



The European Commission decides to refer 8 Member States to the Court of Justice of the European Union over the protection of whistleblowers

Brussels, 15 February 2023

Today, the European Commission decided to refer **Czechia, Germany, Estonia, Spain, Italy, Luxembourg, Hungary and Poland** to the Court of Justice for failure to transpose and notify the national measures transposing the directive on the protection of persons who report breaches of Union law into their legal framework ([Directive \(EU\) 2019/1937](#)).

The directive requires Member States to provide whistleblowers working in the public and private sectors with effective channels to report breaches of EU rules confidentially, establishing a robust system of protection against retaliation. This applies both internally (within an organisation) and externally (to a competent public authority). Member States had to transpose the necessary measures to comply with the Directive's provisions by 17 December 2021.

The directive plays a key role in the enforcement of Union law in a number of important policy areas where breaches of Union law may cause harm to the public interest, ranging from environmental protection, public procurement, financial services, nuclear safety and product safety, to the protection of the financial interests of the Union.

Background

On 23 April 2018, the Commission presented a package of initiatives including a proposal for [Directive on the protection of persons reporting on breaches of Union law](#) and a communication, establishing a comprehensive legal framework for [whistleblower protection for safeguarding the public interest at European level](#). The directive was adopted on 23 October 2019 and came into effect on 16 December 2019.

In January 2022, the Commission sent letters of formal notice to 24 Member States for not fully transposing and informing the Commission of the transposition measures before the deadline. Furthermore, the Commission sent reasoned opinions to 15 Member States in [July 2022](#), and to four Member States in [September 2022](#) for failing to communicate measures fully transposing the directive.

As 8 Member States' replies to the Commission's reasoned opinions were unsatisfactory, the Commission has decided to refer these Member States to the Court of Justice of the European Union.

For More Information

[Whistleblower Protection Directive](#)

[Protection for whistleblowers](#)

[Infringement decisions database](#)

[EU infringement procedure](#)

[Link to February 2023 infringements package](#)

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