



2018/0106(COD)

26.9.2018

AMENDMENTS

300 - 578

Draft report

Virginie Rozière

(PE623.965v01-00)

Protection of persons reporting on breaches of Union law

Proposal for a directive

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

Amendment 300

Gilles Lebreton, Marie-Christine Boutonnet

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, ***in other words someone who discloses or reports, impartially and in good faith, an action he or she was personally aware of, and which constitutes:***

- a crime or an offence;

- a serious and flagrant breach of an international commitment that is regularly ratified or approved by the European Union, or of a unilateral act of an organisation based on this commitment, as well as legal and regulatory provisions;

- a serious threat or serious harm to public interest.

Or. fr

Amendment 301

Pascal Durand

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***

Amendment

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

context of his or her work-related activities;

contributes, assists or aids to reveal or make public information on breaches;

Or. en

Amendment 302

Kostas Chrysogonos, Jiří Maštálka

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;

Or. en

Amendment 303

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 information *in good faith* on breaches acquired in the context of his or her work-related activities;

Or. fr

Amendment 304

Răzvan Popa

Proposal for a directive

Article 3 – paragraph 1 – point 9 a (new)

Text proposed by the Commission

Amendment

(9a) ‘facilitator’ means a natural or legal person who contributes to reporting; who assists or aids the reporting person.

Or. ro

Amendment 305

Jean-Marie Cavada, Jens Rohde, António Marinho e Pinto

Proposal for a directive

Article 3 – paragraph 1 – point 10

Text proposed by the Commission

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 ***and within which these persons may suffer retaliation if they report them.***

(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 306

Evelyn Regner

Proposal for a directive

Article 3 – paragraph 1 – point 10 a (new)

Text proposed by the Commission

Amendment

(10a) ‘worker’ means a natural person who for a certain period of time performs services for and under the direction of another person in return for remuneration;

Or. en

Amendment 307

Gilles Lebreton, Marie-Christine Boutonnet

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 ***acting in good faith who is reporting on a threat or serious harm to the public interest;***

Or. fr

Amendment 308

Laura Ferrara, 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 after the cessation of the working relationship*** and causes or may cause unjustified detriment to the reporting person;

Or. it

Amendment 309

Pascal Durand

Proposal for a directive

Article 3 – paragraph 1 – point 12

Text proposed by the Commission

(12) ‘retaliation’ means any threatened

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;

or actual act or omission prompted by the internal, 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 310
Daniel Buda

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, *direct or indirect* act or omission, prompted by the internal, external reporting *or by disclosure*, which occurs in a work-related context and causes or may cause unjustified detriment to the reporting person;

Or. ro

Amendment 311
Jean-Marie Cavada, Jens Rohde, António Marinho e Pinto

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

Or. en

Amendment 312
Kostas Chrysogonos, Jiří Maštálka

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

Or. en

Amendment 313
Pavel Svoboda

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 actual act or omission prompted by the internal or external reporting **or disclosure** which occurs in a work-related context and causes unjustified detriment to the reporting person;

Or. en

Amendment 314
Răzvan Popa

Proposal for a directive
Article 3 – paragraph 1 – point 12

Text proposed by the Commission

(12) ‘retaliation’ means any threatened

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;

or actual act or omission prompted by the internal or external reporting **or by disclosure**, which occurs in a work-related context and causes or may cause unjustified detriment to the reporting person;

Or. ro

Amendment 315
Pascal Durand

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

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 **as well as any other appropriate remedial or mitigation action**;

Or. en

Amendment 316
Kostas Chrysogonos, Jiří Maštálka

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 breach reported, including actions such as internal enquiry, investigation, prosecution,

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;

action for recovery of funds and closure, *as well as any other relevant remedial action*;

Or. en

Amendment 317

Geoffroy Didier

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

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 their good faith* and, where relevant, to address the breach reported, including actions such as internal enquiry, investigation, prosecution, action for recovery of funds and closure;

Or. fr

Amendment 318

Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

Proposal for a directive

Article 3 – paragraph 1 – point 13 a (new)

Text proposed by the Commission

Amendment

(13a) ‘national 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;

Or. en

Amendment 319
Kostas Chrysogonos, Stelios Kouloglou

Proposal for a directive
Article 3 – paragraph 1 – point 13 b (new)

Text proposed by the Commission

Amendment

(13b) ‘OPLA’, the authority set up at European level to receive reports in accordance with Chapter III, and to carry out the functions provided for in this Directive;

Or. en

Amendment 320
Kostas Chrysogonos, Stelios Kouloglou, Jiří Maštálka

Proposal for a directive
Article 3 – paragraph 1 – point 13 c (new)

Text proposed by the Commission

Amendment

(13c) ‘facilitator’ means any natural or legal person who contributes to the report or assists a person reporting on breaches with his report.

Or. en

Amendment 321
Pascal Durand

Proposal for a directive
Article 3 – paragraph 1 – point 14

Text proposed by the Commission

Amendment

(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.

(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 322

Kostas Chrysogonos, Stelios Kouloglou

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 *authorities*’ means any national authority *or OPLA.*

Or. en

Amendment 323

Jytte Guteland

Proposal for a directive

Article 4 – title

Text proposed by the Commission

Amendment

Obligation to establish internal channels and procedures for reporting and follow-up of reports

Channels and procedures for reporting and follow-up of reports

Or. en

Amendment 324
Jytte Guteland

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

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.**

1. Member States shall ensure that **employer, and other** legal entities in the private and public sector, **to the extent the activities requires it, either makes sure that there are routines for such** internal reporting **referred to in this Directive on the protection of workers such as reporting on breaches or take other measures that facilitate such reporting.**

Or. en

Justification

Detailed provisions on internal reporting channels should remain a national competence for Member States that have strong provisions in their national legislation.

Amendment 325
Kostas Chrysogonos, Stelios Kouloglou, Jiří Maštálka

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

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

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*.

up on reports, following consultations *and negotiations with the worker representatives and/or the trade union and/or* social partners.

Or. en

Amendment 326
Jytte Guteland

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission

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 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.

deleted

Or. en

Amendment 327
Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission

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 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*.

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. The use of internal channels for reporting shall not be mandatory.

Amendment 328

Axel Voss, Angelika Niebler, Markus Pieper, Markus Ferber, Sven Schulze

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 **must** 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) **and (c).**

Or. en

Justification

The disclosure of information via internal channels and procedures should also be possible for those persons mentioned in (b) and (c).

Amendment 329

Pascal Durand

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 **shall** 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).

Amendment 330

Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

Proposal for a directive

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. These reporting channels shall be clearly defined by the entity and easily accessible both within and from outside the entity. Such channels shall fully safeguard the anonymity of persons reporting on breaches or their facilitators, provided they wish to, as well as their personal data.

Or. en

Amendment 331

Jytte Guteland

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. The legal entities in the private sector referred to in paragraph 1 are the following:

deleted

a) private legal entities with 50 or more employees;

b) private legal entities with an annual business turnover or annual balance sheet total of EUR 10 million or more;

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.

Or. en

Amendment 332

Angelika Niebler, Markus Ferber, Markus Pieper, Sven Schulze

Proposal for a directive

Article 4 – paragraph 3 – introductory part

Text proposed by the Commission

(3) *The legal entities in the private sector referred to in paragraph 1 are the following:*

Amendment

(3) *Paragraph 1 does not apply to micro, small or medium-sized enterprises in the sense of Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises^{1a}.*

^{1a} *Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, pp. 36-41)*

Or. de

Justification

The costs estimated by the European Commission are unbearable for SMEs in particular, and lead to unnecessary bureaucratic expenditure. Therefore, all enterprises falling under the European definition of an SME should be excluded from the scope of this Directive.

Amendment 333

Jytte Guteland

Proposal for a directive

Article 4 – paragraph 3 – point a

Text proposed by the Commission

a) *private legal entities with 50 or more employees;*

Amendment

deleted

Or. en

Amendment 334
Jytte Guteland

Proposal for a directive
Article 4 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) private legal entities with an annual business turnover or annual balance sheet total of EUR 10 million or more;

deleted

Or. en

Amendment 335
Jytte Guteland

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

Text proposed by the Commission

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 the Union acts referred to in the Annex.

deleted

Or. en

Amendment 336
Pascal Durand

Proposal for a directive
Article 4 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

ca) private legal entities of any size whose conducted activities are likely to constitute a danger to the environment or to public health.

Or. en

Amendment 337

Angelika Niebler, Markus Ferber, Markus Pieper, Sven Schulze

Proposal for a directive

Article 4 – paragraph 4

Text proposed by the Commission

Amendment

(4) Following an appropriate risk assessment taking into account the nature of activities of the entities and the ensuing level of risk, Member States may require small private legal entities, as defined in Commission Recommendation of 6 May 2003⁶², other than those referred to in paragraph 3(c) to establish internal reporting channels and procedures. *deleted*

⁶² *Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.05.2003, p. 36).*

Or. de

Amendment 338

Jytte Guteland

Proposal for a directive

Article 4 – paragraph 4

Text proposed by the Commission

Amendment

4. Following an appropriate risk assessment taking into account the nature of activities of the entities and the ensuing level of risk, Member States may require small private legal entities, as defined in Commission Recommendation of 6 May 2003⁶², other than those referred to in paragraph 3(c) to establish internal reporting channels and procedures. *deleted*

⁶² *Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises OJ L 124, 20.5.2003, p. 36.*

Or. en

Amendment 339

Angelika Niebler, Markus Ferber, Markus Pieper, Sven Schulze

Proposal for a directive

Article 4 – paragraph 5

Text proposed by the Commission

Amendment

(5) Any decision taken by a Member State pursuant to paragraph 4 shall be notified to the Commission, together with a justification and the criteria used in the risk assessment. The Commission shall communicate that decision to the other Member States. *deleted*

Or. de

Justification

Amendment is related to the deletion of Article 4(4).

Amendment 340

Jytte Guteland

Proposal for a directive

Article 4 – paragraph 5

Text proposed by the Commission

Amendment

5. Any decision taken by a Member State pursuant to paragraph 4 shall be notified to the Commission, together with a justification and the criteria used in the risk assessment. The Commission shall communicate that decision to the other Member States. *deleted*

Amendment 341

Kostas Chrysogonos, Stelios Kouloglou

Proposal for a directive

Article 4 – paragraph 5

Text proposed by the Commission

5. Any decision taken by a Member State pursuant to paragraph 4 shall be notified to the Commission, together with a justification and the criteria used in the risk assessment. The Commission shall communicate that decision to the other Member States.

Amendment

5. Any decision taken by a Member State pursuant to paragraph 4 shall be notified to the Commission **and OPLA**, together with a justification and the criteria used in the risk assessment. The Commission shall communicate that decision to the other Member States.

