



**2016/2224(INI)**

28.6.2017

# **AMENDMENTS**

## **1 - 40**

**Draft opinion**  
**Dennis de Jong**  
(PE604.740v01-00)

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**  
**Benedek Jávor**

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

*Draft opinion*

A. whereas whistle-blowers play an important and sometimes even crucial role in reporting irregularities, illegalities, fraud, corruption and other breaches of the rule of law at European and national level;

*Amendment*

A. whereas whistle-blowers play an important and sometimes even crucial role in reporting irregularities, illegalities, fraud, corruption and other **wrongdoing or** breaches of the rule of law at European and national level **both in the public and the private sectors**;

Or. en

**Amendment 2**  
**José Ignacio Salafranca Sánchez-Neyra**

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

*Draft opinion*

A. whereas whistle-blowers play an important and sometimes even crucial role in **reporting** irregularities, illegalities, fraud, corruption and other breaches of the rule of law at European and national level;

*Amendment*

A. whereas whistle-blowers play an important and sometimes even crucial role in **preventing, detecting and disclosing** irregularities, illegalities, fraud, corruption and other breaches of the rule of law at European and national level;

Or. es

**Amendment 3**  
**Notis Marias**

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

*Draft opinion*

A. whereas whistle-blowers play an important and **sometimes** even crucial role

*Amendment*

A. whereas whistle-blowers **often** play an important and even crucial role in

in reporting irregularities, illegalities, fraud, corruption and other breaches of the rule of law at European and national level;

reporting irregularities, illegalities, fraud, corruption and other breaches of the rule of law at European and national level;

Or. el

**Amendment 4**  
**Benedek Jávor**

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

*Draft opinion*

B. whereas ***the courage of those who, notwithstanding their personal and professional risks, report or disclose information in the public interest is such that the public authorities owe*** them adequate legal safeguards and protection;

*Amendment*

B. whereas ***whistleblowers do a service to the society by reporting or disclosing information on wrongdoing in defence of the public interest, and therefore that public owes*** them adequate legal safeguards and protection;

Or. en

**Amendment 5**  
**Notis Marias**

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

*Draft opinion*

B. whereas the courage of those who, notwithstanding their personal and professional risks, report or disclose information in the public interest is such that the public authorities owe them adequate legal safeguards and protection;

*Amendment*

B. whereas the courage of those who, notwithstanding their personal and professional risks, report or disclose information in the public interest is such that the public ***law enforcement and monitoring*** authorities owe them adequate legal safeguards and protection;

Or. el

**Amendment 6**

**Luke Ming Flanagan**

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

*Draft opinion*

B. whereas the courage of those who, notwithstanding their personal and professional risks, report or disclose information in the public interest is such that the public authorities owe them adequate legal safeguards and protection;

*Amendment*

B. whereas the courage of those who, notwithstanding their personal and professional risks, report or disclose information in the public interest is such that the public authorities owe them adequate legal safeguards and protection, ***and also financial support, in cases where whistle-blowers have lost their jobs and - because of their whistle-blowing act and through no fault of their own - are unable to secure new and suitable employment; this may involve (but is not limited to) full support for retraining, including further education;***

Or. en

**Amendment 7**  
**Julia Pitera**

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

*Draft opinion*

*Amendment*

***B a. whereas the activity of whistle-blowers, based on the principles of transparency and integrity, is essential for whistleblowing, so their protection should be guaranteed by law and reinforced throughout the European Union but only if the purpose of their action is to protect the public interest by acting in good faith according to the jurisprudence of the European Court of Human Rights;***

Or. en

**Amendment 8**  
**José Ignacio Salafranca Sánchez-Neyra**

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

*Draft opinion*

C. whereas Parliament has recently adopted a **resolution**<sup>1</sup> on the role of whistle-blowers in the protection of EU's financial interests;

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<sup>1</sup> Texts adopted, P8\_TA(2017)0022.

*Amendment*

C. whereas Parliament has recently adopted **two documents**:<sup>1</sup> a **Resolution** on the role of whistle-blowers in the protection of EU's financial interests **and a Report on the protection of the EU's financial interests – Fight against fraud**;<sup>1</sup>

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<sup>1</sup> Texts adopted, P8\_TA(2017)0022.

