

BILAGA 2

Reasoned opinion of the Swedish Parliament (Riksdag)

In opinion 2017/18: KU48 konstitutionsutskottets accounted for the examination of the application of the subsidiarity principle in the Commission proposal for a European Parliament and Council directive on the protection of persons who report breaches of Union law (COM (2018), 218).

The Riksdag would emphasise the importance of providing individual so-called whistleblowers protection when they report wrongdoing or breaches of Union law. There are reasons for common EU rules regarding infringements of EU law. The Riksdag does not call into question the need to improve regulation at EU level concerning breaches of Union law. However, the Riksdag would recall that in Sweden there is a meddelarskydd of persons providing information to the media about maladministration and corruption, and there is a possibility to consider other national legislation on whistleblowing, corruption and other infringements of European Union law.

It is questionable whether it is reasonable to have such a detailed regulation at EU level proposed. Decisions on the details should be taken at national level. There are elements of the Commission proposals, in particular the proposal to set up internal and external reporting channels, which seems to go beyond what is necessary. The aim, to strengthen the enforcement of EU law should be achieved through solutions which are more adapted to the conditions of each Member State. This will allow solutions to become more sustainable and effective.

Against this background, the Riksdag considers that the proposal in all aspects is not compatible with the principle of subsidiarity.