Or. en

Amendment 342

Angelika Niebler, Markus Ferber, Markus Pieper, Sven Schulze

Proposal for a directive

Article 4 – paragraph 6

Text proposed by the Commission

(6) The legal entities in the public sector referred to in paragraph 1 shall be the following:

a) state administration;

b) regional administration and departments;

c) municipalities with more than 10 000 inhabitants;

d) other entities governed by public law.

Amendment

deleted

Or. de

Justification

Amendment is related to the amendment to Article 4(3)

Amendment 343
Jytte Guteland

Proposal for a directive
Article 4 – paragraph 6

Text proposed by the Commission

Amendment

6. The legal entities in the public sector referred to in paragraph 1 shall be the following: *deleted*

a) state administration;

b) regional administration and departments;

c) municipalities with more than 10 000 inhabitants;

d) other entities governed by public law.

Or. en

Amendment 344
Jytte Guteland

Proposal for a directive
Article 4 – paragraph 6 – point a

Text proposed by the Commission

Amendment

a) state administration; *deleted*

Or. en

Amendment 345
Jytte Guteland

Proposal for a directive
Article 4 – paragraph 6 – point b

Text proposed by the Commission

Amendment

b) regional administration and departments; *deleted*

Amendment 346

Jytte Guteland

Proposal for a directive

Article 4 – paragraph 6 – point c

Text proposed by the Commission

Amendment

c) *municipalities with more than 10 000 inhabitants;* *deleted*

Or. en

Amendment 347

Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

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 348

Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

Proposal for a directive

Article 4 – paragraph 6 – point c a (new)

Text proposed by the Commission

Amendment

ca) *European Union institutions, agencies and bodies.*

Or. en

Amendment 349
Jytte Guteland

Proposal for a directive
Article 4 – paragraph 6 – point d

Text proposed by the Commission

Amendment

d) *other entities governed by public law.* *deleted*

Or. en

Amendment 350
Pascal Durand

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

Text proposed by the Commission

Amendment

da) *European Union institutions, agencies and bodies.*

Or. en

Amendment 351
Jytte Guteland

Proposal for a directive
Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The procedures for reporting and following-up of reports referred to in Article 4 *shall* include the following:

1. The procedures for reporting and following-up of reports referred to in Article 4 *may* include the following:

Or. en

Amendment 352
Pascal Durand

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 ***an acknowledgement of the receipt of a report within 5 working days, that ensures*** the confidentiality ***or anonymity*** of the identity of the reporting person and prevents access to non-authorised staff members.

Recipients of disclosed information within the workplace shall include, but not be limited to:

- Line-managers, superiors or representatives of the organisation;***
- Human resources, ethics officers, work councils or other bodies in charge of mediating conflicts at work, including conflicts of interest;***
- Internal financial oversight bodies within the organisation;***
- Disciplinary bodies within the organisation.***

Or. en

Amendment 353
Daniel Buda

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 and ***the identity of the concerned person and*** prevents access to non-authorised staff

members.

Or. ro

Amendment 354

Daniel Buda

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 or department competent ***and impartial*** for following up on the reports;

Or. ro

Amendment 355

Gilles Lebreton, Marie-Christine Boutonnet

Proposal for a directive

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

Text proposed by the Commission

Amendment

(ba) ***a confidential notification of receipt of the report to the reporting person within no more than seven days following receipt;***

Or. fr

Amendment 356

Pascal Durand

Proposal for a directive

Article 5 – paragraph 1 – point c

Text proposed by the Commission

c) diligent follow up to the report by the designated person or department;

Amendment

c) diligent follow up to the report by the designated person or department ***and***

appropriate and timely action if needed;

Or. en

Amendment 357

Geoffroy Didier

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

Or. fr

Amendment 358

Axel Voss, Angelika Niebler, Markus Pieper, Markus Ferber, Sven Schulze, Geoffroy Didier

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 three months ***or six months in duly justified cases*** following the report, to provide feedback to the reporting person about the follow-up to the report;

Or. en

Justification

In order to make it coherent with Art 6(2b) and Art 9(1b), which gives in cases of external reporting and duly justified cases 6 month. This is necessary for companies as the cases are often very complex and they need time and flexibility to evaluate the allegations. Therefore, they should be able to extent the timeframe as it is allowed for the competent authorities.

Amendment 359

Gilles Lebreton, Marie-Christine Boutonnet

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 *a timeframe of between one month and* three months following *notification*, to provide feedback to the reporting person about the follow-up to the report;

Or. fr

Amendment 360

Pascal Durand

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 361

Pascal Durand

Proposal for a directive

Article 5 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

da) the opportunity for the reporting person, with no obligation to do so, to look over, examine and comment on the final report at the end of the investigation, and that his/her comments must be included in the final report, and in the published version of the report, where applicable;

Or. en

Amendment 362
Angel Dzhambazki

Proposal for a directive
Article 5 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

ea) setting of a strict and clear hierarchy of channels and procedural steps.

Or. en

Amendment 363
Axel Voss, Angelika Niebler, Markus Pieper, Markus Ferber, Sven Schulze, Geoffroy Didier

Proposal for a directive
Article 5 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

The channels provided for in point (a) of paragraph 1 shall allow for reporting *in all* of the following ways:

The channels provided for in point (a) of paragraph 1 shall allow for reporting of the following ways:

Or. en

Amendment 364
Pascal Durand

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

Text proposed by the Commission

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

Amendment

(a) written reports in electronic or paper format and/or oral report through telephone lines, whether recorded or unrecorded ***in case the phone conversation is recorded, the prior consent of the reporting person is necessary;***

Or. en

Amendment 365

Axel Voss, Angelika Niebler, Markus Pieper, Markus Ferber, Sven Schulze

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

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

To make it clear that both ways of reporting are possible (alternatively, not cumulatively).

Amendment 366
Pascal Durand

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

Text proposed by the Commission

(b) physical meetings with the person

Amendment

(b) physical meetings with the person

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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 367

Pascal Durand, Julia Reda, Max Andersson, Heidi Hautala

Proposal for a directive

Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 368

Daniel Buda

Proposal for a directive

Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. The person or department referred to in point (b) of paragraph 1 may be the same person who is competent for receiving the reports. Additional persons may be designated as “trusted persons” from whom reporting persons and those considering reporting may seek confidential advice.

3. The person or department referred to in point (b) of paragraph 1 may be the same person who is competent for receiving the reports, ***provided that impartiality and confidentiality safeguards are maintained.*** Additional persons may be designated as “trusted persons” from whom reporting persons and those considering reporting may seek confidential advice.

Or. ro

Amendment 369
Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

Proposal for a directive
Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. It shall be ensured that a person considering reporting on breaches is protected to discuss, be accompanied and represented by his/her trade union and/or legal advisor, including throughout the internal process.

Or. en

Amendment 370
Evelyn Regner

Proposal for a directive
Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. It shall be ensured that a worker considering and/or making a report has the right to be represented by his/her trade union.

Or. en

Amendment 371
Angel Dzhambazki

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, handle reports **and set the hierarchical**

procedural structure.

Or. en

Amendment 372

Geoffroy Didier

Proposal for a directive

Article 6 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall create an information centre that the reporting person can contact in order to see whether their report comes under the Directive's scope and whether it concerns a serious threat or serious harm to the public interest, and so his or her suspicions may be assessed.

Or. fr

Amendment 373

Axel Voss, Geoffroy Didier

Proposal for a directive

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Member States are creating a new information centre, which the informant can contact in order to get help in evaluating his/her suspicion.

Or. en

Justification

According to Art 13 of the proposal, the only basis for deciding if the suspicion falls under the scope of this regulation or if the internal steps can be skipped (Art 13(2)) is the subjective assessment of the informant. As this assessment is often rather complicated - both on actual and on legal accounts - and as the results of an unjustified disclosure are quite severe for the

company and the affected individual(s), Members States should help the information at the earliest stage. They should be able to contact a centre, where they can describe/explain their suspicion, without naming the company or the affected persons. The centre should then - on basis of their information - make a first assessment if the suspicion seems reasonable, if it is within the scope of this directive and which agency is responsible if the internal ways are not sufficient.

Amendment 374

Pascal Durand, Julia Reda, Max Andersson, Heidi Hautala

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, for receiving and handling information provided by the reporting person ***and allow for anonymous reporting;***

Or. en

Amendment 375

Pascal Durand

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. en

Amendment 376

Pascal Durand

Proposal for a directive
Article 6 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

ba) gives the reporting person the opportunity, without compelling him/her, to look over, examine and comment on the draft report over the course of the investigation, and the final report before it is published at the end of the investigation and, where relevant, take his/her comments into account.

Or. en

Amendment 377
Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

Proposal for a directive
Article 6 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

ca) guarantee free and independent advice and legal support for persons reporting on breaches, as well as for facilitators and intermediaries;

Or. en

Amendment 378
Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

Proposal for a directive
Article 6 – paragraph 2 – point c b (new)

Text proposed by the Commission

Amendment

cb) give the reporting person the opportunity, without compelling him/her, to look over, examine and comment on the draft report over the course of the investigation, and the final report before it

is published at the end of the investigation and, where relevant, take his/her comments into account;

Or. en

Amendment 379

Pascal Durand

Proposal for a directive

Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 380

Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

Proposal for a directive

Article 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall ensure that the national authorities can take adequate remedial action.

Or. en

Amendment 381

Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

Proposal for a directive

Article 6 – paragraph 3 b (new)

3b. *Member States shall ensure that the national authority publishes the final report, ensuring the reporting person's anonymity is maintained unless he/she requests otherwise, and that the national authority ensures this report contains the reporting person's comments as well as remedial action where appropriate.*

Or. en

Amendment 382

Pascal Durand

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 383

Angel Dzhambazki

Proposal for a directive

Article 6 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall ensure that any

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.

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, *with due regard to relevant data protection legislation*.

Or. en

Amendment 384

Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

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 *within reasonable time* and that the reporting person is informed *without delay*.

Or. en

Amendment 385

Kostas Chrysogonos, Stelios Kouloglou

Proposal for a directive

Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6 a

Whistleblower Protection Office (OPLA)

1. The Commission shall set up an independent European authority responsible for receiving and handling reports at EU level, and for guaranteeing the protection of whistleblowers. This authority is called the ‘Whistleblower Protection Office (OPLA)’.

