

Frequently Asked Questions: Whistleblower protection

What is a whistleblower?

The Commission's proposal defines a whistleblower as someone reporting or disclosing information on violations of EU law which they observe in their work-related activities. That means it covers employees but also self-employed people, freelancers, consultants, contractors, suppliers, volunteers, unpaid trainees and job applicants.

To avoid penalising people who act in good faith, whistleblowers also qualify for protection, if they had reasonable grounds to believe that the information reported was true at the time of reporting, or if they have serious suspicions that they observed an illegal activity.

Why is the Commission proposing a Directive on the protection of whistleblowers?

Recent scandals, such as the Dieselgate, Luxleaks, Panama Papers, the Fipronil case or Cambridge Analytica, have shown major wrongdoings happening inside companies or organisations, which harmed public interest across the EU. In many cases, these scandals, and the damage done to the environment, public health and safety, and to national or EU public finances, have come to light thanks to people speaking up when they encounter wrongdoing in the context of their work.

Those who work for an organisation or are in contact with it in the context of their work-related activities are often the first to know about threats or harm to the public interest which arise in this context. People speaking up when they encounter wrongdoing in the context of their work play an essential role in revealing violations of EU law which can cause serious harm to the public interest. They can feed national and EU enforcement systems with information leading to effective detection, investigation and prosecution of breaches of Union rules.

Yet, those who "raise the alarm" often risk their career and their livelihood and, in some cases, suffer severe and long-lasting financial, health, reputational and personal repercussions. Fear of retaliation dissuades people from coming forward with their concerns. The effective protection of whistleblowers against retaliation is essential to safeguard the public interest, protect freedom of expression and media freedom (because whistleblowers are essential as sources for investigative journalism) and more generally promote transparency, accountability and democratic governance.

Why does this require action at EU level?

Currently, the protection offered to whistleblowers across the EU is

fragmented and insufficient. Some Member States have comprehensive legislation in place, but most offer only sectoral protection, e.g. in the fight against corruption or for the public sector only. Elements of whistleblower protection have already been introduced in specific EU instruments in areas like financial services, transport safety and environmental protection, where there was an urgent need to ensure that EU law is correctly implemented.

Insufficient protection of whistleblowers can have a negative impact not only on the functioning of EU policies in one Member State, but also in other Member States and the EU as a whole.

Uneven protection of whistleblowers across the EU can undermine the level-playing field needed for the internal market to properly function and for business to operate in a healthy competitive environment; it can result in unsafe products placed on the internal market, in pollution of the environment or other risks for public health and transport safety which go beyond national borders; and it means that whistleblowers in cross-border situations can “fall through the cracks” and suffer retaliation for seeking to protect the public interest.

In addition, whistleblower protection can make it easier to detect, prevent and deter fraud, corruption and other illegal activities affecting the financial interests of the Union.

The proposed Directive aims at ensuring that all Member States have common high standards of protection for whistleblowers who unveil illegal activities and abuse of law relating to wide range of EU policy areas.

What type of reporting is protected?

Under the proposed Directive, a whistleblower is granted protection when reporting on breaches of EU rules in the areas of:

- public procurement
- financial services, anti-money laundering and counter terrorist financing
- product safety
- transport safety
- environmental protection
- nuclear safety
- public health
- food and feed safety, animal health and welfare
- consumer protection
- protection of privacy and personal data, and security of network and information systems

It also applies to breaches relating to Union competition rules, breaches harming the EU’s financial interests and, in view of their negative impact on the proper functioning of the internal market, to breaches of 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.

To ensure that the scope of the Directive remains up to date, the Commission will consider its future extension when proposing legislation in areas where whistleblower protection would be relevant.

The Directive protects whistleblowers of good faith: a person is protected if he or she has reasonable grounds to believe the information reported was true at the time of reporting, and that this information falls within the scope of the Directive.

While at EU level, in line with the principle of subsidiarity, the Directive establishes whistleblower protection measures targeted to the enforcement of EU law in specific areas, the Commission encourages the Member States, when transposing the Directive, to consider extending its scope of application to other areas, and more generally to ensure a comprehensive and coherent framework at national level.

What are the obligations for public authorities and private companies?

