



22 May 2017

European Commission  
DG Justice and Consumers  
Unit C2 'Fundamental Rights Policy'  
Chiara Adamo, Head of Unit  
59, rue Montoyer  
B-1049 Brussel/Belgium

Dear Mrs Adamo,

**Re: ecoDa comment letter to the EC Public consultation on whistleblower protection**

Further to the ongoing consultation on whistleblower protection, the European Confederation of Directors' Associations (ecoDa) – which represents the main national institutes of directors in Europe - is taking this opportunity to address its opinion through a comment letter.

The concept of whistleblowing is still new in Europe. This is one explanation why many European countries have yet to regulate whistleblower protection and to provide whistleblowers with safe ways to report wrongdoings.

Whistleblowing should not be developed with the aim of creating less trust in companies. On the contrary, the EU institutions should make it clear that whistleblowing is an instrument to reinforce trust inside the company and to strengthen corporate culture. It helps to safeguard and uphold corporate integrity such as anti-corruption, anti-bribery regulations or codes of ethics.

More education on company integrity is required, not only to convince companies that whistleblowing should be part of their corporate culture and risk management set up but also to make employees use this tool as a way of building trust within the company and this way embodying the values of codes of ethics. It is important that employees at the same time are properly educated on data-protection and on what constitutes strategic information.

The EU regulator should promote internal reporting for whistleblowing as a first reporting line starting with the employee's supervisor and, if inappropriate or unresponsive, the referee designated by the company (such as the compliance officer if any) - and not have whistleblowers report to the national regulator. Whistleblowers must not be financially incentivized.

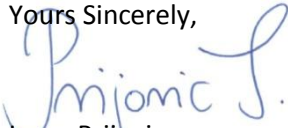
Companies should be invited to have clear policies properly implemented, decided by their boards and regularly reviewed and revised. This would presume a clear definition of roles between internal auditors, risk managers and board members.

Regarding the definition of whistleblowers, it should be restricted to current employees or former employees with no conflict of interest, e.g. not working for a competitor. Some companies who have implemented whistleblower procedures have experienced that there is a real danger that they may be

used for the wrong reasons, such as personal malevolence, slander or internal politics; it is therefore essential that regulations provide the adequate restrictions as to the scope of issues that may be raised (e. g. criminal behaviour or violations of the company code of conduct) and ensure the confidentiality of the procedure and the protection of data privacy.

We remain at your disposal should you wish to discuss this subject further.

Yours Sincerely,



Irena Prijovic  
ecoDa Chair



Béatrice Richez-Baum  
ecoDa Secretary General

*ecoDa is registered under number 37854527418-86 in the EU Transparency Register*

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