

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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Conference presenting the results of the LAW project

Last week, Transparency International Romania organised in Bucharest the international conference for presenting and debating the results of the project Legitimacy and Accountability for better protection of Whistleblowers_LAW.

The event brought together representatives of public institutions, companies and civil society, including participants who had attended training sessions delivered over the project’s two-year implementation period. Discussions were based on the Comparative Study on Whistleblower Protection in Romania and Bulgaria, developed within the project. The study assesses the extent to which national legislation is aligned with European Union standards, as well as the effectiveness of the mechanisms designed to guarantee confidentiality and support individuals reporting wrongdoing.

Romania needs improvements in legal clarity and the sanctions regime, while Bulgaria must address structural and operational shortcomings, particularly concerning institutional design and enforcement.





Two paths to transposing the same Directive*

Romania	Bulgaria
Law no. 361/2022	Whistleblower Protection Act, 2023
- Closely mirrors the Directive's structure: scope, channels, protection measures, institutional roles - Centralised model via National Integrity Agency (ANI) - Broad definition of “breaches”, but reference to Annex 2 leaves scope ambiguous (illustrative vs. exhaustive) - Institutionally coherent, but legal ambiguities and partial transposition reduce certainty	- High degree of formal compliance; extended material scope covering national-law breaches - Centralised intake via the Commission for Personal Data Protection (CPDP) - Extensive secondary legislation and amendments to improve alignment over time - Strong legal text, but CPDP has no investigative powers — weaker operational capacity

Compliance with the Directive, criteria by criteria

Criteria	RO Compliance	BG Compliance	Key gap
Scope & definitions	2	3	RO: ambiguous Annex 2 reference; BG: broader material scope
Reporting channels	2	3	RO: gaps in independence guarantees; BG: comprehensive on paper
Confidentiality safeguards	2	2	Both fall short of Directive's cumulative conditions in practice
Protection against retaliation	2	1	BG: identity disclosure often required in practice
Penalties & sanctions		1	BG: fines not consistently applied; RO: liability gaps for legal entities
Transparency & accountability	2	3	RO: limited practical transparency of statistics/outcomes

*Whistleblower Protection in Romania & Bulgaria — Comparative Study
** Scale: 1 = does not comply / weak · 2 = partial / moderate · 3 = fully complies / strong



RECOMMENDATIONS

Eight priorities for both countries



Improve legal clarity

Eliminate ambiguities in scope, disclosure conditions, confidentiality, and liability.



Strengthen institutional design

Clarify mandates and build formal coordination protocols between authorities.



Enhance enforcement

Make penalties effective, proportionate, and dissuasive — and actually apply them.



Develop support systems

Free legal advice, psychological counselling, and financial assistance for reporters.



Strengthen confidentiality in practice

Match legal guarantees with consistent institutional application and training.



Invest in training

Continuous capacity-building for officials and designated whistleblowing officers.



Raise awareness

Public campaigns and education to build a culture of integrity and accountability.



Improve monitoring & transparency

Track and publish anonymised data on reports, outcomes, and performance.

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Awareness
campaign

Main LAW project results includes:
over 480 participants in training sessions, workshops, and seminars;
networking; an evaluation report and a *Comparative study regarding whistleblower protection in Romania și Bulgaria*; two video spots.



185

participants in training sessions

70

Participants at workshops

229

Participants at seminars





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.

Through events such as training sessions, workshops and seminars the project supported over 480 persons to improve their knowledge to assure adequate counseling and protection for potential whistleblowers.

To raise awareness on the topics at public level, a large awareness campaign was carried out about whistleblowing, including the rights provided by legislation in the field and about available reporting channels.

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.