Obligation for public and private sector to establish internal channels and procedures for reporting and follow-up of reports

As a general rule, all private companies of more than 50 employees or with an annual turnover of more than €10 million and all State and regional administrations (including its departmental sub-divisions, such as provinces) and all local municipalities of more than 10,000 inhabitants are obliged to establish internal reporting channels, ensuring the confidentiality of the identity of the whistleblower.

They also need to designate a person or a department responsible for receiving and following up on the reports and to provide clear and accessible information about those procedures and the conditions under which reports can be made externally to national or EU competent authorities.

Small and micro companies are exempted from this obligation, with the exception of the companies operating in the field of financial services or vulnerable to anti-money laundering or counter terrorist financing, due to the high risks arising from the activities of such companies. Employees in such companies can report to designated public authorities.

After the whistleblower has submitted a report, the designated person/department must follow up on the report within 3 months and provide feedback to the reporting person about this follow up.

Obligation for competent national authorities to establish external reporting channels and to follow up on reports

Member States must identify the authorities who will be charged with receiving and following up on reports about breaches under the new law. These authorities should put in place specific, user-friendly channels, separate from their normal public complaints systems, to allow for reporting, and dedicated staff, professionally trained, to handle and follow up on reports.

These authorities will be under obligation to follow-up on the reports

received, and, within 3 months (extendable to 6 months in case of complex cases), give feedback to the reporting persons about the follow-up (for instance, closure of the case based on a lack of sufficient evidence, launch of a full investigation and/or measures taken to address the issue raised).

The authorities responsible should also make public easily understandable and accessible information about how whistleblowers can receive protection.

How should a whistleblower report wrongdoing?

In general, a whistleblower should first report information to his/her employer using internal reporting channels. However, a whistleblower can also choose to go directly to the central state authorities responsible and, where relevant, to EU bodies, in cases where:

- the internal channels do not exist (e.g. in small and micro companies) or
- their use is not mandatory (e.g. in case of non-employees) or
- they were used but did not function properly or they could not reasonably be expected to function properly (for example because of a fear of retaliation, concerns about confidentiality, the possible implication of the management in the breach, fear that the breach or the evidence might be concealed or destroyed, or if urgent action is required because of an imminent substantial danger to the life, health and safety of persons, or to the environment)

In addition, EU law already allows whistleblowers to report directly to national authorities or EU bodies for cases of fraud against the EU budget, or as concerns the prevention and detection of money laundering and terrorist financing or in the area of financial services.

Finally, the new law states that if the use of internal and/or external channels did not produce any results and the whistleblower did not receive appropriate feedback within the 3 or 6 month timeframe set by the new law, he/she can choose the last-resort option of publicly disclosing the information, for instance, directly to the public via web platforms or social media, or to the media, elected officials, civil society organisations etc.

Can a whistleblower disclose information directly to the media?

Yes, in certain circumstances.

If internal and external reporting channels are available, a whistleblower should use these first in order to be guaranteed protection under the new law. This is necessary to ensure that the information gets to the persons who can contribute to the early and effective resolution of risks to the public interest as well as to prevent unjustified reputational damages from public disclosures.

However, in cases where internal and/or external channels do not function or could not reasonably be expected to function properly, (for instance when it is reasonable to suspect a collusion between the perpetrator of the crime and the state authorities responsible for prosecuting them or in cases of urgent

or grave danger for the public interest, , or risk of irreversible damage, persons making a public disclosure (including to the media) will also be protected under the new law.

What type of protection is offered to whistleblowers?

The new law obliges Member States to prohibit any form of retaliation and to provide for effective, proportionate and dissuasive penalties against those who take retaliatory measures against whistleblowers.

If whistleblowers do suffer retaliation, the new law provides for a set of measures to protect them, including:

- **Legal advice:** whistleblowers will be given access to comprehensive and independent information and advice, free of charge, on available procedures and remedies;
- **Remedial measures:** whistleblowers will be given recourse to appropriate remedial measures against retaliation, such as:
 - interim relief to halt ongoing retaliation such as workplace harassment or to prevent dismissal pending the resolution of potentially protracted legal proceedings;
 - reversal of the burden of proof, so that it is up to the person taking action against a whistleblower to prove that they are not retaliating against the act of whistleblowing;
- **No liability:** whistleblowers are not to be considered infringing any restriction on disclosure of information imposed by contract or by law (so-called “gagging” clauses) and will not be held liable for disclosing information;
- **Protection in judicial proceedings:** If legal actions taken against whistleblowers outside of the work-related context (such as proceedings for defamation, breach of copyright or breach of secrecy) whistleblowers will be able to rely on the new EU law as a defence.

