*Compomise amendment on Article 6 supported by Rapporteur,EPP, ECR, ALDE, Greens, GUE, EFDD*

*covering AM 373 (Durand), 374(Durand), 375 (Durand), 377 (Chrysogonos), 378 (Durand), 379 (Chrysogonos), 380 (Chrysogonos), 381 (Durand), 382 (Dzhambaski), 383 (Chrysogonos)*

**Obligation to establish external reporting channels and to follow up on reports**

1. Member States shall designate the authorities competent to receive and handle reports.

2. Member States shall ensure that the competent authorities:

a) establish independent and autonomous external reporting channels, ***~~and institutional arrangements~~,*** which are secure and ensure confidentiality, for receiving and handling information provided by the reporting person;

~~b) give feedback to the reporting person about the follow-up of the report within a reasonable timeframe not exceeding~~ ***~~two~~*** ~~months~~ ***~~from the notification of the report,~~*** ~~or~~ ***~~four~~*** ~~months in duly justified cases;~~

***~~ba)~~******~~gives the reporting person the opportunity, without compelling him/her, to look over, examine and to be consulted and comment on the draft report over the course of the investigation, and the final report before it is published at the end of the investigation and, where relevant, take his/her comments into account.~~***

c) transmit the information contained in the report to competent bodies, offices or agencies of the Union, as appropriate, for further investigation, where provided for under national or Union law.

3. Member States shall ensure that competent authorities follow up on the reports by taking the necessary measures and investigate, to the extent appropriate, the subject-matter of the reports ***and are empowered to take adequate remedial action if necessary***. The competent authorities shall communicate to the reporting person the final outcome of the investigations ***~~and publish it ensuring that confidentiality is maintained~~***~~.~~

4. Member States shall ensure that any authority which has received a report but does not have the competence to address the breach reported transmits it to the competent authority ***within a reasonable time, in a secure manner and with due regard to relevant data protection legislation and confidentiality law and rules*** ~~and that~~ The reporting person ***shall b*e** ~~is~~ informed***, without delay. ~~and with due regard to relevant data protection legislation~~***. ***~~Member States shall ensure that competent authorities receiving reports they do not have competence to address have clear procedures for handling all disclosed information securely with due regard to confidentiality.~~***

*Compromise amendment on Article 7 supported by Rapporteur,EPP, ECR, ALDE, Greens, GUE, EFDD*

*Covering AM 387(Didier), 388 (Chrysogonos), 389 (Durand), 390 (Durand)*

**Design of external reporting channels**

1. Dedicated external reporting channels shall be considered independent and autonomous, if they meet all of the following criteria:

a) they are separated from general communication channels of the competent authority, including those through which the competent authority communicates internally and with third parties in its ordinary course of business;

b) they are designed, set up and operated in a manner that ensures the completeness, integrity and confidentiality of the information***, including the identity of the reporting person and of the concerned person ~~individual where relevant~~,*** and prevents access to non-authorised staff members of the competent authority;

c) they enable the storage of durable information in accordance with Article 11 to allow for further investigations.

2. The dedicated reporting channels shall allow for reporting in at least all of the following ways:

a) written report in electronic or paper format;

b) oral report through telephone lines, whether recorded or unrecorded;

c) physical meeting with dedicated staff members of the competent authority ***accompanied, if the reporting person requests it, by a union representative***.

3. Competent authorities shall ensure that a report received by means other than dedicated reporting channels referred to in paragraphs 1 and 2 is promptly forwarded without modification to the dedicated staff members of the competent authority by using dedicated communication channels.

4. Member States shall establish procedures to ensure that, where a report being initially addressed to a person who has not been designated as responsible handler for reports that person is refrained from disclosing any information that might identify the reporting or the concerned person.

*Compromise amendment on Article 8 supported by Rapporteur,EPP, ECR, ALDE, Greens, GUE, EFDD*

*Covering AM 393 (Didier), 394 (Chrysogonos), 395 (Durand), 397 (Didier), ), 396( Cavada, Rohde)*

**Dedicated staff members**

1. Member States shall ensure that competent authorities have ***an adequate number of competent*** staff members dedicated to handling reports***,***. Dedicated staff members shall receive specific training for the purposes of handling reports, ***and shall comply with the confidentiality requirements provided for under this Directive.***

2. Dedicated staff members shall exercise the following functions:

a) providing any interested person with information on the procedures for reporting;

b) receiving and following-up reports. ***They shall analyse and verify whether the report comes under the scope of this Directive.***

c) maintaining contact with the reporting person for the purpose of informing the reporting person of the progress and the outcome of the investigation.

