

## Public consultation on whistleblower protection

Fields marked with \* are mandatory.

### Information on publication

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#### \* IMPORTANT NOTICE ON THE PUBLICATION OF CONTRIBUTIONS

Contributions received from this survey will be published on the European Commission's website.

Do you agree to the publication of your contribution?

For further information, please consult the privacy statement attached

- Yes, my contribution may be published under my name (or the name of my organisation)
- Yes, my contribution may be published but should be kept anonymous (with no mention of the person/organisation)

### Identification

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\* In what capacity are you completing this questionnaire?

- In my own capacity
- On behalf of an organisation

\* What is the nature of your organisation?

- Business/professional association
- Trade union/trade union association
- Enterprise (legal entity with an economic activity)
- Academic/research institution
- Law firm/notary
- Hospital
- Media
- Non-governmental organisation (NGO)
- Public authority/administration
- Independent surveillance authority (e.g. independent body dealing with consumer protection, competition, regulation of the energy sector, central banks, auditing bodies etc.)
- Judicial authorities and law enforcement structures
- Other
- Non Applicable

\* What is the area of activity of your organisation?

- Manufacturing
- Retail
- Transport
- Health
- Education
- Energy
- Food safety
- Environment
- Security
- Bank/other financial services
- Financial or tax advice
- Legal advice
- Judiciary/law enforcement
- Consultancy
- Media
- Human rights
- Academic/research
- Other

\* Please specify

*50 character(s) maximum*

anti-corruption and good governance

\* Is your organisation included in the EU Transparency Register?

It is not compulsory to register to reply to this consultation. We would however encourage you to register [here](#) as the Transparency Register provides citizens with direct and single access to information about who is engaged in activities aiming at influencing the EU decision-making process, which interests are being pursued and what level of resources are invested in these activities.

Yes

No

Please indicate your Register ID-number

501222919-71

\* Please indicate the place of establishment of your organisation

Main headquarters in case of multinational organisations

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

From your **direct work experience**, do you have knowledge of whistleblower cases in the last ten years?

- Yes
- No

How did you obtain this knowledge:

- I was directly involved (as whistleblower or as witness to whistleblower cases, e.g. disclosure by a colleague)
- I was involved in investigating whistleblower cases
- I professionally collect information on whistleblower cases

What is the size of the organisation concerned (i.e. where the whistleblower cases occurred), including self-employed workers?

- 1 – 9 (micro)
- 10 – 49 (small)
- 50 – 249 (medium sized)
- 250 – 999 (large)
- 1000 or more (large)
- 5000 or more (large)
- Non applicable (the organisation concerned was a public administration)

What is the annual turnover of the organisation concerned?

- Less than EUR 200 thousand
- Between EUR 200 thousand and 2 million
- Between EUR 2 million and 10 million
- Between EUR 10 million and 50 million
- Above EUR 50 million
- Non applicable (the organisation concerned is a public administration)

Is the organisation concerned present:

- in one EU country only
- in more than one EU country
- also in countries outside the EU
- Non applicable (the organisation concerned was a public administration)

## Perceptions and opinions on whistleblower protection

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Do you think that whistleblowing should be protected?

- Yes
- No
- Don't know

To your mind, how often are workers reporting their concerns about threats or harm to the public interest?

- Very often
- Often
- Rarely
- Very rarely
- Don't know

To your mind, which of the following are the most important reasons why a person might decide not to blow the whistle?

Please rate importance, 1: very important, 2: important, 3: somewhat important, 4 not important .

	1	2	3	4	Don't know
Do not know how/where to report	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Threat or harm to the public interest difficult to prove	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
No action will be taken to remedy the wrongdoing	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fear of legal consequences	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fear of financial consequences	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It would be an act of disloyalty	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It would be a breach of professional privilege	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Negative attitudes towards whistleblowers	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fear of bad reputation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please specify

*500 character(s) maximum*

Reasons and their importance vary depending on the person, situation and national context (other reasons include fear to end one's career). According to a TI 2016 survey, 35% of EU citizens think corruption is not reported because of fear of consequences. This is why preservation of confidentiality is so important (TI principle 7). There should be penalties for revealing the identity of a whistleblower - and of the person(s) subject of the disclosure - without their express consent.

