

Role of whistle-blowers in the protection of EU's financial interests

2016/2055(INI) - 20/01/2017 - Committee report tabled for plenary, single reading

The Committee on Budgetary Control adopted an own-initiative report by Dennis de JONG (GUE/NGL, NL) on the role of whistle-blowers in the protection of EU's financial interests.

The report stressed that whistle-blowers contribute greatly to increasing the democratic quality of, and the trust in, public institutions by making them directly accountable to citizens and more transparent.

Legislative proposal: Members urged the Commission to immediately submit a legislative proposal establishing an effective and comprehensive European whistle-blower protection programme which includes mechanisms for companies, public bodies and non-profit organisations.

More specifically, the Commission is called upon to submit a legislative proposal before the end of this year protecting whistle-blowers as part of the necessary measures in the fields of the prevention of and fight against fraud affecting the financial interests of the Union.

Member States which have not yet adopted the principles to protect whistle-blowers in their domestic law are called on to do so as soon as possible

Whistle-blower protection: Members considered it necessary to foster an ethical culture helping to ensure that whistle-blowers will not suffer retaliation or face internal conflicts. They stressed that the definition of whistle-blowing includes the protection of those who disclose information with a reasonable belief that the information is true at the time it is disclosed, including those who make inaccurate disclosures in honest error.

The Commission is invited to:

- provide a clear legal framework that guarantees that those exposing illegal or unethical activities are protected from retaliation or prosecution;
- ensure that its proposal affords the same protection to investigative journalists as it does to whistle-blowers.

European body: the report stressed the need to establish an independent information-gathering, advisory and referral EU body, with offices in Member States which are in a position to receive reports of irregularities. It should be provided with sufficient budgetary resources, adequate competences and appropriate specialists, in order to help internal and external whistle-blowers in using the right channels to disclose their information on possible irregularities affecting the financial interests of the Union, while protecting their confidentiality and offering needed support and advice.

Special unit: Members requested the establishment a special unit with a reporting line as well as dedicated facilities (e.g. hotlines, websites, contact points) within Parliament for receiving information from whistle-blowers relating to the financial interests of the Union, which will also provide them with advice and help in protecting them against any possible retaliatory measure. They called for a website to be launched where complaints can be submitted.

Single working protocol: the report called on the Commission, and on the European Public Prosecutors Office in so far as it is within its mandate upon its establishment, to establish efficient channels of communication between the parties concerned, to likewise set up procedures for receiving and protecting whistle-blowers who provide information on irregularities, and to establish a single working protocol for whistle-blowers.

The Commission is also called upon to:

- provide Parliament with any information received from whistle-blowers affecting the financial interests of the Union;
- carry out a public consultation to seek the view of stakeholders on the reporting mechanisms and on the potential shortcomings of the procedures at national level;
- study best practices from whistle-blower programmes already in place in other countries around the world.

Lastly, the report called on Member States to refrain from criminalising the actions of whistle-blowers in disclosing information about illegal activities or irregularities harmful to the EU's financial interests.