

## **Letter presenting you with a draft directive to protect whistle-blowers across Europe**

To:

President of the European Commission, Mr. Jean-Claude Juncker,

cc.

First Vice-President of the European Commission, Mr. Frans Timmermans,

Vice-President Kristalina Georgieva, DG Budget & Human Resources,

Commissioner Věra Jourová, DG Justice, Consumers and Gender Equality

Commissioner Marianne Thyssen, DG Employment, Social Affairs, Skills and Labour Mobility

Commissioner Elżbieta Bieda, DG Internal Market, Industry, Entrepreneurship and SMEs

Brussels, 3 May 2016

Dear President of the European Commission, Mr. Jean-Claude Juncker,

We are writing on behalf of the Greens/EFA group in the European Parliament to draw your attention to the urgent need to enact whistle-blower legislation across Europe and to present you with a draft directive that we hope can serve as inspiration for you to propose a legal instrument to establish minimum levels of protection in the EU Member States.

Several recent scandals involving information released by whistle-blowers have demonstrated the important role played by those who have access to insider information to reveal wrong doing and other immoral or illegal activities. Without whistle-blowers, information that is of relevance to people all across Europe (and indeed the world) would not be revealed, such as the Swissleaks, Luxleaks and PanamaPapers.

In your reaction to the LuxLeaks scandal you recognised that, even if the tax rulings themselves were perfectly legal, they were not necessarily moral. But the current situation is that the whistle-blowers involved in the LuxLeaks scandal, and indeed the journalist that reported on it, are currently facing trial in Luxembourg and risk prison sentences and enormous fines. In the meantime, very little has been done to resolve the questions raised by the content of the "sweetheart" deals themselves.

Furthermore, the adoption of the trade secrets directive adds yet another layer of protection for private enterprises to keep their affairs secret, and although it includes an exception for whistle-blowers, there is no protection for them in the directive, no channels for reporting, and no minimum standards to define what a whistle-blower is.

That is why we think it is now more urgent than ever that the European Commission react to the numerous calls made by the European Parliament in the past decade. On at least four occasions, the latest being the TAXE special committee report, the European Parliament has called on the Commission to propose legislation on whistle-blowers, establishing a deadline of June 2016.

We can no longer afford to stand by while the Commission remains inactive on the matter. This is why we have decided to take matters into our own hands. We have commissioned EU legal experts to identify a solid legal basis and produce a draft a directive to establish minimum standards of protection across the Union. The draft directive is inspired by the international standards established by the United Nations, Council of Europe, OECD and leading civil society organisations and seeks to protect workers from unfair retaliation or reprisals faced as a consequence of their disclosure of information that is in the public interest.

We would be delighted to meet with you to discuss these matters, and to assist you in any way possible with the production of your own draft proposal on whistle-blower protection. We are pleased to enclose the text of the draft directive, as well as a summary of the main elements of the proposal.

We look forward to your timely response.

Yours Sincerely, on behalf of the Greens/EFA group in the European Parliament,

Pascal Durand MEP  
Sven Giegold MEP  
Benedek Jávor MEP  
Philippe Lamberts MEP  
Ulrike Lunacek MEP  
Julia Reda MEP