*Compromise amendment on Article 9 supported by Rapporteur , ALDE, Greens, GUE, EFDD*

*Covering AM 47 (rapporteur), 48 (rapporteur), 398 (Chrysogonos), 400 (Chrysogonos), 401 (Durand), 402 (Didier), 403( Durand)*

**Procedures applicable to external reporting**

1. The procedures applicable to external reporting shall provide for the following:

a) the manner in which the competent authority may require the reporting person to clarify the information reported or to provide additional information that is available to the reporting person;

***(aa) a confidential acknowledgment of receipt of the report to the reporting person within no more than seven days of that receipt;***

b) a reasonable timeframe, not exceeding ***~~one~~*** ***two*** months ***from the acknowledgment of receipt of the report,***  for giving feed-back to the reporting person about the follow-up of the report and the type and content of this feed-back ***and where necessary for taking appropriate action as well as investigations into the subject of the report., That timeframe may be extended to four months in duly justified cases.***

***ba) Anonymous reporting shall be followed-up in accordance with any provisions provided for in that regard under national law.***

c) the confidentiality regime applicable to reports, including a detailed description of the circumstances under which the confidential data of a reporting person ***and of a concerned person*** may be disclosed.

***ca)*** where deemed relevant by the competent authority, ***the possibilityfor the reporting person to be consulted and to present comments during the course of the investigation and the possibility for those comments to be taken into account..***

2. The detailed description referred to in point (c) of paragraph 1 shall include the exceptional cases in which confidentiality of personal data may not be ensured, including where the disclosure of data is a necessary and proportionate obligation required under Union or national law in the context of investigations or subsequent judicial proceedings or to safeguard the freedoms of others including the right of defence of the concerned person, and in each case subject to appropriate safeguards under such laws.

3. The detailed description referred to in point (c) of paragraph 1 must be written in clear and easy to understand language and be easily accessible to the reporting persons.

*Compromise amendment on Article 10 supported by Rapporteur,EPP, ECR, ALDE, Greens, GUE, EFDD*

*Covering AM 405 (Chrysogonos), 407 (Cavada), 409 (Chrysogonos), 411 (Chrysogonos), 412 (Durand), 413 (Chrysogonos), 115 (LIBE)*

**Information regarding the receipt of reports and their follow-up**

Member States shall ensure that competent authorities publish on their websites in a separate, easily identifiable and accessible section at least the following information:

a) the conditions under which reporting persons qualify for protection under this Directive;

b) the communication channels for receiving and following-up the reporting:

i) the phone numbers, indicating whether conversations are recorded or unrecorded when using those phone lines;

ii) dedicated electronic and postal addresses, which are secure and ensure confidentiality, to contact the dedicated staff members;

c) the procedures applicable to the reporting of breaches referred to in Article 9;

d) the confidentiality regime applicable to reports, and in particular the information in relation to the processing of personal data in accordance with Article 13 of Regulation (EU) 2016/679, Article 5 and Article 13 of Directive (EU) 2016/680 and Article 11 of Regulation (EC) 45/2001, as applicable.

e) the nature of the follow-up to be given to reports;

f) the remedies and procedures available against retaliation and possibilities to receive confidential advice for persons contemplating making a report;

g) a statement clearly explaining that persons making information available to the competent ***authorities*** in accordance with this Directive are not considered to be infringing any restriction on disclosure of information imposed by contract or by any legislative, regulatory or administrative provision, and are not to be involved in liability of any kind related to such disclosure

***ga)***  ***an annual report on the alerts received and their treatment, while respecting the confidentiality of on-going investigations;***

***gb)*** ***contact information of the single independent administrative authority as provided for in Article 14a.***

*Compromise amendment linked to article 9*

(50) Follow up and feedback should take place within a reasonable timeframe; this is warranted by the need to promptly address the problem that may be the subject of the report, as well as to avoid unnecessary public disclosures. Such timeframe should not exceed ***two*** months, but could be extended to ***four*** months, where necessary due to the specific circumstances of the case, in particular the nature and complexity of the subject of the report, which may require a lengthy investigation.