

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
 CFTD 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