Or. en

**Amendment 53**  
**Caterina Chinnici**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Calls for the creation of legal and secure disclosure channels at national level to facilitate reporting to the competent authorities of information on threats to the public interest;

*Amendment*

4. Calls for the creation of legal, ***safe, accessible*** and secure disclosure channels (***i.e. hotlines, websites, contact points***) at national level to facilitate reporting to the competent authorities of information on threats to the public interest; ***such channels should investigate claims professionally and also provide whistle-blowers with detailed information about their rights and responsibility and support them against any retaliatory measures;***

Or. en

**Amendment 54**  
**Nuno Melo, Roberta Metsola**



**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Calls for the creation of legal and secure disclosure channels at national level to facilitate reporting to the competent authorities of information on threats to the public interest;

*Amendment*

4. Calls for the creation of legal and secure disclosure channels at national level to facilitate reporting to the competent authorities of information on threats to the public interest; ***the authorities shall assure that in the cases of financial hardship the legal aid is granted in all process stages.***

Or. en

**Amendment 55**

**Monica Macovei, Benedek Jávor, Angel Dzhambazki, Siegfried Mureşan, Barbara Spinelli, Dennis de Jong, Tomáš Zdechovský, Ana Gomes, Patricija Šulin, Sven Giegold, Monika Hohlmeier**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Calls for the creation of legal and secure disclosure channels at national level to facilitate reporting to the competent authorities of information on threats to the public interest;

*Amendment*

4. Calls for the creation of legal and secure disclosure channels at national ***and European*** level to facilitate reporting to the competent authorities of information on threats to the public interest; ***underlines the importance of confidentiality in all whistle-blowing related files and recalls that basic rules for the protection of anonymous whistle-blowers should be put in place, in cases where such protection is required;***

Or. en

**Amendment 56**  
**Nadine Morano**

**Draft opinion**

## Paragraph 4

### *Draft opinion*

4. Calls for the creation of legal and secure disclosure channels at national level to facilitate reporting to the competent authorities of information on threats to the public interest;

### *Amendment*

4. Calls for the creation of legal and secure disclosure channels at national level, ***including online notification platforms***, to facilitate reporting to the competent authorities of information on threats to the public interest;

Or. fr

## Amendment 57

Eva Joly

### Draft opinion

#### Paragraph 4 a (new)

### *Draft opinion*

### *Amendment*

***4a. Notes that whistle-blowers should have access to independent legal advice on their case and to an attorney, and they should be given psychological support and/or treatment if needed; emphasises that actions taken to harass whistle-blowers, their family or colleagues as a result of the protected disclosure should be prohibited and sanctioned; stresses that whistle-blowers, their family and colleagues should also be able to claim compensation for any harassment suffered or the loss of current or future livelihood, if the damage occurred in retaliation for a protected disclosure.***

Or. en

## Amendment 58

**Monica Macovei, Angel Dzhambazki, Siegfried Mureşan, Barbara Spinelli, Dennis de Jong, Tomáš Zdechovský, Ana Gomes, Patricija Šulin, Sven Giegold, Monika Hohlmeier**

### Draft opinion

#### Paragraph 4 a (new)

*Draft opinion*

*Amendment*

**4a.** *Reminds the crucial role played by investigative journalists in revealing wrongdoing and stresses that they are an exposed group of professionals, often paying with their jobs, freedom and even their lives disclosures of massive irregularities and corruption schemes; calls for the inclusion of special measures to protect investigative journalists in a horizontal Proposal for the protection of whistle-blowers;*

Or. en

**Amendment 59**

**Dietmar Köster, Sylvie Guillaume, Juan Fernando López Aguilar, Christine Revault D'Allonnes Bonnefoy, Ana Gomes, Cătălin Sorin Ivan, Elly Schlein, Virginie Rozière**

**Draft opinion**

**Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

**4a.** *Stresses that whistle-blowers are an important source of information for investigative journalism; calls on the Member States to ensure that the right of journalists not to reveal a source's identity is effectively and legally protected; stresses that journalists, in case that they themselves are the source, should be protected and that authorities in both cases should refrain from using surveillance;*

