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By PwC Deutschland | 16 February 2023

EU Commission to refer 8 Member States to the ECJ over the protection of whistleblowers

The European Commission decided to refer Czechia, Germany, Estonia, Spain, Italy, Luxembourg, Hungary and Poland to the European Court of Justice (ECJ) for failure to transpose and notify the national measures transposing the directive on the protection of persons who report breaches of Union law into their legal framework.

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The directive requires Member States to provide whistleblowers working in the public and private sectors with effective channels to report breaches of EU rules confidentially, establishing a robust system of protection against retaliation. This applies both internally (within an organization) and externally (to a competent public authority). Member States had to transpose the necessary measures to comply with the Directive's provisions by 17 December 2021.

The directive plays a key role in the enforcement of Union law in a number of important policy areas where breaches of Union law may cause harm to the public interest, ranging from environmental protection, public procurement, financial services, nuclear safety and product safety to the protection of the financial interests of the Union.

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Keywords

Whistleblowing