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TEXTS ADOPTED

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**P8\_TA(2019)0366**

**Protection of persons reporting on breaches of Union law \*\*\*I**

**European Parliament legislative resolution of 16 April 2019 on the proposal for a directive of the European Parliament and of the Council on the protection of persons reporting on breaches of Union law (COM(2018)0218 – C8-0159/2018 – 2018/0106(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0218),
- having regard to Article 294(2) and Articles 16, 33, 43, 50, 53(1), 62, 91, 100, 103, 109, 114, 168, 169, 192, 207 and 325(4) of the Treaty on the Functioning of the European Union and Article 31 of the Treaty establishing the European Atomic Energy Community, pursuant to which the Commission submitted the proposal to Parliament (C8-0159/2018),
- having regard to the opinions of the Committee on Legal Affairs on the proposed legal basis,
- having regard to Article 294(3) and Articles 16, 43(2), 50, 53(1), 91, 100, 114, 168(4), 169, 192(1) and 325(4) of the Treaty on the Functioning of the European Union and Article 31 of the Treaty establishing the European Atomic Energy Community,
- having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
- having regard to the opinion of the Court of Auditors of 26 September 2018<sup>1</sup>,
- having regard to the opinion of the European Economic and Social Committee of 18

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<sup>1</sup> OJ C 405, 9.11.2018, p. 1.

October 2018<sup>1</sup>,

- After consulting the Committee of the Regions,
  - having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 15 March 2019 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
  - having regard to Rules 59 and 39 of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs and the opinions of the Committee on Economic and Monetary Affairs, the Committee on Civil Liberties, Justice and Home Affairs, the Committee on Budgetary Control, the Committee on Employment and Social Affairs, the Committee on the Environment, Public Health and Food Safety, the Committee on Culture and Education, and the Committee on Constitutional Affairs (A8-0398/2018),
1. Adopts its position at first reading hereinafter set out;
  2. Takes note of the Commission statement annexed to this resolution;
  3. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> OJ C 62, 15.2.2019, p. 155.

**P8\_TC1-COD(2018)0106**

**Position of the European Parliament adopted at first reading on 16 April 2019 with a view to the adoption of Directive (EU) 2019/... of the European Parliament and of the Council on the protection of persons who report breaches of Union law**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2019/1937.)*

## ANNEX TO THE LEGISLATIVE RESOLUTION

### **Commission statement on the Directive on the protection of persons reporting on breaches of Union law**

At the time of the review to be conducted in accordance with Article 27 of the Directive, the Commission will consider the possibility of proposing to extend its scope of application to certain acts based on Articles 153 TFEU and 157 TFEU, after consulting the social partners, where appropriate, in accordance with Article 154 TFEU.