How are the rights of the accused person or organisation protected?

The new law aims at protecting responsible whistleblowing, genuinely intended to safeguard the public interest, while proactively discouraging malicious whistleblowing and preventing unjustified reputational damage.

Persons concerned by the reports fully enjoy the presumption of innocence, the right to an effective remedy and to a fair trial, and the rights of defence. Member States must also introduce effective, proportionate and dissuasive penalties for those who make malicious or abusive reports or disclosures.

How should Member States raise awareness of these rules?

The Directive obliges Member States to ensure that centralised authorities publish on their websites in a separate, easily identifiable and accessible section at least the following information:

- the conditions under which the whistleblowers qualify for protection;
- the existing reporting channels (phone numbers, dedicated postal address

- or email) for receiving and following-up on the reporting;
- the procedures applicable;
- the confidentiality regime applicable to reports;
- the nature of the follow-up to be given to reports;
- the remedies and procedures available against retaliation and on possibilities to receive confidential advice for persons contemplating making a report;
- a statement clearly explaining that whistleblowers are not be considered infringing any restriction on disclosure of information imposed by contract or by law, and are not to be involved in liability of any kind related to such disclosure.

What can a whistleblower do if “nothing happens”?

A person or a department responsible within a company or a public administration for receiving reports is obliged to follow up diligently on the report and within a reasonable timeframe, not exceeding 3 months following the report, and provide feedback to the reporting person about the follow up.

If there is no feedback and/or no appropriate follow up, the person can report externally to the centralised state authorities responsible.

The authorities responsible have the obligation to follow-up on the reports made by whistleblowers and inform them about the outcome of the investigation. If after a reasonable period of time (not exceeding 3 months or 6 months in duly justified cases), the authorities have not informed the whistleblower about the follow up given or envisaged or there was no appropriate follow up given, the whistleblower can disclose the information to the public, including to the media.

How will the new law support freedom of expression and freedom of the media?

Whistleblowers play a crucial role as sources for investigative journalism. When their concerns remain unaddressed and the only avenue open to them is to alert the public, as well as in other specific cases (see above), whistleblowers may reach out to journalists with the information they possess. Their effective protection against retaliation becomes, alongside protection of the confidentiality of sources, an essential means of safeguarding the watchdog role of investigative journalism in democratic societies.

By providing protection to whistleblowers as journalistic sources, the new law will have a clear positive impact in terms of promoting investigative journalism, and more generally media freedom. It will provide potential whistleblowers with legal certainty about the conditions under which they can go to the press, and will reassure them that they will be protected from retaliation if their identity is exposed.

Would the new law apply to cases like Cambridge Analytica?

The UK has one of the most advanced systems of whistleblowing protection in

the EU. However, in the majority of Member States, whistleblowers are only protected in very limited situations.

In the case of Cambridge Analytica, the person who reported the data breach would have been covered by the new law on whistleblower protection since it will apply to reporting on breaches of EU data protection rules, and allow for uncovering data breaches carried out by companies throughout Europe.

Cambridge Analytica may be considered as a typical example of the important role of whistleblowers in unmasking violations of EU law causing serious harm to the public interest and which might otherwise remain hidden.

What are the whistleblowing procedures in the EU institutions? Will the new law apply to them as well?

The new law applies to EU Member States, and is not applicable to the EU institutions.

For the EU institutions, the [Staff Regulations](#) of officials and Conditions of Employment of other servants of the European Union include, since 2004, rules on whistleblowing, setting out procedures for reporting any fraud, corruption or serious irregularity, and providing protection to whistleblowers from adverse consequences of this reporting. These rules were complemented in 2012 by [Guidelines](#) on Whistleblowing.

For More Information

[Press release](#)

[52/2018 : 23 April 2018 – Judgment of the General Court in case T-561/14](#)

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[Daily News 23 / 04 / 2018](#)

Whistleblower protection: Commission sets new, EU-wide rules

The European Commission is proposing a new law to strengthen whistleblower protection across the EU. Recent scandals such as Dieselgate, Luxleaks, the Panama Papers or the ongoing Cambridge Analytica revelations show that whistleblowers can play an important role in uncovering unlawful activities that damage the public interest and the welfare of our citizens and society.

