



The Directive on the protection of whistleblowers in the EU

European Commission – DG Justice

Overview

- *Background*
- *Main features of the Directive*
- *Looking ahead*

Background: why protection at EU level?

- *Scandals with cross-border impact revealed by whistleblowers*
- *Sectorial whistleblower protection at EU level*
- *Strong call for action at EU level and from EP and stakeholders*
- *In public procurement alone, the benefit of effective whistleblower protection in the EU would be between EUR 5.8 to 9.6 billion each year (2017 study commissioned by the Commission)*
- *Objective: To strengthen the enforcement of Union law & To protect freedom of expression and information and media freedom*

Main features I - *Personal scope*

- *Broad definition: Reporting persons in the private or public sector who acquired information on breaches in a work-related*
- *Including workers, self-employed service providers, volunteers and unpaid trainees; persons whose employment relationship has ended or is yet to begin, etc.*
- *But also: facilitators or third persons connected with the reporting persons*

Main features II – Material scope

The Directive applies

- *to reports on breaches or abuses of EU law in public procurement; financial services, prevention of money laundering and terrorist financing; product safety; transport safety; protection of the environment; radiation protection and nuclear safety; food and feed safety, animal health and welfare; public health; consumer protection; protection of privacy and personal data, and security of network and information systems;*
- *breaches harming the EU's financial interests; and*
- *in view of their negative impact on the proper functioning of the internal market, breaches relating to EU competition rules and corporate tax rules or arrangements whose purpose is to obtain a tax advantage that defeats the object or purpose of the applicable corporate tax law.*

Main features: “the how”

- *Obligation to set up **confidential internal and external channels** for reporting;*
- *Clear and easily accessible **information** on procedures for reporting, protection and remedies available, plus access to advice, free of charge;*
- ***Obligation to follow up and give feedback** to the whistleblower within reasonable timeframe;*
- ***Prohibition and punishment of retaliation**, in all its possible forms;*
- *Adequate **remedies in case of retaliation**, including reversal of burden of proof and interim relief;*
- *Member States may introduce or retain **more favorable provisions**.*

State of play and looking ahead

- *High common minimum standards of protection for whistleblowers who unveil illegal activities and abuses in a wide range of areas*
- *Reports will feed national and EU enforcement systems with information leading to effective detection, investigation and prosecution of breaches of EU law*
- *Transposition deadline expired on 17 December 2021*
- *The Commission is committed to enforcing the Directive, including by means of legal action*