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