



**2018/0106(COD)**

18.9.2018

# **AMENDMENTS**

## **33 - 388**

**Draft opinion**

**Maite Pagazaurtundúa Ruiz**

(PE626.976v01-00)

Protection of persons reporting on breaches of Union law

Proposal for a directive

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



**Amendment 33**  
**Dietmar Köster, Elly Schlein**

**Proposal for a directive**  
**Title 1**

*Text proposed by the Commission*

Proposal for a  
DIRECTIVE OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL  
on the protection of persons reporting on  
breaches of *Union* law

*Amendment*

Proposal for a  
DIRECTIVE OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL  
on the protection of persons reporting on  
breaches of law, *misconduct or  
wrongdoing*

Or. en

**Amendment 34**  
**Barbara Spinelli**

**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 **9, 10, 11, 12, 15**, 16, 33,  
43, 50, 53(1), 62, 91, 100, 103, 109, 114,  
168, 169, 192, 207, **325(4) and 352** thereof  
and to the Treaty establishing the European  
Atomic Energy Community, and in  
particular Article 31 thereof,

Or. en

**Amendment 35**  
**Barbara Spinelli**

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

*Text proposed by the Commission*

*Amendment*

***Having regard to the Charter of  
Fundamental Rights of the European***

*Union,*

Or. en

**Amendment 36**  
**Barbara Spinelli**

**Proposal for a directive**  
**Citation 6 b (new)**

*Text proposed by the Commission*

*Amendment*

***Having regard to the European  
Parliament resolution of 14 February  
2017 on the role of whistleblowers in the  
protection of EU's financial interests,***

Or. en

**Amendment 37**  
**Barbara Spinelli**

**Proposal for a directive**  
**Citation 6 c (new)**

*Text proposed by the Commission*

*Amendment*

***Having regard to the European  
Parliament resolution of 24 October 2017  
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 38**  
**Barbara Spinelli**

**Proposal for a directive**  
**Citation 6 d (new)**

*Text proposed by the Commission*

*Amendment*

***Having regard to the European***

**Amendment 39**  
**Dietmar Köster**

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

*Text proposed by the Commission*

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

*Amendment*

(1) Persons who work ***or worked*** for an organisation or are ***or were*** in contact with it are often the first to know about threats, ***harm or criminal or illegal activities***. By ‘blowing the whistle’ they play a key role in ***unveiling violations of fundamental rights*** and in safeguarding the welfare of society. ***Whistleblowers play a crucial role in unveiling wrongdoing or unethical and dishonest conduct to the public interest that is not unlawful. It is often difficult for them to assess the lawfulness of facts. Therefore according to the European Court of Human Rights the legal assessment is not the task of the whistleblowers.<sup>4</sup> It is sufficient that they act in good faith that the facts are correct.*** However, potential whistleblowers are often discouraged from reporting their concerns or suspicions for fear of retaliation.

***<sup>4</sup>ECHR, V. section, 27.07.2011 - 28274/08, Heinisch/Germany.***

**Amendment 40**  
**Monica Macovei, Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo, Tomáš Zdechovský, Laima Liucija Andrikienė**

**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. 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 **whistle blowers** are often discouraged from reporting their concerns or suspicions for fear of retaliation ***in case they expose irregularities, mismanagement, misuse of funds, maladministration or potential corruption related to the activity of public and private bodies within the Union; they 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;***

Or. en

## Amendment 41

Eva Joly

### Proposal for a directive

#### Recital 1

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

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

##### *Amendment*

(1) Persons who work for an organisation or are in contact with it in the context of their work-related activities are often the first to know about threats or harm to the public interest which arise in this context. ***The purpose of this Directive is to create a climate of trust that enables whistleblowers to report observed or suspected breaches of law, wrongdoing and 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.

## Amendment 42

### Barbara Spinelli

#### Proposal for a directive

##### Recital 1

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

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

###### *Amendment*

(1) Persons who work for an organisation or are in contact with it 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, in safeguarding the welfare of society ***and in protecting the fundamental right to freedom of expression and information***. However, potential whistleblowers are often discouraged from reporting their concerns or suspicions for fear of retaliation.

Or. en

## Amendment 43

### Gilles Lebreton

#### Proposal for a directive

##### Recital 1

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

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

###### *Amendment*

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

**Amendment 44**  
**Helga Stevens**

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

*Text proposed by the Commission*

*Amendment*

**(1 a) Too broad a definition of whistle-blowers risks jeopardizing their effective protection;**

Or. en

**Amendment 45**  
**Gilles Lebreton**

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

*Text proposed by the Commission*

*Amendment*

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

(2) At Union level, reports by whistleblowers are one upstream component of ***monitoring the correct application*** of Union law.

Or. en

**Amendment 46**  
**Monica Macovei, Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo, Tomáš Zdechovský, Laima Liucija Andrikiėnė**

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

*Text proposed by the Commission*

*Amendment*

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

enforcement of Union law: they feed national and Union enforcement systems with information leading to effective detection, investigation and prosecution of breaches of Union law.

Or. en

**Amendment 47**  
**Dietmar Köster, Elly Schlein**

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

*Text proposed by the Commission*

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

*Amendment*

(3) In certain policy areas, breaches of Union law may cause serious harm to the public interest, in the sense of creating significant risks for the welfare of society. ***If whistleblowers make a disclosure in the public interest, their effective protection from retaliation must be insured and effective internal and external reporting channels must be introduced.***

Or. en

**Amendment 48**  
**Barbara Spinelli**

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

*Text proposed by the Commission*

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

*Amendment*

(3) Breaches of Union law may cause serious harm to the public interest, in the sense of creating significant risks for the welfare of society ***and for the enjoyment of human rights and fundamental freedoms. Since*** whistleblowers are in a privileged position to disclose breaches, it is necessary to ***ensure their*** effective

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

protection from retaliation and *to introduce* effective *and confidential* reporting channels.

Or. en

#### Amendment 49

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

#### Proposal for a directive

##### Recital 3

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

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

###### *Amendment*

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

Or. en

#### Amendment 50

Gilles Lebreton

#### Proposal for a directive

##### Recital 3

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

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

###### *Amendment*

(3) In certain policy areas, breaches of Union law may cause serious harm to the public interest. Where weaknesses of enforcement have been identified in those areas, and whistleblowers are in a privileged position to disclose breaches, it is necessary to *provide a minimum framework to strengthen law* enforcement by ensuring effective protection of

protection of whistleblowers from retaliation and introducing effective reporting channels.

whistleblowers from retaliation and introducing effective reporting channels.

Or. en

## Amendment 51

Eva Joly

### Proposal for a directive

#### Recital 3

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 52

Monica Macovei, Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo, Tomáš Zdechovský, Laima Liucija Andrikienė

### Proposal for a directive

#### Recital 4

*Text proposed by the Commission*

(4) Whistleblower protection currently provided in the European Union is fragmented across Member States and uneven across policy areas. The consequences of breaches of Union law with cross-border dimension uncovered by whistleblowers illustrate how insufficient protection in one Member State not only negatively ***impacts*** on the functioning of

*Amendment*

(4) Whistleblower protection currently provided in the European Union is fragmented across Member States and uneven across policy areas; ***moreover, there is a lack of follow-up and proper settlement regarding whistle-blowing cases across Member States as well as within the European institutions.*** The consequences of breaches of Union law

EU policies in that Member State but can also spill over into other Member States and the Union as a whole.

with cross-border dimension uncovered by whistleblowers illustrate how insufficient protection in one Member State ***or within the European bodies*** not only negatively ***impact*** on the functioning of EU policies in that Member State but can also spill over into other Member States and the Union as a whole.

Or. en

**Amendment 53**  
**Dietmar Köster**

**Proposal for a directive**  
**Recital 4**

*Text proposed by the Commission*

(4) Whistleblower protection currently provided in the European Union is fragmented across Member States and uneven across policy areas. ***The consequences of breaches of Union law with cross-border dimension uncovered by whistleblowers illustrate how*** insufficient protection in one Member State not only negatively impacts on the functioning of EU policies in that Member State but can also spill over into other Member States and the Union as a whole.

*Amendment*

(4) Whistleblower protection currently provided in the European Union is fragmented across Member States and uneven across policy areas. Whistleblowers ***shall be protected if they disclose breaches of law or wrongdoing or misconduct in the public interest.*** Insufficient protection in one Member State not only negatively impacts on the functioning of EU policies in that Member State but can also spill over into other Member States and the Union as a whole.

Or. en

**Amendment 54**  
**Dietmar Köster, Elly Schlein**

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

*Text proposed by the Commission*

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

*Amendment*

(5) Accordingly, common minimum standards ensuring effective whistleblower protection should apply in ***all Union and national laws and areas.***

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

Or. en

**Amendment 55**  
**Barbara Spinelli**

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

*Text proposed by the Commission*

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

*Amendment*

(5) Accordingly, common minimum standards ensuring effective whistleblower protection should apply *to all EU* acts and policy areas where *a public interest may arise.*

Or. en

**Amendment 56**  
**Laura Ferrara, Fabio Massimo Castaldo, Ignazio Corrao**

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

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 57**  
**Gilles Lebreton**

**Proposal for a directive**  
**Recital 6**

*Text proposed by the Commission*

(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 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.

*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 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, **threaten** 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 **fair** functioning of the internal market.

Or. en

**Amendment 58**  
**Dietmar Köster**

**Proposal for a directive**  
**Recital 9**

*Text proposed by the Commission*

(9) The importance of whistleblower protection in terms of preventing and deterring breaches of Union rules on transport safety which can endanger human lives has been already acknowledged in

*Amendment*

(9) The importance of whistleblower protection in terms of preventing and deterring breaches of Union rules on transport safety which can endanger human lives has been already acknowledged in

sectorial Union instruments on aviation safety<sup>38</sup> and maritime transport safety<sup>39</sup>, which provide for tailored measures of protection to whistleblowers as well as specific reporting channels. These instruments also include the protection from retaliation of the workers reporting on their own honest mistakes (so called ‘just culture’). It is necessary to complement the existing elements of whistleblower protection in these two sectors as well as to provide such protection to enhance the enforcement of safety standards for other transport modes, namely road and railway transport.

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<sup>38</sup> Regulation (EU) No 376/2014 of the European Parliament and of the Council, of 3 April 2014, on the reporting, analysis and follow-up of occurrences in civil aviation (OJ L 122, p. 18).

<sup>39</sup> Directive 2013/54/EU, of the European Parliament and of the Council, of 20 November 2013, concerning certain flag State responsibilities for compliance with and enforcement of the Maritime Labour Convention (OJ L 329, p. 1), Directive 2009/16/EC of the European Parliament and of the Council, of 23 April 2009, on port State control (OJ L 131, p. 57).

sectorial Union instruments on aviation safety<sup>38</sup> and maritime transport safety<sup>39</sup>, which provide for tailored measures of protection to whistleblowers as well as specific reporting channels. These instruments also include the protection from retaliation of the workers reporting on their own honest mistakes (so called ‘just culture’). *Inter alia* it is necessary to complement the existing elements of whistleblower protection in these two sectors as well as to provide such protection to enhance the enforcement of safety standards for other transport modes, namely road and railway transport.

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<sup>38</sup> Regulation (EU) No 376/2014 of the European Parliament and of the Council, of 3 April 2014, on the reporting, analysis and follow-up of occurrences in civil aviation (OJ L 122, p. 18).

<sup>39</sup> Directive 2013/54/EU, of the European Parliament and of the Council, of 20 November 2013, concerning certain flag State responsibilities for compliance with and enforcement of the Maritime Labour Convention (OJ L 329, p. 1), Directive 2009/16/EC of the European Parliament and of the Council, of 23 April 2009, on port State control (OJ L 131, p. 57).

Or. en

## **Amendment 59**

**Eva Joly**

### **Proposal for a directive**

#### **Recital 14**

*Text proposed by the Commission*

(14) The protection of privacy and personal data is another area where whistleblowers are in a privileged position to disclose breaches of Union law which can seriously harm the public interest. Similar considerations apply for breaches

*Amendment*

(14) The protection of privacy and personal data is another area where whistleblowers are in a privileged position to disclose breaches of Union law which can seriously harm the public interest. Similar considerations apply for breaches

of the Directive on the security of network and information systems<sup>45</sup>, which introduces notification of incidents (including those that do not compromise personal data) and security requirements for entities providing essential services across many sectors (e.g. energy, health, transport, banking, etc.) and providers of key digital services (e.g. cloud computing services). Whistleblowers' reporting in this area is particularly valuable to prevent security incidents that would affect key economic and social activities and widely used digital services. It helps ensuring the continuity of services which are essential for the functioning of the internal market and the wellbeing of society.

of the Directive on the security of network and information systems<sup>45</sup>, which introduces notification of incidents (including those that do not compromise personal data) and security requirements for entities providing essential services across many sectors (e.g. energy, health, transport, banking, etc.) and providers of key digital services (e.g. cloud computing services). Whistleblowers' reporting in this area is particularly valuable to prevent security incidents that would affect key economic and social activities and widely used digital services ***as well as to prevent misuses of personal data and infringements of the Union data protection legislation.*** It helps ***protecting the fundamental rights to privacy and to the protection of personal data and*** ensuring the continuity of services which are essential for the functioning of the internal market and the wellbeing of society.

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

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

Or. en

## **Amendment 60**

### **Dietmar Köster**

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

#### **Recital 14**

*Text proposed by the Commission*

(14) The protection of privacy and personal data is another area where whistleblowers are in a privileged position to disclose breaches of Union law which can seriously harm the public interest. Similar considerations apply for breaches of the Directive on the security of network and information systems<sup>45</sup>, which

*Amendment*

(14) The protection of privacy and personal data is another area where whistleblowers are in a privileged position to disclose breaches of Union law which can seriously harm the public interest. Similar considerations apply for breaches of the Directive on the security of network and information systems<sup>45</sup>, which



introduces notification of incidents (including those that do not compromise personal data) and security requirements for entities providing essential services across many sectors (e.g. energy, health, transport, banking, etc.) and providers of key digital services (e.g. cloud computing services). Whistleblowers' reporting in this area is particularly valuable to prevent security incidents that would affect key economic and social activities and widely used digital services. It helps ensuring the continuity of services which are essential for *the functioning of the internal market and the wellbeing of* society.

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

introduces notification of incidents (including those that do not compromise personal data) and security requirements for entities providing essential services across many sectors (e.g. energy, health, transport, banking, etc.) and providers of key digital services (e.g. cloud computing services). Whistleblowers' reporting in this area is particularly valuable to prevent security incidents that would affect key economic and social activities and widely used digital services. It helps ensuring the continuity of services which are essential for society.

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

Or. en

## **Amendment 61**

**Monica Macovei, Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo, Tomáš Zdechovský, Laima Liucija Andrikienė**

### **Proposal for a directive**

#### **Recital 16**

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

(16) The protection of the financial interests of the Union, which relates to the fight against fraud, corruption and any other illegal activity affecting the use of Union expenditures, the collection of Union revenues and funds or Union assets, is a core area in which enforcement of Union law needs to be strengthened. The strengthening of the protection of the financial interests of the Union also encompasses implementation of the Union budget related to expenditures made on the basis of the Treaty establishing the European Atomic Energy Community. Lack of effective enforcement in the area

##### *Amendment*

(16) The protection of the financial interests of the Union, which relates to the fight against fraud, corruption and any other illegal activity affecting the use of Union expenditures, the collection of Union revenues and funds or Union assets, is a core area in which enforcement of Union law needs to be strengthened. The strengthening of the protection of the financial interests of the Union also encompasses implementation of the Union budget related to expenditures made on the basis of the Treaty establishing the European Atomic Energy Community. Lack of effective enforcement in the area

of the financial interests of the Union, including fraud and corruption at national level, causes a decrease of the Union revenues and a misuse of EU funds, which can distort public investments and growth and undermine citizens' trust in EU action. Whistleblower protection *is* necessary to facilitate the detection, prevention and deterrence of relevant fraud and illegal activities.

of the financial interests of the Union, including fraud and corruption at national level, causes a decrease of the Union revenues and a misuse of EU funds, which can distort public investments and growth and undermine citizens' trust in EU action. ***Investigative journalists also play a crucial role in revealing wrongdoing connected to all these areas; they represent a very exposed group of professionals, often paying with their jobs, freedom and even with their lives disclosure of massive irregularities and corruption schemes; therefore, special measures to protect investigative journalists should be included in a horizontal legislative proposal for the protection of whistle-blowers. Investigative journalism and*** whistleblower protection *are* necessary to facilitate the detection, prevention and deterrence of relevant fraud and illegal activities.

