

EU legal instruments for the protection of whistleblowers

Abstract

This thesis deals with the issue of protection of whistleblowers within the European Union, with a particular emphasis on the view of 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. In the context of the issue, the thesis also analyses the approach of the European Court of Human Rights, which has commented on the protection of whistleblowers many times in the past through its case law. The Court has looked at the issue from the perspective of the European Convention for the Protection of Human Rights, its decisions are nevertheless a relevant source of information for finding answers to the questions of effective provision of legal protection to whistleblowers.

The thesis further analyses the transposition of the Directive into the Czech legal system in the form of Act No. 171/2023 Coll., on the protection of whistleblowers. In order to draw conclusions about the compatibility of the transposed Czech legislation with the EU legislation, a comparative analysis with the Austrian, German and Slovak legal systems was carried out as well. The analysis reveals partial differences in the approach to transposition and implementation between these EU Member States. The aim of the thesis is to provide an objective view of the effectiveness of the legal instruments chosen to ensure the protection of whistleblowers in the context of the EU legal systems and to evaluate to what extent the EU requirements have been successfully implemented in the Czech legal environment.

The work draws primarily on national whistleblower protection legislation in conjunction with the full text of the European Directive. In addition, the literature available to date and the case law of the courts have been used as sources, however in the context of the topicality of the topic, these latter sources are only supportive, as the topic is still very much alive. The paper is a useful contribution to the current public debate on whistleblower protection in the European Union. The knowledge gained will, among other things, serve as a cornerstone for further research on this issue. The thesis also provides a deeper understanding of whistleblower protection in the context of EU law and offers valuable information for legal practice.