



**2016/2224(INI)**

4.4.2017

# **AMENDMENTS**

## **1 - 44**

**Draft opinion**  
**Zdzisław Krasnodębski**  
(PE601.025v01-00)

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



**Amendment 1**  
**Zdzisław Krasnodebski, Angel Dzhambazki**

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

*Draft opinion*

*Amendment*

***-1. Recalls that the European Court of Human Rights has stated in the Case of Guja v. Moldova that in order to determine whether a particular disclosure should be protected or not, it is important to establish that, in making the disclosure, the individual acted in good faith and in the belief that the information was true, that it was in the public interest to disclose it and that no other, more discreet means of remedying the wrongdoing was available to him or her;***

Or. en

**Amendment 2**  
**Michaela Šojdrová**

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

*Draft opinion*

*Amendment*

***-1. Considers that whistle-blowing is one of the most important tools leading to the detection and prevention of fraud and corruption in public administration and private companies, which can lead to considerable savings of public funds, ensuring safety and even saving lives; underlines that the contribution of whistleblowers in exposing and preventing corruption is undeniable;***

Or. en

**Amendment 3**  
**Jill Evans**

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

*Draft opinion*

*1. Is of the opinion that since the effectiveness of the whistle-blowing environment is affected by cultural values, implementing an identical mechanism in all Member States may result in dysfunctional behaviour and needless costs, and that any measures taken should therefore be tailored to fit national contexts; stresses, however, that existing cultural differences do not detract from the need for legal protection of whistle-blowers in Member States;*

*Amendment*

*deleted*

Or. en

**Amendment 4**  
**Dietmar Köster**

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

*Draft opinion*

*1. Is of the opinion that since the effectiveness of the whistle-blowing environment is affected by cultural values, implementing an identical mechanism in all Member States may result in dysfunctional behaviour and needless costs, and that any measures taken should therefore be tailored to fit national contexts; stresses, however, that existing cultural differences do not detract from the need for legal protection of whistle-blowers in Member States;*

*Amendment*

*1. Stresses that whistleblowing is an important means of bringing to light otherwise secret information like revealing misconduct, wrongdoing or illegal activity, provided by Union or national law; notes that whistleblowing is not to be confused with denunciation; is of the opinion that whistleblowers are essential for the purpose of protecting the public interest, for ensuring transparency, for the fight against organised crime and tax evasion and tax avoidance, and that they are an essential pillar of the EU-strategy against corruption and for ensuring that companies and*

*governments are called to account;*

Or. en

## **Amendment 5**

**Martina Michels, Liadh Ní Riada, Curzio Maltese, Kostas Chrysogonos, Stelios Kouloglou**

### **Draft opinion**

#### **Paragraph 1**

##### *Draft opinion*

1. *Is of the opinion that since the effectiveness of the whistle-blowing environment is affected by cultural values, implementing an identical mechanism in all Member States may result in dysfunctional behaviour and needless costs, and that any measures taken should therefore be tailored to fit national contexts; stresses, however, that existing cultural differences do not detract from the need for legal protection of whistle-blowers in Member States;*

##### *Amendment*

1. *Takes note that the Commission, in its EU Anti-Corruption report, stated that EU Member States have in place most of the necessary anti-corruption legal instruments and institutions, however, the results they deliver are not satisfactory across the EU and their capacity and efficiency should be improved; calls, therefore, on the Member States to enforce anti-corruption rules and, at the same time, to properly implement European and international standards and guidelines concerning whistle-blowers' protection in their national laws; insists that whistle-blowers play an essential role in helping Member States and EU institutions and bodies to deter and prevent any breaches of the principle of integrity and misuse of power that threaten public health and safety, financial integrity, human rights, the environment and the rule of law at European and national levels, and undermine the trust of citizens in democratic institutions and processes; notes that whistle-blowers often disclose scandals affecting several Member States; stresses therefore that existing cultural differences do not detract from the need for legal protection of whistle-blowers in Member States;*

