

The project: “Legitimacy and Accountability
for better protection of Whistleblowers_LAW”



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Legitimacy and Accountability for better protection of Whistleblowers_LAW

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Comparative study regarding whistleblower protection in Romania and Bulgaria

Within the project “Legitimacy and Accountability for better protection of Whistleblowers_LAW” implementation, project co-financed by European Union, a comparative study regarding whistleblower protection in Romania and Bulgaria was elaborated. The study concludes that both Romania and Bulgaria have made significant progress in establishing whistleblower protection systems, but neither has achieved full alignment with best practices. Romania requires improvements in legal clarity, coherence, and sanctions, while Bulgaria must address structural and operational weaknesses, particularly in institutional design and enforcement.



5
main
conclusions

The report recommends targeted reforms in both countries, including clarifying legal provisions, strengthening confidentiality safeguards, expanding support measures, improving coordination among authorities, and enhancing enforcement mechanisms. These steps are essential to build trust, encourage reporting, and ensure that whistleblowing effectively contributes to transparency and accountability.



8
key
recommendations



Comparative study – main conclusions

The comparative assessment of whistleblower protection frameworks in Romania and Bulgaria reveals that both countries have made significant progress in formally transposing Directive (EU) 2019/1937 and establishing comprehensive legal and institutional systems. However, the effectiveness of these frameworks diverges considerably, with both countries facing distinct but equally important challenges related to legal clarity, institutional capacity, and practical implementation. Legislative adjustments, institutional learning, and capacity-building efforts are ongoing, but neither country has yet achieved a fully mature and effective system aligned with best practices.

A first overarching conclusion is that formal compliance does not automatically translate into effective protection.

1

Bulgaria demonstrates a high level of legislative alignment with the Directive, including an extended material scope and detailed secondary legislation. Nevertheless, its system remains operationally fragile due to weak institutional design, fragmented responsibilities, and limited enforcement capacity. In contrast, Romania presents a more coherent institutional architecture, centered around the National Integrity Agency, but suffers from legal ambiguities, partial transposition, and inconsistencies that may undermine predictability and trust in the system.

In Bulgaria, the central authority lacks investigative powers and functions mainly as an administrative intermediary, resulting in delays, weak coordination, and limited accountability. In Romania, while institutional capacity is relatively stronger, implementation is constrained by insufficiently detailed procedures, limited support measures, and unclear sanctioning mechanisms. These deficiencies reduce the practical accessibility of protection and may discourage reporting.

2

Secondly, implementation gaps are a critical weakness in both countries, albeit in different forms.



Third, confidentiality and protection against retaliation remain areas of concern.

3

Although both legal frameworks formally guarantee confidentiality, practical challenges persist. In Bulgaria, whistleblowers are often required in practice to disclose their identity, which contradicts the Directive and undermines trust. In Romania, confidentiality safeguards are not fully aligned with the Directive’s cumulative conditions, creating potential legal uncertainty. Additionally, enforcement of anti-retaliation provisions is weak in both countries, relying heavily on judicial proceedings that may be lengthy and inaccessible.

Fourth, support mechanisms for whistleblowers are underdeveloped in both countries.

While basic forms of legal and informational support exist, neither country provides a comprehensive system that includes psychological assistance, financial support, or structured counselling services. This gap is particularly significant given the high perceived risk of retaliation and the socio-cultural barriers to reporting, including fear of reputational damage and low public trust in institutions.

4

Fifth, low public awareness and persistent socio-cultural barriers as key cross-cutting challenges.

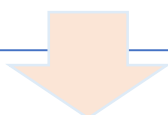
5

High levels of perceived corruption, combined with widespread uncertainty about reporting channels and fear of retaliation, contribute to underreporting in both countries. This indicates that legal and institutional reforms alone are insufficient without parallel efforts to change public perceptions and increase awareness.



Recommendations

To address the identified challenges and strengthen whistleblower protection in Romania and Bulgaria, a set of targeted and complementary recommendations is proposed.



1. Improve legal clarity and alignment with the Directive

2. Strengthen institutional design and coordination mechanisms

3. Enhance enforcement and sanctioning mechanisms

4. Develop comprehensive support systems for whistleblowers

5. Strengthen confidentiality and protection safeguards in practice

6. Invest in capacity building and training

7. Increase awareness and promote a culture of integrity

8. Improve monitoring, data collection, and transparency



1. Improve legal clarity and alignment with the Directive

Romania should priorities revising its legislative framework to eliminate ambiguities, particularly regarding the material scope, public disclosure conditions, confidentiality safeguards, and liability provisions. Clear, precise, and coherent drafting is essential to ensure legal certainty and build trust among potential whistleblowers.

Bulgaria should continue refining its legislation to ensure consistency between primary and secondary norms and to clarify procedural standards.