Or. es

**Amendment 9**  
**José Ignacio Salafranca Sánchez-Neyra**

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

*Draft opinion*

**Ca. Whereas since 1 July 2014 almost all European institutions and agencies have incorporated, as is mandatory, measures to protect whistleblowers into their internal rules of procedure, in accordance with Articles 22(b) and (c) of the Staff Regulations;**

Or. es

**Amendment 10**  
**Marco Valli, Laura Agea**

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

*Draft opinion*

*Amendment*

*Ca. whereas an increasing number of economic fraud investigations may be of a cross-border nature, with whistle-blowers playing a major role key role in revealing what lies behind illegal acts perpetrated from without and detrimental to national economic interests;*

Or. it

**Amendment 11**  
**Benedek Jávor**

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

*Draft opinion*

*Amendment*

*-1. Believes that the lack of adequate whistleblower protection has a negative impact on the protection of the EU's financial interest;*

Or. en

**Amendment 12**  
**José Ignacio Salafranca Sánchez-Neyra**

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

*Draft opinion*

*Amendment*

1. Calls on the Commission to take all necessary steps to implement the resolution on the role of whistle-blowers in the protection of EU's financial interests and, in particular, to submit legislative proposals aimed at establishing *a minimum* level of protection for *European whistle-blowers and* an effective and

1. Calls on the Commission *and Member States* to take all necessary steps to implement the resolution on the role of whistle-blowers in the protection of EU's financial interests and, in particular, to submit legislative proposals aimed at establishing *and ensuring an adequate* level of protection for *whistleblowers, as set out in Article 33 of*

comprehensive European whistle-blower protection programme;

*the UN Convention against Corruption, which clearly lays down the rights and responsibilities of people reporting wrongdoing, and to establish* an effective and comprehensive European whistle-blower protection programme

Or. es

**Amendment 13**  
**Julia Pitera**

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

*Draft opinion*

1. Calls on the Commission to take all necessary steps to implement the resolution on the role of whistle-blowers in the protection of EU's financial interests and, in particular, to submit legislative proposals aimed at establishing a minimum level of protection for European whistle-blowers and an effective and comprehensive European whistle-blower protection programme;

*Amendment*

1. Calls on the Commission to take all necessary steps to implement *without any further delay* the resolution on the role of whistle-blowers in the protection of EU's financial interests and, in particular, to submit legislative proposals aimed at establishing a minimum level of protection for European whistle-blowers and an effective and comprehensive European whistle-blower protection programme;

Or. en

**Amendment 14**  
**Benedek Jávor**

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

*Draft opinion*

1. Calls on the Commission to take all necessary steps to implement the resolution on the role of whistle-blowers in the protection of EU's financial interests and, in particular, to submit legislative *proposals* aimed at establishing a minimum

*Amendment*

1. Calls on the Commission to take all necessary steps to implement the resolution on the role of whistle-blowers in the protection of EU's financial interests and, in particular, to submit legislative *proposal* aimed at establishing a minimum level of

level of protection for European whistle-blowers and an effective and comprehensive European whistle-blower protection programme;

protection for European whistle-blowers **with a horizontal approach** and an effective and comprehensive European whistle-blower protection programme;

Or. en

**Amendment 15**  
**Luke Ming Flanagan**

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

*Draft opinion*

1. Calls on the Commission to take all necessary steps to implement the resolution on the role of whistle-blowers in the protection of EU's financial interests and, in particular, to submit legislative proposals aimed at establishing a minimum level of protection for European whistle-blowers and an effective and comprehensive European whistle-blower protection programme;

*Amendment*

1. Calls on the Commission to take all necessary steps to implement the resolution on the role of whistle-blowers in the protection of EU's financial interests and, in particular, to submit legislative proposals aimed at establishing a minimum level of protection **across the Union** for European whistle-blowers and an effective and comprehensive European whistle-blower protection programme;

Or. en

**Amendment 16**  
**Notis Marias**

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

*Draft opinion*

1. **Calls on** the Commission to take all necessary steps to implement the resolution on the role of whistle-blowers in the protection of EU's financial interests and, in particular, to submit legislative proposals aimed at establishing a minimum level of protection for European whistle-blowers and an effective and