**Amendment 6**  
**Yana Toom**

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

*Draft opinion*

1. Is of the opinion that *since the effectiveness of the whistle-blowing environment is affected by cultural values, implementing an identical mechanism in all Member States may result in dysfunctional behaviour and needless costs, and that any measures taken should therefore be tailored to fit national contexts; stresses, however, that existing* cultural differences do not detract from the need for legal protection of whistle-blowers in Member States;

*Amendment*

1. Is of the opinion that cultural differences do not detract from the need for legal protection of whistle-blowers in Member States;

**Amendment 7**  
**Dominique Bilde**

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

*Draft opinion*

1. Is of the opinion that since the effectiveness of the whistle-blowing environment is affected by cultural values, implementing an identical mechanism in all Member States may result in dysfunctional behaviour and needless costs, and that any measures taken should therefore be tailored to fit national contexts; stresses, however, that existing cultural differences do not detract from the need for legal protection of whistle-

*Amendment*

1. Is of the opinion that since the effectiveness of the whistle-blowing environment is affected by cultural values, implementing an identical mechanism in all Member States may result in dysfunctional behaviour and needless costs, and that any measures taken should therefore be tailored to fit national contexts; stresses, however, that existing cultural differences do not detract from the need for legal protection of whistle-blowers in Member States, *particularly in*

blowers in Member States;

*cases where health and food safety is at stake, which directly concern the lives of citizens of the Member States;*

Or. fr

**Amendment 8**  
**Momchil Nekov**

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

*Draft opinion*

1. Is of the opinion that since the effectiveness of the whistle-blowing environment is affected by cultural values, implementing an identical mechanism in all Member States may result in dysfunctional behaviour and needless costs, and that any measures taken should therefore be tailored to fit national contexts; stresses, however, that existing cultural differences do not detract from the need for legal protection of whistle-blowers in Member States;

*Amendment*

1. Is of the opinion that since the effectiveness of the whistle-blowing environment is affected by *varying legal bases, but also by* cultural values, implementing an identical mechanism in all Member States may result in dysfunctional behaviour and needless costs, and that any measures taken should therefore be tailored to fit national contexts; stresses, however, that existing cultural differences do not detract from the need for legal protection of whistle-blowers in Member States;

Or. en

**Amendment 9**  
**Jill Evans**

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

*Draft opinion*

*Amendment*

*1a. Believes that Articles 151 and 153 (2) (b) TFEU provide a clear basis for EU legislative action to empower employees to report wrongdoing in a framework of legal certainty, a common minimum level of protection for workers throughout the*

*Union and help to protect and defend the public interest in the EU and beyond, while also leaving a degree of freedom to the Member States to afford higher levels of protections should they wish;*

Or. en

**Amendment 10**  
**Momchil Nekov**

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

*Draft opinion*

*Amendment*

*1a. Notes with concern the effects and counter-effects which sharing sensitive information might have for various stakeholders, including whistle-blowers and the sources of their information; is concerned by the risk generated from the sensitivity and potentially the misuse and misinterpretation of sensitive information released to the public;*

Or. en

**Amendment 11**  
**Zdzisław Krasnodębski, Angel Dzhambazki**

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

*Draft opinion*

*Amendment*

*1a. Stresses that negative perception of the act of whistleblowing and whistle-blowers slows progress by many countries in passing/enforcing whistle-blower laws, but also weakens citizens' willingness to report irregularities even when legal protection mechanisms are already in place;*

**Amendment 12**  
**Dietmar Köster**

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

*Draft opinion*

*Amendment*

***1a. Is of the opinion that the protection of whistleblowers is essential for the freedom of expression, the plurality of opinions, democracy and freedom;***

Or. en

**Amendment 13**  
**Dietmar Köster**

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

*Draft opinion*

*Amendment*

***1b. Stresses that there is a need for legal protection of whistleblowers in the European Union; reaffirms that the rule of law is beneficial for a culture of the freedom of expression;***