First Vice-President Frans **Timmermans** said: *“Many recent scandals may never have come to light if insiders hadn’t had the courage to speak out. But those who did took enormous risks. So if we better protect whistleblowers, we can better detect and prevent harm to the public interest such as fraud, corruption, corporate tax avoidance or damage to people’s health and the environment. There should be no punishment for doing the right thing. In addition, today’s proposals also protect those who act as sources for investigative journalists, helping to ensure that freedom of expression and freedom of the media are defended in Europe.”* Today’s proposal will guarantee a high level of protection for whistleblowers who report breaches of EU law by setting new, EU-wide standards. The new law will establish safe channels for reporting both within an organisation and to public authorities. It will also protect whistleblowers against dismissal, demotion and other forms of retaliation and require national authorities to inform citizens and provide training for public authorities on how to deal with whistleblowers. Věra **Jourová**, Commissioner for Justice, Consumers and Gender Equality added: *“The new whistleblowers’ protection rules will be a game changer. In the globalised world where the temptation to maximise profit sometimes at the expense of the law is real we need to support people who are ready to take the risk to uncover serious violations of EU law. We owe it to the honest people of Europe. A [Press Release](#), [Memo](#) and [Factsheet](#) are all available online. (For more information: Christian Wigand– Tel.: +32 229 62253; Mélanie Voin – Tel.: +32 229 58659; Tim McPhie: +32 229-58602)*

EU and Mexico reach new agreement on trade

The European Union and Mexico reached last Saturday, 21 April, a new agreement on trade, part of a broader, modernised EU-Mexico Global Agreement. The agreement in principle brings the EU’s trade relationship with Mexico into the modern era, tearing down most of the remaining barriers to trade. European Commission President Jean-Claude **Juncker** said: *“Trade can and should be a win-win process and today’s agreement shows just that. With this agreement, Mexico joins Canada, Japan and Singapore in the growing list of partners willing to work with the EU in defending open, fair and rules-based trade.”* Commissioner for Trade Cecilia **Malmström** added: *“In less than two years the EU and Mexico have delivered a deal fit for the economic and political challenges of the 21st century. We now open a new chapter in our long and fruitful relationship, boosting trade and creating jobs.”* Commissioner for Agriculture, Phil **Hogan**, said: *“This deal is very positive for our agri-food sector, creating new export opportunities for our high-quality food and drink products, which in turn will create support more jobs and growth, particularly in rural areas.”* The agreement – once finalised and approved – will benefit both companies and consumers across Europe and advance the EU’s values-based trade policy agenda. For more information see the [press release](#), [MEMO](#) and a [joint statement](#) from Saturday, as well as the [dedicated webpage](#) with [factsheets](#), [exporters’ stories](#) and the text of the [agreement in principle](#) (to be published soon). A [press conference](#) by Commissioner **Malmström** and Commissioner **Hogan** can be watched online. (For more information: Daniel Rosario – Tel.: +32 229 56185; Kinga Malinowska – Tel.: +32 229 51383)

Façonner la mondialisation: La Commission mobilise 9,8 millions d'euros pour aider d'anciens travailleurs d'Air France à trouver un nouvel emploi

Répondant à une demande de la France, la Commission européenne a proposé aujourd'hui de mobiliser 9,8 millions d'euros provenant du [Fonds européen d'ajustement à la mondialisation \(FEM\)](#), pour aider près de 1 900 travailleurs licenciés par Air France, la compagnie aérienne française, à trouver un nouvel emploi. Marianne **Thyssen**, commissaire européenne chargée de l'emploi, des affaires sociales, des compétences et de la mobilité des travailleurs, a déclaré à ce propos: *«Les transports aériens, comme d'autres secteurs et industries en Europe, traversent actuellement une période de modifications structurelles majeures en raison de changements dans la structure du commerce mondial. Notre Fonds européen d'ajustement à la mondialisation soutient des travailleurs dont la situation est difficile dans cette transition difficile, en les aidant à adapter leurs compétences et à trouver un nouvel emploi. Il s'agit d'une expression concrète de la solidarité européenne.»* La France a sollicité le soutien du FEM à la suite du licenciement de 1 858 travailleurs chez Air France. Les mesures cofinancées par le FEM aideront les travailleurs licenciés à retrouver un emploi en mettant à leur disposition des services actifs d'orientation professionnelle, des formations professionnelles et en contribuant aux allocations de recherche d'emploi et aux allocations de mobilité. La proposition va maintenant être soumise à l'approbation du Parlement européen et du Conseil de l'Union européenne. Plus d'informations sont disponibles dans ce [communiqué de presse](#). (Pour plus d'informations: Christian Wigand– Tel.: +32 229 62253; Sara Soumillion – Tel.: + 32 229 67094)