Or. en

## **Amendment 62**

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

### **Proposal for a directive**

#### **Recital 16**

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

(16) The protection of the financial interests of the Union, which relates to the fight against fraud, corruption and any other illegal activity affecting the use of Union expenditures, the collection of Union revenues and funds or Union assets, is a core area in which enforcement of Union law needs to be strengthened. The strengthening of the protection of the financial interests of the Union also encompasses implementation of the Union budget related to expenditures made on the basis of the Treaty establishing the European Atomic Energy Community. Lack of effective enforcement in the area

PE627.844v01-00

##### *Amendment*

(16) The protection of the financial interests of the Union, which relates to the fight against fraud, corruption, ***the violation of legal obligations, the abuse of power*** and any other illegal activity affecting the use of Union expenditures, the collection of Union revenues and funds or Union assets, is a core area in which enforcement of Union law needs to be strengthened. The strengthening of the protection of the financial interests of the Union also encompasses implementation of the Union budget related to expenditures made on the basis of the Treaty establishing the European Atomic Energy

of the financial interests of the Union, including fraud and corruption at national level, causes a decrease of the Union revenues and a misuse of EU funds, which can distort public investments and growth and undermine citizens' trust in EU action. Whistleblower protection is necessary to facilitate the detection, prevention and deterrence of relevant fraud and illegal activities.

Community. Lack of effective enforcement in the area of the financial interests of the Union, including fraud and corruption at national level, causes a decrease of the Union revenues and a misuse of EU funds, which can distort public investments and growth and undermine citizens' trust in EU action. Whistleblower protection is necessary to facilitate the detection, prevention and deterrence of relevant fraud and illegal activities

Or. en

**Amendment 63**  
**Dietmar Köster, Elly Schlein**

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

*Text proposed by the Commission*

*Amendment*

***(18 a) Whistleblowers who report misconduct and violations of labour and social law are key to ensuring safe and just workplaces. Breaches of rules in an organisation that are reported by persons who work or worked there or by persons who were in contact with it, shall be ensured full protection under this regulation.***

Or. en

**Amendment 64**  
**Barbara Spinelli**

**Proposal for a directive**  
**Recital 19**

*Text proposed by the Commission*

*Amendment*

***(19) Each time a new Union act for which whistleblower protection is relevant and can contribute to more effective enforcement is adopted, consideration should be given to whether to amend the***

***deleted***

*Annex to the present Directive in order to place it under its scope.*

Or. en

## **Amendment 65**

**Eva Joly**

### **Proposal for a directive**

#### **Recital 19**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## **Amendment 66**

**Dietmar Köster**

### **Proposal for a directive**

#### **Recital 20**

*Text proposed by the Commission*

(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

*Amendment*

(20) This Directive should be without prejudice to the protection afforded to employees when reporting on **misconduct or wrongdoing or on** breaches of Union **as well as national** 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

measures taken and the means employed by the employer are inadequate for the purposes of ensuring safety and health.

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.

Or. en

#### Amendment 67

Eva Joly

#### Proposal for a directive

##### Recital 20

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

(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.

###### *Amendment*

(20) This Directive ***is a complement*** 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.

Or. en

#### Amendment 68

Barbara Spinelli

#### Proposal for a directive

##### Recital 21

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

(21) ***This Directive should be without prejudice to the protection of national***

###### *Amendment*

***deleted***

*security and other classified information which Union law or the laws, regulations or administrative provisions in force in the Member State concerned require, for security reasons, to be protected from unauthorised access. In particular, Moreover, the provision of this Directive should not affect the obligations arising from Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information or Council Decision of 23 September 2013 on the security rules for protecting EU classified information.*

Or. en

**Amendment 69**  
**Eva Joly**

**Proposal for a directive**  
**Recital 21**

*Text proposed by the Commission*

(21) This Directive should be without prejudice to the protection of ***national security and*** other classified information which Union law or the laws, regulations or administrative provisions in force in the Member State concerned require, for security reasons, to be protected from unauthorised access. In particular, ***Moreover***, the provision of this Directive should not affect the obligations arising from Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information or Council Decision of 23 September 2013 on the security rules for protecting EU classified information.

*Amendment*

(21) This Directive should be without prejudice to the protection of other classified information which Union law or the laws, regulations or administrative provisions in force in the Member State concerned require, for security reasons, to be protected from unauthorised access. In particular, the provision of this Directive should not affect the obligations arising from Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information or Council Decision of 23 September 2013 on the security rules for protecting EU classified information.

Or. en

**Amendment 70**  
**Eva Joly**

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**Proposal for a directive**  
**Recital 21 a (new)**

*Text proposed by the Commission*

*Amendment*

*(21 a) Persons who report information related to national security (i.e. State security), defence, public security, and the prevention, investigation, detection and prosecution of criminal offences are often met with severe penalties and prosecutions. Such persons may be members of the military or the security and intelligence community of the Member States, or any other persons having come across sensitive information. While it is necessary to protect national security and state secrets, there are often situations where reporting persons are the only way to uncover breaches of Union law and violations of fundamental rights by Member State authorities. Member States should therefore apply the protections offered by this Directive to persons reporting information linked to national security and other public security issues by drawing on the case-law of the European Court of Human Rights and on the principles developed by the Council of Europe in its 2014 Recommendation on Protection of Whistleblowers, in particular Principle 5, as well as on the Global Principles on National Security and the Right to Information (Tshwane Principles).*

Or. en

**Amendment 71**  
**Barbara Spinelli**

**Proposal for a directive**  
**Recital 21 a (new)**

*Text proposed by the Commission*

*Amendment*

*(21 a) Reporting persons who, in view of an overriding and compelling public*

*interest, disclose information regarding national security and other classified information which Union law or the laws, regulations or administrative provisions in force in the Member State concerned require to be protected from unauthorised access for security reasons, should enjoy the mechanisms of protection provided for in this Directive.*

Or. en

**Amendment 72**  
**Barbara Spinelli**

**Proposal for a directive**  
**Recital 22**

*Text proposed by the Commission*

(22) Persons who report information about threats or harm to the public interest ***obtained in the context of their work-related activities*** make use of their right to freedom of expression. The right to freedom of expression, enshrined in Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter') and in Article 10 of the European Convention on Human Rights (ECHR), encompasses media freedom and pluralism.

*Amendment*

(22) Persons who report information about threats or harm to the public interest make use of their right to freedom of expression. The right to freedom of expression, enshrined in Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter') and in Article 10 of the European Convention on Human Rights (ECHR), encompasses media freedom and pluralism.

Or. en

**Amendment 73**  
**Dietmar Köster, Elly Schlein**

**Proposal for a directive**  
**Recital 22**

*Text proposed by the Commission*

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

*Amendment*

(22) Persons who report information about threats or harm to the public interest make use of their right to freedom of expression. Freedom of expression ***is essential in a democratic society. and***



freedom of expression, enshrined in Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter') and in Article 10 of the European Convention on Human Rights (ECHR), encompasses media freedom and pluralism.

enshrined in Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter') and in Article 10 of the European Convention on Human Rights (ECHR), encompasses media freedom and pluralism.

Or. en

## Amendment 74

Eva Joly

### Proposal for a directive

#### Recital 22

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

(22) Persons who report information about threats or harm to the public interest ***obtained in the context of their work-related activities*** make use of their right to freedom of expression. The right to freedom of expression, enshrined in Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter') and in Article 10 of the European Convention on Human Rights (ECHR), encompasses media freedom and pluralism.

##### *Amendment*

(22) Persons who report information ***particularly*** about threats or harm to the public interest make use of their right to freedom of expression. The right to freedom of expression, enshrined in Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter') and in Article 10 of the European Convention on Human Rights (ECHR), encompasses ***freedom of information as well as*** media freedom and pluralism.

Or. en

## Amendment 75

Eva Joly

### 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 activities and therefore run the risk of retaliation (for instance, for breaching the duty of confidentiality or loyalty). The underlying reason for providing them with protection is their position of economic

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.***

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

Or. en

**Amendment 76**  
**Barbara Spinelli**

**Proposal for a directive**  
**Recital 24**

*Text proposed by the Commission*

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

*Amendment*

(24) Persons need 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.

Or. en

**Amendment 77**  
**Dietmar Köster**

**Proposal for a directive**  
**Recital 24**

*Text proposed by the Commission*

(24) Persons need specific legal

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*Amendment*

(24) ***No employment relationship***

26/166

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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.*

*should restrict someone's right to freedom of expression.* 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. The underlying reason for providing them with protection is their position of vulnerability vis-à-vis the person on whom they de facto depend for work.

Or. en

**Amendment 78**  
**Eva Joly**

**Proposal for a directive**  
**Recital 25**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 79**  
**Barbara Spinelli**

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

Or. en

**Amendment 80**  
**Dietmar Köster**

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

*Text proposed by the Commission*

(26) Protection should, firstly, apply to persons having the status of 'workers', within the meaning of Article 45 TFEU, as interpreted by the Court of Justice of the European Union<sup>52</sup>, i.e. persons who, for a certain period of time, perform services for and under the direction of another person, in return of which they receive

*Amendment*

(26) Protection should, firstly, apply to persons having the status of 'workers', within the meaning of Article 45 TFEU, as interpreted by the Court of Justice of the European Union<sup>52</sup>, i.e. persons who, for a certain period of time, perform services for and under the direction of another person, in return of which they receive

remuneration. 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.

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. ***Protection should thus also be granted to persons whose employment contract has ended either through for example retirement or end of contract and paid and unpaid trainees. Finally, protection should also be granted to civil servants.***

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

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

Or. en

## **Amendment 81**

**Monica Macovei, Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo, Tomáš Zdechovský, Laima Liucija Andrikiienė**

### **Proposal for a directive Recital 27**

#### *Text proposed by the Commission*

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

#### *Amendment*

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

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

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

Or. en

## **Amendment 82**

### **Barbara Spinelli**

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

#### **Recital 27**

*Text proposed by the Commission*

(27) Protection should also extend to further categories of natural or legal persons, who, whilst not being 'workers' within the meaning of Article 45 TFEU, PE627.844v01-00

*Amendment*

(27) Protection should also extend ***to people facilitating the reporting, intermediaries and investigative journalists, who disclose potential or***

can play a key role in exposing breaches of the law and may find themselves in a position of economic vulnerability in the context of their work-related activities. For instance, in areas such as product safety, suppliers are much closer to the source of possible unfair and illicit manufacturing, import or distribution practices of unsafe products; in the implementation of Union funds, consultants providing their services are in a privileged position to draw attention to breaches they witness. Such categories of persons, including self-employed persons providing services, freelance, contractors, sub-contractors and suppliers, are typically subject to retaliation in the form of early termination or cancellation of contract of services, licence or permit, loss of business, loss of income, coercion, intimidation or harassment, blacklisting/business boycotting or damage to their reputation. Shareholders and persons in managerial bodies, may also suffer retaliation, for instance in financial terms or in the form of intimidation or harassment, blacklisting or damage to their reputation. Protection should also be granted to candidates for employment or for providing services to an organisation who acquired the information on breaches of law during the recruitment process or other pre-contractual negotiation stage, and may suffer retaliation for instance in the form of negative employment references or blacklisting/business boycotting.

*occurred breach, as well as* to further categories of natural or legal persons, who, whilst not being 'workers' within the meaning of Article 45 TFEU, can play a key role in exposing breaches of the law and may *also* find themselves in a position of economic vulnerability in the context of their work-related activities. For instance, in areas such as product safety, suppliers are much closer to the source of possible unfair and illicit manufacturing, import or distribution practices of unsafe products; in the implementation of Union funds, consultants providing their services are in a privileged position to draw attention to breaches they witness. Such categories of persons, including self-employed persons providing services, freelance, contractors, sub-contractors and suppliers, are typically subject to retaliation in the form of early termination or cancellation of contract of services, licence or permit, loss of business, loss of income, coercion, intimidation or harassment, blacklisting/business boycotting or damage to their reputation. Shareholders and persons in managerial bodies, may also suffer retaliation, for instance in financial terms or in the form of intimidation or harassment, blacklisting or damage to their reputation. Protection should also be granted to candidates for employment or for providing services to an organisation who acquired the information on breaches of law during the recruitment process or other pre-contractual negotiation stage, and may suffer retaliation for instance in the form of negative employment references or blacklisting/business boycotting

Or. en

**Amendment 83**  
**Barbara Spinelli**

**Proposal for a directive**  
**Recital 27 a (new)**

**(27 a) Protection should also extend to people facilitating the reporting, intermediaries, investigative journalists, civil society organisations who, through their activities, guarantee the effective disclosure of the potential or occurred breach.**

Or. en

**Amendment 84**  
**Barbara Spinelli**

**Proposal for a directive**  
**Recital 27 b (new)**

*Text proposed by the Commission*

*Amendment*

**(27 b) Protection should also extend to any natural or legal person who is regularly or professionally engaged in the collection and dissemination of information to the public via any means of mass communication.**

Or. en

**Amendment 85**  
**Eva Joly**

**Proposal for a directive**  
**Recital 28**

*Text proposed by the Commission*

*Amendment*

(28) Effective whistleblower protection implies protecting also further categories of persons who, whilst not relying on their work-related activities economically, may nevertheless suffer retaliation for exposing breaches. Retaliation against volunteers and unpaid trainees may take the form of no longer making use of their services, or of giving a negative reference for future employment or otherwise damaging their

(28) Effective whistleblower protection implies protecting also further categories of persons who, whilst not relying on their work-related activities economically, may nevertheless suffer retaliation for exposing breaches. Retaliation against volunteers and unpaid trainees may take the form of no longer making use of their services, or of giving a negative reference for future employment or otherwise damaging their



reputation.

reputation. ***Retaliation against investigators or reporters could take the form of strategic litigation suits, for example regarding libel or defamation.***

Or. en

**Amendment 86**  
**Barbara Spinelli**

**Proposal for a directive**  
**Recital 28**

*Text proposed by the Commission*

(28) Effective whistleblower protection implies protecting also further categories of persons who, whilst not relying on their work-related activities economically, may nevertheless suffer retaliation for exposing breaches. Retaliation against volunteers and unpaid trainees may take the form of no longer making use of their services, or of giving a negative reference for future employment or otherwise damaging their reputation.

*Amendment*

(28) Effective whistleblower protection implies protecting also further categories of persons who, whilst not relying on their work-related activities economically, may nevertheless suffer retaliation for exposing breaches ***or for supporting whistleblowers reporting***. Retaliation against volunteers and unpaid trainees may take the form of no longer making use of their services, or of giving a negative reference for future employment or otherwise damaging their reputation.

Or. en

**Amendment 87**  
**Barbara Spinelli**

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

*Text proposed by the Commission*

*Amendment*

***(28 a) Protection should be also afforded to all individuals working within all the institutions, bodies and agencies of the Union as well as to individuals working in the European entities located outside the Union territory. European Union institutions, agencies and bodies should adopt and implement internal rules protecting whistleblowers in accordance***

*with Articles 22a, 22b and 22c of Regulation No 31 (EEC), 11 (EAEC), ('the Staff Regulations').*

Or. en

**Amendment 88**  
**Gilles Lebreton**

**Proposal for a directive**  
**Recital 29**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 89**  
**Dietmar Köster**

**Proposal for a directive**  
**Recital 29**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 90****Eva Joly****Proposal for a directive****Recital 30***Text proposed by the Commission*

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

*Amendment*

(30) Effective prevention of breaches of Union law requires that protection is also granted to persons who provide information about potential breaches, which have not yet materialised, but are likely to be committed. For the same reasons, protection is warranted also for persons who do not provide positive evidence but raise reasonable concerns or suspicions. At the same time, protection should not apply to the reporting of unsubstantiated rumours and hearsay. ***Protection should be given to individuals working in 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 91****Dietmar Köster****Proposal for a directive****Recital 30***Text proposed by the Commission*

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

*Amendment*

(30) Effective prevention of ***misconduct or wrongdoing or of*** breaches of Union ***as well as national*** law requires that protection is also granted to persons who provide information about potential breaches, which have not yet materialised,

reasons, protection is warranted also for persons who do not provide positive evidence but raise reasonable concerns or suspicions. At the same time, protection should not apply to the reporting of information which is already in the public domain or of unsubstantiated rumours and hearsay.

but are likely to be committed. For the same reasons, protection is warranted also for persons who do not provide positive evidence but raise reasonable concerns or suspicions. At the same time, protection should not apply to the reporting of information which is already in the public domain or of unsubstantiated rumours and hearsay.