Or. en

**Amendment 14**  
**Dietmar Köster**

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

*Draft opinion*

*Amendment*

***2. Reaffirms that the implementation***

***2. States that whistle-blowing should***

*of legal regulations encourages a speak-up culture and that whistle-blowing should be promoted* as an act of good citizenship and supported by effective awareness-raising, communication and training efforts;

*be promoted as civic engagement and* as an act of good citizenship and supported by effective awareness-raising, communication, *learning, educational* and training efforts;

Or. en

**Amendment 15**  
**Jill Evans**

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

*Draft opinion*

2. Reaffirms that the implementation of legal regulations *encourages a speak-up culture and* that whistle-blowing should be promoted as an act of good citizenship and supported by effective awareness-raising, communication and training efforts;

*Amendment*

2. Reaffirms that the implementation of legal regulations *will help EU citizens to exercise their fundamental right to speak up against wrongdoing; notes* that whistle-blowing should be promoted as an act of good citizenship and supported by effective awareness-raising, communication and training efforts;

Or. en

**Amendment 16**  
**Momchil Nekov**

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

*Draft opinion*

2. Reaffirms that the implementation of legal regulations *encourages* a speak-up culture and that whistle-blowing should be *promoted* as an act of good citizenship and supported by effective awareness-raising, communication and training efforts;

*Amendment*

2. Reaffirms that the implementation of legal regulations *should provide a safe environment for* a speak-up culture and that whistle-blowing should be *perceived* as an act of good citizenship and supported by effective awareness-raising, communication and training efforts *as well as by legal incentives providing*

*protection;*

Or. en

**Amendment 17**  
**Dominique Bilde**

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

*Draft opinion*

2. Reaffirms that the implementation of legal regulations encourages a speak-up culture and that whistle-blowing should be promoted as an act of good citizenship and supported by effective awareness-raising, communication and training efforts;

*Amendment*

2. Reaffirms that the implementation of legal regulations encourages a speak-up culture and that whistle-blowing should be promoted as an act of good citizenship and supported by effective awareness-raising, communication and training efforts;  
***suggests that Member States which consider it to be appropriate should incorporate the subject of whistle-blowers in civic instruction courses, as it is highly relevant to learning about citizenship;***

Or. fr

**Amendment 18**  
**Zdzisław Krasnodębski, Angel Dzhambazki**

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

*Draft opinion*

2. Reaffirms that the implementation of legal regulations encourages a speak-up culture and that whistle-blowing should be promoted as an act of good citizenship and supported by effective awareness-raising, communication and training efforts;

*Amendment*

2. Reaffirms that the implementation of legal regulations encourages a speak-up culture and that whistle-blowing should be promoted as an act of good citizenship and supported by effective awareness-raising, communication and training efforts, ***while ensuring sufficient safeguards are in place for the protection of commercially sensitive company information, such as trade secrets;***

**Amendment 19**  
**Zdzisław Krasnodębski, Angel Dzhambazki**

**Draft opinion**  
**Paragraph 2 a (new)**

*Draft opinion*

*Amendment*

**2a. Encourages Members States to be proactive in promoting an open culture within the workplace, whether it be public or private, which enables organisations to operate with high ethical standards, gives employees the confidence to speak up and therefore allows action to be taken to prevent or remedy any threats or harm;**

Or. en

**Amendment 20**  
**Jill Evans**

**Draft opinion**  
**Paragraph 2 a (new)**

*Draft opinion*

*Amendment*

**2a. Believes setting common minimum standards for whistleblowing protection that apply throughout the EU could promote a culture of accountability and integrity in the public sector, and help win back trust in democratic institutions;**

