

ECJ Ordered Several Member States to Financial Penalties for Failing to Transpose Whistleblowers Directive



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News

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In rulings handed down on 6 March 2025, the ECJ sanctioned five EU Member States for having transposed the Whistleblowers Directive too late or not yet at all.

Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 "on the protection of persons who report breaches of Union law" (Whistleblowers Directive) establishes rules and procedures to protect whistleblowers, individuals who report information they acquired in a work-related context on breaches of EU law in key policy areas. Breaches include both unlawful acts or omissions and abusive practices. According to the Directive, whistleblowers can choose whether to report first internally or to directly report externally to the competent authorities. The Directive obliges Member States to provide several protection and support measures to whistleblowers (→ [euclid 4/2019, 238-239](#)). The Directive had to be transposed by 17 December 2021.

Among the countries which transposed the Whistleblower Directive far too late is Germany. The Federal Republic, among other things, justified the delay by pointing out that it had to conduct complex technical and political discussions as regards the extension of the material scope beyond the one determined by the Directive in order to offer a high level of protection to whistleblowers. It also argued that the legislative process had been interrupted due to the parliamentary elections in 2021 and that the conciliation committee had to be called upon during the legislative process. However, these arguments did not succeed before the ECJ. The ECJ referred to its settled case-law: a Member State cannot plead provisions, practices or situations prevailing in its domestic legal order to justify failure to observe obligations arising under EU law such as failure to transpose a directive within the period prescribed. The ECJ ruled that Germany has to pay a lump sum of €34 million as a financial penalty for its late implementation of the Whistleblowers Directive.

The ECJ has also sanctioned Luxembourg, Hungary, the Czech Republic and Estonia for failure to transpose the Whistleblowers Directive. The Czech Republic must pay a lump sum of €2.3 million, Hungary a lump sum of €1.75 million, and Luxembourg a lump sum of €375,000. Estonia has to pay a lump sum of €500,000 plus a daily penalty of €1,500 since the failure to comply has persisted.

The EU Commission brought infringement proceedings before the ECJ against several Member States for not having transposed the Whistleblowers Directive in 2023. In its [judgment of 25 April 2024](#), the ECJ already imposed sanctions on Poland for failing to implement the Whistleblowers Directive.

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