

Council Adopts Negotiating Position on Whistleblower Directive



Thomas Wahl

News

On 25 January, the COREPER agreed to the Council's general approach on the Commission's proposal for a directive on the protection of persons reporting breaches of Union law ("the whistleblower Directive", see [eucrim 1/2018, p. 27](#) and [G. Georgiadou, eucrim 3/2018, p. 166](#)).

The Council particularly maintains the three-tiered approach of the Commission as to reporting channels – something that is also advocated by lawyers' organisations (see [eucrim 3/2018, p. 159](#)). Exceptions may be made in line with ECtHR case law.

Furthermore, the Council proposes limiting the scope of the Directive. For instance, it should not affect the application of Union or national law on the protection of classified information, the protection of legal and medical professional privilege, the secrecy of judicial deliberations, and on rules of criminal procedure.

The duty of confidentiality has been reinforced, so that the identity of reporting persons is not disclosed.

Now that the European Parliament has agreed on its negotiating position in November 2018 (see [eucrim 3/2018, p. 157](#)), trilogue negotiations can follow. However, the EP and Council still have partly divergent positions on several issues of the legislative initiative, in particular as regards reporting channels.

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