



STATUTORY INSTRUMENTS.

S.I. No. 375 of 2023

EUROPEAN UNION (PROTECTION OF PERSONS WHO REPORT
BREACHES OF UNION LAW) REGULATIONS 2023

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I, PASCHAL DONOHOE, Minister for Public Expenditure, National Development Plan Delivery and Reform, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019¹, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Protection of Persons Who Report Breaches of Union Law) Regulations 2023.

2. These Regulations come into operation on 22 July 2023.

3. In these Regulations –

“Act of 2022” means the Protected Disclosures (Amendment) Act 2022 (No. 27 of 2022);

“Principal Act” means the Protected Disclosures Act 2014 (No. 14 of 2014).

4. Section 5 (amended by section 6 of the Act of 2022) of the Principal Act is amended, in subsection (1), by the insertion of “7B,” after “7.”.

5. Section 5A (inserted by section 7 of the Act of 2022) of the Principal Act is amended, in subsection (2), by the insertion of “7B,” after “7.”.

6. Section 6A (inserted by section 9 of the Act of 2022) of the Principal Act is amended, in subsection (1)(g)(iii), by the insertion of “in the manner specified in section 7B” after “European Union”.

7. The Principal Act is amended by the insertion of the following section after section 7A (inserted by section 11 of the Act of 2022):

“Disclosure to relevant institutions, bodies, offices or agencies of European Union”

7B. A disclosure is made in the manner specified in this section if the worker –

¹ OJ No. L305, 26.11.2019, p. 17.

- (a) makes the disclosure to a relevant institution, body, office or agency of the European Union, and
- (b) has reasonable grounds to believe that the information on breaches reported was true at the time of reporting and that such information fell within the scope of the Directive.”.

8. Section 10 (amended by section 13 of the Act of 2022) of the Principal Act is amended, in paragraph (c) –

- (a) in subparagraph (i), by the substitution of “as the case may be,” for “as the case may be, or”,
 - (b) by the insertion of the following subparagraph after subparagraph (i):
 - “(ia) has previously made a disclosure of substantially the same information in the manner specified in section 7B, or”,
- and
- (c) in subparagraph (ii)(II), by the insertion of “, 7B” after “7”.

GIVEN under my Official Seal,
19 July, 2023.

PASCHAL DONOHOE,
Minister for Public Expenditure, National Development
Plan Delivery and Reform.

L.S.

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