*Amendment*

1. **Urges** the Commission to take all necessary steps to implement the resolution on the role of whistle-blowers in the protection of EU's financial interests and, in particular, to submit legislative proposals aimed at establishing a minimum level of protection for European whistle-blowers and an effective and

comprehensive European whistle-blower protection programme;

comprehensive European whistle-blower protection programme;

Or. el

**Amendment 17**  
**Benedek Jávor**

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

*Draft opinion*

*Amendment*

*1 a. Notes that only a few Member States have introduced sufficiently advanced whistleblower protection systems, notwithstanding the essential need of whistleblower protection in the prevention of, and fight against, corruption, and despite the fact that whistleblower protection is recommended in Article 33 of the UN Convention against Corruption; calls on those Member States which have not yet adopted the principles to protect whistleblowers in their domestic law, to do so as soon as possible;*

Or. en

**Amendment 18**  
**Cătălin Sorin Ivan**

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

*Draft opinion*

*Amendment*

*1 a. Calls on the Commission to put forward a definition of whistle-blowers which covers as many cases as possible.*

Or. en

## Amendment 19

Benedek Jávor

on behalf of the Verts/ALE Group

### Draft opinion

#### Paragraph 2

##### *Draft opinion*

2. Notes that, although the focus of the resolution adopted by Parliament is on whistle-blowers in the context of the financial interests of the EU, many of the proposed measures *can* also apply to whistle-blowers in a broader sense;

##### *Amendment*

2. Notes that, although the focus of the resolution adopted by Parliament is on whistle-blowers in the context of the financial interests of the EU, many of the proposed measures *should* also apply to whistle-blowers in a broader sense, ***including, but not limited to, environmental protection, workers' rights, consumer protection;***

Or. en

## Amendment 20

Marco Valli, Laura Agea

### Draft opinion

#### Paragraph 2

##### *Draft opinion*

2. Notes that, although the focus of the resolution adopted by Parliament is on whistle-blowers in the context of the financial interests of the EU, many of the proposed measures can also apply to whistle-blowers in a broader sense;

##### *Amendment*

2. Notes that, although the focus of the resolution adopted by Parliament is on whistle-blowers in the context of the financial interests of the EU, many of the proposed measures can also apply to whistle-blowers in a broader sense; ***stresses the contribution made by investigative journalists and considers that the protection afforded to whistle-blowers should also be extended to them;***

Or. it

**Amendment 21**  
**Marco Valli, Laura Agea**

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

*Draft opinion*

*Amendment*

***3a. Calls on the Commission to include in its proposal a recommendation that every report of fraud be referred automatically to the relevant court with a view to launching an external investigation, to lay down penalties for the victimisation of whistle-blowers, whatever form it may take, and to provide for a financial reward for those reporting wrongdoing or irregularities detrimental to the financial interests of the European Union, amounting to between 15% and 30% of the amount recovered following a final judgment;***

Or. it

**Amendment 22**  
**Marco Valli, Laura Agea**

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

*Draft opinion*

*Amendment*

***3b. Urges the introduction of effective arrangements for protecting anyone who reports wrongdoing at the workplace, such as harassment, job blackmail, illegal recruitment and dismissal practices, pay discrimination and any other form of law-breaking;***

Or. it

**Amendment 23**

**Marco Valli, Laura Agea**

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

*Draft opinion*

*Amendment*

**3c. Calls for measures to protect workers to include arrangements for safeguarding the anonymity of whistle-blowers and the confidentiality of information, where appropriate by means of encryption, as well as penalties for anyone failing to meet their obligations in this area;**

Or. it

**Amendment 24  
José Ignacio Salafranca Sánchez-Neyra**

**Draft opinion  
Paragraph 4**

*Draft opinion*

*Amendment*

4. Welcomes the fact that the Commission has recently introduced a channel for whistle-blowers to report or disclose information on competition and cartel agreements, but insists that there should not be an excessive number of channels;

4. Welcomes the fact that the Commission has recently introduced a channel for whistle-blowers to report or disclose information on competition and cartel agreements, but ***stresses the need for simplifying procedures and*** insists that there should not be an excessive number of channels;

Or. es

**Amendment 25  
Notis Marias**

**Draft opinion  
Paragraph 4**

*Draft opinion*

*Amendment*

4. Welcomes the fact that the Commission has *recently* introduced a channel for whistle-blowers to report or disclose information on competition and cartel agreements, but insists that there should not be an excessive number of channels;