- 2. OPLA: a) shall establish an independent, autonomous, secure and confidential reporting channel for receiving and handling information provided by the reporting person;**
- b) shall inform the reporting person of follow up on the report in a reasonable timeframe;**
- c) shall ensure the timely follow-up of reports and take appropriate action, and inform the whistleblower of this without delay and by any means;**
- d) shall consult, at the end of the investigation, the competent EU bodies for further investigation and/or for follow up and remedial action as appropriate, as quickly as is reasonably possible;**
- e) shall give the reporting person the opportunity, without compelling him/her, to look over, examine and comment on the draft report over the course of the investigation, and the final report before it is published at the end of the investigation, and, where appropriate, his/her comments must be taken into account;**
- f) shall inform the reporting person of the outcome of the investigations within a reasonable timeframe, not exceeding three months, or six months in duly justified cases, after the report or the submission of the report to OPLA;**
- g) shall set up and update a public register of all reports received, in compliance with confidentiality obligations, especially the reporting person's identity.**
- 3. OPLA shall set up measures for legal support for whistleblowers throughout proceedings.**

4. OPLA shall have a presence in all Member States via points of contact and reference persons. It shall also be accessible via a secure online platform.

5. OPLA shall monitor the implementation of this Directive by Member States by doing the following:

a) it shall gather data on reports, investigations and their follow up, repeat breaches, poorly conducted investigations and remedial action taken by and in each Member State;

b) it shall regularly issue recommendations to Member States and to private or public legal entities to improve its implementation;

c) it shall cooperate with national authorities, social partners and civil society organisation involved in whistleblower protection through continuous dialogue.

6. OPLA may be consulted directly:

a) by any individual protected by this Directive;

b) by a national authority;

c) by bodies responsible for internal reporting.

Or. en

Amendment 386

Jean-Marie Cavada, Jens Rohde, António Marinho e Pinto

Proposal for a directive

Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6 a

Obligation to provide information

The designated competent authorities shall provide clear information about the appropriate reporting channels and the scope of the Directive to any person requesting such an advice.

Or. en

Amendment 387

Axel Voss, Angelika Niebler, Markus Pieper, Markus Ferber, Sven Schulze

Proposal for a directive

Article 7 – paragraph 1 – point a

Text proposed by the Commission

Amendment

- a) *they are separated from general communication channels of the competent authority, including those through which the competent authority communicates internally and with third parties in its ordinary course of business;* *deleted*

Or. en

Justification

Deletion is necessary in order to avoid duplicating structures.

Amendment 388

Geoffroy Didier

Proposal for a directive

Article 7 – paragraph 1 – point b

Text proposed by the Commission

Amendment

- 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;
- 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 the reporting person and the concerned individual*, and prevents access to non-authorised staff members of the competent authority;

Or. fr

Amendment 389

Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

Proposal for a directive
Article 7 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

ca) they guarantee free and independent advice and legal support for persons reporting on breaches, as well as for facilitators and intermediaries.

Or. en

Amendment 390
Pascal Durand

Proposal for a directive
Article 7 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

ca) they guarantee free and independent advice and legal support for reporting persons and intermediaries.

Or. en

Amendment 391
Pascal Durand

Proposal for a directive
Article 7 – paragraph 2 – point c

Text proposed by the Commission

Amendment

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

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 his/her legal representative.*

Or. en

Amendment 392
Kostas Chrysogonos, Stelios Kouloglou

Proposal for a directive
Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Such channels shall safeguard the anonymity of the person reporting on breaches when he/she wishes to, as well as their personal data.

Or. en

Amendment 393
Pascal Durand

Proposal for a directive
Article 7 – paragraph 4

Text proposed by the Commission

Amendment

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.

4. Member States **and EU 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 394
Geoffroy Didier

Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that competent authorities have staff members dedicated to handling reports. Dedicated

1. Member States shall ensure that competent authorities have staff members dedicated to handling reports. Dedicated

staff members shall receive specific training for the purposes of handling reports.

staff members shall receive specific training for the purposes of handling reports. ***They shall analyse and interpret whether the report has serious implications for the public interest without prejudice to existing procedures in accordance with the Union acts listed in the annex (parts I and II).***

Or. fr

Amendment 395

Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

Proposal for a directive Article 8 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that competent authorities have staff members dedicated to handling reports. Dedicated staff members shall receive specific training for the purposes of handling reports.

Amendment

1. Member States shall ensure that competent authorities have staff members dedicated to handling reports, ***while respecting confidentiality of persons reporting on breaches***. Dedicated staff members shall receive specific training for the purposes of handling reports.

Or. en

Amendment 396

Pascal Durand

Proposal for a directive Article 8 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that competent authorities have staff members dedicated to handling reports. Dedicated staff members shall receive specific training for the purposes of handling reports.

Amendment

1. Member States shall ensure that competent authorities have ***an adequate number of competent*** staff members dedicated to handling reports. Dedicated staff members shall receive specific training for the purposes of handling reports.

Amendment 397

Jean-Marie Cavada, Jens Rohde, António Marinho e Pinto

Proposal for a directive

Article 8 – paragraph 2 – point a

Text proposed by the Commission

a) providing any interested person with information on the procedures for reporting;

Amendment

a) providing any interested person with information on the procedures for reporting *in accordance with Article 6a*;

Or. en

Amendment 398

Geoffroy Didier

Proposal for a directive

Article 8 – paragraph 2 – point b

Text proposed by the Commission

b) receiving and following-up reports;

Amendment

b) receiving and following-up reports, *verifying whether the report comes under the scope of this Directive*;

Or. fr

Amendment 399

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

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

Text proposed by the Commission

Amendment

aa) the way in which the competent authorities ensure the reporting person can revise, correct and comment on the report over the course of the investigation, without compelling him/her to do so, the

fact that his/her comments are incorporated at the end of the investigation, as appropriate, and that he/she may comment on the final report, and that these comments are included in the final report and when it is published;

Or. en

Amendment 400
Gilles Lebreton, Marie-Christine Boutonnet

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

Text proposed by the Commission

Amendment

(aa) a confidential notification of receipt of the report to the reporting person within no more than seven days following receipt;

Or. fr

Amendment 401
Kostas Chrysogonos, Jiří Maštálka

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

Text proposed by the Commission

Amendment

ab) due follow-up on the report by the designated person or department, including appropriate action as well as investigations into the subject of the reports, where necessary;

Or. en

Amendment 402
Pascal Durand

Proposal for a directive
Article 9 – paragraph 1 – point b

Text proposed by the Commission

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;

Amendment

b) a reasonable timeframe, not exceeding **two** months or **four** 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 403
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. fr

Amendment 404
Pascal Durand

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

Text proposed by the Commission

Amendment

ca) giving the reporting person the opportunity, without compelling him/her, to look over, examine and comment on the draft report over the course of the investigation, and the final report before it is published at the end of the investigation

and, where relevant, take his/her comments into account.

Or. en

Amendment 405

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Article 10 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

aa) the rights associated with the protection of the reporting person in the context of this Directive, including the possibility for the reporting person to consult OPLA directly;

Or. en

Amendment 406

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Article 10 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

ba) contacts from civil society organisations involved in the protection of persons reporting on breaches;

Or. en

Amendment 407

Gilles Lebreton, Marie-Christine Boutonnet

Proposal for a directive

Article 10 – paragraph 1 – point g

Text proposed by the Commission

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.

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 does, however, specify three exceptions to this principle that allow Member States to safeguard secrets protected under conventional and constitutional principles:***

a) secrets of national defence,

b) secrets concerning relations between a lawyer and his/her client,

c) medical confidentiality.

Or. fr

Amendment 408

Jean-Marie Cavada, Jens Rohde, António Marinho e Pinto

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, ***except if they are knowingly reporting wrong information or acting in breach of 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***

Amendment 409

Daniel Buda

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 ***bona fide persons, disinterestedly*** 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 410

Kostas Chrysogonos, Jiří Maštálka

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 ***authorities and on internal reporting channels*** 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 411

Geoffroy Didier

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, ***without prejudice to Article 1(3)***, 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.

Or. fr

Amendment 412

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Article 10 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

ga) access to reports and recommendations published by the competent authorities;

Or. en

Amendment 413

Pascal Durand

Proposal for a directive

Article 10 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

ga) contact information of CSOs where legal advice can be obtained free of charge.

Or. en

Amendment 414

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Article 10 – paragraph 1 – point g b (new)

Text proposed by the Commission

Amendment

gb) contact information of organisations where legal advice can be obtained free of charge;

Or. en

Amendment 415

Daniel Buda

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that competent authorities keep records of every report received.

1. Member States shall ensure that competent authorities keep records of every report received, *in compliance with all the rules regarding confidentiality and personal data protection.*

Or. ro

Amendment 416

Kostas Chrysogonos, Jiří Maštálka

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 *as well as private and public legal entities* 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, *or private and public legal entities, believe* that acknowledging receipt of a written report would jeopardise the protection of the reporting person's identity.

Or. en

Amendment 417

Kostas Chrysogonos, Jiří Maštálka

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 *and ensuring the necessary confidentiality is maintained*, the competent *authorities and the private and public legal entities* shall have the right to document the oral reporting in one of the following ways:

Or. en

Amendment 418

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 **must** document the oral reporting in one of the following ways:

Or. fr

Amendment 419

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Article 11 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The competent **authority** shall offer the possibility to the reporting person to check, rectify and agree the transcript of the call by signing it.

Amendment

The competent **authorities and the public and private legal entities** shall offer the possibility to the reporting person to check, rectify and agree the transcript of the call by signing it.

Or. en

Amendment 420

Kostas Chrysogonos, Jiří Maštálka

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 **authorities and the private and public legal entities** 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 **authorities and the public and private legal entities** shall offer the possibility to the reporting person to check, rectify and agree **the transcript** of the call

by signing *it*.

Or. en

Amendment 421

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 ***must*** 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.

Or. fr

Amendment 422

Kostas Chrysogonos, Jiří Maštálka

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 ***authorities or the private and public legal entities*** for reporting according to Article 7(2)(c), competent authorities ***and the private and public legal entities*** 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. Competent ***authorities and private and public legal entities*** shall have the right to document

the records of the meeting in one of the following ways:

Or. en

Amendment 423

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Article 11 – paragraph 5 – subparagraph 1 – point b

Text proposed by the Commission

b) accurate minutes of the meeting prepared by the dedicated staff members of the competent authority.

Amendment

b) accurate minutes of the meeting prepared by the dedicated staff members of the competent authority ***and the private and public legal entities***.

Or. en

Amendment 424

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Article 11 – paragraph 5 – subparagraph 2

Text proposed by the Commission

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***.

Amendment

The competent ***authorities and the public and private legal entities*** shall offer the possibility to the reporting person to check, rectify and agree ***the transcript*** of the ***call*** by signing ***it***.

Or. en

Amendment 425

Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

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 ***from the moment that he/she consults internal or external reporting channels described in this Directive***, provided he or she has reasonable grounds to believe that the information reported ***or disclosed*** was true at the time of reporting ***or disclosure*** and that this information falls within the scope of this Directive.

Or. en

Amendment 426

Laura Ferrara, 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. it

Amendment 427

Evelyn Regner

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***

Amendment

1. A reporting person shall qualify for protection under this Directive provided that the information reported falls within the scope of this Directive. ***The protection***

the time of reporting and that this information falls within the scope of this Directive.

covers whatever reporting channel was used; the individual circumstances of each case will determine the most appropriate channel.