Or. en

## **Amendment 92**

**Monica Macovei, Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo, Laima Liucija Andrikiienė**

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. en

## **Amendment 93**

**Brice Hortefeux, Geoffroy Didier**

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

#### *Text proposed by the Commission*

(31) Retaliation expresses the close

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#### *Amendment*

(31) Retaliation expresses the close

36/166

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

(cause and effect) relationship that must exist between the report and the adverse treatment suffered, directly or indirectly, by the reporting person, so that this person can enjoy legal protection. Effective protection of reporting persons as a means of enhancing the enforcement of Union law requires a broad definition of retaliation, encompassing any act or omission occurring in the work-related context which causes them detriment. ***Reporting persons should generally respect the hierarchy of reporting channels. Such a requirement is necessary to ensure that information reaches those who can contribute to a quick and efficient resolution of risks to the public interest, as well as to prevent any unjustified harm to reputation, resulting from public disclosure.***

Or. en

#### **Amendment 94** **Gilles Lebreton**

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

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

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

##### *Amendment*

(31) Retaliation expresses the close (cause and effect) relationship that must exist between the report and the adverse treatment suffered, directly or indirectly, by the reporting person, so that this person can enjoy legal protection. Effective protection of reporting persons as a means of enhancing the enforcement of Union law requires a broad definition of retaliation, encompassing any act or omission occurring in the work-related context which causes them detriment ***without this definition being limitative and exhaustive.***

Or. en

**Amendment 95**  
**Barbara Spinelli**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 96**  
**Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 97**

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**Barbara Spinelli**

**Proposal for a directive  
Recital 32 a (new)**

*Text proposed by the Commission*

*Amendment*

***(32 a) Potential whistleblowers should be free to rely on the reporting channel of their choice, be it internal or external, or to decide to disclose information to the public domain, for example through the media, provided that the confidentiality and anonymity of their disclosure are fully safeguarded, that data protection is ensured and that the journalists, bloggers or media in general are never compelled to reveal the identity of their sources. Whistleblowers should be protected no matter what their choice of reporting channel is.***

Or. en

**Amendment 98**

**Monica Macovei, Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo, Tomáš Zdechovský, Laima Liucija Andrikienė**

**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) 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.

(33) Whistleblowers are, in particular, important sources for investigative journalists. Providing effective protection to whistleblowers ***as well as to investigative journalists*** from retaliation ***and any form of harassment*** 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.

Or. en

## Amendment 99

Monica Macovei, Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo, Laima Liucija Andrikiienė

### Proposal for a directive

#### Recital 34

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

(34) It is for the Member States to identify the authorities competent to receive and give appropriate follow up to the reports on breaches falling within the scope of this Directive. These may be regulatory or supervisory bodies in the areas concerned, law enforcement agencies, anti-corruption bodies and ombudsmen. The authorities designated as competent shall have the necessary capacities and powers to assess the accuracy of the allegations made in the report and to address the breaches reported, including by launching an investigation, prosecution or action for recovery of funds, or other appropriate remedial action, in accordance with their mandate.

##### *Amendment*

(34) It is for the Member States to identify the authorities competent to receive and give appropriate follow up to the reports on breaches falling within the scope of this Directive. These may be regulatory or supervisory bodies in the areas concerned, law enforcement agencies, anti-corruption bodies and ombudsmen. The authorities designated as competent shall have the necessary capacities and powers to assess the accuracy of the allegations made in the report and to address the breaches reported, including by launching an investigation, prosecution or action for recovery of funds, or other appropriate remedial action, in accordance with their mandate. ***At the same time, an independent advisory and referral Unit within the European Ombudsman should be established with a view to coordinate with Member States and advise on specific measures for the protection of whistle-blowers and investigative journalists.***

Or. en

## Amendment 100

Elly Schlein, Dietmar Köster

### Proposal for a directive

#### Recital 34

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

(34) It is for the Member States to identify the authorities competent to receive and give appropriate follow up to

##### *Amendment*

(34) It is for the Member States to identify the authorities competent to receive and give appropriate follow up to



the reports on breaches falling within the scope of this Directive. These may be regulatory or supervisory bodies in the areas concerned, law enforcement agencies, anti-corruption bodies and ombudsmen. The authorities designated as competent shall have the necessary capacities and powers to assess the accuracy of the allegations made in the report and to address the breaches reported, including by launching an investigation, prosecution or action for recovery of funds, or other appropriate remedial action, in accordance with their mandate.

the reports on breaches falling within the scope of this Directive. These may be regulatory or supervisory bodies in the areas concerned, law enforcement agencies, anti-corruption bodies and ombudsmen. The authorities designated as competent shall have the necessary capacities and powers to assess the accuracy of the allegations made in the report and to address the breaches reported, including by launching an investigation, prosecution or action for recovery of funds, or other appropriate remedial action, in accordance with their mandate. ***The staff serving in those agencies shall be specialized and have proper training and formation including on European and national data protection legislation.***

Or. en

#### **Amendment 101**

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

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

#### **Recital 34**

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

(34) It is for the Member States to identify the authorities competent to receive and give appropriate follow up to the reports on breaches falling within the scope of this Directive. These may be regulatory or supervisory bodies in the areas concerned, law enforcement agencies, anti-corruption bodies and ombudsmen. The authorities designated as competent shall have the necessary capacities and powers to assess the accuracy of the allegations made in the report and to address the breaches reported, including by launching an investigation, prosecution or action for recovery of funds, or other appropriate remedial action, in accordance with their mandate.

##### *Amendment*

(34) It is for the Member States to identify the authorities competent to receive and give appropriate follow up to the reports on breaches falling within the scope of this Directive ***which also guarantee the highest possible level of independence and impartiality.*** These may be regulatory or supervisory bodies in the areas concerned, law enforcement agencies, anti-corruption bodies and ombudsmen. The authorities designated as competent shall have the necessary capacities and powers to assess the accuracy of the allegations made in the report and to address the breaches reported, including by launching an investigation, prosecution or action for recovery of funds, or other appropriate remedial action, in accordance with their mandate.

**Amendment 102****Barbara Spinelli****Proposal for a directive****Recital 34***Text proposed by the Commission*

(34) It is for the Member States to identify the authorities competent to receive and give appropriate follow up to the reports on breaches falling within the scope of this Directive. These may be regulatory or supervisory bodies in the areas concerned, ***law enforcement agencies***, anti-corruption bodies and ombudsmen. The authorities designated as competent shall have the necessary capacities and powers to assess the accuracy of the allegations made in the report and to address the breaches reported, including by launching an investigation, prosecution or action for recovery of funds, or other appropriate remedial action, in accordance with their mandate.

*Amendment*

(34) It is for the Member States to identify the authorities competent to receive and give appropriate follow up to the reports on breaches falling within the scope of this Directive. These may be regulatory or supervisory bodies in the areas concerned, anti-corruption bodies and ombudsmen, ***with the possible assistance of law enforcement agencies***. The authorities designated as competent shall have the necessary capacities and powers to assess the accuracy of the allegations made in the report and to address the breaches reported, including by launching an investigation, prosecution or action for recovery of funds, or other appropriate remedial action, in accordance with their mandate.

Or. en

**Amendment 103****Barbara Spinelli****Proposal for a directive****Recital 39 a (new)***Text proposed by the Commission**Amendment*

***(39 a) Reporting persons should be allowed to freely choose the most appropriate channel of reporting and disclosure of information, be it internal or external, without any strict hierarchy among them.***

Or. en

**Amendment 104**  
**Barbara Spinelli**

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

*Text proposed by the Commission*

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

*Amendment*

(40) Reporting persons should be able to report to the competent authorities and should enjoy the protection against retaliation provided by this Directive.

Or. en

**Amendment 105**  
**Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 106**  
**Barbara Spinelli**

**Proposal for a directive**  
**Recital 41**

*Text proposed by the Commission*

(41) To ensure in particular, the respect of the public procurement rules in the public sector, the obligation to put in place internal reporting channels should apply to all public legal entities, at local, regional **and** national level, **whilst being commensurate with their size**. In cases where internal channels are not provided in small public entities, Member States **may** provide for internal reporting within a higher level in the administration (that is to say at regional or central level).

*Amendment*

(41) To ensure in particular, the respect of the public procurement rules in the public sector, the obligation to put in place internal reporting channels should apply to all public legal entities, at local, regional, national **and EU** level. In cases where internal channels are not provided in small public entities, Member States **should** provide for internal reporting within a higher level in the administration (that is to say at regional or central level).

Or. en

**Amendment 107**

**Monica Macovei, Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo, Tomáš Zdechovský, Laima Liucija Andrikienė**

**Proposal for a directive  
Recital 42**

*Text proposed by the Commission*

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

*Amendment*

(42) Provided the confidentiality of the identity of the reporting person 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;  
**anonymous reporting should be taken into consideration and protection of initially anonymous whistle-blowers should be put in place, in cases where such protection is required.**

Or. en

**Amendment 108**  
**Dietmar Köster**

**Proposal for a directive**  
**Recital 42**

*Text proposed by the Commission*

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

*Amendment*

(42) Provided the confidentiality **and anonymity** 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 **and anonymity** of the identity of the reporting person.

Or. en

**Amendment 109**  
**Eva Joly**

**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 110**  
**Barbara Spinelli**

**Proposal for a directive**  
**Recital 42**

*Text proposed by the Commission*

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

*Amendment*

(42) Provided the confidentiality **or anonymity** 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.

Or. en

**Amendment 111**  
**Barbara Spinelli**

**Proposal for a directive**  
**Recital 43**

*Text proposed by the Commission*

(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.

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

Or. en

## Amendment 112

Eva Joly

### Proposal for a directive

#### Recital 43

*Text proposed by the Commission*

(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.

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

Or. en

## Amendment 113

Eva Joly

### 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 114

Gilles Lebreton

### Proposal for a directive

## Recital 44 a (new)

*Text proposed by the Commission*

*Amendment*

***(44 a) Respect for the confidentiality of the identity of the person issuing an alert or disclosure is an essential element in avoiding any self-censorship mechanism. This principle of confidentiality may be waived only in exceptional circumstances, (a) where the disclosure of information relating to the identity of the person issuing an alert or disclosure is a necessary and proportionate obligation required by Union or national law in the context of subsequent or ongoing investigations or judicial proceedings, (b) for the purpose of guaranteeing a right, such as the right of defence of the person concerned. In the event of a breach of the principle of confidentiality relating to the identity of the person who issued an alert or disclosure, appropriate sanctions should be provided for.***

Or. en

## Amendment 115

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

### Proposal for a directive

#### Recital 45

*Text proposed by the Commission*

*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. 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

(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. ***For these subjects, a civil liability regime should be provided in case of will full misconduct or gross negligence.*** In smaller entities, this function could be a dual function held by a company officer well placed to report directly to the organisational head, such as a chief



member of the board.

compliance or human resources officer, a legal or privacy officer, a chief financial officer, a chief audit executive or a member of the board.

Or. en

## Amendment 116

Eva Joly

### Proposal for a directive

#### Recital 47

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

(47) Persons who are considering reporting breaches of Union law should be able to make an informed decision on whether, how and when to report. Private and public entities having in place internal reporting procedures shall provide information on these procedures as well as on procedures to report externally to relevant competent authorities. Such information must be easily understandable and easily accessible, including, to any extent possible, also to other persons, beyond employees, who come in contact with the entity through their work-related activities, such as service-providers, distributors, suppliers and business partners. For instance, such information may be posted at a visible location accessible to all these persons and to the web of the entity and may also be included in courses and trainings on ethics and integrity.

##### *Amendment*

(47) Persons who are considering reporting breaches of Union law should be able to make an informed decision on whether, how and when to report. 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 117**

**Eva Joly**

### **Proposal for a directive**

#### **Recital 48**

*Text proposed by the Commission*

(48) Effective detection and prevention of breaches of Union law requires ensuring that potential whistleblowers can easily and in full confidentiality bring the information they possess to the attention of the relevant competent authorities which are able to investigate and to remedy the problem, where possible.

*Amendment*

(48) Effective detection and prevention of breaches of Union law requires ensuring that potential whistleblowers can easily and in full confidentiality **and anonymity** bring the information they possess to the attention of the relevant competent authorities which are able to investigate and to remedy the problem, where possible.

Or. en

## **Amendment 118**

**Dietmar Köster**

### **Proposal for a directive**

#### **Recital 48**

*Text proposed by the Commission*

(48) Effective detection and prevention of breaches of Union law requires ensuring that potential whistleblowers can easily and in full confidentiality bring the information they possess to the attention of the relevant competent authorities which are able to investigate and to remedy the problem, where possible.

*Amendment*

(48) Effective detection and prevention of breaches of Union law requires ensuring that potential whistleblowers can easily and in **anonymity and** full confidentiality bring the information they possess to the attention of the relevant competent authorities which are able to investigate and to remedy the problem, where possible.

Or. en

## **Amendment 119**

**Elly Schlein, Dietmar Köster**

### **Proposal for a directive**

#### **Recital 48**

*Text proposed by the Commission*

(48) Effective detection and prevention of breaches of Union law requires ensuring that potential whistleblowers can easily **and** in full confidentiality bring the information they possess to the attention of the relevant competent authorities which are able to investigate and to remedy the problem, where possible.

*Amendment*

(48) Effective detection and prevention of breaches of Union law requires ensuring that potential whistleblowers can easily, **anonymously or** in full confidentiality, bring the information they possess to the attention of the relevant competent authorities which are able to investigate and to remedy the problem, where possible.

Or. en

**Amendment 120**  
**Barbara Spinelli**

**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. 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.

Or. en

**Amendment 121**  
**Barbara Spinelli**

**Proposal for a directive**  
**Recital 52**

*Text proposed by the Commission*

(52) In order to allow for effective communication with their dedicated staff,

*Amendment*

(52) In order to allow for effective communication with their dedicated staff,

it is necessary that the competent authorities have in place and use specific channels, separate from their normal public complaints systems, that should be user-friendly and allow for written and oral, as well as electronic and non-electronic reporting.

it is necessary that the competent authorities have in place and use specific, ***independent*** channels, separate from their normal public complaints systems, that should be user-friendly and allow for written and oral, as well as electronic and non-electronic reporting.

Or. en

**Amendment 122**  
**Barbara Spinelli**

**Proposal for a directive**  
**Recital 54**

*Text proposed by the Commission*

(54) Persons intending to report should be able to make an informed decision on whether, how and when to report. Competent authorities should therefore publicly disclose and make easily accessible information about the available reporting channels with competent authorities, about the applicable procedures and about the dedicated staff members within these authorities. All information regarding reports should be transparent, easily understandable and reliable in order to promote and not deter reporting.

*Amendment*

(54) Persons intending to report should be able to make an informed decision on whether, how and when to report. Competent authorities should therefore publicly disclose and make easily accessible information about the available reporting channels with competent authorities, about the applicable procedures and about the dedicated staff members within these authorities. All information regarding reports should be transparent, easily understandable and reliable in order to promote and not deter reporting.  
***Potential whistleblowers should always be able to freely decide whether to use internal or external reporting channels.***

Or. en

**Amendment 123**  
**Dietmar Köster**

**Proposal for a directive**  
**Recital 55**

*Text proposed by the Commission*

(55) Member States should ensure that competent authorities have in place

*Amendment*

(55) Member States should ensure that competent authorities have in place

adequate protection procedures for the processing of reports of infringements and for the protection of the personal data of the persons referred to in the report. Such procedures should ensure that the identity of every reporting person, concerned person, and third persons referred to in the report (e.g. witnesses or colleagues) 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 freedoms of others, including the rights of defence of the concerned person.

adequate protection procedures for the processing of reports of infringements and for the protection of the personal data of the persons referred to in the report. Such procedures should ensure that the identity ***and anonymity*** of every reporting person, concerned person, and third persons referred to in the report (e.g. witnesses or colleagues) 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 freedoms of others, including the rights of defence of the concerned person.

Or. en

#### **Amendment 124**

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

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

##### **Recital 57**

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

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

##### *Amendment*

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

Or. en

#### **Amendment 125**

**Barbara Spinelli**

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

##### **Recital 58**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 126**  
**Barbara Spinelli**

**Proposal for a directive**  
**Recital 59**

*Text proposed by the Commission*

(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.

*Amendment*

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

Or. en

## Amendment 127

Eva Joly

### Proposal for a directive

#### Recital 59

*Text proposed by the Commission*

(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.