Or. en

**Amendment 21**  
**Zdzisław Krasnodębski, Angel Dzhambazki**

**Draft opinion**  
**Paragraph 2 b (new)**

*Draft opinion*

*Amendment*

**2b. Encourages Member States to evaluate regularly the effectiveness of the measures they implement, taking into account public opinion on attitudes towards the act of whistleblowing and whistle-blowers, cross-sectoral surveys of senior managers designated to receive and handle reports and independent research studies on whistleblowing across workplaces;**

Or. en

**Amendment 22**  
**Dietmar Köster**

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

*Draft opinion*

3. Reaffirms the need for public and private organisations to establish internal whistle-blowing procedures *for* their employees, *setting out clear confidential routes for making disclosures*;

*Amendment*

3. Reaffirms the need for public *institutions* and private organisations to establish *in close cooperation with workers representatives where possible* internal whistle-blowing procedures *in order to protect* their employees; *but insists that these procedures shall not replace legislation*;

Or. en

**Amendment 23**  
**Momchil Nekov**

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

*Draft opinion*

3. Reaffirms the need for public and private organisations to establish internal

*Amendment*

3. Reaffirms the need for public and private organisations to establish internal

whistle-blowing procedures for *their employees*, setting out clear confidential routes for making disclosures;

whistle-blowing procedures for *all persons employed by them*, setting out clear confidential routes *and providing legal protection* for making disclosures;

Or. en

**Amendment 24**  
**Jill Evans**

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

*Draft opinion*

3. Reaffirms the need for public and private organisations to establish internal whistle-blowing procedures for their employees, setting out clear confidential routes for making disclosures;

*Amendment*

3. Reaffirms the need for public and private organisations to establish internal whistle-blowing procedures for their *current and former* employees, *including trainees and apprentices*, setting out clear *and* confidential routes for making disclosures;

Or. en

**Amendment 25**  
**Martina Michels, Curzio Maltese, Kostas Chrysogonos, Stelios Kouloglou**

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

*Draft opinion*

3. *Reaffirms* the need for public and private organisations to establish internal whistle-blowing procedures for *their* employees, setting out clear confidential routes for making disclosures;

*Amendment*

3. *Observes that, in the case of whistle-blowers, there is no bilateral conflict between the whistle-blower and the business or authority but polygonal differences of interests, including in some cases across national borders, and that, while efforts should be made to weigh up the entitlement of businesses or authorities to have information kept secret and to expect loyalty, what is at stake is the provision of information in the public*

*interest; reaffirms therefore the need for public and private organisations in the Member States to establish internal and external whistle-blowing procedures for employees, setting out clear confidential routes for making disclosures; considers that, in this context, the legislature should in advance provide a structure for selecting the whistle-blowing procedure, in order to guarantee comprehensive protection of freedom of expression in accordance with Article 10 of the ECHR;*

Or. de

### **Amendment 26**

**Zdzisław Krasnodebski, Angel Dzhambazki**

#### **Draft opinion**

##### **Paragraph 3**

###### *Draft opinion*

3. Reaffirms the need for public and private organisations to establish internal whistle-blowing procedures for their employees, setting out clear confidential routes for making disclosures;

###### *Amendment*

3. Reaffirms the need for public and private organisations to establish internal whistle-blowing procedures for their employees, setting out clear confidential routes for making disclosures, *including external disclosures, informing about their rights to protection against reprisal when reporting misconduct, and providing, where appropriate, confidential legal advice and relevant courses and trainings;*

Or. en

### **Amendment 27**

**Dominique Bilde**

#### **Draft opinion**

##### **Paragraph 3**

*Draft opinion*

3. Reaffirms the need for public and private organisations to establish internal whistle-blowing procedures for their employees, setting out clear confidential routes for making disclosures;

*Amendment*

3. Reaffirms the need for public and private organisations to establish internal whistle-blowing procedures for their employees, setting out clear confidential routes for making disclosures; *stresses, however, the imperative need for these procedures to strike a balance between cases where there are sound reasons for disclosing information and those where industrial secrets need to be protected;*