To your mind, what are the BENEFITS of rules obliging public and private sector organisations to protect whistleblowers?

Please rate importance: 1: very important, 2: important, 3: somewhat important, 4 not important.

	1	2	3	4	Don't know
Strengthen compliance with the law by public authorities and businesses	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Strengthen freedom of expression	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Help to improve companies' economic performance	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Foster a workplace culture of transparency and accountability	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increase workers' motivation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enhance workers' wellbeing	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other benefit (please specify)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please use the space below if you have further comments

*500 character(s) maximum*

Transparency International found it difficult to answer this consultation. Questions were often vague and unclear, and space for comments very limited. We found that requesting respondents to "rate" importance of reasons, benefits, etc. encourages rating according to relative importance, which we consider misleading and often irrelevant. We thus decided to only use the options "very important" and "not important". All our answers should be read with these caveats in mind.

To your mind, in which areas are rules on whistleblower protection beneficial?

Please rate importance: 1: very important, 2: important, 3: somewhat important, 4 not important.

	1	2	3	4	Don't know
Contribute to the fight against fraud and corruption	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Contribute to the proper management of public (national and EU) funds	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Improve investors' trust	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Contribute to the fight against tax evasion and tax avoidance	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enhance protection of public health and safety	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enhance food safety	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enhance the protection of the environment	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Encourage fair competition	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other benefit (please specify)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please use the space below if you have further comments

*500 character(s) maximum*

Rules on whistleblower protection are beneficial in all areas, including areas not listed above such as protection of human rights. In order to ensure clarity and seamless application of the whistleblower framework, stand-alone legislation, generally applicable, with a unitary approach, is preferable to a piecemeal or a sectoral approach (TI principle 24). The definitions of whistleblowing and whistleblower should be broad (see TI principles 1-4).



To your mind, what are the DRAWBACKS of rules obliging public and private sector organisations to protect whistleblowers?

Please rate importance, 1: very important, 2: important, 3: somewhat important, 4 not important .

	1	2	3	4	Don't know
Encourage false reporting or over reporting	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Undermine the general public's confidence in public institutions if information considered secret or protected is divulged by civil servants (e.g. personal tax information)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Undermine mutual trust in the workplace	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Imply significant administrative burdens /costs for the private sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Imply significant administrative burdens /costs for the public sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Undermine trust between companies / business partners	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Undermine trust between clients and service-providers (e.g. legal advisors, tax advisors, accountants, consultants)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Damage business reputation/trust in public institutions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Encourage the leaking of confidential know-how and business information (trade secrets)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Other drawback (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please use the space below if you have further comments

500 character(s) maximum

TI understands that some stakeholders have concerns. These should be addressed by involving all key stakeholders - trade unions, business/employer associations, CSOs, academia - during the policy process and periodic review of the policy (TI principle 26).

A better understanding of whistleblowing will also help alleviate reservations. E.g. knowingly false disclosures aren't protected (TI principle 9); Administrative burdens/costs need not be significant and direct benefits will outweigh them.

In your opinion, which of the following aspects that raise awareness of whistleblower rights and procedures are important for effective whistleblower protection?

Please rate importance, 1: very important, 2: important, 3: somewhat important, 4 not important .

	1	2	3	4	Don't know
Clear definition in law of the threats to the public interest covered by whistleblower protection	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear general information and awareness raising policies by the state (e.g. information campaigns) concerning rights of whistleblowers (including on advice and assistance) and applicable procedures	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear information by private or public sector organisations to their employees concerning rights of whistleblowers (including on advice and assistance) and relevant internal procedures	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear information and awareness raising by trade unions concerning rights of whistleblowers (including on advice and assistance) and applicable procedures	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please use the space below if you have further comments

*500 character(s) maximum*

Comprehensive training should be provided for public sector agencies and publicly traded corporations and their management and staff (see TI principle 27).