*Amendment*

(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 128

Barbara Spinelli

### Proposal for a directive

#### Recital 60

*Text proposed by the Commission*

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

*Amendment*

(60) ***The reporting persons should enjoy the protection of this Directive when they turn to one of the internal or external reporting channels, with no mandatory hierarchy, or when they exercise their right to disclose information publicly to a journalist or a civil society organisation.*** To enjoy protection, the reporting persons should reasonably believe, in light of the circumstances and the information available to them at the time of the reporting, that the matters reported by them are true. This reasonable belief should be presumed unless and until proven otherwise. At the same time, it ensures that protection is not lost where the reporting person made an inaccurate report in honest error. In a similar vein, reporting persons should be entitled to protection under this Directive if they have reasonable grounds to believe that the information reported falls within its scope.

**Amendment 129****Dietmar Köster****Proposal for a directive****Recital 60***Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 130****Barbara Spinelli****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***

*Amendment****deleted***



*unjustified reputational damage from public disclosure. At the same time, some exceptions to its application are necessary, allowing the reporting person to choose the most appropriate channel depending on the individual circumstances of the case. Moreover, it is necessary to protect public disclosures taking into account democratic principles such as transparency and accountability, and fundamental rights such as freedom of expression and media freedom, whilst balancing the interest of employers to manage their organisations and to protect their interests with the interest of the public to be protected from harm, in line with the criteria developed in the case-law of the European Court of Human Rights<sup>57</sup>*

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<sup>57</sup> *One of the criteria for determining whether retaliation against whistleblowers making public disclosures interferes with freedom of expression in a way which is not necessary in a democratic society, is whether the persons who made the disclosure had at their disposal alternative channels for making the disclosure; see, for instance, Guja v. Moldova [GC], no 14277/04, ECHR 2008.*

Or. en

## **Amendment 131**

### **Dietmar Köster**

## **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**

*Amendment*

(61) The use of **the different** reporting channels 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. At the same time, some **rules** to its application are necessary, allowing the reporting

***public disclosure***. At the same time, some ***exceptions*** to its application are necessary, allowing the reporting person to choose the most appropriate channel depending on the individual circumstances of the case. Moreover, it is necessary to protect public disclosures taking into account democratic principles such as transparency and accountability, and fundamental rights such as freedom of expression and media freedom, ***whilst balancing the interest of employers to manage their organisations and to protect their interests with the interest of the public to be protected from harm, in line with the criteria developed in the case-law of the European Court of Human Rights***<sup>57</sup>.

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.

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<sup>57</sup> One of the criteria for determining whether retaliation against whistleblowers making public disclosures interferes with freedom of expression in a way which is not necessary in a democratic society, is whether the persons who made the disclosure had at their disposal alternative channels for making the disclosure; see, for instance, *Guja v. Moldova* [GC], no 14277/04, ECHR 2008.

Or. en

## **Amendment 132** **Barbara Spinelli**

### **Proposal for a directive** **Recital 62**

*Text proposed by the Commission*

***(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***

*Amendment*

***deleted***

*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).*

Or. en

**Amendment 133**  
**Dietmar Köster, Elly Schlein**

**Proposal for a directive**  
**Recital 62**

*Text proposed by the Commission*

(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).*

*Amendment*

(62) Reporting persons *can* first use the internal channels at their disposal and report to their employer.

Or. en

**Amendment 134**  
**Barbara Spinelli**

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

**(63) In other cases, internal channels could not reasonably be expected to function properly, for instance, where the reporting persons have valid reasons to believe that they would suffer retaliation in connection with the reporting; that their confidentiality would not be protected; that the ultimate responsibility holder within the work-related context is involved in the breach; that the breach might be concealed; that evidence may be concealed or destroyed; that the effectiveness of investigative actions by competent authorities might be jeopardised or that urgent action is required (for instance because of an imminent risk of a substantial and specific danger to the life, health and safety of persons, or to the environment. In all such cases, persons reporting externally to the competent authorities and, where relevant, to bodies, offices or agencies of the Union shall be protected. Moreover, protection is also to be granted in cases where Union legislation allows for the reporting person to report directly to the competent national authorities or bodies, offices or agencies of the Union, for example in the context of fraud against the Union budget, prevention and detection of money laundering and terrorist financing or in the area of financial services.**

**deleted**

Or. en

**Amendment 135**

**Elly Schleim, Dietmar Köster**

**Proposal for a directive**

**Recital 63**

**(63) In other cases, internal channels could not reasonably be expected to function properly, for instance, where the**

**(63) In other cases, internal channels could not reasonably be expected to function properly, for instance, where the**

reporting persons have valid reasons to believe that they would suffer retaliation in connection with the reporting; that their confidentiality would not be protected; that the ultimate responsibility holder within the work-related context is involved in the breach; that the breach might be concealed; that evidence may be concealed or destroyed; that the effectiveness of investigative actions by competent authorities might be jeopardised or that urgent action is required (for instance because of an imminent risk of a substantial and specific danger to the life, health and safety of persons, or to the environment. In all such cases, persons reporting externally to the competent authorities and, where relevant, to bodies, offices or agencies of the Union shall be protected. Moreover, protection is also to be granted in cases where Union legislation allows for the reporting person to report directly to the competent national authorities or bodies, offices or agencies of the Union, for example in the context of fraud against the Union budget, prevention and detection of money laundering and terrorist financing or in the area of financial services.

reporting persons have valid reasons to believe that they would suffer retaliation in connection with the reporting; that their confidentiality would not be protected ***or their anonymous report would not be investigated***; that the ultimate responsibility holder within the work-related context is involved in the breach; that the breach might be concealed; that evidence may be concealed or destroyed; that the effectiveness of investigative actions by competent authorities might be jeopardised or that urgent action is required (for instance because of an imminent risk of a substantial and specific danger to the life, health and safety of persons, or to the environment. In all such cases, persons reporting externally to the competent authorities and, where relevant, to bodies, offices or agencies of the Union shall be protected ***and anonymous reports shall be investigated upon, if well evidenced***. 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 136 Barbara Spinelli

### 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***

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#### *Amendment*

(64) Persons making a public disclosure directly should ***always*** qualify for protection, ***not only in the*** 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

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***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 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.

evidence 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 137**  
**Dietmar Köster, Elly Schlein**

**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 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.

*Amendment*

(64) Persons making a public disclosure directly should also qualify for protection ***where the public has an overriding interest in being informed directly or*** 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 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.

**Amendment 138****Eva Joly****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.

**Amendment 139****Barbara Spinelli****Proposal for a directive****Recital 65**

(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.

(65) Reporting persons ***and intermediaries*** 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. ***Protection should also be afforded in case of direct and/or indirect retaliation taken by third parties.***

Or. en

## **Amendment 140**

**Eva Joly**

### **Proposal for a directive**

#### **Recital 67**

(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.

(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***



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.

***should 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 141**  
**Barbara Spinelli**

**Proposal for a directive**  
**Recital 69**

*Text proposed by the Commission*

(69) It should not be possible to waive the rights and obligations established by this Directive by contractual means. Individuals' legal or contractual obligations, such as loyalty clauses in contracts or confidentiality/non-disclosure agreements, cannot be relied on to preclude **workers** from reporting, to deny protection or to penalise them for having done so. At the same time, this Directive should not affect the protection of legal and other professional privilege as provided for under national law.

*Amendment*

(69) It should not be possible to waive the rights and obligations established by this Directive by contractual means. Individuals' legal or contractual obligations, such as loyalty clauses in contracts or confidentiality/non-disclosure agreements, cannot be relied on to preclude **individuals** from reporting, to deny protection or to penalise them for having done so. At the same time, this Directive should not affect the protection of legal and other professional privilege as provided for under national law.

Or. en

**Amendment 142**  
**Helga Stevens**

**Proposal for a directive**

## Recital 70

### *Text proposed by the Commission*

(70) Retaliatory measures are likely to be presented as being justified on grounds other than the reporting and it can be very difficult for reporting persons to prove the link between the two, whilst the perpetrators of retaliation may have greater power and resources to document the action taken and the reasoning. Therefore, once the reporting person demonstrates prima facie that he/she made a report or disclosure in line with this Directive and suffered a detriment, the burden of proof **should shift** to the person who took the detrimental action, who should then demonstrate that their the action taken was not linked in any way to the reporting or the disclosure.

### *Amendment*

(70) Retaliatory measures are likely to be presented as being justified on grounds other than the reporting and it can be very difficult for reporting persons to prove the link between the two, whilst the perpetrators of retaliation may have greater power and resources to document the action taken and the reasoning. Therefore, once the reporting person demonstrates prima facie that he/she made a report or disclosure in line with this Directive and suffered a detriment, **Member States can decide to shift** the burden of proof to the person who took the detrimental action, who should then demonstrate that their the action taken was not linked in any way to the reporting or the disclosure.

Or. en

## Amendment 143

**Dietmar Köster, Elly Schlein**

### **Proposal for a directive**

#### **Recital 71**

### *Text proposed by the Commission*

(71) Beyond an explicit prohibition of retaliation provided in law, it is crucial that reporting persons who do suffer retaliation have access to legal remedies. The appropriate remedy in each case will be determined by the kind of retaliation suffered. It may take the form of actions for reinstatement (for instance, in case of dismissal, transfer or demotion, or of withholding of training or promotion) or for restauration of a cancelled permit, licence or contract; compensation for actual and future financial losses (for lost past wages, but also for future loss of income, costs linked to a change of occupation); compensation for other economic damage such as legal expenses

### *Amendment*

(71) Beyond an explicit prohibition of retaliation provided in law, it is crucial that reporting persons who do suffer retaliation have access to legal remedies. The appropriate remedy in each case will be determined by the kind of retaliation suffered. It may take the form of actions for reinstatement (for instance, in case of dismissal, transfer or demotion, or of withholding of training or promotion) or for restauration of a cancelled permit, licence or contract; compensation for actual and future financial losses (for lost past wages, but also for future loss of income, costs linked to a change of occupation); compensation for other economic damage such as legal expenses

and costs of medical treatment, and for intangible damage (pain and suffering).

and costs of medical **and psychological** treatment, and for intangible damage (pain and suffering).

Or. en

**Amendment 144**  
**Barbara Spinelli**

**Proposal for a directive**  
**Recital 74**

*Text proposed by the Commission*

(74) Action taken against reporting persons outside the work-related context, through proceedings, for instance, related to defamation, breach of copyright, trade secrets, confidentiality and personal data protection, can also pose a serious deterrent to whistleblowing. Directive (EU) 2016/943 of the European Parliament and of the Council<sup>58</sup> ***exempts reporting persons from the civil redress measures, procedures and remedies it provides for, in case the alleged acquisition, use or disclosure of the trade secret was carried out for revealing misconduct, wrongdoing or illegal activity, provided that the respondent acted for the purpose of protecting the general public interest.*** Also in other proceedings, reporting persons should be able to rely on having made a report or disclosure in accordance with this Directive as a defence. In such cases, the person initiating the proceedings should carry the burden to prove any intent on the part of the reporting person to violate the law.

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<sup>58</sup> Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1).

*Amendment*

(74) Action taken against reporting persons outside the work-related context, through proceedings, for instance, related to defamation, breach of copyright, trade secrets, confidentiality and personal data protection, can also pose a serious deterrent to whistleblowing. ***The protection of whistleblowers provided for in this Directive should prevail over*** Directive (EU) 2016/943 of the European Parliament and of the Council<sup>58</sup> ***and therefore whistleblowers meeting the requirements of this Directive should be exempted*** from the civil redress measures, procedures and remedies provided ***for in Directive (EU) 2016/943***. Also in other proceedings, reporting persons should be able to rely on having made a report or disclosure in accordance with this Directive as a defence. In such cases, the person initiating the proceedings should carry the burden to prove any intent on the part of the reporting person to violate the law.

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<sup>58</sup> Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1).

**Amendment 145****Eva Joly****Proposal for a directive****Recital 75***Text proposed by the Commission*

(75) A significant cost for reporting persons contesting retaliation measures taken against them in legal proceedings can be the relevant legal fees. Although they could recover these fees at the end of the proceedings, they might not be able to cover them up front, especially if they are unemployed and blacklisted. Assistance for criminal legal proceedings, particularly in accordance with the provisions of Directive (EU) 2016/1919 of the European Parliament and of the Council<sup>59</sup> and more generally support to those who are in serious financial need ***might be key, in certain cases***, for the effective enforcement of their rights to protection.

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<sup>59</sup> Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ L 297 4.11.2016, p. 1).

*Amendment*

(75) A significant cost for reporting persons contesting retaliation measures taken against them in legal proceedings can be the relevant legal fees. Although they could recover these fees at the end of the proceedings, they might not be able to cover them up front, especially if they are unemployed and blacklisted. Assistance for criminal legal proceedings, particularly in accordance with the provisions of Directive (EU) 2016/1919 of the European Parliament and of the Council<sup>59</sup> and more generally support to those who are in serious financial need ***is key*** for the effective enforcement of their rights to protection.

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<sup>59</sup> Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ L 297 4.11.2016, p. 1).

**Amendment 146****Barbara Spinelli****Proposal for a directive****Recital 75***Text proposed by the Commission*

(75) A significant cost for reporting

*Amendment*

(75) A significant cost for reporting

persons contesting retaliation measures taken against them in legal proceedings can be the relevant legal fees. Although they could recover these fees at the end of the proceedings, they might not be able to cover them up front, especially if they are unemployed and blacklisted. Assistance for criminal legal proceedings, particularly in accordance with the provisions of Directive (EU) 2016/1919 of the European Parliament and of the Council<sup>59</sup> and more generally support to those who are in serious financial need might be key, ***in certain cases***, for the effective enforcement of their rights to protection.

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<sup>59</sup> Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ L 297 4.11.2016, p. 1).

persons contesting retaliation measures taken against them in legal proceedings can be the relevant legal fees. Although they could recover these fees at the end of the proceedings, they might not be able to cover them up front, especially if they are unemployed and blacklisted. Assistance for criminal legal proceedings, particularly in accordance with the provisions of Directive (EU) 2016/1919 of the European Parliament and of the Council<sup>59</sup> and more generally support to those who are in serious financial need might be key for the effective enforcement of their rights to protection.

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<sup>59</sup> Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ L 297 4.11.2016, p. 1).

Or. en

## **Amendment 147**

### **Eva Joly**

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

#### **Recital 77**

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

(77) Any person who suffers prejudice, whether directly or indirectly, as a consequence of the reporting or disclosure of inaccurate or misleading information should retain the protection and the remedies available to him or her under the rules of general law. Where such inaccurate or misleading report or disclosure was made deliberately and knowingly, the concerned persons should be entitled to compensation in accordance with national law.

##### *Amendment*

(77) Any person who suffers prejudice, whether directly or indirectly, as a consequence of the reporting or disclosure of inaccurate or misleading information should retain the protection and the remedies available to him or her under the rules of general law. Where ***sufficient evidence has been produced demonstrating that*** such inaccurate or misleading report or disclosure was made deliberately and knowingly, the concerned persons should be entitled to compensation in accordance with national law.

**Amendment 148**

**Eva Joly**

**Proposal for a directive**

**Recital 77 a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 149**

**Barbara Spinelli**

**Proposal for a directive**

**Recital 78**

*Text proposed by the Commission*

*Amendment*

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

(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.

*effect on potential whistleblowers.*

Or. en

#### **Amendment 150**

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

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

##### **Recital 80**

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

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

###### *Amendment*

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

***Moreover, the Member States can set up a reward system that can offer a fair compensation in the event that the report involves the prevention of considerable pecuniary damage or a recovery of significant sums by the European Union***

Or. en

#### **Amendment 151**

**Eva Joly**

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

##### **Recital 80**

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

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

###### *Amendment*

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

Or. en

**Amendment 152**  
**Barbara Spinelli**

**Proposal for a directive**  
**Recital 81**

*Text proposed by the Commission*

(81) In accordance with Article 26(2) TFEU, the internal market needs to comprise an area without internal frontiers in which the free and safe movement of goods and services is ensured. The internal market should provide Union citizens with added value in the form of better quality and safety of goods and services, ensuring high standards of public health and environmental protection as well as free movement of personal data. Thus, Article 114 TFEU is the appropriate legal basis to adopt the measures necessary for the establishment and functioning of the internal market. In addition to Article 114 TFEU, this Directive should have additional specific legal bases in order to cover the fields that rely on Articles 16, 33, 43, 50, 53(1), 62, 91, 100, 103, 109, 168, 169 **and 207** TFEU and Article 31 of the Euratom Treaty for the adoption of Union measures. Since this Directive also aims at better protecting the financial interests of the Union, Article 325(4) TFEU should be included as a legal basis.