2. Strengthen institutional design and coordination mechanisms

Bulgaria should reconsider the role and mandate of the central authority, enhancing its investigative and enforcement powers or establishing stronger coordination mechanisms with competent authorities. Clear protocols for cooperation, information-sharing, and accountability should be introduced to reduce fragmentation.

Romania should further strengthen coordination between ANI and sectoral authorities to ensure consistent follow-up and avoid duplication or gaps in handling reports.

3. Enhance enforcement and sanctioning mechanisms

Both countries should **reinforce the effectiveness, proportionality, and dissuasiveness of penalties.**

Romania should expand its sanctioning regime to include attempts to hinder reporting, clarify the criteria for retaliation sanctions, and extend liability to legal entities.

Bulgaria should focus on the actual application of sanctions, ensuring that enforcement bodies actively monitor compliance and impose penalties where necessary.

4. Develop comprehensive support systems for whistleblowers

A major priority for both countries is the establishment of integrated support mechanisms. These should include **free and independent legal advice, psychological counselling, and, where appropriate, financial assistance.** Institutionalized support services, involving public institutions, but also civil society organizations, would significantly improve access to protection and reduce the personal risks associated with reporting.



5. Strengthen confidentiality and protection safeguards in practice

Both countries should ensure that confidentiality is not only guaranteed in law but also consistently applied in practice. Moreover, training and monitoring mechanisms should be introduced to ensure compliance at institutional level.

Bulgaria should eliminate informal requirements for identity disclosure. Romania should explicitly incorporate all Directive safeguards into its legal provisions and clarify requirements for institutional procedures, ensuring that a whistleblower report is not communicated to an entire hierarchy.

6. Invest in capacity building and training

Continuous training programmes should be implemented for public officials, designated whistleblowing officers, and staff handling reports. These programmes should focus on procedural standards, confidentiality requirements, communication with whistleblowers, and prevention of retaliation. Strengthening administrative capacity is essential for improving the quality and consistency of implementation.

7. Increase awareness and promote a culture of integrity

Public awareness campaigns should be intensified to inform citizens about whistleblowing channels, rights, and protections. Educational initiatives targeting students, professionals, and civil servants can contribute to changing negative perceptions of whistleblowers and fostering a culture of integrity and accountability.

8. Improve monitoring, data collection, and transparency

Both countries should establish robust monitoring systems to track the number, type, and outcomes of whistleblowing reports. Regular publication of anonymized data and performance indicators would enhance transparency, allow for evidence-based policy adjustments, and increase public trust in the system.



Key information about the LAW project

The main goal of the LAW project is to contribute to national and EU efforts to support and protect whistleblowers and build capacity of national authorities and legal practitioners to ensure adequate legal remedies to protect whistleblowers.

We anticipate that, through participants involved and implemented activities, the LAW project will strengthen the application of the Directive (EU) 2019/1937 and of national framework in Romania and Bulgaria, in line with respect for transparency, good governance, accountability and freedom of expression.

The path of the two countries in terms of legal framework in the field of whistleblowers protection is quite different. Based on these differences, valuable information can be gleaned about how the two countries manage to ensure the protection of whistleblowers after the legislation transposing the EU Directive was approved. The lessons learned can have a transnational dimension, useful for other EU member states, including from the perspective of respecting the right to freedom of expression.

Considering the challenges in Romania and Bulgaria, the project identified a few types of key target groups that will have a major impact in whistleblowers protection on the short and medium term.

The focus is on CSOs, experts active in the field of WB protection, persons in charge of handling whistleblowers' reports and also students as future experts in the field. It is expected that through events such as training sessions, workshops and seminars the project will support at least 400 persons to improve their knowledge to assure adequate counseling and protection for potential whistleblowers.

To improve general public awareness, at least 3 million people will benefit from better information about their legal rights and reliable channels to report wrongdoing. Also, the project will contribute to increase whistleblowers protection, as an additional guarantee of respect for freedom of expression and the right to information, as insufficient protection of whistleblowers against reprisals affects the freedom of expression.



Citizens, Equality, Rights and Values programme (CERV)

Citizens, Equality, Rights and Values (CERV) programme aims to protect and promote rights and values as enshrined in the EU Treaties and the Charter of Fundamental Rights in particular by supporting civil society organisations active at local ,regional, national and transnational level.

The CERV programme seeks to support and develop open, rights-based, democratic, equal and inclusive societies based on the rule of law. That includes a vibrant and empowered civil society, encouraging people's democratic, civic and social participation and cultivating the rich diversity of European society, based on our common values, history and memory.

Launched in 2021 the CERV programme will run for seven years until 2027. It was created along with the 2021-2027 Justice programme under the Justice, Rights and Values Fund.

Civil society organisations active at local, regional, national and transnational level, as well as other stakeholders, can apply to receive CERV funding for initiatives aimed at citizens' engagement, equality for all and the protection and promotion of rights and EU values.

The project “Legitimacy and Accountability for better protection of Whistleblowers_LAW” is co-financed by European Union, trough the Citizens, Equality, Rights and Values (CERV) programme.