Special Eurobarometer: How fair do Europeans think life in the EU is?

A new poll, published today, shows that most Europeans think life is generally fair, but have concerns over justice, political decisions and income inequality. Tibor **Navracsics**, Commissioner for Education, Culture, Youth and Sport, responsible for the Joint Research Centre, which conducted the Eurobarometer, said: *“Fairness is a crucial part of building a more resilient, cohesive Europe. Our initiatives in this area need to be based on sound evidence, but at the same time take Europeans' values and perceptions into account. I am proud that the JRC's work is helping us increase our knowledge on both counts, making a vital contribution to our efforts to build a better Europe for the future.”* European Commission President Jean-Claude **Juncker** made fairness in the EU the cornerstone of his political priorities. To support this effort with scientific evidence, the Commission's science and knowledge service, the [Joint Research Centre](#), produced its first [Fairness Report](#) last year. The results of the Special Eurobarometer survey published today will help shed light on the wider questions of perceived unfairness in employment, education, health and society at large. The Eurobarometer, a report and accompanying country fiches for all EU Member States are published [here](#). A full press release is available [online](#). (For more information: Nathalie Vandystadt – Tel.: +32 229 67083; Joseph Waldstein – Tel.: +32 229

New recommendation to support cross-border market access for defence and security SMEs

Today the Commission issued a [recommendation](#) on cross-border market access for sub-suppliers and small and medium-sized enterprises (SMEs) in the defence sector. It outlines actions national authorities can take to support SMEs and make it easier for them to take part in defence procurement contracts. Commissioner Elżbieta **Bieńkowska**, responsible for Internal Market, Industry, Entrepreneurship and SMEs, said: *“Innovative SMEs are a vital part of the EU defence industry. But they face too many barriers to participating in defence procurement, particularly across borders. Today’s recommendation should foster a more dynamic defence market, creating opportunities for SMEs and providing better value for public money.”* This recommendation also includes actions to be taken on the EU and national level, such as using national and European funding for defence-oriented SMEs and intermediate companies and addressing skills needs in the defence sector. The recommendation was announced in the 2016 [European Defence Action Plan](#) (EDAP), where the Commission envisaged work to strengthen an open and competitive defence market in Europe in order to help companies operate across borders and encourage Member States to get the best value for money when procuring in the defence area. As part of the Action Plan, the Commission has already launched last year the [European Defence Fund](#). (For more information: *Lucía Caudet – Tel.: +32 229 56182; Maud Noyon – Tel. +32 229-80379; Victoria von Hammerstein – Tel.: +32 229 55040*)

State aid: Commission opens in-depth investigation into Italian State loan to Alitalia

The European Commission has opened an in-depth investigation to assess whether Italy’s bridge loan to Alitalia totalling €900 million constitutes State aid and whether it complies with EU rules for aid to companies in difficulty. Italy notified the State loan granted to Alitalia in January 2018 as rescue aid within the meaning of EU State aid rules, namely the Commission’s [Rescue and Restructuring Aid Guidelines](#). This followed a number of complaints received by the Commission in 2017, alleging that the loan constitutes State aid that it is not compatible with the applicable EU rules. The Commission’s current view is that the State loan may constitute State aid. It will now investigate further whether the loan satisfies the conditions under the Guidelines. The opening of an in-depth investigation provides all interested parties with an opportunity to comment on the measure. It does not prejudice in any way the outcome of the investigation. Commissioner Margrethe **Vestager**, in charge of competition policy, said: *“The Commission has a duty to make sure that loans given to companies by Member States are in line with the EU rules on State aid. We will investigate whether this is the case for Alitalia.”* A full press release is available online in [EN](#), [IT](#), [FR](#) and [DE](#). (For more information: *Ricardo Cardoso – Tel.:*

