

**Notification of the transposition of the substantive provisions of
Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law
Correlation table (cf. Article 26(3))**

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List of legal acts ensuring the transposition of the Directive (laws, regulations, administrative provisions), including legal references and abbreviations used in this table.
Please start by stating the most relevant transposing act (or acts) and then list the others in chronological order from most recent to oldest. Insert the title in English, then in national language (in italics), then the reference of the publication in the Official Journal and, if available, a hyperlink to the text.

Law 93/2022, of December 20;
Decree-Law 109-E/2021, of December 9;
Decree 164/2022, of June 23;

Other abbreviations used in this table

e.g. CA: competent authority

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Article	Citation of the Article of the Directive	Corresponding national provisions (legal ref. & art.)	Full text of national provisions (in language of Member State)	Translation of national provisions into English (if available)	Comments
CHAPTER I SCOPE, DEFINITIONS AND CONDITIONS FOR PROTECTION					
Article 1	Purpose	Article 1	Objeto	Object	
	The purpose of this Directive is to enhance the enforcement of Union law and policies in specific areas by laying down common minimum standards providing for a high level of protection of persons reporting breaches of Union law.		A presente lei estabelece o regime geral de proteção de denunciadores de infrações, transpondo para a ordem jurídica interna a Diretiva (UE) 2019/1937 do Parlamento Europeu e do Conselho, de 23 de outubro de 2019, relativa à proteção das pessoas que denunciam violações do direito da União.	This law establishes the general regime for the protection of whistleblowers, transposing into national law 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.	
Article 2	Material scope	Article 2	Âmbito de aplicação	Scope of application	
Article 2(1)	This Directive lays down common minimum standards for the protection of persons reporting the following breaches of Union law: (a) breaches falling within the scope of the Union acts set out in the Annex that concern the following areas: (i) public procurement; (ii) financial services, products and markets, and prevention of money laundering and terrorist financing;	Article 2 (1)	1 — Para efeitos da presente lei, considera-se infração: a) O ato ou omissão contrário a regras constantes dos atos da União Europeia referidos no anexo da Diretiva (UE) 2019/1937 do Parlamento Europeu e do Conselho, a normas nacionais que executem, transponham ou deem cumprimento a tais atos ou a quaisquer outras normas constantes de atos legislativos de execução ou transposição dos mesmos, incluindo as que prevejam crimes ou contraordenações, referentes aos domínios de: i) Contratação pública; ii) Serviços, produtos e mercados financeiros e prevenção do branqueamento de capitais e do financiamento do terrorismo; iii) Segurança e conformidade dos produtos; iv) Segurança dos transportes; v) Proteção do ambiente;	1 - For the purposes of this law, the following shall be considered an offence: (a) the act or omission contrary to rules contained in the acts of the European Union referred to in the Annex to Directive (EU) 2019/1937 of the European Parliament and of the Council, to national rules implementing, transposing or complying with such acts or to any other rules contained in legislative acts implementing or transposing them, including those providing for crimes or administrative offences, concerning the fields of: i) Public procurement;	

