



EUROPEAN COMMISSION

*Brussels, 19.10.2018
C(2018) 6892 final*

Dear Chair,

The Commission would like to thank the Assembleia da República for its Opinion on the proposal for a Directive of the European Parliament and of the Council on the protection of persons reporting on breaches of Union law (COM(2018) 218 final).

As the Assembleia da República notes in its Opinion, the objective of the proposal is to strengthen the enforcement of Union law in areas where whistleblowing brings value added, whilst at the same time protecting the freedom of expression of reporting persons (whistleblowers), and media freedom, as enshrined in Article 11 of the Charter of Fundamental Rights of the European Union.

The whistleblower protection currently available in the Union is fragmented across Member States and uneven across policy areas. Whilst some Member States have comprehensive legislation in place, others offer only sectoral or very limited protection. Lack of whistleblower protection in a Member State can have a negative impact on the functioning of European policies in that Member State, but also spill-over impacts in other Member States and the Union as a whole. At European Union level, whistleblower protection is provided for only in specific sectors and to varying degrees.

Against this background, with the aim of better enforcing Union law, the proposal lays down common minimum standards for the protection of persons reporting breaches in areas i) where there is a need to enhance enforcement; ii) where under-reporting by whistleblowers is a key factor affecting enforcement; and iii) where breaches may result in serious harm to the public interest.

The introduction of strong whistleblower protection rules at Union level would, amongst others, contribute to a better protection of the Union's financial interests and ensure the level-playing field needed for the single market to properly function and for businesses to operate in a fair competitive environment. Robust whistleblower protection would overall enrich the European Union toolkit for strengthening the correct application of Union law and respect for transparency, good governance, accountability and freedom of expression, which are values and rights on which the European Union is based.

*Ms Regina BASTOS
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*cc Mr Eduardo FERRO RODRIGUES
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The Commission welcomes the Assembleia da República's support for the proposal's objectives and its assessment that this legislative initiative is fully in accordance with the principles of subsidiarity and proportionality.

The Commission looks forward to continuing the political dialogue with the Assembleia da República in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Věra Jourová
Member of the Commission*