Or. en

Amendment 428

Pascal Durand, Julia Reda, Max Andersson, Heidi Hautala

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 and that this information falls within the scope of this Directive, *regardless of the reporting channel.*

Or. en

Amendment 429

Jean-Marie Cavada, Jens Rohde, António Marinho e Pinto

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 *person* reporting *internally or/and externally* 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.

Or. en

Amendment 430
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, ***that he or she acted in good faith*** and that this information falls within the scope of this Directive.

Or. fr

Amendment 431
Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

Proposal for a directive
Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. A report should not be discarded because it was made anonymously and full protection should be granted to persons reporting on breaches, who have reported or disclosed information anonymously.

Or. en

Amendment 432
Virginie Rozière

Proposal for a directive
Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. 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 433

Jean-Marie Cavada, Jens Rohde, António Marinho e Pinto

**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.

Or. en

Amendment 434

Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

**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 435

Pascal Durand, Julia Reda, Max Andersson, Heidi Hautala

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 *who anonymously disclosed information that falls within the scope of this directive and whose identity was revealed* shall *also* qualify for protection under this directive.

Or. en

Amendment 436

Pascal Durand, Julia Reda, Max Andersson, Heidi Hautala

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 437

Pascal Durand, Julia Reda, Max Andersson, Heidi Hautala

Proposal for a directive

Article 13 – paragraph 2 – point b

Text proposed by the Commission

b) *internal reporting channels were*

Amendment

deleted

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 438
Geoffroy Didier

Proposal for a directive
Article 13 – paragraph 2 – point b

Text proposed by the Commission

Amendment

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;*

b) internal reporting channels were not available for the reporting person or the reporting person *does not have clear, accessible information on internal procedures;*

Or. fr

Amendment 439
Axel Voss, Angelika Niebler, Markus Pieper, Markus Ferber, Sven Schulze

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

Justification

Due to the proposed changes in 4(2), this has to be deleted, too.

Amendment 440
Pascal Durand

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 441
Laura Ferrara, 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 gravity of the breach;*

Or. it

Amendment 442
Geoffroy Didier, Francis Zammit Dimech

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) *where the reporting persons have valid reasons to believe they would be the victims of retaliation due to the report;*

Or. fr

Amendment 443

Pascal Durand

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 444

Pascal Durand

Proposal for a directive

Article 13 – paragraph 2 – point f

Text proposed by the Commission

Amendment

f) he or she was entitled to report directly through the external reporting channels to a competent authority by virtue of Union law. *deleted*

Or. en

Amendment 445

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Article 13 – paragraph 3

Text proposed by the Commission

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 *deleted*

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.

Or. en

Amendment 446
Angel Dzhambazki

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.

Or. en

Amendment 447
Jean-Marie Cavada, Jens Rohde, António Marinho e Pinto

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.

Or. en

Amendment 448

Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

Proposal for a directive

Article 13 – paragraph 4

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: *deleted*

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

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.

Or. en

Amendment 449

Pascal Durand, Julia Reda, Max Andersson, Heidi Hautala

Proposal for a directive

Article 13 – paragraph 4

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: *deleted*

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

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.

Or. en

Amendment 450

Axel Voss, Angelika Niebler, Markus Pieper, Markus Ferber, Sven Schulze

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 ***he or she first reported internally and/or externally in accordance with Chapters II and III and paragraph 2 of this Article, but: a) no appropriate action was taken in response to the report within the timeframe referred to in Articles 6(2)(b) and 9(1)(b); b) and there is immediate danger to life and health of individuals.***

Or. en

Justification

This is a crucial paragraph for the Directive as a public disclosure of information should be the ultima ratio based on a genuine balancing of interest. This requirement is also backed by the ECtHR in its key decision 28274/08 headnote 4 (21 July 2011) and its created 'three-stage notification procedure'. Otherwise, the businesses would not have the possibility to fix the shortcomings and the new rules would violate the presumption of innocence and encourage denunciation. Nevertheless, one should delete point b) as 'public interest' is not clearly defined within this Directive and this point would therefore lead to legal uncertainty. A

layman would not be able to determine whether all conditions are being met and could eventually make a unjustified disclosure. Subsequently, the presumption of innocence could not be guaranteed due to the interest of the media for the (alleged but not factual appropriate) accusation. So far paragraph 4 leads to the risk that a whistle blower does not accept the assessment of an authority and takes matters into his/her own hands.

Amendment 451
Angel Dzhambazki

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 **only** qualify for protection under this Directive where:

Or. en

Amendment 452
Axel Voss, Angelika Niebler, Markus Pieper, Markus Ferber, Sven Schulze

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

Justification

Due to changes in Article 13(4).

Amendment 453
Angel Dzhambazki

Proposal for a directive
Article 13 – paragraph 4 – point a

Text proposed by the Commission

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

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) ***and the facts intended to be disclosed are of imminent importance to the general public***; or

Or. en

Amendment 454
Geoffroy Didier

Proposal for a directive
Article 13 – paragraph 4 – point a

Text proposed by the Commission

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

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 action was taken in response to the report within the timeframe referred to in Articles 6(2)(b) and 9(1)(b); ***and where the public interest is clearly threatened***; or

Or. fr

Amendment 455
Jean-Marie Cavada, Jens Rohde, António Marinho e Pinto

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, 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

Or. en

Amendment 456
Angel Dzhambazki

Proposal for a directive
Article 13 – paragraph 4 – point a a (new)

Text proposed by the Commission

Amendment

aa) he or she shall not be deemed protected under this Directive, where he or she is not acting in good faith and purposefully using an external public channel to disseminate false information.

Or. en

Amendment 457
Axel Voss, Angelika Niebler, Markus Pieper, Markus Ferber, Sven Schulze

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

Justification

Due to changes in Article 13(4).

Amendment 458
Geoffroy Didier

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 imminent or manifest danger for the public interest, or where there is a risk of irreversible damage.

Or. fr

Amendment 459
Geoffroy Didier

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 imminent *and* manifest danger for the public interest, or to the particular circumstances of the case, or where there is a risk of irreversible damage.

Or. fr

Amendment 460
Geoffroy Didier, Francis Zammit Dimech

Proposal for a directive
Article 13 – paragraph 4 – point b – point i (new)

Text proposed by the Commission

Amendment

i) 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, or that evidence may be concealed or destroyed;

Or. fr

Amendment 461
Geoffroy Didier, Francis Zammit Dimech

Proposal for a directive
Article 13 – paragraph 4 – point b – point ii (new)

Text proposed by the Commission

Amendment

ii) he or she acted in good faith and had reasonable grounds to believe the information reported was true at the time or reporting even if the judicial authorities subsequently decided the report did not concern a threat or serious harm to the public interest.

Or. fr

Amendment 462
Geoffroy Didier

Proposal for a directive
Article 13 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

(ba) Failure to comply with appropriate reporting procedures would be grounds to invalidate a report and to refuse to give protection.

Amendment 463

Evelyn Regner

Proposal for a directive

Article 13 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

ba) where the public has an overriding interest in being informed directly;

Or. en

Amendment 464

Pascal Durand

Proposal for a directive

Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

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:

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, ***or any kinds of actions, whether direct or indirect, that could chill whistleblowers from exercising the rights protected by this Directive,*** including in particular in the form of:

Or. en

Amendment 465

Pascal Durand

Proposal for a directive

Article 14 – paragraph 1 – point g

Text proposed by the Commission

Amendment

g) coercion, intimidation, harassment or ostracism **at the workplace**;

g) coercion, intimidation, harassment, **discrimination** or ostracism;

Or. en

Amendment 466

Pascal Durand

Proposal for a directive

Article 14 – paragraph 1 – point k

Text proposed by the Commission

Amendment

k) damage, including to the person's reputation, or financial loss, including loss of business and loss of income;

k) damage, including to the person's reputation, **particularly on social media**, or financial loss, including loss of business and loss of income;

Or. en

Amendment 467

Geoffroy Didier

Proposal for a directive

Article 14 – paragraph 1 – point m

Text proposed by the Commission

Amendment

m) early termination or cancellation of contract for goods or services;

m) early termination or cancellation of contract for goods or services **not covered by the provisions of the contract**;

Or. fr

Amendment 468

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Article 14 – paragraph 1 – point n a (new)

Text proposed by the Commission

Amendment

na) physical, moral or financial pressure exerted on the persons protected by this Directive;

Or. en

Amendment 469

Pascal Durand

Proposal for a directive

Article 14 – paragraph 1 – point n a (new)

Text proposed by the Commission

Amendment

na) mandatory psychiatric or medical referrals;

Or. en

Amendment 470

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Article 14 – paragraph 1 – point n b (new)

Text proposed by the Commission

Amendment

nb) obstruction or cancellation of retirement benefits,

Or. en

Amendment 471

Pascal Durand

Proposal for a directive

Article 14 – paragraph 1 – point n b (new)

Text proposed by the Commission

Amendment

nb) loss of benefits or status;

Amendment 472

Pascal Durand

Proposal for a directive

Article 14 – paragraph 1 – point n c (new)

Text proposed by the Commission

Amendment

nc) retaliatory investigations;

Or. en

Amendment 473

Pascal Durand

Proposal for a directive

Article 14 – paragraph 1 – point n d (new)

Text proposed by the Commission

Amendment

n d) cancellation of duties;

Or. en

Amendment 474

Pascal Durand

Proposal for a directive

Article 14 – paragraph 1 – point n e (new)

Text proposed by the Commission

Amendment

***n e) suspension of revocation of
security clearance;***

Or. en

Amendment 475

Pascal Durand

Proposal for a directive
Article 14 – paragraph 1 – point n f (new)

Text proposed by the Commission

Amendment

*n f) obstruction or cancellation of
retirement benefits;*

Or. en

Amendment 476
Pascal Durand

Proposal for a directive
Article 14 – paragraph 1 – point n g (new)

Text proposed by the Commission

Amendment

*n g) failure by managers to make
reasonable efforts to prevent retaliation;*

Or. en

Amendment 477
Pascal Durand

Proposal for a directive
Article 14 – paragraph 1 – point n h (new)

Text proposed by the Commission

Amendment

*n h) initiation of retaliatory lawsuits or
prosecutions;*

Or. en

Amendment 478
Pascal Durand

Proposal for a directive
Article 14 – paragraph 1 – point n i (new)

Text proposed by the Commission

Amendment

n i) wilful ignorance of the retaliation by a supervisor or supervisory body who are tasked with monitoring the protected person;

Or. en

Amendment 479
Pascal Durand

Proposal for a directive
Article 14 – paragraph 1 – point n j (new)

Text proposed by the Commission

Amendment

n j) breaching the confidentiality and anonymity of the reporting person and other persons protected by this Directive;

Or. en

Amendment 480
Pascal Durand

Proposal for a directive
Article 14 – paragraph 1 – point n k (new)

Text proposed by the Commission

Amendment

n k) denying the rights of defence, including excessive delays in the handling of cases within the place of work;

Or. en

Amendment 481
Kostas Chrysogonos, Jiří Maštálka

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 482

Gilles Lebreton, Marie-Christine Boutonnet

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 do allow Member States to safeguard secrets protected under conventional and constitutional principles:***

a) secrets of national defence,

b) secrets concerning relations between a lawyer and his/her client,

c) medical confidentiality.