*Amendment*

(81) In accordance with Article 26(2) TFEU, the internal market needs to comprise an area without internal frontiers in which the free and safe movement of goods and services is ensured. The internal market should provide Union citizens with added value in the form of better quality and safety of goods and services, ensuring high standards of public health and environmental protection as well as free movement of personal data. Thus, Article 114 TFEU is the appropriate legal basis to adopt the measures necessary for the establishment and functioning of the internal market. In addition to Article 114 TFEU, this Directive should have additional specific legal bases in order to cover the fields that rely on Articles **9, 10, 11, 12, 15**, 16, 33, 43, 50, 53(1), 62, 91, 100, 103, 109, 168, 169, **207 and 352** TFEU and Article 31 of the Euratom Treaty for the adoption of Union measures. Since this Directive also aims at better protecting the financial interests of the Union, Article 325(4) TFEU should be included as a legal basis.

Or. en

**Amendment 153**  
**Barbara Spinelli**

**Proposal for a directive**  
**Recital 82**

*Text proposed by the Commission*

(82) The material scope of this Directive is based on the **identification of areas**

*Amendment*

(82) The material scope of this Directive is based on the Union **law as a whole**.



*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.*

Or. en

#### **Amendment 154**

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

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

##### **Recital 82**

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

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

###### *Amendment*

(82) The material scope of this Directive is based on the identification of areas where the introduction of whistleblower protection appears justified and necessary on the basis of currently available evidence *and it shall* be extended to *all* areas or Union acts, on the basis of the *art. 352 of TFUE..*

Or. en

#### **Amendment 155**

**Barbara Spinelli**

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

##### **Recital 83**

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

(83) Whenever subsequent legislation

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###### *Amendment*

(83) Whenever subsequent *EU*

73/166

PE627.844v01-00

**EN**

*relevant for this Directive* is adopted, it should *specify where appropriate that* this Directive *will apply. Where necessary, Article 1 and the Annex should be amended.*

legislation is adopted, it should *fall under the scope of* this Directive.

Or. en

**Amendment 156**  
**Dietmar Köster, Elly Schlein**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 157**  
**Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo**

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

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74/166

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

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

Or. en

**Amendment 158**  
**Barbara Spinelli**

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

(84) The objective of this Directive, namely to strengthen enforcement ***in certain policy areas and acts*** where breaches of Union law can cause serious harm to the public interest through effective whistleblower protection, cannot be sufficiently achieved by the Member States acting alone or in an uncoordinated manner, but can rather be better achieved by Union action providing minimum standards of harmonisation on whistleblower protection. Moreover, only Union action can provide coherence and

(84) The objective of this Directive, namely to strengthen enforcement where breaches of Union law can cause serious harm to the public interest through effective whistleblower protection, cannot be sufficiently achieved by the Member States acting alone or in an uncoordinated manner, but can rather be better achieved by Union action providing minimum standards of harmonisation on whistleblower protection. Moreover, only Union action can provide coherence and align the existing Union rules on

align the existing Union rules on whistleblower protection. Therefore, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve this objective.

whistleblower protection. Therefore, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve this objective.

Or. en

## Amendment 159

Barbara Spinelli

### Proposal for a directive

#### Recital 85

*Text proposed by the Commission*

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

*Amendment*

(85) This Directive respects fundamental rights and the principles recognised in particular by the Charter of Fundamental Rights of the European Union. Accordingly, this Directive must be implemented in accordance with those rights and principles ***by ensuring*** full respect for, ***inter alia,*** freedom of expression and information, the right to protection of personal data, the freedom to conduct a business, the right to a high level of consumer protection, the right to ***fair and just working conditions, the right to a high level of human health protection, the right to a high level of environmental protection, the right to good administration, the right to*** an effective remedy and the rights of ***the*** defence.

Or. en

## Amendment 160

Brice Hortefeux, Geoffroy Didier

### 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 in specific areas, this Directive lays down common minimum standards for the protection of persons reporting on the unlawful activities or abuse of law ***which cause threats or serious harm to the following public interest***:

Or. en

**Amendment 161**

**Dietmar Köster, Elly Schlein**

**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 ***as well as national*** law and policies in specific areas, this Directive lays down common minimum standards for the protection of persons reporting on ***misconduct of public interest***, unlawful activities or abuse of law:

Or. en

**Amendment 162**

**Eva Joly**

**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 in specific areas, this Directive lays down common minimum standards for the protection of persons reporting on unlawful activities, abuse of law ***or threats to the public interest, including***:

## Amendment 163

Gilles Lebreton

### 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 in specific areas, this Directive lays down common minimum standards for the protection of persons reporting on the following **illegal** activities or abuse of law:

Or. en

## Amendment 164

Barbara Spinelli

### 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 **ensuring and** enhancing the enforcement of Union law and policies, this Directive lays down common minimum standards for the protection of persons reporting on the unlawful activities or abuse of law:

Or. en

## Amendment 165

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

### Proposal for a directive

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

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

##### *Amendment*

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

1. With a view to enhancing the enforcement of Union law and policies, 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 166**

**Dietmar Köster, Elly Schlein**

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

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

*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:**

**deleted**

**(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 167**

**Barbara Spinelli**

**Proposal for a directive**

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

*Text proposed by the Commission*

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

*Amendment*

a) breaches falling within the scope of the Union acts ***included, but not limited to***, in the Annex (Part I and Part II) as regards, ***inter alia***, the following areas:

Or. en

**Amendment 168**

**Eva Joly**

**Proposal for a directive**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 169**

**Barbara Spinelli**

**Proposal for a directive**

**Article 1 – paragraph 1 – point a – point ii**

*Text proposed by the Commission*

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

*Amendment*

(ii) financial services, prevention of ***corruption, tax evasion, tax avoidance*** money laundering and terrorist financing;

Or. en

**Amendment 170**

**Eva Joly**



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

*Text proposed by the Commission*

*Amendment*

**(x a) employment and working  
conditions**

Or. en

**Amendment 171**  
**Eva Joly**

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

*Text proposed by the Commission*

*Amendment*

**(x b) tax fraud, tax evasion and tax  
optimisation**

Or. en

**Amendment 172**  
**Eva Joly**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 173**  
**Eva Joly**

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

*Text proposed by the Commission*

*Amendment*

(x d) *company law*

Or. en

**Amendment 174**

**Eva Joly**

**Proposal for a directive**

**Article 1 – paragraph 1 – point a – point x e (new)**

*Text proposed by the Commission*

*Amendment*

(x e) *asylum and migration law*

Or. en

**Amendment 175**

**Eva Joly**

**Proposal for a directive**

**Article 1 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

b) breaches of Articles 101, 102, 106, 107 and 108 TFEU and breaches falling within the scope of Council Regulation (EC) No 1/2003 and Council Regulation (EU) No 2015/1589;

b) ***Competition law, especially*** breaches of Articles 101, 102, 106, 107 and 108 TFEU and breaches falling within the scope of Council Regulation (EC) No 1/2003 and Council Regulation (EU) No 2015/1589;

Or. en

**Amendment 176**

**Eva Joly**

**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

d) breaches relating to the internal market, as referred to in Article 26(2) TFEU, ***particularly*** as regards acts which breach the rules of corporate tax or

whose purpose is to obtain a tax advantage that defeats the object or purpose of the applicable corporate tax law.

arrangements whose purpose is to obtain a tax advantage that defeats the object or purpose of the applicable corporate tax law.

Or. en

#### **Amendment 177**

**Eva Joly**

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

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

*Text proposed by the Commission*

*Amendment*

***d a) breaches related to national security (i.e. State security), defence, public security, and the prevention, investigation, detection and prosecution of criminal offences.***

Or. en

#### **Amendment 178**

**Barbara Spinelli**

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

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

*Text proposed by the Commission*

*Amendment*

***d a) breaches of the fundamental rights and freedoms enshrined in the Charter of fundamental rights of the European Union.***

Or. en

#### **Amendment 179**

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

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

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

*Text proposed by the Commission*

*Amendment*

**d a) all the remaining sectors in which the public interest is harmed or there is a breach of EU law.**

Or. en

**Amendment 180**

**Barbara Spinelli**

**Proposal for a directive**

**Article 1 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Where specific rules on the reporting of breaches are provided for in sector-specific Union acts listed in Part 2 of the Annex, those rules shall apply. The provisions of this Directive shall be applicable for all matters relating to the protection of reporting persons not regulated in those sector-specific Union acts.**

**deleted**

Or. en

**Amendment 181**

**Brice Hortefeux, Geoffroy Didier**

**Proposal for a directive**

**Article 1 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2 a. This Directive shall not infringe military secrecy, medical secrecy and lawyer-client privilege.**

Or. en

**Amendment 182**

**Gilles Lebreton**

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

*Text proposed by the Commission*

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

*Amendment*

1. This Directive shall apply to reporting persons ***acting in a disinterested manner, having had personal knowledge of the information and*** working in the private or public sector who acquired information on breaches in a work-related context including, at least, the following:

Or. en

**Amendment 183**  
**Brice Hortefeux, Geoffroy Didier**

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

*Text proposed by the Commission*

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

*Amendment*

1. This Directive shall apply to reporting persons ***acting in good faith*** in the private or public sector who acquired information on breaches in a work-related context including, at least, the following:

Or. en

**Amendment 184**  
**Eva Joly**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 185**  
**Barbara Spinelli**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 186**  
**Dietmar Köster, Elly Schlein**

**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 have had*** the status of worker, with the meaning of Article 45 TFEU, ***including persons having the status of civil servants***;

Or. en

**Amendment 187**  
**Eva Joly**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 188**

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

**Proposal for a directive**

**Article 2 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

**Amendment 189**

**Barbara Spinelli**

**Proposal for a directive**

**Article 2 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

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

a) persons having the status of worker  
**and former worker** with the meaning of  
Article 45 TFEU;

Or. en

**Amendment 190**

**Helga Stevens**

**Proposal for a directive**

**Article 2 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

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

a) persons having the status of  
**employee;**

Or. en

**Amendment 191**

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

**Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

**d a) This Directive shall also apply to European Union staff members, as defined within the EU Staff Regulation**

Or. en

**Amendment 192**

**Barbara Spinelli**

**Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

**d a) Consultants, trainees, student workers, temporary workers and former employees.**

Or. en

**Amendment 193**

**Dietmar Köster, Elly Schlein**

**Proposal for a directive**

**Article 2 – paragraph 1 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

**e) persons who are or were in contact with organisations.**

Or. en

**Amendment 194**

**Monica Macovei, Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo, Laima Liucija Andrikiene**

**Proposal for a directive**



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

*Text proposed by the Commission*

*Amendment*

**d a) *investigative journalists.***

Or. en

## Amendment 195

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

### Proposal for a directive

#### Article 2 – paragraph 2

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

## Amendment 196

**Gilles Lebreton**

### Proposal for a directive

#### Article 2 – paragraph 2

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

**Amendment 197**

**Eva Joly**

**Proposal for a directive**

**Article 2 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 198**

**Eva Joly**

**Proposal for a directive**

**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 199**

**Barbara Spinelli**

**Proposal for a directive**

**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2 a. This Directive shall also apply to***

*persons facilitating the reporting such as intermediaries and any natural or legal person who is regularly or professionally engaged in the collection and dissemination of information to the public via any means of mass communication.*

Or. en

**Amendment 200**

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

**Proposal for a directive**

**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2 a. This Directive shall also apply to legal and natural person associated with a reporting person if such person makes probable that suffered a detriment due to connection to a reporting person.***

Or. en

**Amendment 201**

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

**Proposal for a directive**

**Article 2 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2 b. This Directive shall also apply to legal and natural person who makes probable that suffered a detriment due to the fact that was believed to be a reporting person or an associated person.***

Or. en

**Amendment 202**

**Barbara Spinelli**

**Proposal for a directive**

## Article 2 – paragraph 2 b (new)

*Text proposed by the Commission*

*Amendment*

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

Or. en

## Amendment 203

Barbara Spinelli

### Proposal for a directive

#### Article 3 – paragraph 1 – point 1

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

## Amendment 204

Brice Hortefeux, Geoffroy Didier

### Proposal for a directive

#### Article 3 – paragraph 1 – point 1

*Text proposed by the Commission*

*Amendment*

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

(1) ‘breaches’ means unlawful activities ***which are actual or very likely to occur,*** 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 205

Eva Joly

### Proposal for a directive

#### Article 3 – paragraph 1 – point 1

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 206

Gilles Lebreton

### Proposal for a directive

#### Article 3 – paragraph 1 – point 1

*Text proposed by the Commission*

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

*Amendment*

(1) ‘breaches’ means actual or potential **illegal** 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 207

Gilles Lebreton

### Proposal for a directive

#### Article 3 – paragraph 1 – point 2

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 208

Eva Joly

### Proposal for a directive

#### Article 3 – paragraph 1 – point 3

*Text proposed by the Commission*

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

*Amendment*

(3) ‘abuse of law’ means acts or omissions falling within the scope of Union law which do not appear to be unlawful in formal terms but defeat the object or the purpose pursued by the applicable rules ***or represent a danger or a potential danger to the public interest;***

Or. en

## Amendment 209

Gilles Lebreton

### Proposal for a directive

#### Article 3 – paragraph 1 – point 3

*Text proposed by the Commission*

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

*Amendment*

(3) ‘abuse of law’ means acts or omissions falling within the scope of Union, ***a serious threat or damage to the general interest*** law which do not appear to be ***illegal*** in formal terms but defeat the object or the purpose pursued by the applicable rules;

Or. en

## Amendment 210

Elly Schlein

### Proposal for a directive

#### Article 3 – paragraph 1 – point 3

*Text proposed by the Commission*

(3) ‘abuse of law’ means acts or omissions falling within the scope of Union law which do not appear to be

*Amendment*

(3) ‘abuse of law’ means acts or omissions falling within the scope of Union law which do not appear to be

unlawful in formal terms but defeat the object or the purpose pursued by the applicable rules;

unlawful in formal terms but defeat, ***or distort***, the object or the purpose pursued by the applicable rules;

Or. en

#### **Amendment 211**

**Barbara Spinelli**

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

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

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

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

##### *Amendment*

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

Or. en

#### **Amendment 212**

**Eva Joly**

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

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

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

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

##### *Amendment*

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

Or. en

#### **Amendment 213**

**Brice Hortefeux, Geoffroy Didier**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 214**  
**Eva Joly**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 215**  
**Barbara Spinelli**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en



**Amendment 216**  
**Gilles Lebreton**

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

*Text proposed by the Commission*

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

*Amendment*

(9) ‘reporting person’ means a natural or legal person who reports or discloses information on breaches acquired in the context of his or her work-related activities, *i.e. who reveals or reports, in a disinterested and good faith, a fact of which he has personal knowledge and which constitutes:*  
*- a crime or misdemeanor;*  
*- a serious and manifest violation of a regularly ratified or approved international commitment by the European Union or a unilateral act of an international organisation taken on the basis of such a commitment, and the laws and regulations;*  
*- a threat or serious prejudice to the public interest.*

Or. en

**Amendment 217**  
**Barbara Spinelli**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 218**  
**Eva Joly**

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

*Text proposed by the Commission*

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

*Amendment*

(9) ‘reporting person’ means a natural or legal person who reports or discloses information on breaches ***or who contributes, assists or aids to reveal or make public information on breaches***;

Or. en

**Amendment 219**  
**Brice Hortefeux, Geoffroy Didier**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 220**  
**Barbara Spinelli**

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

*Text proposed by the Commission*

*Amendment*

***(9 a) ‘intermediary’ means a natural or legal person who facilitates the report or disclosure;***

Or. en

**Amendment 221**

**Barbara Spinelli**

**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 in the public or private sector through which, irrespective of their nature, persons may acquire information on breaches.

Or. en

**Amendment 222**

**Gilles Lebreton**

**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 which occurs in a work-related context and causes or may cause unjustified detriment to the reporting person, ***in good faith, reflecting a serious threat or injury to the public interest;***

Or. en

**Amendment 223**

**Barbara Spinelli**

**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***

*Amendment*

(12) ‘retaliation’ means any threatened or actual act or omission prompted by the internal or external reporting which causes

***in a work-related context and*** causes or may cause unjustified detriment to the reporting person;

or may cause unjustified detriment to the reporting person, ***to his or her colleagues, relatives, personal contacts and to persons facilitating the reporting and disclosure;***

Or. en

**Amendment 224**  
**Eva Joly**

**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 ***reporting***, external reporting ***or disclosure and*** which causes or may cause unjustified detriment to the reporting person, ***suspected reporting person or their family members, relatives and facilitators;***

Or. en

**Amendment 225**  
**Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo**

**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 which occurs in a work-related context, ***or even after the termination of the employment relationship*** and causes or may cause unjustified detriment to the reporting person;

Or. en

**Amendment 226**  
**Helga Stevens**

**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 which occurs **linked to** a work-related context and causes or may cause unjustified detriment to the reporting person;

Or. en

**Amendment 227**  
**Dietmar Köster, Elly Schlein**

**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 228**  
**Eva Joly**

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

*Text proposed by the Commission*

(13) ‘follow-up’ means any action taken by the recipient of the report, made internally or externally, to assess the accuracy of the allegations made in the report and, where relevant, to address the

*Amendment*

(13) ‘follow-up’ means any action taken by the recipient of the report, made internally or externally, to assess the accuracy of the allegations made in the report and, where relevant, to address the

breach reported, including actions such as internal enquiry, investigation, prosecution, action for recovery of funds and closure;

breach reported, including actions such as internal enquiry, investigation, prosecution, action for recovery of funds and closure *as well as any other appropriate remedial or mitigation action*;

Or. en

#### Amendment 229

Eva Joly

#### Proposal for a directive

#### Article 3 – paragraph 1 – point 14

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

(14) ‘competent authority’ means any ***national*** authority entitled to receive reports in accordance with Chapter III and designated to carry out the duties provided for in this Directive, in particular as regards the follow up of reports.