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<p>(iii) product safety and compliance; (iv) transport safety; (v) protection of the environment; (vi) radiation protection and nuclear safety; (vii) food and feed safety, animal health and welfare; (viii) public health; (ix) consumer protection; (x) protection of privacy and personal data, and security of network and information systems; (b) breaches affecting the financial interests of the Union as referred to in Article 325 TFEU and as further specified in relevant Union measures; (c) breaches relating to the internal market, as referred to in Article 26(2) TFEU, including breaches of Union competition and State aid rules, as well as breaches relating to the internal market in relation to acts which breach the rules of corporate tax or to arrangements the purpose of which is to obtain a tax advantage that defeats the</p>		<p>vi) Proteção contra radiações e segurança nuclear; vii) Segurança dos alimentos para consumo humano e animal, saúde animal e bem-estar animal; viii) Saúde pública; ix) Defesa do consumidor; x) Proteção da privacidade e dos dados pessoais e segurança da rede e dos sistemas de informação; b) O ato ou omissão contrário e lesivo dos interesses financeiros da União Europeia a que se refere o artigo 325.º do Tratado sobre o Funcionamento da União Europeia (TFUE), conforme especificado nas medidas da União Europeia aplicáveis; c) O ato ou omissão contrário às regras do mercado interno a que se refere o n.º 2 do artigo 26.º do TFUE, incluindo as regras de concorrência e auxílios estatais, bem como as regras de fiscalidade societária; d) A criminalidade violenta, especialmente violenta e altamente organizada, bem como os crimes previstos no n.º 1 do artigo 1.º da Lei n.º 5/2002, de 11 de janeiro, que estabelece medidas de combate à criminalidade organizada e económico-financeira; e e) O ato ou omissão que contrarie o fim das regras ou normas abrangidas pelas alíneas a) a c).</p>	<p>ii) Financial services, products and markets and prevention of money laundering and terrorist financing; iii) Product safety and compliance; iv) Transport safety; v) Environmental protection; vi) Radiation protection and nuclear safety; vii) Food and feed safety, animal health and animal welfare; viii) Public health; ix) Consumer protection; (x) Protection of privacy and personal data and security of network and information systems; (b) the act or omission contrary to and detrimental to the financial interests of the European Union referred to in Article 325 of the Treaty on the Functioning of the European Union (TFEU), as specified in the applicable Union measures; (c) the act or omission contrary to the internal market rules referred to in Article 26(2) TFEU, including competition and state aid rules, as well as corporate tax rules; (d) violent crime, especially violent and highly organised crime, as well as the crimes provided for in Article 1(1) of Law 5/2002, of 11 January establishing measures to combat organised and economic-financial crime; and (e) the act or omission contrary to the purpose of the rules or norms covered by paragraphs (a) to (c).</p>	
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	object or purpose of the applicable corporate tax law.				
Article 2(2)	This Directive is without prejudice to the power of Member States to extend protection under national law as regards areas or acts not covered by paragraph 1.	-	-	-	This discretion was not exercised in the national transposition law.
Article 3	Relationship with other Union acts and national provisions	Article 3	Articulação com outros regimes	Articulation with other regimes	
Article 3(1)	Where specific rules on the reporting of breaches are provided for in the sector-specific Union acts listed in Part II of the Annex, those rules shall apply. The provisions of this Directive shall be applicable to the extent that a matter is not mandatorily regulated in those sector-specific Union acts.	Article 3(1)	O disposto na presente lei não prejudica os regimes de proteção de denunciante previstos nos atos setoriais específicos da União Europeia referidos na parte II do anexo da Diretiva (UE) 2019/1937 do Parlamento Europeu e do Conselho, ou nos atos legislativos de execução, transposição ou que deem cumprimento a tais atos, sendo que em tudo o que não estiver previsto nesses atos, ou sempre que tal se mostrar mais favorável ao denunciante, é aplicável o disposto na presente lei.	The provisions of this law are without prejudice to the whistleblower protection regimes provided for in sector-specific European Union acts referred to in part ii of the annex of Directive (EU) 2019/1937 of the European Parliament and of the Council, or in the legislative acts of execution, transposition or which comply with such acts, whereby in all matters not provided for in such acts, or where this is more favourable to the whistleblower, the provisions of this law shall apply.	
Article 3(2)	This Directive shall not affect the responsibility of Member States to ensure national security or their power to protect their essential security interests. In particular, it shall not apply to reports of breaches of the procurement rules involving defence or security aspects unless they are covered by the relevant acts of the Union.	Article 3(2)	Nos domínios da defesa e segurança nacionais, só é considerado infração, para efeitos da presente lei, o ato ou omissão contrário às regras de contratação constantes dos atos da União Europeia referidos na parte I.A do anexo da Diretiva (UE) 2019/1937 do Parlamento Europeu e do Conselho, ou que contrarie os fins destas regras.	In the fields of national defence and security, only the act or omission contrary to the procurement rules contained in the European Union acts referred to in part i.A of the annex to Directive (EU) 2019/1937 of the European Parliament and of the Council, or contrary to the purposes of these rules, shall be considered an infringement for the purposes of this law.	

