

President Iohannis promulgates amendment to whistleblower legislation

President Klaus Iohannis on Tuesday promulgated a piece of legislation amending Article 6(2) in Law 361/2022 regarding the protection of whistleblowers in the public interest.

"Notwithstanding the provisions of paragraph 1, reporting that does not include the name, surname, contact details or signature of the whistleblower in the public interest shall be examined and resolved to the extent that it contains indications of legal violations," the law says. According to the amendments made by Parliament, the word "substantial" was removed from "substantial evidence." The change was made at the request of the European Commission.

The Law on the Protection of Whistleblowers in the Public Interest translates into the national legislation of Romania 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.

The translation of the directive was provided for under milestone 430 of the National Recovery and Resilience Plan (PNRR).

As part of the evaluation of the law carried out on the occasion of the second PNRR payment request, the European Commission sent its objections to the national authorities. In the opinion of the European Commission, the "substantial evidence" in the article are of a nature to lead to a subjective examination of the anonymous reports. In addition, the European Commission says the provision would not provide potential whistleblowers with the adequate level of legal certainty and could discourage reporting.