##### *Amendment*

(14) ‘competent authority’ means any ***legally responsible Union or Member State*** authority entitled to receive reports in accordance with Chapter III and designated to carry out the duties provided for in this Directive, in particular as regards the follow up of reports. ***These include but are not limited to:***

- a) Competent agencies;***
- b) Law enforcement, including investigative authorities, such as police and prosecution authorities;***
- c) Oversight agencies including for example inspection bodies and state auditors;***
- d) Elected officials including Members of Parliament, parliamentary committees; or***
- e) Any other specialised agencies or commissions, such as ombudspersons, data protection authorities or any other body established to receive complaints.***

Or. en

#### Amendment 230

Barbara Spinelli

#### Proposal for a directive

#### Article 3 – paragraph 1 – point 14

*Text proposed by the Commission*

(14) ‘competent authority’ means any ***national*** authority entitled to receive reports in accordance with Chapter III and designated to carry out the duties provided for in this Directive, in particular as regards the follow up of reports.

*Amendment*

(14) ‘competent authority’ means any ***independent*** authority entitled to receive reports in accordance with Chapter III and designated to carry out the duties provided for in this Directive, in particular as regards the follow up of reports.

Or. en

**Amendment 231**  
**Barbara Spinelli**

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

*Text proposed by the Commission*

*Amendment*

***(14 a) ‘personal information’ means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person, in accordance with Regulation (EU) 2016/679;***

Or. en

**Amendment 232**  
**Barbara Spinelli**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 14 b (new)**

*Text proposed by the Commission*

*Amendment*

***(14 b) ‘processing’ means any operation or set of operations which is performed on personal data or onsets of personal data,***

*whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction, in accordance with Regulation (EU)2016/679;*

Or. en

#### **Amendment 233**

**Barbara Spinelli**

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

#### **Article 4 – paragraph 1**

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

1. Member States shall ensure that legal entities in the private and in the public sector establish internal channels and procedures for reporting and following up on reports, following consultations with social partners, *if appropriate*.

##### *Amendment*

1. Member States shall ensure that legal entities in the private and in the public sector establish internal channels and procedures for reporting and following up on reports, following consultations with social partners *and civil society organisations. As laid down in Articles 22a, 22b and 22c of Regulation No. 31(EEC), 11 (EAEC), the obligation to establish channels and procedures for reporting and following up on reports shall apply also to European Union institutions, agencies and bodies.*

Or. en

#### **Amendment 234**

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

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

#### **Article 4 – paragraph 1**

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

1. Member States shall ensure that legal entities in the private and in the public sector establish internal channels

##### *Amendment*

1. Member States shall ensure that legal entities in the private and in the public sector establish internal channels



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

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

Or. en

**Amendment 235**  
**Barbara Spinelli**

**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 activities, referred to in Article 2(1)(b), (c) and (d).

Or. en

**Amendment 236**  
**Barbara Spinelli**

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

*Text proposed by the Commission*

c) private legal entities of any size operating in the area of financial services or vulnerable to money laundering or terrorist financing, as regulated under **the** Union **acts referred to in the Annex.**

*Amendment*

c) private legal entities of any size operating in the area of financial services or vulnerable to money laundering or terrorist financing, as regulated under Union **law;**

Or. en

**Amendment 237**  
**Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo**

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

*Text proposed by the Commission*

*Amendment*

**a a) European Union Institutions,  
Agencies and bodies;**

Or. en

**Amendment 238**  
**Barbara Spinelli**

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

*Text proposed by the Commission*

*Amendment*

**a a) European Union institutions,  
agencies and bodies;**

Or. en

**Amendment 239**  
**Barbara Spinelli**

**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 240**  
**Eva Joly**

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

*Text proposed by the Commission*

*Amendment*

*d a) European Union institutions, bodies, offices and agencies set up by, or on the basis of, the Treaty on European Union, the Treaty on the Functioning of the European Union or the Euratom Treaty;*

Or. en

#### **Amendment 241**

**Elly Schlein**

#### **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, ***allows for anonymous disclosures through the use of appropriate IT systems*** and prevents access to non-authorised staff members;

Or. en

#### **Amendment 242**

**Barbara Spinelli**

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

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

*Text proposed by the Commission*

b) the designation of a person ***or*** department competent for following up on the reports;

*Amendment*

b) the designation of a person, department ***or trade union representative*** competent for following up on the reports;

Or. en

#### **Amendment 243**

**Gilles Lebreton**

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

**Article 5 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***b a) a confidential notification of the receipt of the alert to the person issuing the alert within seven days of receipt;***

Or. en

**Amendment 244**

**Brice Hortefeux, Geoffroy Didier**

**Proposal for a directive**

**Article 5 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

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

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.  
***This timeframe could if necessary be extended to six months due to the particular circumstances of the case, notably the nature and complexity of the reporting, which could require a lengthy investigation;***

Or. en

**Amendment 245**

**Gilles Lebreton**

**Proposal for a directive**

**Article 5 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

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

d) a reasonable timeframe, not exceeding ***a period of between one and three months from the date of notification***, to provide feedback to the reporting person about the follow-up to the report;

Or. en

**Amendment 246**  
**Elly Schlein**

**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 **60 days** following the report, to provide feedback to the reporting person about the follow-up to the report;

Or. en

**Amendment 247**  
**Eva Joly**

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

Or. en

**Amendment 248**  
**Elly Schlein, Dietmar Köster**

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

*Text proposed by the Commission*

e) clear and easily accessible information regarding the procedures and information on how and under what conditions reports can be made externally to competent authorities pursuant to Article 13(2) and, where relevant, to bodies, offices or agencies of the Union.

*Amendment*

e) clear, **transparent** and easily accessible information regarding the procedures and information on how and under what conditions reports can be made externally to competent authorities pursuant to Article 13(2) and, where relevant, to bodies, offices or agencies of

the Union.

Or. en

**Amendment 249**

**Barbara Spinelli**

**Proposal for a directive**

**Article 5 – paragraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

*e a) the prompt acknowledgement of receipt of written reports to the postal or electronic address indicated by the reporting person.*

Or. en

**Amendment 250**

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

**Proposal for a directive**

**Article 5 – paragraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

*e a) the prompt acknowledgement of receipt of written reports to the postal or electronic address indicated by the reporting person;*

Or. en

**Amendment 251**

**Eva Joly**

**Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

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

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

unrecorded;

unrecorded; *in case the phone conversation is recorded, the prior consent of the reporting person is necessary;*

Or. en

**Amendment 252**  
**Elly Schlein**

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

*Text proposed by the Commission*

*Amendment*

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

(a) written reports in electronic or paper format, *including options for anonymous disclosures, as well as disclosures employing cryptographic methods;*

Or. en

**Amendment 253**  
**Elly Schlein**

**Proposal for a directive**  
**Article 5 – paragraph 2 – subparagraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 254**  
**Eva Joly**

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

*Text proposed by the Commission*

*Amendment*

(b) physical meetings with the person

(b) physical meetings with the person

or department designated to receive reports.

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

Or. en

#### **Amendment 255**

**Eva Joly**

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

#### **Article 5 – paragraph 2 – subparagraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(b a) Reporting channels, including digital mechanisms, and institutional arrangements shall provide for safe, secure, confidential and anonymous disclosures.*

Or. en

#### **Amendment 256**

**Elly Schlein, Dietmar Köster**

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

#### **Article 6 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Member States shall designate the authorities competent to receive and handle reports.

1. Member States shall designate the authorities competent to receive and handle reports. *This includes designating specific, independent competent authorities entitled to receive and proceed reports on classified or sensitive information.*

Or. en

#### **Amendment 257**

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

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

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## Article 6 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1 a. The European Court of Auditors and the European Ombudsman shall publish, every year:***

***a) Special Reports containing statistics and a clear track record of whistle-blowing cases identified in the European institutions;***

***b) the follow-up of the institutions concerned in relation to the cases revealed, according to the provisions set therein;***

***c) the outcome of each investigation open as a result of the information received from whistle-blowers;***

***d) the measures foreseen in every case for the whistle-blowers' protection.***

Or. en

## Amendment 258

Eva Joly

### Proposal for a directive

#### Article 6 – paragraph 2 – point a

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

## Amendment 259

Barbara Spinelli

### Proposal for a directive

## Article 6 – paragraph 2 – point a

### *Text proposed by the Commission*

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

### *Amendment*

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

Or. en

## Amendment 260

Elly Schlein, Dietmar Köster

### Proposal for a directive

#### Article 6 – paragraph 2 – point a

### *Text proposed by the Commission*

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

### *Amendment*

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

Or. en

## Amendment 261

Eva Joly

### Proposal for a directive

#### Article 6 – paragraph 2 – point b

### *Text proposed by the Commission*

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

### *Amendment*

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

Or. en

## Amendment 262

Barbara Spinelli

### 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 **or intermediaries** about the follow-up of the report within a reasonable timeframe not exceeding three months or six months in duly justified cases;

Or. en

## Amendment 263

Elly Schlein

### 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 **60 days or 120** months in duly justified cases;

Or. en

## Amendment 264

Elly Schlein, Dietmar Köster

### Proposal for a directive

#### Article 6 – paragraph 2 – point c

*Text proposed by the Commission*

c) 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.

*Amendment*

c) transmit, **while further ensuring confidentiality and/or anonymity of the reporting person**, 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.

Or. en

#### **Amendment 265**

**Eva Joly**

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

#### **Article 6 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2 a. Reporting channels, including digital mechanisms, and institutional arrangements shall provide for safe, secure, confidential and anonymous disclosures.**

Or. en

#### **Amendment 266**

**Eva Joly**

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

#### **Article 6 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. Member States shall ensure that any authority which has received a report but does not have the competence to address the breach reported transmits it to the competent authority and that the reporting person is informed.

4. Member States shall ensure that any authority which has received a report but does not have the competence to address the breach reported transmits it to the competent authority and that the reporting person is informed. **Member States shall ensure that competent authorities receiving reports they do not have competence to address have clear procedures for handling all disclosed information securely with due regard to confidentiality or anonymity.**

Or. en

## **Amendment 267**

**Barbara Spinelli**

### **Proposal for a directive**

#### **Article 6 – paragraph 4**

*Text proposed by the Commission*

4. Member States shall ensure that any authority which has received a report but does not have the competence to address the breach reported transmits it to the competent authority and that the reporting person is informed.

*Amendment*

4. Member States shall ensure that any authority which has received a report but does not have the competence to address the breach reported transmits it to the competent authority and that the reporting person is ***promptly*** informed.

Or. en

## **Amendment 268**

**Elly Schlein, Dietmar Köster**

### **Proposal for a directive**

#### **Article 7 – title**

*Text proposed by the Commission*

7 ***Design*** of external reporting channels

*Amendment*

7 ***Structure and functioning*** of external reporting channels

Or. en

## **Amendment 269**

**Brice Hortefeux, Geoffroy Didier**

### **Proposal for a directive**

#### **Article 7 – paragraph 1 – point b**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 270**

**Barbara Spinelli**

**Proposal for a directive**

**Article 7 – paragraph 1 – point b**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 271**

**Eva Joly**

**Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

**c a) they guarantee free and independent advice and legal support for reporting persons and intermediaries.**

Or. en

**Amendment 272**

**Elly Schlein**

**Proposal for a directive**

**Article 7 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

a) written report in electronic or paper format;

a) written report in electronic or paper format, **including options for anonymous disclosures, as well as disclosures**

*employing cryptographic methods;*

Or. en

**Amendment 273**

**Eva Joly**

**Proposal for a directive**

**Article 7 – paragraph 2 – point c**

*Text proposed by the Commission*

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

*Amendment*

c) physical meeting with dedicated staff members of the competent authority ***accompanied, if the reporting person requests it, by a union representative, by a representative of civil society or by his/her legal representative.***

Or. en

**Amendment 274**

**Monica Macovei, Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo, Tomáš Zdechovský, Laima Liucija Andrikienė**

**Proposal for a directive**

**Article 7 – paragraph 3**

*Text proposed by the Commission*

3. Competent authorities shall ensure that a report received by means other than dedicated reporting channels referred to in paragraphs 1 and 2 is promptly forwarded without modification to the dedicated staff members of the competent authority by using dedicated communication channels.

*Amendment*

3. Competent authorities shall ensure that a report received by means other than dedicated reporting channels referred to in paragraphs 1 and 2 is promptly forwarded without modification to the dedicated staff members of the competent authority by using dedicated communication channels. ***Anonymous reporting shall be taken into account.***

Or. en

**Amendment 275**

**Eva Joly**

**Proposal for a directive**  
**Article 7 – paragraph 4**

*Text proposed by the Commission*

4. Member States shall establish procedures to ensure that, where a report being initially addressed to a person who has not been designated as responsible handler for reports that person is refrained from disclosing any information that might identify the reporting or the concerned person.

*Amendment*

4. Member States **and EU institutions, agencies and bodies** shall establish procedures to ensure that, where a report being initially addressed to a person who has not been designated as responsible handler for reports that person is refrained from disclosing any information that might identify the reporting or the concerned person.

Or. en

**Amendment 276**  
**Barbara Spinelli**

**Proposal for a directive**  
**Article 8 – paragraph 2 – point c**

*Text proposed by the Commission*

c) maintaining contact with the reporting person for the purpose of informing **the reporting person** of the progress and the outcome of the investigation.

*Amendment*

c) maintaining contact with the reporting person **and, whenever relevant, with those persons facilitating the reporting, such as intermediaries and investigative journalists**, for the purpose of informing **them** of the progress and the outcome of the investigation.

Or. en

**Amendment 277**  
**Barbara Spinelli**

**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

*Amendment*

a) the manner in which the competent authority may require the reporting person **or the intermediary** to clarify the information reported or to provide



available to the reporting person;

additional information that is available to the reporting person;

Or. en

#### **Amendment 278**

**Gilles Lebreton**

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

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

*Text proposed by the Commission*

*Amendment*

***a a) a confidential notification of the receipt of the alert to the person issuing the alert within seven days of receipt;***

Or. en

#### **Amendment 279**

**Elly Schlein**

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

#### **Article 9 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

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;

b) a reasonable timeframe, not exceeding ***60 days or 120 days*** in duly justified cases, for giving ***updates*** to the reporting person ***on the actual and forthcoming status as well as a description*** of the ***form*** and content of this feed-back;

Or. en

#### **Amendment 280**

**Barbara Spinelli**

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

#### **Article 9 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

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;

b) a reasonable timeframe, not exceeding three months or ***at most*** 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;

Or. en

#### **Amendment 281**

**Monica Macovei, Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo, Laima Liucija Andrikienė**

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

#### **Article 9 – paragraph 1 – point c**

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

c) the confidentiality regime applicable to reports, including a detailed description of the circumstances under which the confidential data of a reporting person may be disclosed.

##### *Amendment*

c) the confidentiality regime applicable to reports, including a detailed description of the circumstances under which the confidential data of a reporting person may be disclosed; ***the same confidentiality regime and protection measures shall be applicable to whistle blowers who initially reported anonymously, if they ask for such measures.***

Or. en

#### **Amendment 282**

**Barbara Spinelli**

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

#### **Article 9 – paragraph 1 – point c**

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

c) the confidentiality regime applicable to reports, ***including a detailed description of the circumstances under which the confidential data of a reporting person may be disclosed.***

##### *Amendment*

c) the confidentiality regime applicable to reports ***and its conditions.***

Or. en

**Amendment 283**  
**Brice Hortefeux, Geoffroy Didier**

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

*Text proposed by the Commission*

c) the confidentiality regime applicable to reports, including a detailed description of the circumstances under which the confidential data of a reporting person may be disclosed.