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Article 3(3)	This Directive shall not affect the application of Union or national law relating to any of the following: (a) the protection of classified information; (b) the protection of legal and medical professional privilege; (c) the secrecy of judicial deliberations; (d) rules on criminal procedure.	Article 3(3) Article 3(4) Article 7(5)	O disposto na presente lei não prejudica a aplicação do direito nacional ou da União Europeia sobre: a) A proteção de informações classificadas; b) A proteção do segredo religioso e do segredo profissional do médico, dos advogados e dos jornalistas; c) O segredo de justiça. O disposto na presente lei não prejudica as normas do processo penal nem do processo contraordenacional, na sua fase administrativa ou judicial. O disposto na presente lei não prejudica a obrigação de denúncia prevista no artigo 242.º do Código de Processo Penal.	The provisions of this law shall not prejudice the application of national or European Union law on: (a) The protection of classified information; (b) The protection of religious secrecy and the professional secrecy of doctors, lawyers and journalists; (c) Legal confidentiality. The provisions of the present law shall not prejudice the rules of criminal procedure or of administrative offence procedure in its administrative or judicial phase. The provisions of this law shall not prejudice the obligation to report under article 242 of the Code of Criminal Procedure.	
Article 3(4)	This Directive shall not affect national rules on the exercise by workers of their rights to consult their representatives or trade unions, and on protection against any unjustified detrimental measure prompted by such consultations as well as on the autonomy of the social partners and their right to enter into collective agreements. This is without prejudice to the level of protection granted by this Directive.	Article 3 (5)	O disposto na presente lei não prejudica ainda: a) O direito dos trabalhadores de consultarem os seus representantes ou sindicatos nem as regras de proteção associadas ao exercício desse direito; b) A autonomia e o direito das associações sindicais, das associações de empregadores e dos empregadores de celebrar um instrumento de regulamentação coletiva de trabalho.	The provisions of this law shall not prejudice: (a) the right of employees to consult their representatives or trade unions nor the protective rules associated with the exercise of that right; (b) The autonomy and the right of trade unions, employers' associations and of employers to conclude a collective work regulation instrument.	
Article 4	Personal scope	Article 5	Denunciante	Whistleblower	
Article 4(1)	This Directive shall apply to reporting persons working in the private or	Article 5(1 and 2)	1 — A pessoa singular que denuncie ou divulgue publicamente uma infração com fundamento em informações obtidas no âmbito	1 - A natural person who publicly denounces or discloses an infraction based on information obtained	

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	<p>public sector who acquired information on breaches in a work-related context including, at least, the following:</p> <p>(a) persons having the status of worker, within the meaning of Article 45(1) TFEU, including civil servants;</p> <p>(b) persons having self-employed status, within the meaning of Article 49 TFEU;</p> <p>(c) shareholders and persons belonging to the administrative, management or supervisory body of an undertaking, including non-executive members, as well as volunteers and paid or unpaid trainees;</p> <p>(d) any persons working under the supervision and direction of contractors, subcontractors and suppliers.</p>		<p>da sua atividade profissional, independentemente da natureza desta atividade e do setor em que é exercida, é considerada denunciante.</p> <p>2 — Para efeitos do número anterior, podem ser considerados denunciantes, nomeadamente:</p> <p>a) Os trabalhadores do setor privado, social ou público;</p> <p>b) Os prestadores de serviços, contratantes, subcontratantes e fornecedores, bem como quaisquer pessoas que atuem sob a sua supervisão e direção;</p> <p>c) Os titulares de participações sociais e as pessoas pertencentes a órgãos de administração ou de gestão ou a órgãos fiscais ou de supervisão de pessoas coletivas, incluindo membros não executivos;</p> <p>d) Voluntários e estagiários, remunerados ou não remunerados.</p>	<p>within the scope of their professional activity, irrespective of the nature of that activity and the sector in which it is exercised, shall be considered as a whistleblower.</p> <p>2 - For the purposes of the preceding paragraph, the following may be considered as whistle-blowers:</p> <p>(a) workers in the private, social or public sector;</p> <p>b) Service providers, contractors, subcontractors and suppliers, as well as any persons acting under their supervision and direction;</p> <p>c) Shareholders and persons belonging to administrative or management bodies or to supervisory or controlling bodies of legal persons, including non-executive members;</p> <p>(d) Volunteers and interns, remunerated or unremunerated.</p>	
Article 4(2)	<p>This Directive shall also apply to reporting persons where they report or publicly disclose information on breaches acquired in a work-based relationship which has since ended.</p>	Article 5 (3)	<p>Não obsta à consideração de pessoa singular como denunciante a circunstância de a denúncia ou de a divulgação pública de uma infração ter por fundamento informações obtidas numa relação profissional entretanto cessada, bem como durante o processo de recrutamento ou durante outra fase de negociação pré -contratual de uma relação profissional constituída ou não constituída.</p>	<p>3 - The circumstance that the denunciation or the public disclosure of an infraction is based on information obtained in a professional relationship terminated in the meantime, as well as during the recruitment process or during another phase of pre-contractual negotiation of an established or non-existent professional relationship, shall not impede the consideration of a natural person as a whistleblower.</p>	

