

Legitimate measures to protect whistle-blowers acting in the public interest when disclosing the confidential information of companies and public bodies

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The Committee on Legal Affairs adopted an own-initiative report by Virginie ROZIÈRE (S&D, FR) on legitimate measures to protect whistle-blowers acting in the public interest when disclosing the confidential information of companies and public bodies.

The Committee on Economic and Monetary Affairs, exercising its prerogative as an associated committee in accordance with [Article 54 of the Rules of Procedure](#), also gave its opinion on the report.

Whistle-blowers play a central role in reporting unlawful or improper conduct which undermines the general interest and functioning of society. However, the protection of whistle-blowers is fragmented in Europe, which creates legal uncertainty in cross-border situations in particular.

Protecting whistle-blowers: before the end of 2017, the Commission is invited to present a legislative proposal laying down the protection of whistle-blowers across the board in both public and private sectors and in national and European institutions.

Citizens and journalists should be given legal protection rather than be prosecuted for disclosing information in the public interest. Also, EU legislation should establish a clear procedure for the correct handling of alerts and for effective protection of whistle-blowers. Companies that take fully verified retaliatory action against whistle-blowers may not receive EU funds nor enter into contracts with public bodies.

Members regretted the fact that only a few Member States have sufficiently advanced early warning system protection systems. They called on Member States that have not yet adopted relevant legislation to do so in the near future and called on the Commission to consider the creation of a platform for the exchange of good practice in this field between Member States, as well as with third countries.

Member States and EU institutions are invited to promote the positive role that whistle-blowers play, in particular through awareness-raising and protection campaigns.

Reporting mechanism: Members called for a reliable system for internal reporting to competent authorities and outside the organisation. Employers should be encouraged to introduce internal reporting procedures and each organisation should establish clear reporting channels with an independent or impartial person or entity to collect reports. Each worker should be informed of the applicable reporting procedure, which should ensure confidentiality and a reasonable period of time in the handling of the report.

Protection given to whistle-blowers: Members considered that when a person is recognised as a whistle-blower, measures should be taken to protect them against any retaliation and for compensation to be granted for any harassment suffered. Retaliation should be penalised and sanctioned effectively.

Whistle-blowers should also have the opportunity to lodge an application for interim relief to prevent retaliation, such as dismissal.

Members also suggested that clearly regulated means of reporting anonymously should be introduced. The identity of the whistle-blower and any information enabling his identification may not be revealed without his or her consent and any breach confidentiality of identity should be subject to criminal penalties and sanctions.

Supporting whistleblowers: Members recalled that, beyond professional risks, whistle-blowers face personal, psychological, social and financial risks.

For this reason, Members considered it necessary to provide psychological support, the granting of legal aid to whistle-blowers who request it and lack sufficient resources, as well as the granting of social and financial aid where necessary in the event of civil or judicial proceedings against them. The Commission is urged look into the feasibility of entrusting the European Ombudsman in this context.

Members called for the establishment of a centralised European authority for the effective protection of whistle-blowers and people who assist their acts. They also called on Member States to establish independent bodies, with sufficient budgetary resources and appropriate specialists, responsible for collecting reports, verifying their credibility, following up on the response given and providing guidance to whistle-blowers.

Lastly, the report stressed that investigations into issues raised by whistle-blowers should be conducted independently and as quickly as possible, while also protecting the rights of individuals that might be implicated by a disclosure.