

MAKING WHISTLEBLOWING WORK FOR EUROPE

The EU is poised to take a momentous step and adopt a new directive to protect whistleblowers across Europe. This could have a dramatic impact on the capacity and ability of whistleblowing to work in all our interests. We know that protecting those who speak up in the public interest saves lives, protects our environment, reveals and stops corruption, and stems the huge financial losses to business and governments that result from failures to address wrongdoing.

It is vital that an EU Directive on the protection of whistleblowers protects the free flow of information necessary for responsible exercises of institutional authority. **This is why we, the undersigned, have come together to urge the EU Council to do the right thing - and adopt the Parliament's position on the reporting channels.**

Protecting disclosures made outside the employment relationship is at the heart of providing real whistleblower protection. It must be understood that in doing so:

- It allows law enforcement and regulatory bodies to do their jobs properly;
- It is the vital safety net for protecting the public interest and the public's right to know when organisations are corrupt or fail to take responsibility;
- It ensures employers take seriously their responsibility to make it safe and acceptable to report internally; and
- There is no evidence this undermines internal channels as the genuine first port of call for individuals
- It protects freedom of expression;

As it stands, we are very concerned that the EU is about to agree a directive that will dangerously reinforce the status quo and make it even harder for individuals to report breaches of law and wrongdoing.

It is right that organisations across all sectors are encouraged to take steps that make it easier and safer for those who work with them to report concerns, but it is essential that competent regulatory and law enforcement authorities have access to the information they need to fulfil their mandates. By making it mandatory to report to the employer first - and obligatory to use the channel employers are required to set up with only risky and uncertain exceptions - the directive unwittingly builds in information control systems that will both hamper internal good management and make certain responsible disclosures to competent authorities illegal.

If this mandatory internal disclosure regime stands, the directive will have abandoned responsible Europeans who raise concerns appropriately to their employers through their supervisors or normal management channels of communication, who disclose information to competent authorities who have the power and mandate to address wrongdoing, or who provide information to the journalists who investigate and report in the public interest. They will suffer. Europe will suffer.

We remind the EU institutions, in trilogue negotiations right now, that their promise to better protect whistleblowers across Europe requires taking democratic accountability seriously. Regulatory authorities, governments and businesses across Europe are actively seeking information from those who speak up so that they can better protect and deliver services and protect the rights of the communities they serve.

The EU has a moral and legal responsibility to adopt a directive that builds on the Council of Europe Recommendation and international best practice consensus that protects the voluntary choice of channels for those who disclose wrongdoing.

Thank you for your time in this matter.

Respectfully,

Access Info Europe

Akademikerne, The Danish confederation of professional associations

Anti Corruption International

APADOR-CH, The Association for the Defence of Human Rights in Romania – the Helsinki Committee

APJA, Association of Professional Journalists of Albania

ARTICLE 19

ASEBLAC, Asociación Española de Sujetos Obligados en Prevención del Blanqueo de Capitales

Associated Whistleblowing Press (AWP)

Association for Accountancy & Business Affairs, UK

Association of Hungarian Journalists (MUOSZ)

Blueprint for Free Speech

Center for Independent Journalism

Centre for Free Expression, Ryerson University, Toronto, Canada

CFDT Cadres, Confédération française démocratique du travail Cadres

Corporate Europe Observatory

CREW - Centre for Research on Employment and Work, University of Greenwich

Deutscher Journalisten-Verband

EPSU, The European Federation of Public Service Unions

Estonian Association of Journalists

Eurocadres, Council of European Professional and Managerial Staff

Eurodad, European Network on Debt and Development

Eurogroup for Animals

European Federation of Journalists

FABI, Federazione Autonoma Bancari Italiani

FAPE Spain, La Federación de Asociaciones de Periodistas de España

FH, Danish Trade Union Confederation

FIBGAR, Fundación Internacional Baltasar Garzón

FNV, Dutch trade union federation

Free Press Unlimited

Government Accountability Project

Hungarian Press Union

Independent Organized Crime Research Network for Law Enforcement Officers & Academics

Independent Trade Union of Journalists and Media Workers

Journalists' Union of Macedonia and Thrace Daily Newspapers - GREECE

National Whistleblower Center

News Media Europe

Oživení o. s.

Panhellenic Federation Unions Journalist

PCS, Public and Commercial Services Union

Protect

Public Services International (PSI)

Reporters Without Borders

Riparte il futuro

shoeman.eu/

Stefan Batory Foundation

Swedish Union of Journalists

Tax Justice Network

Tax Justice UK

Tax Research LLP

TCO, The Swedish Confederation of Professional Employees

The Ethicos Group

The European Centre for Press and Media Freedom

Transparency International

Transparency International Denmark

Transparency International Estonia

Transparency International EU

Transparency International France

Transparency International Greece

Transparency International Ireland

Transparency International Italia

Transparency International Latvia (Delna)

Transparency International Nederland

Transparency International Portugal (TI-PT)

Transparency International Romania

Transparency International Slovakia

Transparency International Slovenia

Transparency International Spain

UGICT CGT, Union Générale des Ingénieurs, Cadres et Techniciens

Union Journalists' of Turkey

Union of Journalists in Finland

UTC-UGT, Unión de Técnicos y Cuadros

VVJ/AVBB, Vlaamse Vereniging van Journalisten

Whistleblower Network Germany

Whistleblowing International Network

Xnet