

Guest Editorial eucrim 3/2018

Tiina Astola



eucrim

European Law Forum: Prevention • Investigation • Prosecution

Editorial

ABSTRACT

Many recent scandals, such as Dieselgate, Luxleaks, the Panama Papers, and Cambridge Analytica, might never have come to light if “insiders” had not had the courage to speak up about wrongdoing occurring in their workplaces. These are only a few examples of how whistleblowers help detect, investigate, and remedy violations of law that can seriously damage the public interest and the welfare of our citizens and societies. Those who help uncover illegal activities should not have to suffer any personal or professional disadvantages or even be punished because of their actions. With its proposal of 23 April 2018 for a “Directive on the protection of persons reporting on breaches of Union law”, the Commission sets out a much needed legal framework for robust protection of whistleblowers across the EU.

AUTHOR

Tiina Astola

Director-General
European Commission

CITATION SUGGESTION

T. Astola, “Guest Editorial eucrim 3/2018”, 2018, Vol. 13(3), eucrim, p141. DOI: <https://doi.org/10.30709/eucrim-2018-015>

Published in
2018, Vol. 13(3) eucrim p 141
ISSN: 1862-6947
<https://eucrim.eu>



Dear Readers,

Many recent scandals, such as Dieselgate, Luxleaks, the Panama Papers, and Cambridge Analytica, might never have come to light if “insiders” had not had the courage to speak up about wrongdoing occurring in their workplaces. These are only a few examples of how whistleblowers help detect, investigate, and remedy violations of law that can seriously damage the public interest and the welfare of our citizens and societies.

Those who help uncover illegal activities should not have to suffer any personal or professional disadvantages or even be punished because of their actions. However, reality has repeatedly shown that whistleblowers take high personal risks with their jobs, their reputations, or even their health. They often end up paying a high price: many are fired, demoted, harassed, sued, or blacklisted. Without sufficient legal protection against retaliation and reliable avenues to report wrongdoing, it is only natural that potential whistleblowers are reluctant to come forward with their concerns.

Data from surveys and studies document this reluctance. The 2017 Special Eurobarometer on corruption, for instance, indicated that 81% of Europeans did not report corruption they had experienced or witnessed. Similar results were revealed in the Commission’s 2017 public consultation on whistleblower protection, where 85 % of respondents said they believed that workers very rarely or rarely report concerns over threats and harm to the public because they fear legal and financial consequences. Last but not least, the 2017 study by Milieu Ltd, which was commissioned by the European Commission, estimated the loss of potential benefits due to a lack of whistleblower protection in the area of public procurement to be in the range of €5.8 to €9.6 billion each year for the EU as a whole.

A major factor contributing to this situation of underreporting is currently the high level of fragmentation across the EU as regards whistleblower protection. This consistently led EU institutions, civil society organisations, and trade unions to call for EU-wide legislation on the protection of whistleblowers in the EU in both the public and private sectors.

With its proposal of 23 April 2018 for a “Directive on the protection of persons reporting on breaches of Union law” (COM(2018) 218 final), the Commission sets out a much needed legal framework for robust protection of whistleblowers across the EU. The proposed, common, minimum standards strike a balance between the need to protect whistleblowers and the need to discourage the reporting of malicious information and prevent unjustified reputational damage. At the same time, these new standards help safeguard the public’s right to access information and to media freedom by protecting those who act as sources for investigative journalists should their identity be revealed.

Once adopted, the proposed rules are bound to make a difference in workplace culture: both public servants and private sector employees will have clear and easily accessible channels for reporting. They should feel reassured that it is safe and acceptable for them to speak up in order to protect the public interest.

Providing strong whistleblower protection will contribute to the effective detection and prevention of violations of EU law that may cause serious harm to the public interest. It will also strengthen transparency, good governance, accountability, and freedom of expression in the EU.

The Commission is currently supporting negotiations on the proposal between the two co-legislators, the European Parliament and the Council, with a view towards its adoption before the end of this legislative period. Since the proposal is still under scrutiny, it is too early to say whether and to what extent the Union’s efforts will pay off. One thing is clear: in the face of recent scandals exposing weak controls in the area of banking and financial markets, nuclear safety, and environmental protection, the Union must act!

Tiina Astola

Director-General – European Commission – Directorate-General for Justice and Consumers

COPYRIGHT/DISCLAIMER

© 2019 The Author(s). Published by the Max Planck Institute for the Study of Crime, Security and Law. This is an open access article published under the terms of the Creative Commons Attribution-NoDerivatives 4.0 International (CC BY-ND 4.0) licence. This permits users to share (copy and redistribute) the material in any medium or format for any purpose, even commercially, provided that appropriate credit is given, a link to the license is provided, and changes are indicated. If users remix, transform, or build upon the material, they may not distribute the modified material. For details, see <https://creativecommons.org/licenses/by-nd/4.0/>.

Views and opinions expressed in the material contained in eucrim are those of the author(s) only and do not necessarily reflect those of the editors, the editorial board, the publisher, the European Union, the European Commission, or other contributors. Sole responsibility lies with the author of the contribution. The publisher and the European Commission are not responsible for any use that may be made of the information contained therein.

About eucrim

eucrim is the leading journal serving as a European forum for insight and debate on criminal and “criministrative” law. For over 20 years, it has brought together practitioners, academics, and policymakers to exchange ideas and shape the future of European justice. From its inception, eucrim has placed focus on the protection of the EU’s financial interests – a key driver of European integration in “criministrative” justice policy.

Editorially reviewed articles published in English, French, or German, are complemented by timely news and analysis of legal and policy developments across Europe.

All content is freely accessible at <https://eucrim.eu>, with four online and print issues published annually.

Stay informed by emailing to eucrim-subscribe@csl.mpg.de to receive alerts for new releases.

The project is co-financed by the [Union Anti-Fraud Programme \(UAFP\)](#), managed by the [European Anti-Fraud Office \(OLAF\)](#).



**Co-funded by
the European Union**