Or. fr

Amendment 483

Geoffroy Didier

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 ***without prejudice to Article 1(3)***.

Or. fr

Amendment 484

Axel Voss, Angelika Niebler, Markus Pieper, Markus Ferber, Sven Schulze

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

deleted

Or. en

Justification

This paragraph stands for a shift in the burden of proof, which would causes many new duties of documentation for businesses as well as many new obligations to produce proof. The employer should be at least able to provide information afterwards. One other consequence in the employment law would be that each employee could get a special life-long protection

against dismissals by bringing forward an unjustified claim and/or by making false claims (which cannot be disproved)!

Amendment 485
Pascal Durand

Proposal for a directive
Article 15 – paragraph 7

Text proposed by the Commission

7. In addition to the exemption from measures, procedures and remedies provided for in Directive (EU) 2016/943, in judicial proceedings, including for defamation, breach of copyright, breach of secrecy or for compensation requests based on private, public, or on collective labour law, reporting persons shall have the right to rely on having made a report or disclosure in accordance with this Directive to seek dismissal.

Amendment

7. In addition to the exemption from measures, procedures and remedies provided for in Directive (EU) 2016/943, in judicial proceedings, including for defamation, breach of copyright, breach of secrecy or for compensation requests based on private, public, or on collective labour law, reporting persons shall have the right to rely on having made a report or disclosure in accordance with this Directive to seek dismissal. ***The reporting persons shall benefit from the best protective measures in Member States where the entity in question, or the group of which it is a subsidiary, are located wherever relevant.***

Or. en

Amendment 486
Jean-Marie Cavada, Jens Rohde, António Marinho e Pinto

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 Council⁶³, and in accordance with national law, Member

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 Council⁶³, 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.

States may provide for further measures of legal and financial assistance and support, ***including psychological***, for reporting persons in the framework of legal proceedings.

⁶³ 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).

⁶³ 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 487
Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive
Article 15 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Reporting persons shall have access to psychological support.

Or. en

Amendment 488
Virginie Rozière

Proposal for a directive
Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15 a

Reparation for damages

Member States shall take the necessary measures to ensure full reparation for damages suffered by reporting persons meeting the conditions set out in Article 13. This reparation may take the following forms:

- a) reintegration*
- b) restoration of a cancelled permit, licence or contract;*
- c) compensation for actual or future financial losses;*
- d) compensation for other economic damages or non-material damages.*

Or. fr

Amendment 489
Geoffroy Didier

Proposal for a directive
Article 16 – paragraph 2

Text proposed by the Commission

2. *Where the identity of the concerned persons is not known to the public*, competent authorities shall ensure that their identity is protected for as long as the investigation is ongoing.

Amendment

2. Competent authorities shall ensure that their identity is protected for as long as the investigation is ongoing.

Or. fr

Amendment 490
Geoffroy Didier

Proposal for a directive
Article 16 – paragraph 3 a (new)

Text proposed by the Commission

3a. Protecting the personal data of the 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. Consequently and in accordance with the provisions of Regulation (EU) 2016/679 on the protection of natural persons with regards to the processing of personal data

Amendment

and the free movement of this data, the competent authorities should set out appropriate data protection procedures that aim to protect the reporting person, the concerned person and any other person covered by the report. The authorities should also ensure the competent authorities have a secure system in place so that access is restricted to authorised personnel only.

Or. fr

Amendment 491
Axel Voss, Geoffroy Didier

Proposal for a directive
Article 16 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *The protection of personal data of the concerned person is crucial in order to avoid unfair treatment or reputational damages due to the 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 (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

Justification

This content is already in Recital 58 but should be in the operational text in order to underline this important aspect.

Amendment 492

Daniel Buda

Proposal for a directive

Article 16 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *Pursuant to national law, concerned persons who suffer prejudice, whether directly or indirectly, as a consequence of the reporting or disclosure of misleading or inaccurate information can turn against the persons making malicious or abusive reports or disclosures, with all the consequences arising from application of the national law.*

Or. ro

Amendment 493

Geoffroy Didier

Proposal for a directive

Article 16 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. *Any person prejudiced by misleading or malicious reporting/disclosures should be given legal protection, including the right to an effective remedy against abusive reporting.*

Or. fr

Amendment 494

Pascal Durand, Julia Reda, Max Andersson, Heidi Hautala

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 also be fully respected.

Or. en

Amendment 495

Gilles Lebreton, Marie-Christine Boutonnet

Proposal for a directive

Article 17 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Member States shall provide for effective, proportionate and dissuasive penalties applicable to natural or legal persons that:

1. Member States shall provide for ***remedies and/or*** effective, proportionate and dissuasive penalties applicable to natural or legal persons that:

Or. fr

Amendment 496

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Article 17 – paragraph 1 – point b

Text proposed by the Commission

Amendment

b) take retaliatory measures against

b) take retaliatory measures against

reporting persons;

reporting persons *and against any natural or legal person associated with the activities protected by this Directive*;

Or. en

Amendment 497
Angel Dzhambazki

Proposal for a directive
Article 17 – paragraph 1 – point d

Text proposed by the Commission

d) breach the duty of maintaining the confidentiality of the identity of reporting persons.

Amendment

d) breach the duty of maintaining the confidentiality of the identity of reporting persons, *where certain confidentiality regimes, as set forth in this Directive, apply.*

Or. en

Justification

Any measure may not undermine fundamental principles such as the "attorney client privilege", etc.

Amendment 498
Geoffroy Didier

Proposal for a directive
Article 17 – paragraph 1 – point d

Text proposed by the Commission

d) breach the duty of maintaining the confidentiality of the identity of reporting persons.

Amendment

d) breach the duty of maintaining the confidentiality of the identity of reporting persons *and persons who are the subject of the report.*

Or. fr

Amendment 499
Pascal Durand

Proposal for a directive
Article 17 – paragraph 1 – point d

Text proposed by the Commission

d) breach the duty of maintaining the confidentiality of the identity of reporting persons.

Amendment

d) breach the duty of maintaining the confidentiality *or the anonymity* of the identity of reporting persons.

Or. en

Amendment 500
Laura Ferrara, Fabio Massimo Castaldo

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

deleted

Or. it

Justification

The offence of slander already exists as a deterrent for malicious reports, if the report relates to an offence, and lack of protection in the event of a request for compensation of damages. Imposing penalties on persons merely for having made a report could have an overly inhibiting effect on reporting persons.

Amendment 501
Axel Voss, Angelika Niebler, Markus Ferber, Markus Pieper, Sven Schulze, Geoffroy Didier

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 penalties applicable to ***the reporting and other*** 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

Justification

This paragraph is a crucial provision in order to prevent false allegations by a whistle blower or at least to be able to sanction such a behaviour. Otherwise, the person could publicise the allegations without even checking if the content is truth. In its key decision 28274/08 headnote 7 (21 July 2011), the ECtHR underlines that each allegation needs to be based on "factual circumstances" and may not be reported non-knowingly or frivolously as only a righteous claim is covered by Article 10(1) and (2) ECHR. Consequently, the deletion of this paragraph would only encourage denunciation - instead of amending the wrong, it fosters it.

Amendment 502
Pascal Durand

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 penalties applicable to persons making malicious or abusive reports or disclosures ***by retaining the protection and applying the rules of general law.***

Or. en

Amendment 503
Gilles Lebreton, Marie-Christine Boutonnet

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 **remedies and/or** 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.

Or. fr

Amendment 504
Jean-Marie Cavada, Jens Rohde, António Marinho e Pinto

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 penalties applicable to persons making malicious or abusive reports or disclosures **knowingly wrong**, including measures for compensating persons who have suffered damage from malicious or abusive reports or disclosures.

Or. en

Amendment 505
Pascal Durand, Julia Reda, Max Andersson, Heidi Hautala

Proposal for a directive
Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17 a

No Waiver of Rights and Remedies

The rights and remedies provided for under this Directive may not be waived or limited by any agreement, policy, form or condition of employment, including by any pre-dispute arbitration agreement. Any attempt to waive or limit these rights and remedies shall be considered void and unenforceable and may be subject to penalty or sanction.

Or. en

Amendment 506

Virginie Rozière, Jytte Guteland

Proposal for a directive

Article 19 – title

Text proposed by the Commission

Amendment

More favourable treatment

More favourable treatment ***and non-regression clause***

Or. en

Amendment 507

Jytte Guteland, Virginie Rozière

Proposal for a directive

Article 19 – paragraph 1

Text proposed by the Commission

Amendment

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).***

Member States may introduce or retain provisions more favourable to the rights of the reporting persons than those set out in this Directive.

Or. en

Justification

The Directive should be a minimum directive without restrictions for the Member States to introduce or keep provisions that are more favourable to the reporting person.

Amendment 508

Laura Ferrara, Fabio Massimo Castaldo

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 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). ***In particular, it is possible to establish a reward system that may offer a fair reward in the event that the reporting results in the prevention of considerable damage to its assets or the recovery of large sums by the EU.***

Or. it

Amendment 509

Virginie Rozière

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 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.

Or. en

Amendment 510

Gilles Lebreton, Marie-Christine Boutonnet

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 introduce or retain provisions more favourable to the rights of the reporting persons ***and the persons who are the subject of the report*** than those set out in this Directive, without prejudice to Article 16 and Article 17(2), ***to ensure Member States are able to provide genuine guarantees of confidentiality.***

Or. fr

Amendment 511
Kostas Chrysogonos, Jiří Maštálka

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 introduce or retain provisions more favourable to the reporting persons than those set out in ***any provision of*** this Directive, without prejudice to Article 16 and Article 17(2).

Or. en

Amendment 512
Jytte Guteland, Virginie Rozière

Proposal for a directive
Article 19 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The implementation of this Directive shall under no circumstances constitute valid grounds for reducing the general level of protection already afforded to the reporting persons in Member States when

reporting on breaches outside as well as within the scope of this Directive as defined by Article 1.

Or. en

Amendment 513
Virginie Rozière

Proposal for a directive
Article 19 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Implementation of this Directive shall not constitute valid grounds for reducing the general level of protection already afforded to reporting persons within Member States and in the areas to which it applies.

