

**Question for written answer E-002254/2022
to the Commission**

Rule 138

Ignazio Corrao (Verts/ALE)

Subject: Failure to transpose Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law

Article 26 of Directive 2019/1937 sets 17 December 2021 as the deadline for the transposition of the directive. Italy is one of the Member States that have not yet transposed this directive, despite the fact that the Italian Parliament mandated the government to do this by virtue of Article 23 of Act No 53/2021 of 22 April 2021.

Pending that transposition, the matter is governed by Act No 179/2017. The Italian National Anti-Corruption Authority (ANAC) has issued guidelines on the protection of civil servants who report wrongdoings¹. The draft guidelines drawn up by ANAC extended the level of protection of whistle-blowers beyond that afforded by the laws in force, specifically along the lines indicated in Directive 2019/1936. However, at the consultative stage, the Council of State issued a negative opinion on that extension of protection².

Can the Commission state:

1. whether it has entered into discussions with the Italian Government concerning its failure to transpose the directive;
2. whether the aforementioned opinion of the Council of State is in line with the principle of sincere cooperation under Article 4(3) TFEU;
3. what interconnections there are between the failure to transpose the directive, Council Recommendation No 4 on Italy's 2019 anti-corruption reform programme and the related reforms under the national recovery and resilience plan?

¹ Decision No 469 of 9 June, available at: <https://www.anticorruzione.it/documents/91439/2366412/Delibera+n.+469+del+9+giugno+2021+%E2%80%93+Linee+guida+Whistleblowing.pdf/5320b852-b9e5-c063-c578-abe41f08a4a1?t=1627553237503>

² Opinion No 615/2020, available at: https://www.giustizia-amministrativa.it/portale/pages/istituzionale/visualizza?nodeRef=&schema=consul&nrg=202000111&nomeFile=202000615_27.html&subDir=Provvedimenti