Or. fr

**Amendment 28**  
**Dietmar Köster, Dennis de Jong**

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

*Draft opinion*

*Amendment*

*3a. Expresses the need to establish an independent information-gathering, advisory and referral EU body, with offices in Member States which are in a position to receive reports of irregularities, with sufficient budgetary resources, adequate competences and appropriate specialists, in order to help internal and external whistleblowers in using the right channels to disclose their information while protecting their confidentiality and offering needed support and advice;*

Or. en

**Amendment 29**  
**Dominique Bilde**

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

*Draft opinion*

*Amendment*

**3a.** *Observes that, without balanced legislation, there is a risk that abuses may destroy the credibility and legitimacy of whistle-blowers, an effect which would be counterproductive in relation to the aims of providing legitimate information to the public;*

Or. fr

**Amendment 30**  
**Jill Evans**

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

*Draft opinion*

4. Notes that, *owing to significant gaps* in the *protection of whistle-blowers against* retaliation, the obligation to use internal reporting channels can be risky and act as a deterrent, restricting both freedom of expression and the public's right to access information; stresses that internal reporting procedures should not act as a tool for prohibiting the act of informing the wider public of illegal activities and activities that severely harm the public interest;

*Amendment*

4. Notes that, *in the absence of such protection* in the *EU, whistle-blowers face a lack of adequate legal safeguards from retaliation, but also from intimidation and isolation* the obligation to use internal reporting channels can be risky and *this can* act as a deterrent, restricting both freedom of expression and the public's right to access information; stresses that internal reporting procedures should not act as a tool for prohibiting the act of informing the wider public of illegal activities and activities that severely harm the public interest;

Or. en

**Amendment 31**  
**Martina Michels, Curzio Maltese, Kostas Chrysogonos, Stelios Kouloglou**

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

*Draft opinion*

4. Notes that, owing to significant gaps in the protection of whistle-blowers against retaliation, the obligation to use internal reporting channels can be risky and act as a deterrent, restricting both freedom of expression and the public's right to access information; stresses that internal reporting procedures *should* not act as a tool for prohibiting the act of informing the wider public of illegal activities and activities that severely harm the public interest;

*Amendment*

4. Notes that, owing to significant gaps in the protection of whistle-blowers against retaliation, the obligation to use internal reporting channels can be risky and act as a deterrent, restricting both freedom of expression and the public's right to access information; stresses that internal reporting procedures *must* not act as a tool for prohibiting the act of informing the wider public of illegal activities and activities that severely harm the public interest; ***stresses that this must apply equally to the use of external whistle-blowing procedures and that accordingly, as laid down in Article 5 of ILO Convention 158 of 22 June 1982, the filing of a complaint, participation in proceedings against an employer or provision of information to a competent authority do not constitute valid reasons for termination of employment;***

Or. de

**Amendment 32**  
**Dominique Bilde**

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

*Draft opinion*

4. Notes that, owing to significant gaps in the protection of whistle-blowers against retaliation, the obligation to use internal reporting channels can be risky and act as a deterrent, restricting both freedom of expression and the public's right to access information; stresses that internal reporting procedures should not act as a tool for prohibiting the act of informing the wider public of illegal activities and activities that severely harm the public interest;

*Amendment*

4. Notes that, owing to significant gaps in the protection of whistle-blowers against retaliation, the obligation to use internal reporting channels can be risky and act as a deterrent, restricting both freedom of expression and the public's right to access information; stresses that internal reporting procedures should not act as a tool for prohibiting the act of informing the wider public of illegal activities and activities that severely harm the public interest; ***stresses that internal***

*communication procedures must protect both whistle-blowers and the legitimate interests of businesses;*

Or. fr

**Amendment 33**  
**Dietmar Köster**

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

*Draft opinion*

*Amendment*

*4a. Highlights that whistleblowers act at high personal and professional risk and usually have to pay the costs for it; states that personal data of the whistleblowers should never be published; is therefore of the opinion that measures for the alleviation of those costs and adequate compensation have to be established; states that a new workplace has to be found in order to avoid a deterioration of their living conditions and falling into precariousness; notes that mentally and psychological help must be secured; notes that in court cases the legal fees of the whistleblowers have to be reimbursed;*