+32 229 80100; Yizhou Ren – Tel.: +32 229 94889)

Eurostat: Transmission des données du déficit et de la dette pour 2017 – 1ère notification – Déficit public de la zone euro et de l'UE28 respectivement de 0,9% et 1,0 % du PIB – Dette publique à 86,7% et 81,6%

Le déficit ainsi que la dette publique se sont réduits en termes relatifs en 2017 par rapport à 2016, tant dans la zone euro (ZE19) que dans l'UE28. Le ratio du déficit public par rapport au PIB a baissé dans la zone euro, passant de 1,5% en 2016 à 0,9% en 2017, ainsi que dans l'UE28, de 1,6% à 1,0%. Le ratio de la dette publique par rapport au PIB a reculé dans la zone euro, passant de 89,0% à la fin de l'année 2016 à 86,7% à la fin de l'année 2017, ainsi que dans l'UE28, de 83,3% à 81,6%. Un communiqué de presse est disponible [ici](#). (Pour plus d'informations: Christian Spahr – Tel.: + 32 229 50055; Enda McNamara – Tel.: +32 229 64976)

ANNOUNCEMENTS

Conference on Supporting the future of Syria and the region: Commissioner Hahn meets young people from the region and Commissioner Stylianides inaugurates a photo exhibition on the EU response to the Syrian crisis

Today Commissioner **Hahn** is hosting an event organised by the [EU Regional Trust Fund in Response to the Syrian Crisis](#). Young people, students and young entrepreneurs from Syria, Jordan and Lebanon, who have all benefitted from EU Trust Fund projects will raise their voice, share their aspirations and visions for their countries, and their messages for the [Brussels II conference](#) with Commissioner **Hahn**. The event will also feature the pianist Aeham Ahmad, who in 2013 risked his life to play the piano in the besieged city of Yarmouk aiming at transmitting a message of hope and joy to his fellow citizens facing the siege. Thanks to his music, Aeham has now become an advocate for the cause of refugees all over Europe. An exhibition featuring EU Trust Fund projects will follow Ahmad's performance. On the same day at 14h at the Justus Lipsius building of the European Council, Commissioner for Humanitarian Aid and Crisis Management Christos **Stylianides** will inaugurate a [photo exhibition](#) dedicated to the concrete results of EU Humanitarian Aid Operations in both Syria and neighbouring countries such as Jordan, Lebanon and Turkey. It tells the personal stories of Syrians that received this aid, showing individual stories of survival, resilience and human determination to rebuild life as normal as possible. WFP, UNICEF, UNHCR, ICRC and Gruppo di Volontariato Civile (GVC) have contributed with pictures. These two events will conclude the run-up to the [Brussels II Conference on Supporting the future of Syria and the region #SyriaConf2018](#), due to kick off tomorrow. Both events will be broadcast live on [EbS](#). (For more information: Maja Kocijancic – Tel.: +32 229 86570; Carlos Martin Ruiz De Gorcejuela – Tel.: +32 229 65322; Alceo Smerilli – Tel.: +32 229 64887; Daniel Puglisi – Tel.: +32 229 69140)

Conférence: Comment investir avec une empreinte environnementale réduite?

Les 23 et 25 avril, le Commissaire **Vella** présentera à une conférence

organisée à Bruxelles les résultats d'une série de projets pilotes examinant la meilleure façon de calculer l'empreinte environnementale des entreprises. La Commission a travaillé avec plus de 260 entreprises et autres organisations s'étant portées volontaires pour développer une méthode harmonisée, fiable et comparable de calcul de l'empreinte environnementale. Les résultats concerneront les secteurs de l'agriculture (alimentation animale), de l'alimentation et des boissons (produits laitiers, pâtes alimentaires), des matières premières (production de cuivre) et des produits de consommation high-tech (panneaux solaires, batteries pour smartphones et voitures électriques). Les consommateurs, les entreprises et les investisseurs sont devenus plus conscients des impacts environnementaux des produits. Le soutien financier, la production et la décision d'acheter un produit sont tous influencés par des considérations durables. Réduire l'empreinte environnementale aide aussi à améliorer les stratégies de gestion des risques et à développer des chaînes d'approvisionnement plus solides. La conférence fait partie de la stratégie de la Commission pour amener le système financier à soutenir les actions de l'UE en matière de climat et de développement durable, comme annoncé dans le [Plan d'action sur la finance durable](#). Plus d'informations sont disponibles [ici](#). (For more information: Enrico Brivio – Tel.: + 32 229 56172; Iris Petsa – Tel.: +32 229 93321)

