

Contribution ID: 59a210f0-b87e-497e-871d-d0cdb5e1213d
Date: 29/05/2017 19:04:57

Public consultation on whistleblower protection

Fields marked with * are mandatory.

Information on publication

* 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

* 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

*** 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 (<http://ec.europa.eu/transparencyregister/public/homePage.do?redir=false&locale=en#en>) 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

16311905144-06

*** 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

Perceptions and opinions on whistleblower protection

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 type="radio"/>	<input type="radio"/>	<input checked="" 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 type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
It would be a breach of professional privilege	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" 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 type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please specify

500 character(s) maximum

Fear of retaliation, including personal consequences such as physical harm; fear of discrimination, among others.

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 type="radio"/>	<input type="radio"/>	<input checked="" 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 type="radio"/>	<input checked="" 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

A society that defends and protects whistleblowers is a society that cares about transparency, the rule of law, accountability, integrity, democracy and its values. This can only happen when the public is well informed and whistleblowing protections are in place. This will contribute to enhancing freedom of expression and freedom of the press.

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 type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Improve investors' trust	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Contribute to the fight against tax evasion and tax avoidance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Enhance protection of public health and safety	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Enhance food safety	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Enhance the protection of the environment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" 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

Whistleblower protection contributes to accountability and responsibility vis-à-vis human rights and fundamental freedoms and their compliance. For example, the Snowden revelations have contributed to better protecting human rights online. They have triggered a global public discussion on mass surveillance and the right to privacy, and on the principle of transparency and democracy. Ultimately, there is no sector where whistleblower protections would not be needed or useful.

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 checked="" type="radio"/>

Please use the space below if you have further comments

500 character(s) maximum

EDRi emphasises that the perceived drawbacks presented should not prevent the European Commission from making a proposal to protect and defend whistleblowers. Whistleblowing has been proven to lead to policy and institutional change for the benefit of society, including human rights and freedoms online.

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 type="radio"/>	<input type="radio"/>	<input checked="" 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

A legislative proposal listing reasons to blow the whistle ("threats to the public interest") should not be exhaustive. Otherwise, the proposal would be considerably limiting whistleblower protections. In addition, funding for NGOs to raise awareness and fight for whistleblower defence and protection is needed.

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

Investigation is not enough. Follow-up action to end the illegality disclosed is needed. When whistleblower channels are provided, these must be secure and private, thereby ensuring anonymity. We have noticed that several initiatives do not take technical precautions into account. There are a lot of unknown whistleblowers that decide to stay anonymous. Anonymity must be preserved should the whistleblower does not want to disclose her/his identity. Appropriate technical means should be required.

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 whistleblower'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

The fear of prosecution, including the consequent legal expenses, can seriously stop many to blow the whistle. All aspects are relevant. For example, Raphaël Halet (whistleblower LuxLeaks) said that even if the State reimbursed his legal expenses, his life was almost ruined because of what he uncovered.

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 type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Requirement that the whistleblowers act in a disinterested way	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Requirement that the disclosure concerns a matter of public interest	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input 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 type="radio"/>	<input type="radio"/>	<input checked="" 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

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 type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" 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 type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Low compliance by public authorities with the law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Low compliance by businesses with the law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Low investors' trust	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Unfair competition (cartels etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
High level of fraud and corruption	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mismanagement of public funds	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
High level of tax evasion and tax avoidance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Risks for public health and safety	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Risks for food safety	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Risks for the environment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input 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

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 for 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 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 type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Negative impact on the <u>well-being</u> of workers whose companies move from a Member State offering a higher level of whistleblower protection to a Member State with lower or no protection	<input 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 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 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 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 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 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 type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other negative cross-border impact (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
There are no such negative impacts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please use the space below if you have further comments

500 character(s) maximum

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 checked="" 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

Need for minimum standards

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 type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection of food safety	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection of environment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Protection of energy supply	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fight against tax evasion and tax avoidance	<input 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

Compliance of human rights and fundamental freedoms (including and in particular digital rights), the rule of law and democratic procedures and values. The list should NOT be exhaustive. Any disclosure of illegality or impunity that damages our core values, human rights and fundamental freedoms must be provided of protection.

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 and</u> <u>sectorial</u> provisions	A combination of EU 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 type="radio"/>	<input checked="" 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 type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Channels for reporting to law enforcement (e.g. police, prosecution)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" 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 be 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 type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" 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					
Immunity from civil action for damages					
Exemption of whistleblowers from criminal liability					
Financial support covering the costs of legal proceedings					
Financial or other types of rewards					
Psychological support					
Other minimum standard (please specify)					

Please use the space below if you have further comments

500 character(s) maximum

It's fundamental to have the maximum harmonisation possible within the EU to guarantee the best protection to whistleblowers.
We refer to previous EDRI statements, such as:
<https://edri.org/protecting-whistleblowers-protecting-democracy/>
<https://edri.org/germany-fighting-anti-whistleblower-provision/>
<https://edri.org/52-ngos-ask-council-protect-journalists-whistleblowers/>

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.

Background Documents

bg_background_document.pdf (/eusurvey/files/dbcd7674-9489-4e7b-9528-0e36912a9a50) (/eusurvey/files/dbcd7674-9489-4e7b-9528-0e36912a9a50)
cs_background_document.pdf (/eusurvey/files/8d0a9439-5025-4733-a4ad-05649e67cb0a) (/eusurvey/files/8d0a9439-5025-4733-a4ad-05649e67cb0a)
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sv_background_document.pdf (/eusurvey/files/d34b1fd4-f80a-4bfc-9bc6-bea7dc3175c2) (/eusurvey/files/d34b1fd4-f80a-4bfc-9bc6-bea7dc3175c2)

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