4. Welcomes the fact that the Commission has *finally* introduced a channel for whistle-blowers to report or disclose information on competition and cartel agreements, but insists that there should not be an excessive number of channels;

Or. el

**Amendment 26**  
**Cătălin Sorin Ivan**

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

*Draft opinion*

4. Welcomes the fact that the Commission has recently introduced a channel for whistle-blowers to report or disclose information on competition and cartel agreements, but insists that there should not be an excessive number of channels;

*Amendment*

4. Welcomes the fact that the Commission has recently introduced a channel for whistle-blowers to report or disclose information on competition and cartel agreements, but insists that there should not be an excessive number of channels; *tiers for reporting include wider public accountability, such as media.*

Or. en

**Amendment 27**  
**Cătălin Sorin Ivan**

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

*Draft opinion*

*4 a. Calls on the Commission to introduce protections against retaliation of any form, and to ensure that the burden of proof in claims for victimisation or reprisal is on the employer.*

**Amendment 28**  
**Cătălin Sorin Ivan**

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

*Draft opinion*

*Amendment*

**4 b. Calls on the Commissions to foresee legal, financial and psychological assistance whenever needed and to foresee a wide understanding of working relationships.**

Or. en

**Amendment 29**  
**Hannu Takkula, Gerben-Jan Gerbrandy, Martina Dlabajová**

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

*Draft opinion*

*Amendment*

5. Calls, therefore, on the Commission to ***build on the resolution recommendation 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 whistle-blowers use the right channels to disclose their information;

5. Calls, therefore, on the Commission to establish an independent information-gathering, advisory and referral EU ***office under the suitable EU agency, such as the European Ombudsman,*** which ***already has a competence to investigate complaints of malpractices within the EU institutions,*** with sufficient resources, adequate competences and appropriate specialists, in order to help internal and external whistle-blowers use the right channels to disclose their information

Or. en

**Amendment 30**  
**José Ignacio Salafranca Sánchez-Neyra**

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

*Draft opinion*

5. Calls, therefore, on the Commission to build on the resolution recommendation 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 whistle-blowers use the right channels to disclose their information;

*Amendment*

5. Calls, therefore, on the Commission to build on the resolution recommendation to establish an independent information-gathering, advisory and referral EU body, with offices in **all** Member States which are in a position to receive reports **and complaints** of irregularities, with sufficient budgetary resources, adequate competences and appropriate specialists, in order to help internal and external whistle-blowers use the right channels to disclose their information, **while protecting their confidentiality at all times as per the definition of the concept of whistleblowing and with sufficient verification capabilities to carry out an initial sorting and filtering the notifications and information received; urges the Commission to look into the feasibility of entrusting the European Ombudsman with these tasks;**

Or. es

**Amendment 31**  
**Cătălin Sorin Ivan**

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

*Draft opinion*

5. Calls, therefore, on the Commission to build on the resolution recommendation 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

*Amendment*

5. Calls, therefore, on the Commission to build on the resolution recommendation to establish an independent information-gathering, advisory and referral EU body, with offices in Member States **as well as a controlled website where complaints can be submitted**, which are in a position to receive reports of irregularities, with

appropriate specialists, in order to help internal and external whistle-blowers use the right channels to disclose their information;

sufficient budgetary resources, adequate competences and appropriate specialists, in order to help internal and external whistle-blowers use the right channels to disclose their information;

Or. en

**Amendment 32**  
**Petri Sarvamaa**

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

*Draft opinion*

5. Calls, therefore, on the Commission to build on the resolution recommendation 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 whistle-blowers use the right channels to disclose their information;

*Amendment*

5. Calls, therefore, on the Commission to build on the resolution recommendation to ***examine the possibility 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 whistle-blowers use the right channels to disclose their information;

Or. en

**Amendment 33**  
**Marco Valli, Laura Agea**

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

*Draft opinion*

5. Calls, therefore, on the Commission to build on the resolution recommendation to ***establish*** an independent information-gathering, advisory and referral EU body, with offices in Member States which are in

*Amendment*

5. Calls, therefore, on the Commission to build on the resolution recommendation to ***seek the establishment of*** an independent information-gathering, advisory and referral EU body, with offices

a position to receive reports of irregularities, with sufficient budgetary resources, adequate competences and appropriate specialists, in order to help internal and external whistle-blowers use the right channels to disclose their information;

in Member States which are in a position to receive reports of irregularities, with sufficient budgetary resources, adequate competences and appropriate specialists, in order to help internal and external whistle-blowers use the right channels to disclose their information ***and ensure their protection***;