High Representative/Vice-President Mogherini and Commissioners Avramopoulos and King attend G7 meeting in Toronto

Commissioner for Migration, Home Affairs and Citizenship Dimitris **Avramopoulos** and Commissioner for the Security Union Julian **King** will participate today and tomorrow in the [G7 meeting of Foreign and Security Ministers](#) in Toronto, Canada, joining the EU High Representative/Vice-President Federica **Mogherini** who has been participating in the [meeting of G7 Foreign Ministers](#) since Sunday. High Representative/Vice-President Mogherini and the Foreign Minister of Canada, Chrystia Freeland yesterday announced that they will co-host a [meeting of all women foreign ministers](#) in Canada this September. Building on the outcome of the [G7 Interior Ministers](#) meeting in Ischia, Italy last October, Commissioners Avramopoulos and King will join Ministers from Canada, Germany, France, Italy, Japan, the United Kingdom and the United States of America to discuss steps towards building a more secure world. The discussions will focus in particular on the fight against terrorism, the prevention of violent extremism online and offline, trafficking in human beings, and building resilience against the cyber threat and new forms of hybrid warfare. There will also be a joint discussion with Ministers of Foreign Affairs on Russia, disinformation, foreign terrorist fighters and reinforcing democracy. (For more information: Natasha Bertaud – Tel.: +32 229 67456; Maja Kocijancic – Tel.: +32 229 86570; Tove Ernst – Tel.: +32 229 86764)

Citizens' Dialogue: Commissioner Andriukaitis in Austria

On Tuesday, Commissioner **Andriukaitis** will be in Vienna to meet with Ms Beate Hartinger-Klein, the Minister of Labour, Social Affairs, Health and Consumer Protection of Austria and to attend the 1st International Animal

Welfare Summit 2018. The Commissioner will also hold a **Citizens' Dialogue** that will be webstreamed [here](#). *"I am looking forward to engaging in dialogue with the people of Austria on important topics such as food safety, food waste, sustainable food production in Europe and the role that consumers play in these areas of discussion"*, said Commissioner **Andriuskaitis** ahead of the visit. (For more information: Anca Paduraru – Tel.: +32 229 91269; Aikaterini Apostola – Tel.: +32 229 87624)

[Upcoming events](#) of the European Commission (ex-Top News)

Provision of deficit and debt data for 2017 – first notification – Euro area and EU28 government deficit at 0.9% and 1.0% of GDP respectively – Government debt at 86.7% and 81.6%

In 2017, the government deficit and debt of both the **euro area** (EA19) and the **EU28** decreased in relative terms compared with 2016. In the **euro area** the government deficit to GDP ratio fell from 1.5% in 2016 to 0.9% in 2017, and in the **EU28** from 1.6% to 1.0%. In the **euro area** the government debt to GDP ratio declined from 89.0% at the end of 2016 to 86.7% at the end of 2017, and in the **EU28** from 83.3% to 81.6%.

[Full text available on EUROSTAT website](#)

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First Vice-President Frans **Timmermans** said: *“Many recent scandals may never have come to light if insiders hadn’t had the courage to speak out. But those who did took enormous risks. So if we better protect whistleblowers, we can better detect and prevent harm to the public interest such as fraud, corruption, corporate tax avoidance or damage to people’s health and the environment. There should be no punishment for doing the right thing. In addition, today’s proposals also protect those who act as sources for investigative journalists, helping to ensure that freedom of expression and freedom of the media are defended in Europe.”*

Věra **Jourová**, Commissioner for Justice, Consumers and Gender Equality added: *“The new whistleblowers’ protection rules will be a game changer. In the globalised world where the temptation to maximise profit sometimes at the expense of the law is real we need to support people who are ready to take the risk to uncover serious violations of EU law. We owe it to the honest people of Europe.*

Whistleblowers can help to detect, investigate and sanction abuses of EU law. They also play an important role in enabling journalists and the free press to play their fundamental role in our democracies. That is why whistleblowers need proper protection against intimidation and/or retaliation. Citizens who uncover illegal activities should not be punished as a consequence of their action. But in reality, many of them pay for their action with their jobs, their reputation or even their health: 36% of workers who reported misconduct experienced retaliation (2016 Global Business Ethics [Survey](#)). Protecting whistleblowers will also help safeguard freedom of expression and media freedom, and is essential to protect the rule of law and democracy in Europe.