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Article 4(3)	This Directive shall also apply to reporting persons whose work-based relationship is yet to begin in cases where information on breaches has been acquired during the recruitment process or other pre-contractual negotiations.	Article 5 (3)	See above	See above	
Article 4(4)	The measures for the protection of reporting persons set out in Chapter VI shall also apply, where relevant, to: (a) facilitators; (b) third persons who are connected with the reporting persons and who could suffer retaliation in a work-related context, such as colleagues or relatives of the reporting persons; and (c) legal entities that the reporting persons own, work for or are otherwise connected with in a work-related context.	Article 6 (4)	A proteção conferida pela presente lei é extensível, com as devidas adaptações, a: a) Pessoa singular que auxilie o denunciante no procedimento de denúncia e cujo auxílio deva ser confidencial, incluindo representantes sindicais ou representantes dos trabalhadores; b) Terceiro que esteja ligado ao denunciante, designadamente colega de trabalho ou familiar, e possa ser alvo de retaliação num contexto profissional; e c) Pessoas coletivas ou entidades equiparadas que sejam detidas ou controladas pelo denunciante, para as quais o denunciante trabalhe ou com as quais esteja de alguma forma ligado num contexto profissional.	4 - The protection conferred by this law shall be extended, with the necessary adaptations, to: (a) a natural person who assists the whistleblower in the denunciation procedure and whose assistance must be confidential, including trade union representatives or workers' representatives; (b) Third parties connected to the whistleblower, such as work colleagues or family members, who may be the target of retaliation in a professional context; and (c) Legal persons or similar entities that are owned or controlled by the whistleblower, for which the whistleblower is employed or otherwise connected in a professional context.	
Article 5	Definitions	Article 4	Objeto e conteúdo da denúncia ou divulgação pública	Object and content of the denunciation or public disclosure	
	For the purposes of this Directive, the following definitions apply: (1) 'breaches' means acts or omissions that: (i) are unlawful and relate to the Union acts and areas falling within the material	Article 4	A denúncia ou divulgação pública pode ter por objeto infrações cometidas, que estejam a ser cometidas ou cujo cometimento se possa razoavelmente prever, bem como tentativas de ocultação de tais infrações.	A denunciation or public disclosure may concern offences committed, in the course of being committed or which may reasonably be expected to be committed, as well as attempts to conceal such offences.	<u>The other definitions have not be inserted in the national transposition law.</u>

