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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft Directive of the European Parliament and of the Council on the protection of persons who report breaches of Union law (**first reading**)
- Adoption of the legislative act
= Statements

Statement by Ireland

Ireland welcomes the Directive on the protection of persons reporting on breaches of Union law, which will ensure a harmonised, cross-sectoral approach to whistle-blower protection across the EU. However, Ireland considers that any EU legislation in this area should properly reflect the differing legal bases that exist in the Treaties that underpin the material scope of the Directive. In this regard, Ireland agrees with the analysis of the Council Legal Service as set out in document 14620/18.

Statement by Hungary

Hungary considers that the Directive on the protection of persons reporting on breaches of Union law, with a broad material scope covering several areas with different legal bases in the Treaties, should properly reflect all legal bases in accordance with the applicable rules. In this regard, Hungary fully shares the analysis of the Council Legal Service as set out in doc. 14620/18.

Hungary is of the view that the primary aim of the Directive is to protect reporting persons who acquired information on breaches in a work-related context, and any protection provided by the Directive for third persons other than the reporting person under its personal scope should be interpreted narrowly. Persons providing advice within the meaning of Article 20 are not covered by the personal scope of the Directive as set out in Article 4, and the Directive does not extend to their protection.

Statement by the Commission

At the time of the review to be conducted in accordance with Article 27 of the Directive, the Commission will consider the possibility of proposing to extend its scope of application to certain acts based on Articles 153 TFEU and 157 TFEU, after consulting the social partners, where appropriate, in accordance with Article 154 TFEU.