Or. en

**Amendment 60**

**Nuno Melo, Roberta Metsola**

**Draft opinion**

**Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

**4a.** *The rights of defence and access to remedies of the reported person should be fully respected at every stage of the procedure, including the right to access to the file, the right to be heard and the right to seek effective remedy against the decision, under the applicable procedures set out in national law.*

Or. en

**Amendment 61**

**Dennis de Jong, Barbara Spinelli**

**Draft opinion**

**Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

**4a.** *Stresses that in accordance with Articles 22a, 22b and 22c of the Staff Regulations all EU institutions should have in place robust and comprehensive internal rules on whistle-blower protection;*

Or. en

**Amendment 62**

**Caterina Chinnici, Dietmar Köster**

**Draft opinion**

**Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

**4a.** *Calls on the Commission to fully take into account stakeholders view on the subject collected during the public consultation, which took place in May*

2017;

Or. en

**Amendment 63**  
**Nuno Melo, Roberta Metsola**

**Draft opinion**  
**Paragraph 4 b (new)**

*Draft opinion*

*Amendment*

**4b.** *Member States should ensure that competent authorities have in place adequate protection procedures for the processing of reports of infringements and reported persons' personal data; such procedures should ensure that the identity of the person is protected at all stages of the procedure; this obligation should be without prejudice to the necessity and proportionality of the obligation to disclose information when this is required by Union or national law and subject to appropriate safeguards under such laws, including in the context of investigations or judicial proceedings or to safeguard the freedom of others, including the rights of defence of the reported person.*

Or. en

**Amendment 64**  
**Eva Joly**

**Draft opinion**  
**Paragraph 4 b (new)**

*Draft opinion*

*Amendment*

**4b.** *Stresses that investigations into the issues raised by whistle-blowers should be conducted independently and within the shortest time frame possible, protecting*

*also the rights of individuals that might be implicated by a disclosure. Both the whistle-blower and any person implicated by a disclosure should be able to provide additional arguments and evidence throughout the investigation, and they should be kept informed of the handling of the disclosure.*

Or. en

**Amendment 65**

**Dietmar Köster, Sylvie Guillaume, Juan Fernando López Aguilar, Christine Revault D'Allonnes Bonnefoy, Ana Gomes, Cătălin Sorin Ivan, Elly Schlein, Virginie Rozière**

**Draft opinion**

**Paragraph 4 b (new)**

*Draft opinion*

*Amendment*

**4b. *Highlights the important role of the media in unveiling illegalities or misconduct, notably when these infringe upon the fundamental rights of citizens; expresses its continued support for investigative journalism and media freedom;***

Or. en

**Amendment 66**

**Monica Macovei, Benedek Jávor, Siegfried Mureşan, Barbara Spinelli, Tomáš Zdechovský, Ana Gomes, Patricija Šulin, Sven Giegold, Monika Hohlmeier**

**Draft opinion**

**Paragraph 4 b (new)**

*Draft opinion*

*Amendment*

**4b. *Calls for the establishment of an independent advisory and referral Unit within the European Ombudsman in a position to receive reports, complaints, gather information and adequately advise***

*on the protection of whistle-blowers;*

Or. en

**Amendment 67**

**Dietmar Köster, Sylvie Guillaume, Juan Fernando López Aguilar, Christine Revault D'Allonnes Bonnefoy, Ana Gomes, Cătălin Sorin Ivan, Elly Schlein, Virginie Rozière**

**Draft opinion**

**Paragraph 4 c (new)**

*Draft opinion*

*Amendment*

**4c. Calls on the EU institutions, in cooperation with all relevant national authorities, to introduce and take all necessary measures to protect the anonymity and confidentiality of the information sources in order to prevent any discriminatory actions or threats;**

Or. en

**Amendment 68**

**Monica Macovei, Tomáš Zdechovský, Ana Gomes, Patricija Šulin, Sven Giegold, Monika Hohlmeier**

**Draft opinion**

**Paragraph 4 c (new)**

*Draft opinion*

*Amendment*

**4c. Emphasises that non-governmental organisations are not excepted from attempts of maladministration, fraud, misuse of funds and other irregularities and considers that rules for whistle-blowers in the public and private sector should equally apply to NGOs;**