Or. it

**Amendment 34**  
**Julia Pitera, Benedek Jávor**

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

*Draft opinion*

*Amendment*

***5 a. Regrets that not all of the EU's agencies have implement internal rules to protect whistle-blowers and calls on those agencies to implement the internal rules in accordance with Articles 22a, 22b and 22c of the Staff Regulations;***

Or. en

**Amendment 35**  
**Julia Pitera, Benedek Jávor**

**Draft opinion**  
**Paragraph 6**

*Draft opinion*

*Amendment*

6. Expresses the view that the ***adoption of*** sector-specific legislation, such as in the field of the protection of the financial interests of the EU, ***could be fast-tracked and should not have to wait for the adoption of more general legislation*** on the protection of whistle-blowers.

6. Expresses the view that the sector-specific legislation, such as in the field of the protection of the financial interests of the EU, ***should be preceded by adoption of general provisions with uniform minimum standard of legal protection, in order to efficiently protect the whistle-blowers who act in various issues under***

*various jurisdictions within the EU or in various sectors of the common market; therefore calls on the Commission to submit a proposal of horizontal legislation on protection of whistle-blowers without any further delay;*

Or. en

### **Amendment 36**

**Hannu Takkula, Gerben-Jan Gerbrandy, Martina Dlabajová**

#### **Draft opinion**

##### **Paragraph 6**

###### *Draft opinion*

6. Expresses the view that the adoption of *sector-specific legislation, such as in the field of the protection of the financial interests of the EU, could be fast-tracked and should not have to wait for the adoption of more general legislation on the protection of whistle-blowers.*

###### *Amendment*

6. Expresses the view that the adoption of *a horizontal EU-wide regulatory framework for whistle-blowers' protection is worth of consideration, taking into account the recommendations based on the impact assessment made by the Commission; underlining the importance that this regulation secures public interest and respects trade secrets;*

Or. en

### **Amendment 37**

**Luke Ming Flanagan**

#### **Draft opinion**

##### **Paragraph 6**

###### *Draft opinion*

6. Expresses the view that the adoption of sector-specific legislation, such as in the field of the protection of the financial interests of the EU, *could* be fast-tracked and should not have to wait for the adoption of more general legislation on the protection of whistle-blowers.

###### *Amendment*

6. Expresses the view that the adoption of sector-specific legislation, such as in the field of the protection of the financial interests of the EU, *should* be fast-tracked and should not have to wait for the adoption of more general legislation on the protection of whistle-blowers.

**Amendment 38**  
**Notis Marias**

**Draft opinion**  
**Paragraph 6**

*Draft opinion*

6. *Expresses the view* that the adoption of sector-specific legislation, such as in the field of the protection of the financial interests of the EU, could be fast-tracked and should not have to wait for the adoption of more general legislation on the protection of whistle-blowers.

*Amendment*

6. *Considers* that the adoption of sector-specific legislation, such as in the field of the protection of the financial interests of the EU, could be fast-tracked and should not have to wait for the adoption of more general legislation on the protection of whistle-blowers.

Or. el

**Amendment 39**  
**Cătălin Sorin Ivan**

**Draft opinion**  
**Paragraph 6**

*Draft opinion*

6. Expresses the view that the adoption of sector-specific legislation, such as in the field of the protection of the financial interests of the EU, *could be fast-tracked and* should *not have to wait for* the adoption of *more general* legislation on the protection of whistle-blowers.

*Amendment*

6. Expresses the view that the adoption of sector-specific legislation, such as in the field of the protection of the financial interests of the EU, should *be secondary to* the adoption of *a horizontal piece of* legislation on the protection of whistle-blowers.

Or. en

**Amendment 40**  
**Hannu Takkula, Gerben-Jan Gerbrandy, Martina Dlabajová**

**Draft opinion**  
**Paragraph 6a (new)**

***6 a. Encourages European Agencies to act as an example for Member States and the private sector by implementing internal rules and procedures on whistleblower protection, which could also lower the threshold to inform third parties about malpractices;***

Or. en