

# European Commission Proposes New Directive to Protect EU Whistleblowers

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On April 23, the European Commission (EC) adopted a package of measures, including a draft Directive and an Impact Assessment, to protect whistleblowers who report breaches of EU law.

The definition of a “whistleblower” under the proposed new Directive would encompass any person who has “privileged access to information about breaches that can cause serious harm to the public interest and who may suffer retaliation if they report” (i.e., not just employees, but also self-employed people, contractors, unpaid trainees and even job applicants).

The EC considers the protection currently offered to whistleblowers across the EU to be fragmented and insufficient. Therefore, the proposed new Directive will set minimum and harmonized standards guaranteeing protection for whistleblowers who report breaches of a broad range of EU laws, including those covering financial services, environmental protection, consumer protection, product and transport safety, data protection and privacy, as well as competition law and corporate tax

(including value added tax) rules.

The proposed new Directive would require EU member states to establish safe channels for reporting both within a whistleblower's organization, as well as to public authorities, separate from the usual public complaints systems of those public authorities. It would protect whistleblowers against dismissal, demotion and other forms of retaliation and require training public authorities on handling whistleblowing reports.

Under the proposed new Directive, whistleblowers would even be able to disclose information directly to the public or media, without losing the protection from retaliation, if other reporting channels did not function. They also would be protected in judicial proceedings, through an exemption from liability for disclosing information related to the whistleblowing.

The proposed new Directive will be adopted using the ordinary legislative procedure (i.e., the European Parliament and the Council of the EU both need to adopt the final text of the proposed Directive before it is published in the *Official Journal of the European Union* and implemented). The EC has invited the public to provide feedback on the proposed new Directive by the June 20 deadline via its "Have your say" webpage.

The EC's "Have your say" webpage and package of new measures to protect whistleblowers, including the proposed new Directive, is available [here](#).

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