Or. en

Amendment 514
Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive
Article 19 a (new)

Text proposed by the Commission

Amendment

Article 19a

Non-regression clause

1. The implementation of this Directive shall under no circumstances constitute valid grounds for reducing the general level of protection already afforded when reporting on breaches other than those mentioned in Article 1.

2. This Directive is without prejudice to any other rights conferred on reporting persons by other legal acts of the Union.

Amendment 515

Jytte Guteland

Proposal for a directive

Article 19 a (new)

Text proposed by the Commission

Amendment

Article 19 a

Respect for social partners' autonomy

This Directive shall be without prejudice to the autonomy of the social partners and their right to enter into collective agreements in accordance with national law, traditions and practices and while respecting the provisions of the Treaty.

Or. en

Justification

Important to respect national labour marked models as regards to the autonomy of the social partners is respected.

Amendment 516

Pascal Durand

Proposal for a directive

Article 20 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. When transposing this directive Member States may consider the establishment of an independent whistleblower protection authority.

Or. en

Amendment 517

Evelyn Regner, Sylvia-Yvonne Kaufmann

**Proposal for a directive
Article 20 a (new)**

Text proposed by the Commission

Amendment

Article 20 a

Non-regression clause

1. The implementation of this Directive shall under no circumstances constitute valid grounds for reducing the general level of protection already afforded when reporting on breaches other than those mentioned in Article 1.

2. This Directive is without prejudice to any other rights conferred on reporting persons by other legal acts of the Union.

Or. en

**Amendment 518
Pascal Durand**

**Proposal for a directive
Annex I**

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

**Amendment 519
Pascal Durand**

**Proposal for a directive
Annex I – part I**

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 520
Pascal Durand

Proposal for a directive
Annex I – part I – point A

Text proposed by the Commission

Amendment

A Article 1(a)(i) – public procurement: **deleted**

1. Procedures for procurement relating to supplies contracts for defence products and supplies and services contracts for water, energy, transport and postal services and any other contract or service as regulated under Union legislation:

(i) Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1);

(ii) Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65);

(iii) Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243);

(iv) Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC (OJ L 216, 20.8.2009, p. 76).

2. Review procedures regulated by:

(i) Council Directive 92/13/EEC of 25

February 1992 coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (OJ L 76, 23.3.1992, p. 14);

(ii) Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts (OJ L 395, 30.12.1989, p. 33).

Or. en

Amendment 521
Pascal Durand

Proposal for a directive
Annex I – part I – point A – point 1

Text proposed by the Commission

Amendment

1. Procedures for procurement relating to supplies contracts for defence products and supplies and services contracts for water, energy, transport and postal services and any other contract or service as regulated under Union legislation:

deleted

(i) Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1);

(ii) Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65);

(iii) Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by

entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243);

(iv) Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC (OJ L 216, 20.8.2009, p. 76).

Or. en

Amendment 522

Pascal Durand

Proposal for a directive

Annex I – part I – point A – point 1 – point i

Text proposed by the Commission

Amendment

(i) Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1);

deleted

Or. en

Amendment 523

Pascal Durand

Proposal for a directive

Annex I – part I – point A – point 1 – point ii

Text proposed by the Commission

Amendment

(ii) Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive

deleted

2004/18/EC (OJ L 94, 28.3.2014, p. 65);

Or. en

Amendment 524
Pascal Durand

Proposal for a directive
Annex I – part I – point A – point 1 – point iii

Text proposed by the Commission

Amendment

(iii) *Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243);* **deleted**

Or. en

Amendment 525
Pascal Durand

Proposal for a directive
Annex I – part I – point A – point 1 – point iv

Text proposed by the Commission

Amendment

(iv) *Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC (OJ L 216, 20.8.2009, p. 76).* **deleted**

Or. en

Amendment 526
Pascal Durand

Proposal for a directive
Annex I – part I – point A – point 2

Text proposed by the Commission

Amendment

2. *Review procedures regulated by:* *deleted*

(i) Council Directive 92/13/EEC of 25 February 1992 coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (OJ L 76, 23.3.1992, p. 14);

(ii) Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts (OJ L 395, 30.12.1989, p. 33).

Or. en

Amendment 527
Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive
Annex I – part I – point A – point 2 – introductory part

Text proposed by the Commission

Amendment

2. *Review procedures regulated by:*

2. *Review procedures regulated **in particular** by:*

Or. en

Amendment 528
Pascal Durand

Proposal for a directive

Annex I – part I – point A – point 2 – point i

Text proposed by the Commission

Amendment

(i) *Council Directive 92/13/EEC of 25 February 1992 coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (OJ L 76, 23.3.1992, p. 14);* **deleted**

Or. en

Amendment 529
Pascal Durand

Proposal for a directive
Annex I – part I – point A – point 2 – point ii

Text proposed by the Commission

Amendment

(ii) *Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts (OJ L 395, 30.12.1989, p. 33).* **deleted**

Or. en

Amendment 530
Pascal Durand

Proposal for a directive
Annex I – part I – point B

Text proposed by the Commission

Amendment

[...] **deleted**

Or. en

Amendment 531
Pascal Durand

Proposal for a directive
Annex I – part I – point B – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 532
Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive
Annex I – part I – point B – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

Rules establishing a regulatory and supervisory framework and consumer and investor protection in the Union financial services and capital markets, banking, credit, insurance and re-insurance, occupational or personal pensions, securities, investment funds, payment and investment advice and the services listed in Annex I to Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338), as regulated by:

Rules establishing a regulatory and supervisory framework and consumer and investor protection in the Union financial services and capital markets, banking, credit, insurance and re-insurance, occupational or personal pensions, securities, investment funds, payment and investment advice and the services listed in Annex I to Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338), as regulated *in particular* by:

Or. en

Amendment 533
Pascal Durand

Proposal for a directive
Annex I – part I – point B – paragraph 1 – point i

Text proposed by the Commission

Amendment

(i) *Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7);* *deleted*

Or. en

Amendment 534
Pascal Durand

Proposal for a directive
Annex I – part I – point B – paragraph 1 – point ii

Text proposed by the Commission

Amendment

(ii) *Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010 (OJ L 174, 1.7.2011, p. 1);* *deleted*

Or. en

Amendment 535
Pascal Durand

Proposal for a directive
Annex I – part I – point B – paragraph 1 – point iii

Text proposed by the Commission

Amendment

(iii) *Regulation (EU) No 236/2012 of the European Parliament and of the* *deleted*

Council of 14 March 2012 on short selling and certain aspects of credit default swaps (OJ L 86, 24.3.2012, p. 1);

Or. en

Amendment 536

Pascal Durand

Proposal for a directive

Annex I – part I – point B – paragraph 1 – point iv

Text proposed by the Commission

Amendment

(iv) *Regulation (EU) No 345/2013 of the European Parliament and of the Council of 17 April 2013 on European venture capital funds (OJ L 115, 25.4.2013, p. 1);* **deleted**

Or. en

Amendment 537

Pascal Durand

Proposal for a directive

Annex I – part I – point B – paragraph 1 – point v

Text proposed by the Commission

Amendment

(v) *Regulation (EU) No 346/2013 of the European Parliament and of the Council of 17 April 2013 on European social entrepreneurship fund (OJ L 115, 25.4.2013, p. 18);* **deleted**

Or. en

Amendment 538

Pascal Durand

Proposal for a directive

Annex I – part I – point B – paragraph 1 – point vi

Text proposed by the Commission

Amendment

(vi) *Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property and amending Directives 2008/48/EC and 2013/36/EU and Regulation (EU) No 1093/2010 (OJ L 60, 28.2.2014, p. 34);* *deleted*

Or. en

Amendment 539

Pascal Durand

Proposal for a directive

Annex I – part I – point B – paragraph 1 – point vii

Text proposed by the Commission

Amendment

(vii) *Regulation (EU) No 537/2014 of the European Parliament and of the Council of 16 April 2014 on specific requirements regarding statutory audit of public-interest entities and repealing Commission Decision 2005/909/EC (OJ L 158, 27.5.2014, p. 77);* *deleted*

Or. en

Amendment 540

Pascal Durand

Proposal for a directive

Annex I – part I – point B – paragraph 1 – point viii

Text proposed by the Commission

Amendment

(viii) *Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173,* *deleted*

12.6.2014, p. 84);

Or. en

Amendment 541
Pascal Durand

Proposal for a directive
Annex I – part I – point B – paragraph 1 – point ix

Text proposed by the Commission

Amendment

(ix) *Directive 2015/2366/EU of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35);* *deleted*

Or. en

Amendment 542
Pascal Durand

Proposal for a directive
Annex I – part I – point B – paragraph 1 – point x

Text proposed by the Commission

Amendment

(x) *Directive 2004/25/EC of the European Parliament and of the Council of 21 April 2004 on takeover bids (OJ L 142, 30.4.2004, p. 12);* *deleted*

Or. en

Amendment 543
Pascal Durand

Proposal for a directive
Annex I – part I – point B – paragraph 1 – point xi

Text proposed by the Commission

Amendment

(xi) Directive 2007/36/EC of the European Parliament and of the Council of 11 July 2007 on the exercise of certain rights of shareholders in listed companies (OJ L 184, 14.7.2007, p. 17).

deleted

Or. en

**Amendment 544
Pascal Durand**

**Proposal for a directive
Annex I – part I – point C**

Text proposed by the Commission

Amendment

C Article 1(a)(iii) – product safety:

deleted

1. General safety requirements of products placed in the Union market as defined and regulated by:

(i) Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety (OJ L 11, 15.1.2002, p. 4);

(ii) Union harmonisation legislation concerning manufactured products other than food, feed, medicinal products for human and veterinary use, living plants and animals, products of human origin and products of plants and animals relating directly to their future reproduction as listed in the Regulation XX laying down rules and procedures for compliance with and enforcement of Union harmonisation legislation⁶⁴ ;

(iii) Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework

Directive) (OJ L 263, 9.10.2007, p. 1).

2. Marketing and use of sensitive and dangerous products, as regulated by:

(i) Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community (OJ L 146, 10.06.2009, p. 1);

(ii) Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons (OJ L 256, 13.9.1991, p. 51);

(iii) Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition (OJ L 94, 30.3.2012, p. 1);

(iv) Regulation (EU) No 98/2013 of 15 January 2013 on the marketing and use of explosives precursors (OJ L 39, 9.2.2013, p. 1).

⁶⁴ 2017/0353 (COD) - This is currently a Proposal for a Regulation laying down rules and procedures for compliance with and enforcement of Union harmonisation legislation on products and amending Regulations (EU) No 305/2011, (EU) No 528/2012, (EU) 2016/424, (EU) 2016/425, (EU) 2016/426 and (EU) 2017/1369 of the European Parliament and of the Council, and Directives 2004/42/EC, 2009/48/EC, 2010/35/EU, 2013/29/EU, 2013/53/EU, 2014/28/EU, 2014/29/EU, 2014/30/EU, 2014/31/EU, 2014/32/EU, 2014/33/EU,

2014/34/EU, 2014/35/EU, 2014/53/EU, 2014/68/EU and 2014/90/EU of the European Parliament and of the Council containing a definition of “EU harmonised legislation” and listing in the Annex with all the harmonised legislation and refer to “harmonised products” in general terms.