Or. en

**Amendment 34**  
**Jill Evans**

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

*Draft opinion*

*Amendment*

*4a. Notes that protected disclosures concern harms or threats to the public interest that have occurred, are occurring at the time of the disclosure, or are likely*

*to occur, and can be made, alternatively or cumulatively, internally within the workplace, or externally, to the competent authorities, parliamentarians and oversight agencies, as well as to trade unions and employers' associations, or to the public through the media, including social media, or non-governmental organisations;*

Or. en

**Amendment 35**  
**Dietmar Köster, Silvia Costa**

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

*Draft opinion*

5. Recalls that whistle-blowing is linked to freedom of the press and is essential in bringing to light illegal activities or activities which *evidently severely* harm the public interest; stresses that whistle-blowers are an important source of information for investigative journalism, and calls on the Member States to ensure that the right of journalists not to reveal a source's identity is effectively protected *and that authorities refrain from using surveillance in order to ascertain their sources.*

*Amendment*

5. Recalls that whistle-blowing is linked to freedom of the press and is essential in bringing to light illegal activities or activities which harm the public interest; stresses that whistle-blowers are an important source of information for investigative journalism, and calls on the Member States to ensure that the right of journalists not to reveal a source's identity is effectively *and legally* protected; *stresses that journalists, in case that they themselves are the source, should be protected and that authorities in both cases should refrain from using surveillance;*

Or. en

**Amendment 36**  
**Martina Michels, Curzio Maltese, Kostas Chrysogonos, Stelios Kouloglou**

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

*Draft opinion*

5. Recalls that whistle-blowing is **linked to** freedom of the press and is essential in bringing to light illegal activities or activities which evidently severely harm the public interest; stresses that whistle-blowers are an important source of information for investigative journalism, and calls on the Member States to ensure that the right of journalists not to reveal a source's identity is effectively protected and that authorities refrain from using surveillance in order to ascertain their sources.

*Amendment*

5. Recalls that whistle-blowing is **essential for** freedom of the press and is essential in bringing to light illegal activities or activities which evidently severely harm the public interest; stresses that whistle-blowers are an important source of information for investigative journalism, and calls on the Member States to ensure that the right of journalists not to reveal a source's identity is effectively protected and that authorities refrain from using surveillance in order to ascertain their sources; **observes in this context that the European Court of Human Rights has held, in its case-law, that protection of journalists' sources is not a privilege but a vital component of a free press.**<sup>1a</sup>

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<sup>1a</sup> *European Court of Human Rights, judgment of 27.11.2007, 20477/05, Tillack v Belgium*

Or. de

**Amendment 37**  
**Jill Evans**

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

*Draft opinion*

5. Recalls that whistle-blowing is linked to freedom of the press and is essential in bringing to light illegal activities or activities which evidently severely harm the public interest; stresses that whistle-blowers are an important source of information for investigative journalism, and calls on the Member States to ensure that the right of journalists not to reveal a source's identity is effectively protected and that authorities refrain from

*Amendment*

5. Recalls that whistle-blowing is linked to freedom of the press and is essential in bringing to light illegal activities or activities which evidently severely harm the public interest; stresses that whistle-blowers are an important source of information for investigative journalism, and **that journalists can be subject to legal prosecution rather than legal protection when, acting in the public interest, they disclose information or**

using surveillance in order to ascertain their sources.

***report suspected misconduct, wrongdoing, fraud or illegal activity;*** calls on the Member States to ensure that the right of journalists not to reveal a source's identity is effectively protected and that authorities refrain from using surveillance in order to ascertain their sources.

