



27.2.2024

NOTICE TO MEMBERS

Subject: Petition No 1343/2021 by Jaime González Díaz (Spanish), on behalf of Asociación Alianza contra la Corrupción (an anti-corruption association), on alleged breaches of the Whistleblower Directive

Petition No 1345/2021 by Enrique Herrera Aguilar (Spanish), on behalf of the Asociación para la defensa del Procurador (Association for the Defence of the Procurator), on the alleged failure to transpose the EU Directive on the protection of whistleblowers

1. Summary of petition 1343/2021

The petitioner complains that the Directive on the protection of whistleblowers reporting corruption is not being complied with in Spain. He attaches a number of cases, which in his view illustrate judicial corruption in Spain, conflicts of interest between the executive and the judiciary, and the abuse of rights.

Summary of petition 1345/2021

The petitioner complains that Spain has failed to transpose Directive (EU) 2019/1937 on the protection of persons who report breaches of EU law and calls for sanctions to be imposed on the Spanish State. The deadline for transposition expired on 17 December 2021.

2. Admissibility

Petitions were declared admissible on 5 April 2021. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 28 June 2022

Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law¹ sets out minimum standards ensuring a high level of protection of persons reporting breaches of EU law in a number of key policy areas. It provides for effective and widely available reporting channels and for robust protection of whistleblowers against retaliation.

As guardian of the Treaties, the Commission monitors the implementation of Directive (EU) 2019/1937 and takes all necessary measures to ensure its full and correct transposition and application, including by launching infringement procedures, where necessary. As Spain had not notified measures ensuring the complete transposition of the Directive by the deadline of 17 December 2021, the Commission addressed to Spain, on 27 January 2022, a letter of formal notice². The Commission is currently assessing the Spanish government's reply in order to decide on next steps, including on issuing a reasoned opinion, if necessary.

Conclusion

The Commission has addressed to Spain a letter of formal notice for failure to notify the measures for the transposition of Directive (EU) 2019/1937 by the deadline of 17 December 2021. The Commission is determined to take all necessary measures to enforce compliance with Directive (EU) 2019/1937 by all Member States, including Spain.

4. Further reply from the Commission (REV), received on 27 February 2024

Petition 1343/2021

The Commission's observations

As stated in the Commission's reply to the petition 1343/2021, Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law³ sets out minimum standards ensuring a high level of protection of persons reporting breaches of EU law in a number of key policy areas. It provides for effective and widely available reporting channels and for robust protection of whistleblowers against retaliation.

As guardian of the Treaties, the Commission monitors the implementation of Directive (EU) 2019/1937 and takes all necessary measures to ensure its full and correct transposition and application, including by launching infringement procedures, where necessary.

As Spain had not notified measures ensuring the complete transposition of the Directive by the deadline of 17 December 2021, the Commission addressed to Spain a letter of formal notice on 27 January 2022, and a reasoned opinion on 16 July 2022⁴.

Spain transposed the Directive in its legal order on 20 February 2023, through the "*Ley 2/2023, de 20 de febrero, reguladora de la protección de las personas que informen sobre infracciones normativas y de lucha contra la corrupción*"⁵.

The Commission is currently carrying out a compliance check of the notified measures, i.e. an assessment of their completeness and conformity with the Directive, in view of further steps to

¹ Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, *OJ L 305, 26.11.2019, p. 17–56*.

² Commission webpage on infringements

³ Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, *OJ L 305, 26.11.2019, p. 17–56*.

⁴ Commission [webpage on infringements](#)

⁵ <https://www.boe.es/buscar/act.php?id=BOE-A-2023-4513>

be taken, if necessary.

Conclusion

The Commission is determined to take all necessary measures to ensure the full and correct transposition of Directive (EU) 2019/1937 in all Member States and is currently analysing the measures taken by Spain for the transposition of the Directive.