*Amendment*

c) the confidentiality regime applicable to reports, including a detailed description of the circumstances under which the confidential data of a reporting person **and a concerned person** may be disclosed.

Or. en

**Amendment 284**  
**Elly Schlein, Dietmar Köster**

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

*Text proposed by the Commission*

c) the confidentiality **regime** applicable to reports, including a detailed description of the circumstances under which the confidential data of a reporting person may be disclosed.

*Amendment*

c) the confidentiality **measures** applicable to reports, including a detailed description of the circumstances under which the confidential data of a reporting person may be disclosed.

Or. en

**Amendment 285**  
**Barbara Spinelli**

**Proposal for a directive**  
**Article 9 – paragraph 2**

*Text proposed by the Commission*

**2. The detailed description referred to in point (c) of paragraph 1 shall include the exceptional cases in which confidentiality of personal data may not**

*Amendment*

**deleted**

*be ensured, including where the disclosure of data is a necessary and proportionate obligation required under Union or national law in the context of investigations or subsequent judicial proceedings or to safeguard the freedoms of others including the right of defence of the concerned person, and in each case subject to appropriate safeguards under such laws.*

Or. en

**Amendment 286**  
**Elly Schlein, Dietmar Köster**

**Proposal for a directive**  
**Article 9 – paragraph 2**

*Text proposed by the Commission*

2. The detailed description referred to in point (c) of paragraph 1 shall include the exceptional cases in which confidentiality of personal data may ***not be ensured***, including where the disclosure of data is a necessary and proportionate obligation required under Union or national law in the context of investigations or subsequent judicial proceedings or to safeguard the freedoms of others including the right of defence ***of the concerned person***, and in each case subject to appropriate safeguards under such laws.

*Amendment*

2. The detailed description referred to in point (c) of paragraph 1 shall include the exceptional cases in which confidentiality of personal data may ***be breached***, including where the disclosure of data is a necessary and proportionate obligation required under Union or national law in the context of investigations or subsequent judicial proceedings or to safeguard the freedoms of others including the right of defence, and in each case subject to appropriate safeguards under such laws.

Or. en

**Amendment 287**  
**Barbara Spinelli**

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

*Text proposed by the Commission*

3. ***The detailed description referred to in point (c) of paragraph 1 must be***

***deleted***

*Amendment*

*written in clear and easy to understand language and be easily accessible to the reporting persons.*

Or. en

**Amendment 288**  
**Barbara Spinelli**

**Proposal for a directive**  
**Article 10 – paragraph 1 – introductory part**

*Text proposed by the Commission*

Member States shall ensure that competent authorities publish on their websites in a separate, easily identifiable and accessible section at least the following information:

*Amendment*

Member States shall ensure that competent authorities publish on their websites ***in at least two official languages of the European Union*** in a separate, easily identifiable and accessible section at least the following information:

Or. en

**Amendment 289**  
**Barbara Spinelli**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 290**  
**Barbara Spinelli**

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

*Text proposed by the Commission*

*Amendment*

d) the confidentiality regime applicable to reports, and in particular the information in relation to the processing of personal data in accordance with Article 13 of Regulation (EU) 2016/679, Article 13 of Directive (EU) 2016/680 and Article 11 of Regulation (EC) 45/2001, as applicable.

d) the confidentiality regime applicable to reports, and in particular the information in relation to the processing of personal data in accordance with Article **5 and Article** 13 of Regulation (EU) 2016/679, Article 13 of Directive (EU) 2016/680 and Article 11 of Regulation (EC) 45/2001, as applicable.

Or. en

**Amendment 291**  
**Gilles Lebreton**

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

*Text proposed by the Commission*

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

*Amendment*

g) a statement clearly explaining that persons making information available to the competent authority in accordance with this Directive are not considered to be infringing any restriction on disclosure of information imposed by contract or by any legislative, regulatory or administrative provision, and are not to be involved in liability of any kind related to such disclosure. ***This statement however mentions three exceptions to this principle allow Member States to protect protected secrets on the basis of constitutional and conventional principles: (a) Secrets of national defence, (b) Secrets of the relationship between a lawyer and his client, (c) and medical confidentiality.***

Or. en

**Amendment 292**  
**Eva Joly**

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

*Text proposed by the Commission*

*Amendment*

*g a) contact information of civil society organisations where legal advice can be obtained free of charge.*

Or. en

#### **Amendment 293**

**Eva Joly**

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

#### **Article 11 – paragraph 1**

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

1. Member States shall ensure that competent authorities keep records of every report received.

##### *Amendment*

1. Member States shall ensure that competent authorities keep records of every report received. *The records may be used only for the purpose referred to in Article 1 and shall be deleted as soon as the follow-up procedure is completed and closed. Records may be kept longer if they are required for monitoring procedures that are already under way.*

Or. en

#### **Amendment 294**

**Dietmar Köster**

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

#### **Article 11 – paragraph 1**

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

1. Member States shall ensure that competent authorities keep records of every report received.

##### *Amendment*

1. Member States shall ensure that competent authorities keep records of every report received. *The reports will be stored only for as long as it is deemed necessary and proportionate after which they will be deleted.*

Or. en

#### **Amendment 295**

**Barbara Spinelli**

**Proposal for a directive**  
**Article 11 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure that competent authorities keep records of every report received.

*Amendment*

1. Member States shall ensure that competent authorities keep records of every report received ***for no longer than is necessary and proportionate for the reporting procedure.***

Or. en

**Amendment 296**  
**Helga Stevens**

**Proposal for a directive**  
**Article 11 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure that competent authorities keep records of every report received.

*Amendment*

1. Member States shall ensure that competent authorities keep records of every report received ***while fully respecting Regulation (EU) 2016/679.***

Or. en

**Amendment 297**  
**Barbara Spinelli**

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

*Text proposed by the Commission*

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

*Amendment*

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



identity.

Or. en

## **Amendment 298**

**Barbara Spinelli**

### **Proposal for a directive**

#### **Article 11 – paragraph 3 – subparagraph 1 – introductory part**

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

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

##### *Amendment*

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

Or. en

## **Amendment 299**

**Brice Hortefeux, Geoffroy Didier**

### **Proposal for a directive**

#### **Article 11 – paragraph 3 – subparagraph 1 – introductory part**

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

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

##### *Amendment*

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

Or. en

## **Amendment 300**

**Barbara Spinelli**

### **Proposal for a directive**

#### **Article 11 – paragraph 3 – subparagraph 2**

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

##### *Amendment*

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

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

Or. en

**Amendment 301**  
**Barbara Spinelli**

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

*Text proposed by the Commission*

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

*Amendment*

4. Where an unrecorded telephone line is used for reporting, the competent authority shall 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 *or the intermediary* to check, rectify and agree with the minutes of the call by signing them.

Or. en

**Amendment 302**  
**Brice Hortefeux, Geoffroy Didier**

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

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 303**

**Barbara Spinelli**

**Proposal for a directive**

**Article 11 – paragraph 5 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 304**

**Elly Schlein**

**Proposal for a directive**

**Article 11 – paragraph 5 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***If the circumstances described in the point (c) of paragraph 1 of Article 9 take place, the competent authority shall send to the reporting person a justification in written form, on which grounds the competent authority believes that the confidential data should be disclosed. The competent authority shall offer the possibility to the reporting person to check, rectify and agree if these circumstances take place.***

Or. en

**Amendment 305**

**Barbara Spinelli**

**Proposal for a directive**

**Article 11 – paragraph 5 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***All reports are subject to the processing of personal data in accordance with Article 5 and Article 13 of Regulation (EU) 2016/679, Article 13 of Directive (EU) 2016/680 and Article 11 of Regulation (EC) 45/2001.***

Or. en

**Amendment 306**

**Barbara Spinelli**

**Proposal for a directive**

**Article 11 – paragraph 5 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

**Amendment 307**

**Barbara Spinelli**

**Proposal for a directive**

**Article 13 – title**

*Text proposed by the Commission*

*Amendment*

Conditions for the protection of reporting persons

Conditions for the protection of reporting persons ***and intermediaries***

Or. en

**Amendment 308**  
**Brice Hortefeux, Geoffroy Didier**

**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, ***he or she has acted in good faith*** and that this information falls within the scope of this Directive.

Or. en

**Amendment 309**  
**Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo**

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

*Text proposed by the Commission*

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

Or. en

**Amendment 310**  
**Barbara Spinelli**

**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

*Amendment*

1. A reporting person ***or the intermediary*** shall qualify for protection under this Directive provided he or she has

that the information reported was true at the time of reporting and that this information falls within the scope of this Directive.

reasonable grounds to believe that the information reported was true at the time of reporting and that this information falls within the scope of this Directive.

Or. en

**Amendment 311**  
**Elly Schlein**

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

*Text proposed by the Commission*

*Amendment*

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

**deleted**

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

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

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

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

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

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

## **Amendment 312**

**Barbara Spinelli**

### **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 reporting externally ***or internally*** shall qualify for protection under this Directive.

Or. en

## **Amendment 313**

**Barbara Spinelli**

### **Proposal for a directive**

#### **Article 13 – paragraph 2 – point a**

*Text proposed by the Commission*

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;***

*Amendment*

***deleted***

Or. en

## **Amendment 314**

**Barbara Spinelli**

### **Proposal for a directive**

#### **Article 13 – paragraph 2 – point b**

*Text proposed by the Commission*

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***

*Amendment*

***deleted***

*of such channels;*

Or. en

**Amendment 315**

**Barbara Spinelli**

**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 316**

**Barbara Spinelli**

**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 317**

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

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



*and the seriousness of the violation;*

Or. en

#### **Amendment 318**

**Barbara Spinelli**

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

#### **Article 13 – paragraph 2 – point e**

*Text proposed by the Commission*

*Amendment*

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;* *deleted*

Or. en

#### **Amendment 319**

**Eva Joly**

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

#### **Article 13 – paragraph 2 – point e**

*Text proposed by the Commission*

*Amendment*

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;

e) he or she had reasonable grounds to believe that the use of internal reporting channels could ***result in retaliation or*** jeopardise the effectiveness of investigative actions by competent authorities ***or when use of the internal channel has previously resulted in retaliation or jeopardised the effectiveness of investigative actions by competent authorities;***

Or. en

#### **Amendment 320**

**Barbara Spinelli**

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

## Article 13 – paragraph 2 – point f

*Text proposed by the Commission*

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

*Amendment*

*deleted*

Or. en

## Amendment 321

Elly Schlein

### Proposal for a directive

#### Article 13 – paragraph 3

*Text proposed by the Commission*

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.

*Amendment*

3. A person reporting to relevant bodies, offices, ***elected officials*** 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 in accordance with the conditions set out in paragraph ***1***).

Or. en

## Amendment 322

Barbara Spinelli

### Proposal for a directive

#### Article 13 – paragraph 3

*Text proposed by the Commission*

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.

*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 in accordance with the conditions set out in paragraph ***1***.

**Amendment 323**

**Dietmar Köster**

**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 is fulfilled:***

Or. en

**Amendment 324**

**Monica Macovei, Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo, Tomáš Zdechovský, Laima Liucija Andrikienė**

**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, ***including investigative journalists***, shall qualify for protection under this Directive where:

Or. en

**Amendment 325**

**Elly Schlein, Dietmar Köster**

**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

*Amendment*

4. A person ***making a public disclosure*** on breaches falling within the scope of this Directive shall qualify for

protection under this Directive where:

protection under this Directive where ***any of the following are met:***

Or. en

#### **Amendment 326**

**Barbara Spinelli**

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

#### **Article 13 – paragraph 4 – introductory part**

*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:***

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

Or. en

#### **Amendment 327**

**Barbara Spinelli**

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

#### **Article 13 – paragraph 4 – point a**

*Text proposed by the Commission*

*Amendment*

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***

***deleted***

Or. en

#### **Amendment 328**

**Brice Hortefaux, Geoffroy Didier**

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

#### **Article 13 – paragraph 4 – point a**

*Text proposed by the Commission*

*Amendment*

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

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), **and when there is a clear harm to the public interest**; or

Or. en

**Amendment 329**  
**Elly Schlein**

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

*Text proposed by the Commission*

*Amendment*

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**

a) he or she first reported internally and/or externally in accordance with Chapters II and III and paragraph **1** of this Article, but no appropriate action was taken in response to the report within the timeframe referred to in Articles **5(1)(d)6(2)(b)** and 9(1)(b);

Or. en

**Amendment 330**  
**Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo**

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

*Text proposed by the Commission*

*Amendment*

***a a) A person making a report or a disclosure anonymously and who subsequently has been identified shall qualify for protection as laid down in this Directive under the same conditions as a person who identified themselves when making a report or a disclosure***

**Amendment 331**

**Barbara Spinelli**

**Proposal for a directive**

**Article 13 – paragraph 4 – point b**

*Text proposed by the Commission*

*Amendment*

**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.***      ***deleted***

Or. en

**Amendment 332**

**Elly Schlein, Dietmar Köster**

**Proposal for a directive**

**Article 13 – paragraph 4 – point b**

*Text proposed by the Commission*

*Amendment*

**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.**

**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, *urgent threat to public health, safety or the environment* or to the particular circumstances of the case, or where there is a risk of irreversible damage;**

Or. en

**Amendment 333**

**Dietmar Köster**

**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 to ***a risk of collusion or cover-up*** or to the particular circumstances of the case, or where there is a risk of ***significant*** damage.

Or. en

**Amendment 334**

**Elly Schlein, Dietmar Köster**

**Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

***b a) internal or external 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;***

Or. en

**Amendment 335**

**Brice Hortefeux, Geoffroy Didier**

**Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

***b a) Any failure to follow the adequate reporting procedures constitutes grounds for the invalidation of the reporting and for the denial of the qualification for protection***

Or. en

**Amendment 336**  
**Dietmar Köster**

**Proposal for a directive**  
**Article 13 – paragraph 4 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

***c) where the public has an overriding interest in being informed directly.***

Or. en

**Amendment 337**  
**Elly Schlein, Dietmar Köster**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 338**  
**Elly Schlein, Dietmar Köster**

**Proposal for a directive**  
**Article 13 – paragraph 4 – point b c (new)**

*Text proposed by the Commission*

*Amendment*

***b c) he or she had reasonable grounds to believe that the use of internal and external reporting channels could jeopardise the effectiveness of investigative actions by competent authorities.***

Or. en



#### **Amendment 339**

**Monica Macovei, Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo, Tomáš Zdechovský, Laima Liucija Andrikiienė**

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

##### **Article 14 – title**

*Text proposed by the Commission*

14 Prohibition of retaliation against reporting persons

*Amendment*

14 Prohibition of retaliation against reporting persons ***and investigative journalists***

Or. en

#### **Amendment 340**

**Barbara Spinelli**

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

##### **Article 14 – title**

*Text proposed by the Commission*

Prohibition of retaliation against reporting persons

*Amendment*

Prohibition of retaliation against reporting persons ***and intermediaries***

Or. en

#### **Amendment 341**

**Barbara Spinelli**

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

##### **Article 14 – paragraph 1 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 342**

**Monica Macovei, Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo, Tomáš Zdechovský, Laima Liucija Andrikiėnė**

**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, harassment or ostracism at the workplace, ***in public or private life***;

Or. en

**Amendment 343**

**Barbara Spinelli**

**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, ***physical and verbal violence***, harassment or ostracism;

Or. en

**Amendment 344**

**Eva Joly**

**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, harassment, ***discrimination*** or ostracism;

Or. en

**Amendment 345**

**Dietmar Köster, Elly Schlein**

**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, harassment  
or ostracism;

Or. en

**Amendment 346**

**Barbara Spinelli**

**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) failure to convert **an internship or**  
a temporary employment contract into a  
permanent one;

Or. en

**Amendment 347**

**Eva Joly**

**Proposal for a directive**

**Article 14 – paragraph 1 – point k**

*Text proposed by the Commission*

k) damage, including to the person's  
reputation, or financial loss, including loss  
of business and loss of income;

*Amendment*

k) damage, including to the person's  
reputation **and particularly on social  
media**, or financial loss, including loss of  
business and loss of income;

Or. en

**Amendment 348**

**Monica Macovei, Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo, Tomáš  
Zdechovský, Laima Liucija Andrikiienė**

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

*Text proposed by the Commission*

*Amendment*

***k a) abusive suing and disproportionate financial claims;***

Or. en

**Amendment 349**  
**Elly Schlein, Dietmar Köster**

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

*Text proposed by the Commission*

*Amendment*

***n a) legal actions aimed to shut down critical speech by intimidating critics into silence and draining their resources.***

Or. en

**Amendment 350**  
**Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo**

**Proposal for a directive**  
**Article 14 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 14 a***

***Duty of maintaining the confidentiality of the identity of reporting persons***

***1. The identity of a reporting person may not be disclosed without the individual's explicit consent. This includes information that may be used to discover the identity of the reporting person.***

***2. Any person who learns about the data referred to in paragraph 1 of this Article shall be required to protect such data.***

***3. Circumstances under which the confidential data of a reporting person may be disclosed are limited to cases***

*where the disclosure of data is a necessary and proportionate obligation required under Union or national law in the context of investigations or subsequent judicial proceedings or to safeguard the freedoms of others including the right of defence of the concerned person, and in each case subject to appropriate safeguards under such laws.*

*4. In the cases referred to in paragraph 3, the person designated to receive and follow-upon reports shall be required to notify the reporting person before disclosing his or her confidential data.*

*5. The internal and external reporting channels 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.*

Or. en

**Amendment 351**  
**Barbara Spinelli**

**Proposal for a directive**  
**Article 15 – title**

*Text proposed by the Commission*

Measures for the protection of reporting persons against retaliation

*Amendment*

Measures for the protection of reporting persons *and intermediaries* against retaliation

Or. en

**Amendment 352**  
**Barbara Spinelli**

**Proposal for a directive**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall take the

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*Amendment*

1. Member States shall take the

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**EN**

necessary measures to ensure the protection of reporting persons meeting the conditions set out in Article 13 against retaliation. Such measures shall include, in particular, those set out in paragraphs 2 to 8.

necessary measures to ensure the protection of reporting persons **and intermediaries** meeting the conditions set out in Article 13 against retaliation. Such measures shall include, in particular, those set out in paragraphs 2 to 8.