Or. en

**Amendment 38**  
**Dominique Bilde**

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

*Draft opinion*

5. Recalls that whistle-blowing is linked to freedom of the press and is essential in bringing to light illegal activities or activities which evidently severely harm the public interest; stresses that whistle-blowers are an important source of information for investigative journalism, and calls on the Member States to ensure that the right of journalists not to reveal a source's identity is effectively protected and that authorities refrain from using surveillance in order to ascertain their sources.

*Amendment*

5. Recalls that whistle-blowing is linked to freedom of the press and is essential in bringing to light illegal activities or activities which evidently severely harm the public interest; stresses that whistle-blowers are an important source of information for investigative journalism, and calls on the Member States to ensure that the right of journalists not to reveal a source's identity is effectively protected, ***without prejudice to potential national legal proceedings which may follow the disclosure of information by the whistle-blower,*** and that authorities refrain from using surveillance in order to ascertain their sources.

Or. fr

**Amendment 39**  
**Momchil Nekov**

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

*Draft opinion*

5. Recalls that whistle-blowing is linked to freedom of the press and is essential in bringing to light illegal activities or activities which evidently severely harm the public interest; stresses that whistle-blowers are an important source of information for investigative journalism, and calls on the Member States to ensure that the right of journalists not to reveal a source's identity is effectively protected and that authorities refrain from using surveillance in order to ascertain their sources.

*Amendment*

5. Recalls that whistle-blowing is linked to freedom of ***expression, among others via*** the press and is essential in bringing to light illegal activities or activities which evidently severely harm the public interest; stresses that whistle-blowers are an important source of information for investigative journalism, and calls on the Member States to ensure that the right of journalists not to reveal a source's identity is effectively protected and that authorities refrain from using surveillance in order to ascertain their sources.

Or. en

**Amendment 40**

**Zdzisław Krasnodebski, Angel Dzhambazki**

**Draft opinion**

**Paragraph 5 a (new)**

*Draft opinion*

*Amendment*

***5a. Is of the opinion that the EU institutions should serve as a role-model with regard to whistleblowing policy; expresses concern that a large number of EU agencies still have not implemented the 2012 guidelines on whistleblowing and that findings from a 2015 survey showed low awareness of the rules amongst the Commission staff; calls on the Commission to ensure that the guidelines are implemented in the agencies and that staff is adequately familiar with them and encourages the Commission to insert a standard clause in contracts and grant agreements requiring beneficiaries and persons working for these beneficiaries to report serious irregularities to OLAF.***

**Amendment 41**  
**Michaela Šojdrová**

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

*Draft opinion*

*Amendment*

**5a. Encourages those Member States that have not yet adopted legislation on whistleblowing to do so in the foreseeable future and calls on the Commission to consider creating a platform for exchanging best practices in this area between Member States, and also including third countries;**

Or. en

**Amendment 42**  
**Martina Michels, Liadh Ní Riada, Curzio Maltese, Kostas Chrysogonos, Stelios Kouloglou**

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

*Draft opinion*

*Amendment*

**5a. Calls on the Commission to set up a framework for a common European legislation to protect whistle-blowers, witnesses and persons who cooperate with the judicial process that includes the establishment of a specific fund aimed at giving protection to the person lodging the complaint, in order to support legal fees, medical bills, psycho-social counselling as well as a resettlement programme; considers that whistleblowing and filing of complaints generally cause the loss of job, impair personal respect and family life or deeply worsen the working**

*conditions;*

Or. en

**Amendment 43**  
**Dietmar Köster, Dennis de Jong**

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

*Draft opinion*

*Amendment*

**5a. Calls on the EU institutions, in cooperation with all relevant national authorities, to introduce and take all necessary measures to protect the anonymity and confidentiality of the information sources in order to prevent any discriminatory actions or threats;**

Or. en

**Amendment 44**  
**Michaela Šojdrová**

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

*Draft opinion*

*Amendment*

**5b. Calls on the EU institutions to implement or improve internal mechanisms in order to protect potential whistle-blowers from inside their organisation;**

Or. en