An independent agency should provide advice and support, publish, monitor and review whistleblower frameworks, collect and regularly publish data and information regarding their functioning, raise public awareness to encourage the use of whistleblower provisions and enhance cultural acceptance of whistleblowing (see TI principles 25 & 28).

**In your opinion, which of the following aspects are important for effective whistleblower protection?**

Please rate importance: 1: very important, 2: important, 3: somewhat important, 4 not important

	1	2	3	4	Don't know
Channels in organisations/businesses for internal reporting of wrongdoings	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Channels for reporting of wrongdoings to oversight institutions	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection in case of disclosure to the public (e.g. media, web platforms, etc) where channels for internal reporting and for reporting to oversight institutions are not available, not functioning properly (or cannot reasonably be expected to function properly)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Proper investigation of the whistleblower reports or disclosures	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection against retaliation at work	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection of whistleblowers in administrative proceedings	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Exemption of whistleblowers from criminal liability	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Immunity from civil action for damages	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Financial support covering the costs of legal proceedings	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Psychological support	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please use the space below if you have further comments

*500 character(s) maximum*

On reporting channels see TI principles 15-18.

On legal liability see TI principle 10.

After investigation, action should be taken to remedy the wrongdoing (see TI principle 30).

Financial support should not be limited to legal costs. Countries and the EU should consider creating funds for whistleblowers.

Psychological support should be made available (but not mandatory) to whistleblowers. It should be limited to counselling and never include the whistleblower's psychological evaluation.

In your opinion, which of the following aspects of protection against retaliation at work are important for effective whistleblower protection?

Please rate importance: 1: very important, 2: important, 3: somewhat important, 4 not important

	1	2	3	4	Don't know
Protection of confidentiality of whistleblower's data, including where latter is anonymous but identifiable	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection against dismissal, e.g. interim relief to suspend dismissal, right to reinstatement in the work place, etc.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection against suspension	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection against demotion	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection against loss of promotion opportunities	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection against punitive transfers	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection against reductions in or deductions of wages	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection against harassment by superiors and/or colleagues	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reversing the burden of proof so that, in a prima facie case of retaliation, the employer carries the burden to demonstrate that any measure taken against a whistleblower is not related to a whistle-blower's disclosure	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection against blacklisting	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Financial support to cover costs of legal proceedings	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Compensation for dismissal or financial loss	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please use the space below if you have further comments

500 character(s) maximum

Protection should cover all forms of retaliation, disadvantage or discrimination linked to whistleblowing (TI principles 6-14) and be extended to any person suffering from retaliation including legal entities  
 Remedies must cover all direct, indirect and future consequences of any reprisals (TI princ. 20-23)  
 Any list should be only illustrative  
 Reversing the burden of proof is essential (TI princi. 8)  
 There should be sanctions and penalties for retaliation and interference (TI princ. 28-29)

In your opinion, which of the following protection measures for third parties are important in the context of whistleblowing?

Please rate importance: 1: very important, 2: important, 3: somewhat important, 4 not important

	1	2	3	4	Don't know
Requirement that the whistleblowers reasonably believe the information they disclose to be true	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Requirement that the whistleblowers act in a disinterested way	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Requirement that the disclosure concerns a matter of public interest	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Protection of the rights of the person/business affected by the report (e.g. rights of dignity, personal data, business secrets and respect of the rights of defence) including protection against abusive/malicious reports	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rules aimed at balancing the interest of employers to manage their organisations and to protect their interests with the right of the public to know when their interests are at risk	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Rules aimed at balancing professional secrecy obligations with the right of the public to know when their interests are at risk	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please use the space below if you have further comments

500 character(s) maximum

The burden should fall on the subject of the disclosure to prove that the whistleblower knew the information was false at the time of disclosure (see TI principles 5 & 9)

The motivation of the whistleblower should be irrelevant.

There should be no public interest test. Whistleblowers should not have to prove that their disclosure concerns a matter of public interest - nor that they "reasonably believe" it does - to be protected.

On professional secrecy obligations, see TI principles 12 & 19.

## Existing rules and their impacts

\*Do you know of rules in place in your country of residence (private citizens) or establishment (for organisations) on the protection of whistleblowers?