Protection for a wide range of EU law breaches

Today’s proposal ensures EU-wide protection for blowing the whistle on breaches of EU legislation in the fields of public procurement; financial services, money laundering and terrorist financing; product safety; transport safety; environmental protection; nuclear safety; food and feed safety, animal health and welfare; public health; consumer protection; privacy, data protection and security of network and information systems. It also applies to breaches of EU competition rules, violations and abuse of corporate tax rules and damage to the EU’s financial interests. The Commission encourages Member States to go beyond this minimum standard and establish comprehensive frameworks for whistleblower protection based on the same principles.

Clear Mechanisms and Obligations for Employers

All companies with more than 50 employees or with an annual turnover of over €10 million will have to set up an internal procedure to handle whistleblowers’ reports. All state, regional administrations and municipalities with over 10,000 inhabitants will also be covered by the new

law.

The protection mechanisms will have to set up must include:

- **Clear reporting channels**, within and outside of the organisation, ensuring confidentiality;
- **A three tier reporting system of:**
 - Internal reporting channels;
 - Reporting to competent authorities – if internal channels do not work or could not reasonably be expected to work (for example where the use of internal channels could jeopardise the effectiveness of investigative actions by the authorities responsible);
 - Public/media reporting – if no appropriate action is taken after reporting through other channels, or in case of imminent or clear danger to the public interest or irreversible damage;
- **Feedback obligations for authorities and companies**, who will have to respond and follow-up to the whistleblowers' reports within 3 months for internal reporting channels;
- **Prevention of retaliation and effective protection:** all forms of retaliation are forbidden and should be sanctioned. If a whistleblower suffers retaliation, he or she should have access to free advice and adequate remedies (for example measures to stop workplace harassment or prevent dismissal). The burden of proof will be reversed in such cases, so that the person or organisation must prove that they are not acting in retaliation against the whistleblower. Whistleblowers will also be protected in judicial proceedings, in particular through an exemption from liability for disclosing the information.

Effective Safeguards

The proposal protects responsible whistleblowing genuinely intended to safeguard the public interest. It therefore includes safeguards to discourage malicious or abusive reports and prevent unjustified reputational damage. Those affected by a whistleblower's report will fully enjoy the presumption of innocence, the right to an effective remedy, a fair trial, and the right of defence.

Background

Protection given to whistleblowers across the EU is currently fragmented and uneven. Only 10 EU Member States currently ensure that whistleblowers are fully protected. In the remaining countries, the protection granted is partial and only applies to specific sectors or categories of employee.

The Commission's proposal builds on the 2014 Council of Europe [Recommendation on Protection of Whistleblowers](#), which recommends that "*member states have in place a normative, institutional and judicial framework to protect individuals who, in the context of their work based relationship, report or disclose information on threats or harm to the public interest*" and sets out principles to guide states when introducing or reviewing such frameworks.

The Council encouraged the Commission to explore the possibility of future EU

action in its [Conclusions on Tax Transparency](#) of 11 October 2016. Civil society organisations and trade unions have consistently called for EU-wide legislation to protect whistleblowers acting in the public interest.

The Commission committed to take action to protect whistleblowers, as journalist sources, at the second [Annual Colloquium](#) on Fundamental Rights in November 2016, which was on the theme of 'Media Pluralism and Democracy'.

Strengthening whistleblower protection also gives effect to the Commission's commitment to put a stronger focus on enforcement of EU law, as set out in its 2016 Communication on [EU Law: Better Results through Better Application](#)

For More information

[Communication](#) on strengthening whistleblower protection at EU level

[Directive](#) on the protection of persons reporting on breaches of Union law

[Q&A](#)

[Factsheet](#)