Or. en

**Amendment 545
Pascal Durand**

**Proposal for a directive
Annex I – part I – point C – point 1**

Text proposed by the Commission

Amendment

1. General safety requirements of products placed in the Union market as defined and regulated by: *deleted*

(i) Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety (OJ L 11, 15.1.2002, p. 4);

(ii) Union harmonisation legislation concerning manufactured products other than food, feed, medicinal products for human and veterinary use, living plants and animals, products of human origin and products of plants and animals relating directly to their future reproduction as listed in the Regulation XX laying down rules and procedures for compliance with and enforcement of Union harmonisation legislation⁶⁴ ;

(iii) Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ L 263, 9.10.2007, p. 1).

64 2017/0353 (COD) - This is currently a Proposal for a Regulation laying down rules and procedures for compliance with and enforcement of Union harmonisation legislation on products and amending Regulations (EU) No 305/2011, (EU) No 528/2012, (EU) 2016/424, (EU) 2016/425, (EU) 2016/426 and (EU) 2017/1369 of the European Parliament and of the Council, and Directives 2004/42/EC, 2009/48/EC, 2010/35/EU, 2013/29/EU, 2013/53/EU, 2014/28/EU, 2014/29/EU, 2014/30/EU, 2014/31/EU, 2014/32/EU, 2014/33/EU, 2014/34/EU, 2014/35/EU, 2014/53/EU, 2014/68/EU and 2014/90/EU of the European Parliament and of the Council containing a definition of “EU harmonised legislation” and listing in the Annex with all the harmonised legislation and refer to “harmonised products” in general terms.

Or. en

Amendment 546

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Annex I – part I – point C – point 1 – introductory part

Text proposed by the Commission

1. General safety requirements of products placed in the Union market as defined and regulated by:

Amendment

1. General safety requirements of products placed in the Union market as defined and regulated ***in particular*** by:

Or. en

Amendment 547

Pascal Durand

Proposal for a directive

Annex I – part I – point C – point 1 – point ii

(ii) **Union harmonisation legislation concerning manufactured products other than food, feed, medicinal products for human and veterinary use, living plants and animals, products of human origin and products of plants and animals relating directly to their future reproduction as listed in the Regulation XX laying down rules and procedures for compliance with and enforcement of Union harmonisation legislation⁶⁴ ;** **deleted**

⁶⁴ 2017/0353 (COD) - *This is currently a Proposal for a Regulation laying down rules and procedures for compliance with and enforcement of Union harmonisation legislation on products and amending Regulations (EU) No 305/2011, (EU) No 528/2012, (EU) 2016/424, (EU) 2016/425, (EU) 2016/426 and (EU) 2017/1369 of the European Parliament and of the Council, and Directives 2004/42/EC, 2009/48/EC, 2010/35/EU, 2013/29/EU, 2013/53/EU, 2014/28/EU, 2014/29/EU, 2014/30/EU, 2014/31/EU, 2014/32/EU, 2014/33/EU, 2014/34/EU, 2014/35/EU, 2014/53/EU, 2014/68/EU and 2014/90/EU of the European Parliament and of the Council containing a definition of “EU harmonised legislation” and listing in the Annex with all the harmonised legislation and refer to “harmonised products” in general terms.*

Or. en

Amendment 548
Pascal Durand

Proposal for a directive
Annex I – part I – point C – point 1 – point iii

Text proposed by the Commission

Amendment

(iii) Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ L 263, 9.10.2007, p. 1).

deleted

Or. en

**Amendment 549
Pascal Durand**

**Proposal for a directive
Annex I – part I – point C – point 2**

Text proposed by the Commission

Amendment

2. Marketing and use of sensitive and dangerous products, as regulated by:

deleted

(i) Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community (OJ L 146, 10.06.2009, p. 1);

(ii) Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons (OJ L 256, 13.9.1991, p. 51);

(iii) Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and

components and ammunition (OJ L 94, 30.3.2012, p. 1);

(iv) Regulation (EU) No 98/2013 of 15 January 2013 on the marketing and use of explosives precursors (OJ L 39, 9.2.2013, p. 1).

Or. en

Amendment 550

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Annex I – part I – point C – point 2 – introductory part

Text proposed by the Commission

Amendment

2. Marketing and use of sensitive and dangerous products, as regulated by:

2. Marketing and use of sensitive and dangerous products, as regulated *in particular* by:

Or. en

Amendment 551

Pascal Durand

Proposal for a directive

Annex I – part I – point D

Text proposed by the Commission

Amendment

D Article 1(a)(iv) – transport safety:

deleted

1. Safety requirements in the railway sector as regulated by Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (OJ L 138, 26.5.2016, p. 102).

2. Safety requirements in the civil aviation sector as regulated by Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC (OJ L

295, 12.11.2010, p. 35).

3. Safety requirements in the road sector as regulated by:

(i) Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management (OJ L 319, 29.11.2008, p. 59);

(ii) Directive 2004/54/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the Trans-European Road Network (OJ L 167, 30.4.2004, p. 39).

4. Safety requirements in the maritime sector as regulated by:

(i) Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations (Recast) (OJ L 131, 28.5.2009, p. 11);

(ii) Regulation (EC) 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents (OJ L 131, 28.5.2009, p. 24);

(iii) Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146);

(iv) Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC (OJ L 131, 28.5.2009, p. 114);

(v) Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers (OJ L 323, 3.12.2008, p. 33);

(vi) Directive 98/41/EC of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community (OJ L 188, 2.7.1998, p.35);

(vii) Directive 2001/96/EC of the European Parliament and of the Council of 4 December 2001 establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers (OJ L 13, 16.1.2002, p. 9).

Or. en

Amendment 552
Pascal Durand

Proposal for a directive
Annex I – part I – point D – point 1

Text proposed by the Commission

Amendment

1. Safety requirements in the railway sector as regulated by Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (OJ L 138, 26.5.2016, p. 102). *deleted*

Or. en

Amendment 553
Pascal Durand

Proposal for a directive
Annex I – part I – point D – point 2

Text proposed by the Commission

Amendment

2. Safety requirements in the civil aviation sector as regulated by Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive *deleted*

Amendment 554
Pascal Durand

Proposal for a directive
Annex I – part I – point D – point 3

Text proposed by the Commission

Amendment

3. Safety requirements in the road sector as regulated by: *deleted*

(i) Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management (OJ L 319, 29.11.2008, p. 59);

(ii) Directive 2004/54/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the Trans-European Road Network (OJ L 167, 30.4.2004, p. 39).

Amendment 555
Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive
Annex I – part I – point D – point 3 – introductory part

Text proposed by the Commission

Amendment

3. Safety requirements in the road sector as regulated by:

3. Safety requirements in the road sector as regulated *in particular* by:

Amendment 556
Pascal Durand

Proposal for a directive
Annex I – part I – point D – point 4

Text proposed by the Commission

Amendment

4. Safety requirements in the maritime sector as regulated by: *deleted*

(i) Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations (Recast) (OJ L 131, 28.5.2009, p. 11);

(ii) Regulation (EC) 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents (OJ L 131, 28.5.2009, p. 24);

(iii) Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146);

(iv) Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC (OJ L 131, 28.5.2009, p. 114);

(v) Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers (OJ L 323, 3.12.2008, p. 33);

(vi) Directive 98/41/EC of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community (OJ L 188, 2.7.1998, p.35);

(vii) Directive 2001/96/EC of the European Parliament and of the Council of 4 December 2001 establishing harmonised requirements and procedures

for the safe loading and unloading of bulk carriers (OJ L 13, 16.1.2002, p. 9).

Or. en

Amendment 557

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Annex I – part I – point D – point 4 – introductory part

Text proposed by the Commission

Amendment

4. Safety requirements in the maritime sector as **regulated** by:

4. Safety requirements in the maritime sector as **regulate in particular** by:

Or. en

Amendment 558

Pascal Durand

Proposal for a directive

Annex I – part I – point E

Text proposed by the Commission

Amendment

E Article 1(a)(v) – protection of the environment:

deleted

(i) Any criminal offence against the protection of the environment as regulated by Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (OJ L 328, 6.12.2008, p. 28) or any unlawful conduct infringing the legislation set out in the Annexes of the Directive 2008/99/EC;

(ii) Directive (EC) 2004/35 of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30.4.2004, p. 56);

(iii) Regulation of (EU) 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market (OJ L 295, 12.11.2010, p. 23);

(iv) Directive 2009/123/EC of the European Parliament and of the Council of 21 October 2009 amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements (OJ L 280, 27.10.2009, p. 52);

(v) Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (OJ L 123, 19.5.2015, p. 55);

(vi) Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC (OJ L 330, 10.12.2013, p. 1);

(vii) Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals (OJ L 201, 27.7.2012, p. 60);

(viii) Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p.1);

(ix) Directive (EU) 2015/2193 of the

European Parliament and of the Council of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants (OJ L 313, 28.11.2015, p. 1).

Or. en

Amendment 559

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Annex I – part I – point E – title

Text proposed by the Commission

E Article 1(a)(v) – protection of the environment:

Amendment

E Article 1(a)(v) – protection of the environment, *sustainable development, waste management, marine, air and noise pollution, protection and management of water and soils, protection of nature and biodiversity and the fight against climate change, as well as provisions on environmental responsibility, including:*

Or. en

Amendment 560

Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

Proposal for a directive

Annex I – part I – point E a (new)

Text proposed by the Commission

Amendment

E a Provisions on access to environmental information including:

(i) Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26);

(ii) Regulation (EC) No 1049/2001 of the

European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43);

(iii) Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ L 264, 25.9.2006, p. 13);

(iv) Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1-14).

Or. en

Amendment 561

Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

Proposal for a directive

Annex I – part I – point E b (new)

Text proposed by the Commission

Amendment

E b Provisions on the environment and the climate, including:

(i) Regulation (EU) No 1293/2013 of the European Parliament and of the Council of 11 December 2013 on the establishment of a Programme for the Environment and Climate Action (LIFE) and repealing Regulation (EC) No 614/2007 (OJ L 347, 20.12.2013, p. 185);

(ii) Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing

Directives 2001/77/EC and 2003/30/EC (OJ L 140, 5.6.2009, p. 16);

(iii) Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community (OJ L 140, 5.6.2009, p. 63), and all related Regulations;

(iv) Regulation (EU) No 421/2014 of the European Parliament and of the Council of 16 April 2014 amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in view of the implementation by 2020 of an international agreement applying a single global market-based measure to international aviation emissions (OJ L 129, 30.4.2014, p. 1);

(v) Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (OJ L 140, 5.6.2009, p. 114);

(vi) Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC (OJ L 165, 18.6.2013, p. 13);

(vii) Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006 (OJ L 150, 20.5.2014, p. 195);

(viii) Council Directive 2003/96/EC of 27

October 2003 restructuring the Community framework for taxation of energy products and electricity (OJ L 283 of 31.10.2003 p. 51);

(ix) Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).