- Yes
- No

Do you believe that the rules in place provide sufficient protection for whistleblowers?

- Yes
- No
- Don't know

Thinking about your country of residence/establishment: in your opinion, what are the problems resulting from such insufficient protection?

Please rate importance, 1: very important, 2: important, 3: somewhat important, 4 not important .

	1	2	3	4	Don't know
Restrictions on freedom of expression of the individuals	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Restrictions on the watchdog role of journalists and media and on the public's right to know	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Negative impacts on working conditions	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Negative impacts on workers' well being	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Weak culture of integrity and accountability in the workplace	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



Workers in the <u>public sector</u> are reluctant to report threats or harm to the public interest	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Workers in the <u>private sector</u> are reluctant to report threats or harm to the public interest	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Low compliance by public authorities with the law	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Low compliance by businesses with the law	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Low investors' trust	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Unfair competition (cartels etc.)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
High level of fraud and corruption	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mismanagement of public funds	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
High level of tax evasion and tax avoidance	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Risks for public health and safety	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Risks for food safety	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Risks for the environment	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please use the space below if you have further comments

*500 character(s) maximum*

There are many problems resulting from insufficient protection of whistleblowers, all of which are very important to various stakeholders and society in general. It is essential to have whistleblower protection legislation across the EU that is in line with international standards and best practices. There is a need for a horizontal, generally applicable EU Directive on whistleblower protection, in line with international standards and best practices.

Whistleblowers enjoy very different levels of protection across the various EU countries, and in some EU countries they enjoy limited or no protection at all. In your opinion, what are the negative impacts likely to result from the absence of - or the insufficient - whistleblower protection in some EU countries or other EU countries and the EU as a whole?

Please rate likelihood, 1: very likely, 2: likely, 3: somewhat likely; 4 unlikely.

	1	2	3	4	Don't know
Negative impact on the protection of the <u>public interest</u> also of those Member States providing stronger whistleblower protection or of the public interest <u>of the EU as a whole</u> (in areas such as the fight against fraud and corruption, tax evasion and tax avoidance, misuse of personal data and market abuse, protection of public health and safety, food safety and the environment, protection of fair competition)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Negative impact on the protection of the <u>financial interests of the EU</u> (both as regards EU expenditures, for example fraud to EU grants, as well as EU revenues, for example fraud to customs duties)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Negative impact on the <u>well-being of workers</u> whose companies move from a Member State offering a higher level of whistleblower protection to a Member State with lower or no protection	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Negative impact on the <u>cross-border mobility</u> of workers who would be reluctant to move from a Member State with a higher level of whistleblower protection to one with lower or no protection	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Negative impact on the <u>freedom of establishment</u> of companies which would be reluctant to move from a Member State offering a higher level of whistleblower protection to a Member State with lower or no protection (resulting in a weaker culture of integrity and accountability and lower investors' trust)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Negative impact on the <u>freedom of establishment</u> of companies which would be reluctant to move to a Member State offering a higher level of protection of whistleblowers (e.g. where the introduction of relevant arrangements may imply significant administrative costs due to necessary changes in the business model)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Negative impact on the <u>free movement of capital</u> , because investors would be reluctant to invest in companies established in a Member State with low or no protection	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Negative impact on <u>the free movement of capital</u> , because investors would only invest in companies established in a Member State with low or no whistleblower protection (e.g. where the introduction of relevant arrangements may imply significant administrative costs)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<u>Distortion of competition</u> at EU level resulting from the lower level of legal compliance with relevant rules, and of integrity and accountability in Member States where there is lower or no whistleblower protection	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other negative cross-border impact (please specify)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There are no such negative impacts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Please use the space below if you have further comments

*500 character(s) maximum*

There are many negative impacts resulting from the absence of whistleblower protection in some EU countries for other EU countries and the EU as a whole, including beyond the ones listed above. It is essential to have whistleblower protection legislation across the EU that is in line with international standards and best practices. There is a need for a horizontal, generally applicable EU Directive on whistleblower protection, in line with international standards and best practices.

