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## EUROPEAN COMMISSION PROPOSES WHISTLEBLOWER PROTECTION LAW

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24.04.2018

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EU Observer (23 April 2018)

The European Commission has proposed a bill to protect whistleblowers almost five years after such a demand was first floated by the European Parliament.

The commission's proposal seeks to strengthen legal protection of whistleblowers regardless of their employment status in the public or private domain throughout EU states.

It is, however, a long way from initial statements made by Cecilia Malmstrom, who as the home affairs commissioner in 2013, said that the executive had no intention to float a bill.

Then in 2014, media outlets throughout Europe uncovered how Luxembourg became the go-to country for corporate tax evasion.

The scandal was leaked to the media by Antoine Deltour, a former employee turned whistleblower at PriceWaterHouseCoopers, who later faced lengthy jail time and massive fines.

"What I can tell is that so far the costs of my defence have been approximately ██████████A██████████ told this website early last year, also noting a heavy "human toll".

The affair was an embarrassment to the commission given the secret tax deals had run rampant under the leadership of Jean-Claude Juncker, who was the Grand Duchy's prime minister and finance minister until taking top post as president of the EU executive.

On Monday (23 April), Juncker's first-vice president Frans Timmermans told reporters in Brussels that the long delay was due in part to the legal complexity underpinning the proposal.

"Yes, it took us awhile, yes it is extremely urgent, we have so many recent cases to prove that but I think now that we have got it right," he said.

### Public pressure and rolling scandals

The Greens in the European Parliament had even proposed their own draft legislation in mid-May 2016 to kick start the proposal as a proof of concept.

Public pressure, along with other scandals like Panama Papers and the recent Cambridge Analytica affair, had also exposed whistleblower rifts among member state national laws.

Only France, Hungary, Ireland, Italy, Lithuania, Malta, Netherlands, Slovakia, Sweden and United

Kingdom are said to have a comprehensive law protecting whistleblowers.

Cyprus and Latvia, for instance, have no whistleblower protection rules while 17 other EU states offer only partial protection. Those facing retaliation in Estonia and Finland, for instance, have no specific legal recourse.

### **Pro-transparency groups embrace bill**

Such gaps will now be plugged.

It means contractors, interns, and job applicants, among others, are covered by the rules in areas that range anywhere from environmental protection to tax avoidance. Labour rights are excluded over broader fears that the legislation would be delayed with Timmermans saying existing workplace national laws are good enough.

"It would not have manifestly improved had we included this in the whistleblower proposal," he said, noting he wants the bill adopted before the European elections next year.

The proposal sets up a tiered approach to report abuse, first demanding the complaint goes through internal channels, then to national authorities, followed by media.

All companies with more than 50 employees or with an annual turnover of over €100m will have to set up an internal procedure to handle whistleblowers' reports.

Local government overseeing 10,000 or more residents will also have to comply. Both will have to ensure the confidentiality of the whistleblower.

Should internal channels fail or compromise the case, then the person can go straight to the media.

Vera Jourova, who presented the bill alongside Timmermans, said the bill aims to empower people and level the odds given that so many often feel hopeless against the power of corporate giants or the corruption they witness.

"The proposal clearly forbids retaliation, the burden of proof will also be reversed in case a person has suffered from retaliation," she said.

The proposal has been welcomed by civil groups like Transparency International, whose Brussels-office described it as "a bold step in the right direction".

The transparency spokesman for the Greens, Hungarian MEP Benedek Javor, said the commission's proposals are a good starting point.

"Whistleblowers have been the heroes behind many recent scandals, unearthing major breaches of public trust and driving legislative change. They deserve our support, not criminalisation," he said, in a statement.