Or. en

Amendment 562

Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

Proposal for a directive

Annex I – part I – point E c (new)

Text proposed by the Commission

Amendment

E c Provisions on chemicals, including: (i) Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

Or. en

Amendment 563

Pascal Durand

Proposal for a directive

Annex I – part I – point F

Text proposed by the Commission

Amendment

F Article 1(a)(vi) – nuclear safety *deleted*

Rules on nuclear safety as regulated by:

(i) Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations (OJ L 172, 2.7.2009, p. 18);

(ii) Council Directive 2013/51/Euratom of 22 October 2013 laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption (OJ L 296, 7.11.2013, p. 12);

(iii) Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom (OJ L 13, 17.1.2014, p. 1);

(iv) Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste (OJ L 199, 2.8.2011, p. 48);

(v) Council Directive 2006/117/Euratom of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel (OJ L 337, 5.12.2006, p. 21).

Or. en

Amendment 564

Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

Proposal for a directive

Annex I – part I – point F – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

Rules on nuclear safety as regulated by:

Rules on nuclear safety as regulated *in particular* by:

Or. en

Amendment 565 Pascal Durand

Proposal for a directive Annex I – part I – point G

Text proposed by the Commission

Amendment

G *Article 1(a)(vii) – food and feed safety, animal health and animal welfare:*

deleted

1. Union food and feed law governed by the general principles and requirements as defined by Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

2. Animal health as regulated by Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') (OJ L 84, 31.3.2016, p. 1).

3. Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No

1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).

4. Protection of animal welfare as regulated by:

(i) Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes (OJ L 221, 8.8.1998, p. 23);

(ii) Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 (OJ L 3, 5.1.2005, p. 1);

(iii) Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing (OJ L 303, 18.11.2009, p. 1).

Or. en

Amendment 566

Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

Proposal for a directive

Annex I – part I – point G – point 4 – introductory part

Text proposed by the Commission

Amendment

4. Protection of animal welfare as regulated by:

4. Protection of animal welfare as regulated *in particular* by:

Or. en

Amendment 567

Pascal Durand

**Proposal for a directive
Annex I – part I – point H**

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 568

Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

**Proposal for a directive
Annex I – part I – point H – point 1 – introductory part**

Text proposed by the Commission

Amendment

1. Measures setting high standards of quality and safety of organs and substances of human origin, as regulated by:

1. Measures setting high standards of quality and safety of organs and substances of human origin, as regulated *in particular* by:

Or. en

Amendment 569

Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

**Proposal for a directive
Annex I – part I – point H – point 2 – introductory part**

Text proposed by the Commission

Amendment

2. Measures setting high standards of quality and safety for medicinal products and devices of medical use as regulated by:

2. Measures setting high standards of quality and safety for medicinal products and devices of medical use as regulated *in*

particular by:

Or. en

Amendment 570
Pascal Durand

Proposal for a directive
Annex I – part I – point I

Text proposed by the Commission

Amendment

I Article 1(a)(ix) – consumer protection: ***deleted***

Consumer rights and consumer protection as regulated by:

(i) Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers (OJ L 80, 18.3.1998, p. 27);

(ii) Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees (OJ L 171, 7.7.1999, p. 12);

(iii) Directive 2002/65/EC of the European Parliament and of the Council of 23 September 2002 concerning the distance marketing of consumer financial services and amending Council Directive 90/619/EEC and Directives 97/7/EC and 98/27/EC (OJ L 271, 9.10.2002, p. 16);

(iv) Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive')

(OJ L 149, 11.6.2005, p. 22);

(v) *Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC (OJ L 133, 22.5.2008, p. 66);*

(vi) *Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64);*

(vii) *Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features (OJ L 257, 28.8.2014, p. 214).*

Or. en

Amendment 571

Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

Proposal for a directive

Annex I – part I – point I – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

Consumer rights and consumer protection as regulated by:

Consumer rights and consumer protection as regulated *in particular* by:

Or. en

Amendment 572

Pascal Durand

Proposal for a directive

Annex I – part I – point J

Text proposed by the Commission

Amendment

J Article 1(a)(x) –protection of privacy and personal data, and security of network and information systems:

deleted

(i) Directive 2002/58/EC of the European Parliament and of the Council concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37);

(ii) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1);

(iii) 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 (OJ L 194, 19.7.2016, p. 1).

Or. en

Amendment 573

Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

Proposal for a directive

Annex I – part I – point J a (new)

Text proposed by the Commission

Amendment

J a Article 1 (a) (xi) - (xi) employment and working conditions 1. Employment legislation of the European Union, as regulated in particular by:

(i) Council Directive 79/7/EEC of 19 December 1978 on the progressive

implementation of the principle of equal treatment for men and women in matters of social security (OJ L 6, 10.1.1979,p. 24);

(ii) Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32);

(iii) Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship (OJ L 206, 29.7.1991, p.19);

(iv) Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work (OJ L 216, 20.8.1994,p. 12);

(v) Council Directive 98/59/EC on the approximation of the laws of the Member States relating to collective redundancies (OJ L 225, 12.8.1998, p. 16);

(vi) Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community (OJ L 209, 25.7.1998, p.46);

(vii) Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16);

(viii) Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19.7.2000,p. 22);

(ix) Council Directive 2000/79/EC of 27 November 2000 concerning the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation concluded by the Association of

European Airlines (AEA), the European Transport Workers' Federation (ETF), the European Cockpit Association (ECA), the European Regions Airline Association (ERA) and the International Air Carrier Association (IACA)(OJ L 302, 1.12.2000, p. 57);

(x) Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses (OJ L 82,22.3.2001, p. 16);

(xi) Directive 2003/41/EC of the European Parliament and of the Council of 3 June 2003 on the activities and supervision of institutions for occupational retirement provision (OJ L 235,23.9.2003, p. 10);

(xii) Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (OJ L 373, 21.12.2004,p. 37);

(xiii) Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9);

(xiv) Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (OJ L 204, 26.7.2006, p. 23);

(xv) Directive 2008/94/EC of the European Parliament and of the Council of 22 October 2008 on the protection of employees in the event of the insolvency of their employer (OJ L 283,28.10.2008, p. 36);

(xvi) Directive 2010/41/EU of the European Parliament and of the Council

of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC (OJ L180, 15.7.2010, p. 1);

(xvii) Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers (OJ L 128, 30.4.2014, p. 8);

(xviii) Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (OJ L 159, 28.5.2014, p. 11);

(xix) Directive 2014/50/EU of the European Parliament and of the Council of 16 April 2014 on minimum requirements for enhancing worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights (OJ L 128, 30.4.2014, p. 1);

(xx) Regulation (EC) No 450/2003 of the European Parliament and of the Council of 27 February 2003 concerning the labour cost index (OJ L 69, 13.3.2003, p. 1);

(xxi) Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51);

(xxii) Regulation (EC) No 987/2009 of the

European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (OJ L 284, 30.10.2009, p. 1);

(xxiii) Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union (OJ L 141, 27.5.2011, p. 1.);

(xxiv) Regulation (EU) No 223/2014 of the European Parliament and of the Council of 11 March 2014 on the Fund for European Aid to the Most Deprived (OJ L 72, 12.3.2014, p. 1);

(xxv) Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings (OJ L 141, 5.6.2015, p. 19);

2. Working conditions, as regulated in particular by:

(i) all individual Directives within the meaning of Article 16(1) of Directive 89/391/EEC;

(ii) Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels (OJ L 113, 30.4.1992, p. 19);

(iii) Directive 2001/95/EC of 3 December 2001 on general product safety (OJ L 11, 15.01.2002, p. 4);

(iv) Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (OJ L 157, 9.6.2006, p. 24);

(v) Commission Directive 2006/15/EC of 7 February 2006 establishing a second list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Directives 91/322/EEC and 2000/39/EC

(OJ L 38, 9.2.2006,p. 36);

(vi) Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the in land transport of dangerous goods (OJ L 260, 30.9.2008, p. 13);

(vii) Directive 2009/104/EC of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (OJ L 260, 3.10.2009, p. 5);

(viii) Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work(OJ L 330, 16.12.2009, p. 28);

(ix) Regulation (EC) No 1338/2008 of the European Parliament and of the Council of 16 December 2008 on Community statistics on public health and health and safety at work (OJ L 354, 31.12.2008, p. 70).

Or. en

Amendment 574

Virginie Rozière, Jytte Guteland

Proposal for a directive

Annex I – part I – point J a (new)

Text proposed by the Commission

Amendment

J a Article 1(a) (xa) - workers' right

1. Rules regarding health and safety at work

(i) Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in

the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1–8)

(ii) Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship (OJ L 206, 29.7.1991, p. 19–21)

2. Rules regarding working condition

(i) Directive 2008/94/EC of the European Parliament and of the Council of 22 October 2008 on the protection of employees in the event of the insolvency of their employer (Codified version) (Text with EEA relevance) (OJ L 283, 28.10.2008, p. 36–42)

(ii) Directive 2009/38/EC of the European Parliament and of the Council of 6 May 2009 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees (OJ L 122, 16.5.2009, p. 28–44)

(iii) Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ L 327, 5.12.2008, p. 9–14)

3. Rules regarding information and consultation of the workers

(i) Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32–35)

(ii) Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies (OJ L 225, 12.8.1998, p. 16–21)

(iii) Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community - Joint declaration of the European Parliament, the Council and the Commission on employee representation (OJ L 80, 23.3.2002, p. 29–34)

(iv) Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work (OJ L 216, 20.8.1994, p. 12–20)

(v) Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9–19)

Or. en

Amendment 575

Pascal Durand

Proposal for a directive

Annex I – part II

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 576

Pascal Durand

Proposal for a directive

Annex I – part II – point A

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 577

Pascal Durand

Proposal for a directive

Annex I – part II – point B

Text proposed by the Commission

Amendment

B Article 1(a)(iv) – transport safety: deleted

(i) 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 amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007 (OJ L 122, 24.4.2014, p. 18);

(ii) 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, 2006 (OJ L 329, 10.12.2013, p. 1);

(iii) Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (OJ L 131, 28.5.2009, p. 57).

Or. en

Amendment 578

Pascal Durand

Proposal for a directive

Annex I – part II – point C

Text proposed by the Commission

Amendment

C Article 1(a)(v) – protection of the environment: *deleted*

(i) Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending Directive 2004/35/EC (OJ L 178, 28.6.2013, p. 66).

Or. en