In your opinion, what are the positive impacts likely to result from the absence of whistleblower protection in some EU countries for other EU countries and the EU as a whole?

Please rate the likelihood: 1. very likely, 2. likely; 3. somewhat likely; 4. unlikely

	1	2	3	4	Don't know
Positive impact on the protection of the <u>public interest</u> also of those Member States providing weaker or no whistleblower protection or of the public interest <u>of the EU as a whole</u> (because of spill-over effects, .e.g. incentive for Member States to compete)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Positive impact on the <u>well-being of workers</u> whose companies move from a Member State offering a lower level of whistleblower protection to a Member State with higher level of protection	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Positive impact on the <u>cross-border mobility</u> of workers who would be incentivised to move from a Member State with a lower level of whistleblower protection to one with higher level of protection	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Positive impact on the <u>freedom of establishment</u> of companies which would be incentivised to move from a Member State offering a higher level of whistleblower protection to a Member State with lower or no protection (e.g. due to administrative burden and costs).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Positive impact on the <u>free movement of capital</u> , because investors would invest in companies established in a Member State with low or no protection (e.g. less administrative burden or costs)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Other positive cross-border impact (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There are no such positive impacts	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please use the space below if you have further comments

*500 character(s) maximum*

There are no positive impacts resulting from the absence of whistleblower protection in some EU countries for other EU countries and the EU as a whole. There are no positive impacts resulting from the absence of whistleblower protection in some EU countries for those countries themselves either.

## Need for minimum standards

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Considering what you have indicated as important aspects for effective whistleblower protection, in your opinion who should establish legally binding minimum standards on these aspects?

- No legal obligation needed
- Solely national legislation
- EU legislation (in conjunction with national legislation)
- No opinion

In which area should the EU offer (more) support to the Member States to provide whistleblower protection:

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
Protection of public health and safety	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection of food safety	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection of environment	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection of energy supply	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fight against tax evasion and tax avoidance	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fight against anti-competitive practices (cartels etc.)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increase of accountability and transparency in industry and business	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fight against fraud and corruption	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Good management of public (national and EU) funds	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please use the space below if you have further comments

*500 character(s) maximum*

The EU should offer (more) support to the Member States to provide whistleblower protection in all areas. The EU should adopt a horizontal, generally applicable, EU Directive on whistleblower protection, in line with international standards and best practices.

Please indicate, for which of the minimum standards within any potential **EU legislation** you would consider horizontal, generally applicable, whistleblower protection and/or sectorial legal provisions more effective. EU sectorial legal provisions refer to the areas in which the EU should offer support to the Member States, as indicated in the previous question.

	EU <u>horizontal</u> legal provisions	EU <u>sectorial</u> legal provisions	A combination of EU <u>horizontal</u> and <u>sectorial</u> provisions	A combination of <u>EU</u> and <u>national</u> legal provisions	No opinion
Channels in an organisation/business for reporting of wrongdoing	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Channels for reporting to relevant public regulatory bodies (i.e. regulatory agencies in specific sector)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Channels for reporting to horizontal independent body (e. g. ombudsman)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Channels for reporting to sectorial independent body (e. g. concerning financial services, energy, taxation, etc.)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Channels for reporting to law enforcement (e. g. police, prosecution)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection in case of disclosure to the public (media, web platforms, etc) where internal reporting and reporting to oversight institutions are not available, not functioning properly or cannot reasonably expected to function properly.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Right of workers to be informed on the whistleblowing provisions and procedures applicable at the specific workplace	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



Procedure that grants whistleblowers an official status (with rights of information)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Procedure to inform whistleblowers on regular basis about the status of the follow-up to their report	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rules for contact of whistleblowers with the investigation authority before, during and after an investigation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rules on whistleblowers' access to the file or to documents in the file	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Proper investigation of the relevant reports and disclosures	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection of the confidentiality of the whistleblower's data	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection of the rights and interests of third parties implicated	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Protection of whistleblowers against retaliation at work	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection of whistleblowers in administrative proceedings	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Immunity from civil action for damages	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Exemption of whistleblowers from criminal liability	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Financial support covering the costs of legal proceedings	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Financial or other types of rewards	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Psychological support	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other minimum standard (please specify)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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Please use the space below if you have further comments

*500 character(s) maximum*

A horizontal EU legislation on whistleblower protection should set minimum standards that are in line with international standards and best practices. The EU legislation should be a Directive. A soft law approach would not be appropriate as we do not need more guidelines and principles on whistleblowing. The level of details in which the Directive should go and the level of discretion left to Member States when they transpose the Directive into national law will need to be further discussed.