Or. en

### **Amendment 353**

**Barbara Spinelli**

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

#### **Article 15 – paragraph 2**

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

2. Comprehensive and independent information and advice shall be easily accessible to the public, free of charge, on procedures and remedies available on protection against retaliation.

##### *Amendment*

2. Comprehensive and independent information and advice shall be easily accessible to the public, free of charge, on procedures and remedies available on protection against retaliation ***in at least two official languages of the European Union. This independent role could be performed, for example, by civil society organisations and/or trade unions.***

Or. en

### **Amendment 354**

**Barbara Spinelli**

#### **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 **and intermediaries** 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 355**

**Monica Macovei, Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo, Laima Liucija Andrikienė**

**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 356**

**Gilles Lebreton**

**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 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. ***However, three exceptions to this principle allow Member States to protect protected secrets on the basis of constitutional and conventional principles: (a) Secrets of national defence, (b) Secrets of the relationship between a lawyer and his client, (c) and medical confidentiality.***

**Amendment 357****Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo****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 proceedings relating to a detriment suffered by the reporting person, and subject to him or her **establishing that he or she made a report or disclosure and suffered a detriment it shall be presumed** that the detriment was **made** in retaliation for having made the report or disclosure.

**Amendment 358****Barbara Spinelli****Proposal for a directive****Article 15 – paragraph 6***Text proposed by the Commission*

6. Reporting persons shall have access to remedial measures against retaliation as appropriate, **including** interim relief pending the resolution of legal proceedings, **in accordance with the national framework.**

*Amendment*

6. Reporting persons **and intermediaries** shall have access to remedial measures against retaliation **covering all direct, indirect, and future consequences of any detriment, including**, as appropriate:

- a) making any provision to act taken in breach of Article 14 void;**
- b) the reinstatement of the reporting person with equal salary, status, duties and working conditions;**
- c) the transfer of the reporting person to a new department or supervisor;**
- d) compensation for lost past, present, or future earnings and status;**



- e) compensation for pain and suffering;*
- f) compensation for economic losses particularly in the case of dismissal;*
- g) compensation for other economic damage such as legal expenses and costs of medical treatment, for psycho-social and non-material damage;*
- h) interim relief pending the resolution of legal proceedings.*

Or. en

#### **Amendment 359**

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

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

#### **Article 15 – paragraph 6**

*Text proposed by the Commission*

6. Reporting persons shall have access to remedial measures against retaliation as appropriate, ***including*** interim relief pending the resolution of legal proceedings, ***in accordance with the national framework.***

*Amendment*

6. Reporting persons shall have access to remedial measures against retaliation ***covering all direct, indirect, and future consequences of any detriment, including,*** as appropriate,  
*a) making any provision to act taken in breach of Article 14 void;*  
*b) the reinstatement of the reporting person with equal salary, status, duties and working conditions;*  
*c) the transfer of the reporting person to a new department or supervisor;*  
*d) compensation for pain and suffering;*  
*e) interim relief pending the resolution of legal proceedings.*

Or. en

#### **Amendment 360**

**Monica Macovei, Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo, Laima Liucija Andrikiene**

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

#### **Article 15 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

6. Reporting persons shall have access to remedial measures against retaliation as appropriate, including interim relief pending the resolution of legal proceedings, *in accordance with the national framework*.

6. Reporting persons shall have access to remedial measures against retaliation as appropriate, including interim relief pending the resolution of legal proceedings.

Or. en

#### **Amendment 361**

**Eva Joly**

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

#### **Article 15 – paragraph 8**

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

8. In addition to providing legal aid to reporting persons in criminal and in cross-border civil proceedings in accordance with Directive (EU) 2016/1919 and Directive 2008/52/EC of the European Parliament and of the Council<sup>63</sup>, and in accordance with national law, Member States may provide for further measures of legal and financial assistance and support for reporting persons in the framework of legal proceedings.

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<sup>63</sup> Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters (OJ L 136, 24.5.2008, p. 3).

##### *Amendment*

8. In addition to providing legal aid to reporting persons in criminal and in cross-border civil proceedings in accordance with Directive (EU) 2016/1919 and Directive 2008/52/EC of the European Parliament and of the Council<sup>63</sup>, and in accordance with national law, Member States may provide for further measures of legal and financial assistance and support for reporting persons in the framework of legal proceedings, *including legal advice from a lawyer, trade union representative or other relevant person or body*.

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<sup>63</sup> Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters (OJ L 136, 24.5.2008, p. 3).

Or. en

#### **Amendment 362**

**Barbara Spinelli**

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

#### **Article 15 – paragraph 8**

*Text proposed by the Commission*

8. In addition to providing legal aid to reporting persons in criminal and in cross-border civil proceedings in accordance with Directive (EU) 2016/1919 and Directive 2008/52/EC of the European Parliament and of the Council<sup>63</sup>, and in accordance with national law, Member States may provide for further measures of legal and financial assistance and support for reporting persons in the framework of legal proceedings.

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<sup>63</sup> Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters (OJ L 136, 24.5.2008, p. 3).

*Amendment*

8. In addition to providing legal aid to reporting persons in criminal and in cross-border civil proceedings in accordance with Directive (EU) 2016/1919 and Directive 2008/52/EC of the European Parliament and of the Council<sup>63</sup>, and in accordance with national law, Member States may provide for further measures of legal, **social** and financial assistance and support for reporting persons in the framework of legal proceedings.

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<sup>63</sup> Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters (OJ L 136, 24.5.2008, p. 3).

Or. en

**Amendment 363**

**Monica Macovei, Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo, Tomáš Zdechovský, Laima Liucija Andrikiienė**

**Proposal for a directive  
Article 15 – paragraph 8**

*Text proposed by the Commission*

8. In addition to providing legal aid to reporting persons in criminal and in cross-border civil proceedings in accordance with Directive (EU) 2016/1919 and Directive 2008/52/EC of the European Parliament and of the Council<sup>63</sup>, **and in accordance with national law**, Member States **may** provide for further measures of legal and financial assistance and support for reporting persons in the framework of legal proceedings.

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<sup>63</sup> Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters (OJ L 136,

*Amendment*

8. In addition to providing legal aid to reporting persons in criminal and in cross-border civil proceedings in accordance with Directive (EU) 2016/1919 and Directive 2008/52/EC of the European Parliament and of the Council<sup>63</sup>, Member States **shall** provide for further measures of legal and financial assistance and support for reporting persons in the framework of legal proceedings.

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<sup>63</sup> Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters (OJ L 136,

**Amendment 364**

**Eva Joly**

**Proposal for a directive**

**Article 15 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

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

**Amendment 365**

**Barbara Spinelli**

**Proposal for a directive**

**Article 15 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 15 a**

**Whistleblowing Authorities**

**1) Member States shall designate one or several authorities responsible for the oversight and enforcement of the protection of persons reporting on breaches of Union law.**

**2) Member States shall ensure that the entity or entities mentioned in paragraph**

*1 are independent and have sufficient power and resources to operate effectively.*

*3) The entity or entities shall:*

*a) Receive and diligently follow up on complaints of retaliation from reporting persons;*

*b) Receive and diligently follow up on complaints of inappropriate follow-up of reports and disclosures;*

*c) Provide advice and support to reporting persons and persons designated to receive reports;*

*d) Publish procedural guidelines regarding the procedures for internal and external reporting and follow-up of reports as it considers appropriate;*

*e) Monitor and review external reporting procedures;*

*f) Collect and publish data and information regarding the protection of persons reporting on breaches of Union law, including statistics mentioned in article 21(2);*

*g) Conduct public awareness programmes aimed at informing workers and the general public about the making of reports and disclosures.*

Or. en

#### **Amendment 366**

**Brice Hortefaux, Geoffroy Didier**

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

#### **Article 16 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3 a.     *The protection of the personal data of the concerned person is essential to avoid any unfair treatment or reputational harm following the public disclosure of personal data, in particular those revealing the identity of a concerned***

*person. Consequently, the competent authorities should, in accordance with the requirements of Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, establish adequate procedures of data protection, in order to protect the reporting person, the concerned person as well as any other person targeted in the reporting. The authorities shall ensure a secured system among the competent authorities to allow the access to authorised persons only.*

Or. en

**Amendment 367**  
**Brice Hortefeux, Geoffroy Didier**

**Proposal for a directive**  
**Article 16 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**3 b.** *Any person affected by the reporting or the misleading or malicious disclosure should benefit from a legal protection, including the right to an effective remedy against an abusive reporting.*

Or. en

**Amendment 368**  
**Eva Joly**

**Proposal for a directive**  
**Article 16 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 16 a**

***Rights of Persons Implicated***

***Member States shall ensure that any findings or reports resulting from an***

*assessment or an investigation of, or prompted by, one or more protected disclosure(s) does not unjustly prejudice any individual, whether directly or indirectly. The right to a fair hearing or trial shall be fully respected.*

Or. en

#### **Amendment 369**

**Gilles Lebreton**

#### **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 *appeals and/or* penalties applicable to natural or legal persons that:

Or. en

#### **Amendment 370**

**Barbara Spinelli**

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

#### **Article 17 – paragraph 1 – point b**

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

b) take retaliatory measures against reporting persons;

##### *Amendment*

b) take retaliatory measures against reporting persons *or intermediaries, also outside the work-related relation*;

Or. en

#### **Amendment 371**

**Monica Macovei, Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo, Tomáš Zdechovský, Laima Liucija Andrikienė**

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

#### **Article 17 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

b) take retaliatory measures against reporting persons;

b) take retaliatory measures against reporting persons *or investigative journalists revealing wrongdoing*;

Or. en

**Amendment 372**

**Monica Macovei, Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo, Tomáš Zdechovský, Laima Liucija Andrikienė**

**Proposal for a directive**

**Article 17 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

c) bring vexatious proceedings against reporting persons;

c) bring vexatious proceedings against reporting persons *or investigative journalists revealing wrongdoing*;

Or. en

**Amendment 373**

**Barbara Spinelli**

**Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

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

d) breach the duty of maintaining the confidentiality of the identity of reporting persons *without having obtained their consent*;

Or. en

**Amendment 374**

**Brice Hortefeux, Geoffroy Didier**

**Proposal for a directive**

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



*Text proposed by the Commission*

*Amendment*

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

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

Or. en

**Amendment 375**

**Eva Joly**

**Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

**Amendment 376**

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

**Proposal for a directive**

**Article 17 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***d a) do not fulfil their obligation to follow-up on a report;***

Or. en

**Amendment 377**

**Barbara Spinelli**

**Proposal for a directive**

**Article 17 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***d a) do not fulfil their obligation to follow-up on a report;***

**Amendment 378**

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

**Proposal for a directive**

**Article 17 – paragraph 1 – point d b (new)**

*Text proposed by the Commission*

*Amendment*

***d b) do not fulfil their obligation to provide feedback to the reporting person about the follow up to the report.***

Or. en

**Amendment 379**

**Barbara Spinelli**

**Proposal for a directive**

**Article 17 – paragraph 1 – point d b (new)**

*Text proposed by the Commission*

*Amendment*

***d b) do not fulfil their obligation to provide feedback to the reporting person about the follow up to the report.***

Or. en

**Amendment 380**

**Barbara Spinelli**

**Proposal for a directive**

**Article 17 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

***deleted***

*or disclosures.*

Or. en

**Amendment 381**  
**Gilles Lebreton**

**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 ***appeals and/or*** 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.

Or. en

**Amendment 382**  
**Elly Schlein, Dietmar Köster**

**Proposal for a directive**  
**Article 18 – paragraph 1**

*Text proposed by the Commission*

Any processing of personal data carried out pursuant to this Directive, including the exchange or transmission of personal data by the competent authorities, shall be made in accordance with Regulation (EU) 2016/679 and Directive (EU) 2016/680. Any exchange or transmission of information by competent authorities at Union level should be undertaken in accordance with Regulation (EC) No 45/2001. Personal data which are not relevant for the handling of a specific case shall be immediately deleted.

*Amendment*

Any processing of personal data carried out pursuant to this Directive, including the exchange or transmission of personal data by the competent authorities, shall be made in accordance with Regulation (EU) 2016/679 and Directive (EU) 2016/680. Any exchange or transmission of information by competent authorities at Union level should be undertaken in accordance with Regulation (EC) No 45/2001. Personal data which are not relevant for the handling of a specific case shall ***not be collected or, if accidentally collected, shall*** be immediately deleted.

Or. en

**Amendment 383**

**Gilles Lebreton**

**Proposal for a directive**

**Article 19 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

Member States may ***adopt or maintain*** provisions more favourable to the rights of ***informants and the rights of*** persons ***concerned by the alert*** than those ***provided for*** in this Directive, without prejudice to ***Articles*** 16 and 17(2), ***in order to enable Member States to provide effective guarantees of confidentiality.***

Or. en

**Amendment 384**

**Eva Joly**

**Proposal for a directive**

**Article 20 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2 a. When transposing this directive, Member States may consider the establishment of an independent whistleblower protection authority.***

Or. en

**Amendment 385**

**Barbara Spinelli**

**Proposal for a directive**

**Article 21 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

2. Without prejudice to reporting obligations laid down in other Union legal acts, Member States shall, on an annual

2. Without prejudice to reporting obligations laid down in other Union legal acts, Member States shall, on an annual

basis, submit the following statistics on the reports referred to in Chapter III to the Commission, ***if they are available at a central level in the Member State concerned***:

basis, submit the following statistics on the reports referred to in Chapter III to the Commission:

Or. en

## **Amendment 386**

**Eva Joly**

### **Proposal for a directive Article 21 – paragraph 3**

#### *Text proposed by the Commission*

3. The Commission shall, by 15 May 2027, taking into account its report submitted pursuant to paragraph 1 and the Member States' statistics submitted pursuant to paragraph 2, submit a report to the European Parliament and to the Council assessing the impact of national law transposing this Directive. The report shall evaluate the way in which this Directive has operated and consider the need for additional measures, including, where appropriate, amendments with a view to extending the scope of this Directive to further areas or Union acts.

#### *Amendment*

3. The Commission shall, by 15 May 2027, taking into account its report submitted pursuant to paragraph 1 and the Member States' statistics submitted pursuant to paragraph 2, submit a report to the European Parliament and to the Council assessing the impact of national law transposing this Directive. The report shall evaluate the way in which this Directive has operated, ***the possible impact on fundamental rights such as privacy, the right to the presumption of innocence and the right to a fair trial***, and consider the need for additional measures, including, where appropriate, amendments with a view to extending the scope of this Directive to further areas or Union acts.

Or. en

## **Amendment 387**

**Eva Joly**

### **Proposal for a directive Article 22 a (new)**

#### *Text proposed by the Commission*

#### *Amendment*

#### ***Article 22 a***

#### ***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 388**

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

**Proposal for a directive**

**Annex I – part II – subpart C a (new)**

*Text proposed by the Commission*

*Amendment*

***C a     D. – protection of the Union’s financial interests;***

***(i) Regulation (EU, EURATOM) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 amending the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union.***

Or. en