Or. en

**Amendment 69**  
**Dietmar Köster**

**Draft opinion**  
**Paragraph 4 d (new)**

*Draft opinion*

*Amendment*

**4d.** *States, that a clear solution for whistle-blowers working in EU-registered companies but based outside the EU, is needed.*

Or. en

**Amendment 70**  
**Dietmar Köster, Juan Fernando López Aguilar, Ana Gomes, Elly Schlein**

**Draft opinion**  
**Paragraph 4 e (new)**

*Draft opinion*

*Amendment*

**4e.** *Calls on the EU institutions to award a European whistle-blower prize to encourage a change in the perception of whistle-blowing and its connection to fundamental rights and that whistle-blowing is an act of good citizenship.*

Or. en

**Amendment 71**  
**Dennis de Jong, Barbara Spinelli**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

*Amendment*

5. Emphasises that freedom of expression and information, *as well as the strong substrate component of civic morality, must be taken into account when assessing the* protection of the

5. Emphasises that freedom of expression and information *must be fully respected and recalls in this regard the important role of investigative journalism; recalls in this regard that the Directive on*



*public interest.*

*the protection of undisclosed know-how and business information (trade secrets)<sup>3a</sup> against their unlawful acquisition, use and disclosure, should not be interpreted in a way as reducing protection of whistle-blowers and investigative journalism;*

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<sup>3a</sup> *Directive (EU) 2016/943 of the European Parliament and the Council of 8 June 2016*

Or. en

**Amendment 72**  
**Eva Joly**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. Emphasises that freedom of expression and information, *as well as the strong substrate component of civic morality, must be taken into account when assessing* the protection of the public interest.

*Amendment*

5. Emphasises that *the right of citizens to report wrongdoing is a natural extension of the right of* freedom of expression and information *as enshrined in Article 11 of the Charter of Fundamental Rights, and it is essential to ensure the principles of transparency and integrity and* the protection of the public interest.

Or. en

**Amendment 73**  
**Eleftherios Synadinos**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. Emphasises that freedom of expression and information, *as well as the*

*Amendment*

5. Emphasises that freedom of expression and information, *together with*

*strong substrate component of civic morality*, must be taken into account when assessing the protection of the public interest.

*any other fundamental right, is subject to certain limits and interpretations* must be taken into account *in a fair, open, independent and impartial manner* when assessing the protection of the public interest.

Or. el

#### **Amendment 74**

**Dietmar Köster, Sylvie Guillaume, Juan Fernando López Aguilar, Christine Revault D'Allonnes Bonnefoy, Ana Gomes, Cătălin Sorin Ivan, Elly Schlein, Virginie Rozière**

#### **Draft opinion Paragraph 5**

##### *Draft opinion*

5. Emphasises that freedom of expression and information, *as well as the strong substrate component of civic morality*, must be taken into account when assessing the *protection of the* public interest.

##### *Amendment*

5. Emphasises that *the protection of whistle-blowers is essential for the* freedom of expression and information, *the plurality of opinions, democracy and freedom and this* must be taken into account when assessing the *protected* public interest.

Or. en

#### **Amendment 75**

**Nuno Melo, Roberta Metsola**

#### **Draft opinion Paragraph 5 a (new)**

##### *Draft opinion*

##### *Amendment*

*5a. Stresses the Member States to comply with the Recommendations of Council of Europe on the protection of whistle-blowers.*

Or. en

#### **Amendment 76**

**Nuno Melo, Roberta Metsola**

**Draft opinion**  
**Paragraph 5 b (new)**

*Draft opinion*

*Amendment*

***5b. Calls on the European Commission to evaluate the possibility to debate the situations of the whistle-blowers who are taking part of the wrongdoing, namely the possibility to introduce the mechanism of plea bargaining. In order to create an effective tool to fight against corruption and organised crime, it is necessary to have in account not only the situations where the whistle-blowers only reports the wrongdoing but also those who are effectively part of those actions and decide to report to the authorities.***

Or. en