Please upload here any additional position paper or background information.

The optional document may serve only as additional background reading to better understand your position, so shall not replace the response to the questionnaire.

**[d9c7af21-4215-4738-8155-b5fd5a5a6d6c/2013\\_WhistleblowerPrinciples\\_EN.pdf](#)**

**[98b21357-b6bb-4775-9621-f48bab257b0d/2013\\_WhistleblowingInEurope\\_EN.pdf](#)**

## Background Documents

[bg\\_background\\_document.pdf \(/eusurvey/files/dbcd7674-9489-4e7b-9528-0e36912a9a50\)](#)

[cs\\_background\\_document.pdf \(/eusurvey/files/8d0a9439-5025-4733-a4ad-05649e67cb0a\)](#)

[da\\_background\\_document.pdf \(/eusurvey/files/68c4ee5e-8eb7-4781-aa9f-6148a77cec67\)](#)

[de\\_background\\_document.pdf \(/eusurvey/files/df7a1a91-557d-4817-af25-c4015402acf3\)](#)

[el\\_background\\_document.pdf \(/eusurvey/files/33b10676-4ec6-4d65-9901-1bc01e5b80c0\)](#)

[en\\_background\\_document.pdf \(/eusurvey/files/469bbe99-1f78-40f7-8bd9-b9738c3ca6a3\)](#)

[es\\_background\\_document.pdf \(/eusurvey/files/d0489d65-84f6-44c7-86b1-f0a110613d3e\)](#)

[et\\_background\\_document.pdf \(/eusurvey/files/ddfdd7be-2e41-4b34-9a0a-2a44c018e1c4\)](#)  
[fi\\_background\\_document.pdf \(/eusurvey/files/21f4ec83-cda5-4d21-b0cd-a7f7516eb61a\)](#)  
[fr\\_background\\_document.pdf \(/eusurvey/files/cdd360a8-b303-40ea-b20b-7ff20efe9179\)](#)  
[hr\\_background\\_document.pdf \(/eusurvey/files/540597ce-7b4e-4eaf-b2fb-5338e48aca6b\)](#)  
[hu\\_background\\_document.pdf \(/eusurvey/files/656e23d9-a21d-4810-89db-b3645602c929\)](#)  
[it\\_background\\_document.pdf \(/eusurvey/files/3a0cc23b-460d-44dd-80dc-a1cf83f90d7b\)](#)  
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[mt\\_background\\_document.pdf \(/eusurvey/files/c1e79664-85d6-46ae-9a63-5f720d7cf67e\)](#)  
[nl\\_background\\_document.pdf \(/eusurvey/files/28b17879-9a10-48ca-8f27-4febb750a04f\)](#)  
[pl\\_background\\_document.pdf \(/eusurvey/files/8e79486a-82dc-4f5e-8cee-2380d9d66ebb\)](#)  
[pt\\_background\\_document.pdf \(/eusurvey/files/1ee7314b-951e-442c-8c35-e108df0b44db\)](#)  
[ro\\_background\\_document.pdf \(/eusurvey/files/b62bdfd1-6c34-41d1-92fb-ebfff8ecfe75\)](#)  
[sk\\_background\\_document.pdf \(/eusurvey/files/f59e60f8-5379-479d-8cc3-1629f9b05138\)](#)  
[sl\\_background\\_document.pdf \(/eusurvey/files/53941eec-95b9-442a-93ff-e3cf22fb3e0a\)](#)  
[sv\\_background\\_document.pdf \(/eusurvey/files/d34b1fd4-f80a-4bfc-9bc6-bea7dc3175c2\)](#)

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## Contact

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