



Brussels,
JUST/C2/GG/just.c.2(2019)2577483

Mr Stephen M. Kohn
Executive Director
National Whistleblower Center
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Dear Mr Kohn,

Thank you for your letter of 18 February 2019, addressed to the European Commission's President, Mr Jean-Claude Juncker, as well as the members of the European Commission, by which you transmit a detailed legal analysis you have put together of the appropriate scope of a protected whistleblower disclosures framework in Europe which would be consistent with those in the United States and recognized under international anti-corruption conventions. In your letter, you express your views about the European Commission's Proposal of 23 April 2018 for a Directive of the European Parliament and of the Council on the protection of persons reporting on breaches of Union law and about specific issues that were raised in the course of the negotiations between the Union co-legislators, in particular the optional or mandatory use of internal reporting channels.

As you may know, on 11 March 2019, the European Parliament and the Council reached a provisional agreement on this Proposal¹.

The Commission considers that the text agreed upon maintains the level of ambition of its Proposal, both in terms of ensuring robust protection for whistleblowers and in terms of strengthening the enforcement of EU law. In particular, it contains a well-balanced set of measures, including high standards of protection for whistleblowers, the provision of clear and easily accessible information on existing procedures and protection, widely available reporting channels, and a broad personal and material scope.

In particular as regards the agreed rules on reporting channels, whistleblowers are encouraged to report first internally, if the breach they want to reveal can be effectively addressed within their organisation and they consider that there is no risk of retaliation. They may also report directly to the competent authorities as they see fit, in light of the circumstances of the case.

This set of rules will strengthen enforcement in many different areas of EU law and policies, ranging from food and product safety, environmental protection and nuclear

¹ http://europa.eu/rapid/press-release_IP-19-1604_en.htm This provisional agreement has still to be formally approved by the European Parliament and the Council.

safety to competition and State aid, protection of the Union's financial interests and corporate taxation. Moreover, as set out in the Communication accompanying the proposal², EU Member States are encouraged, when transposing the Directive, to extend the application of its rules also to other areas, so as to establish comprehensive and consistent frameworks for whistleblower protection.

The Commission believes that, once transposed, the Directive will make a real difference in the workplace culture, both in the public and the private sector, throughout the EU. More generally, it will contribute to promoting transparency, good governance, accountability and freedom of expression, which are values and rights on which the EU is based.

Yours sincerely,

Georgia Georgiadou

² https://ec.europa.eu/info/files/communication-commission-european-parliament-council-and-european-economic-and-social-committee-strengthening-whistleblower-protection-eu-level_en