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	<p>scope referred to in Article 2; or</p> <p>(ii) defeat the object or the purpose of the rules in the Union acts and areas falling within the material scope referred to in Article 2;</p> <p>(2) ‘information on breaches’ means information, including reasonable suspicions, about actual or potential breaches, which occurred or are very likely to occur in the organisation in which the reporting person works or has worked or in another organisation with which the reporting person is or was in contact through his or her work, and about attempts to conceal such breaches;</p> <p>(3) ‘report’ or ‘to report’ means, the oral or written communication of information on breaches;</p> <p>(4) ‘internal reporting’ means the oral or written communication of information on breaches within a legal entity in the private or public sector;</p> <p>(5) ‘external reporting’ means the oral or written communication of information on breaches to the competent authorities;</p>				
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	<p>(6) ‘public disclosure’ or ‘to publicly disclose’ means the making of information on breaches available in the public domain;</p> <p>(7) ‘reporting person’ means a natural person who reports or publicly discloses information on breaches acquired in the context of his or her work-related activities;</p> <p>(8) ‘facilitator’ means a natural person who assists a reporting person in the reporting process in a work-related context, and whose assistance should be confidential;</p> <p>(9) ‘work-related context’ means current or past work activities in the public or private sector through which, irrespective of the nature of those activities, persons acquire information on breaches and within which those persons could suffer retaliation if they reported such information;</p> <p>(10) ‘person concerned’ means a natural or legal person who is referred to in the report or public disclosure as a person to whom the breach is attributed or with whom that person is associated;</p>			
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	<p>(11) ‘retaliation’ means any direct or indirect act or omission which occurs in a work-related context, is prompted by internal or external reporting or by public disclosure, and which causes or may cause unjustified detriment to the reporting person;</p> <p>(12) ‘follow-up’ means any action taken by the recipient of a report or any competent authority, to assess the accuracy of the allegations made in the report and, where relevant, to address the breach reported, including through actions such as an internal enquiry, an investigation, prosecution, an action for recovery of funds, or the closure of the procedure;</p> <p>(13) ‘feedback’ means the provision to the reporting person of information on the action envisaged or taken as follow-up and on the grounds for such follow-up;</p> <p>(14) ‘competent authority’ means any national authority designated to receive reports in accordance with Chapter III and give feedback to the reporting person, and/or designated to carry out the</p>			
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	duties provided for in this Directive, in particular as regards follow-up.				
Article 6	Conditions for protection of reporting persons	Article 6 Article 7	Condições de proteção Precedência entre os meios de denúncia e divulgação pública	Protection conditions Precedence between the means of denunciation and public disclosure	
Article 6(1)	Reporting persons shall qualify for protection under this Directive provided that: (a) they had 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 this Directive; and (b) they reported either internally in accordance with Article 7 or externally in accordance with Article 10, or made a public disclosure in accordance with Article 15.	Article 6 (1) Article 7 (4)	Beneficia da proteção conferida pela presente lei o denunciante que, de boa -fé, e tendo fundamento sério para crer que as informações são, no momento da denúncia ou da divulgação pública, verdadeiras, denuncie ou divulgue publicamente uma infração nos termos estabelecidos no capítulo II. A pessoa singular que, fora dos casos previstos no número anterior, der conhecimento de uma infração a órgão de comunicação social ou a jornalista não beneficia da proteção conferida pela presente lei, sem prejuízo das regras aplicáveis em matéria de sigilo jornalístico e de proteção de fontes.	A whistleblower shall benefit from the protection provided by this law if, in good faith and having serious grounds to believe that the information is true at the time of the denunciation or public disclosure, he or she reports or publicly discloses an infraction under the terms established in chapter ii. A natural person who, outside the cases provided for in the preceding paragraph, reports an offence to a media organ or journalist shall not benefit from the protection conferred by this law, without prejudice to the applicable rules on journalistic confidentiality and protection of sources.	Article (4) exemplifies a case to which the law does not apply: the report of an infraction to the media, aside from the cases foreseen in article 6. Nevertheless, the whistleblower would still benefit from the journalist's confidentiality right and of the protection of sources.
Article 6(2)	Without prejudice to existing obligations to provide for anonymous reporting by virtue of Union law, this Directive does not affect the power of Member States to decide whether legal entities in the private or public sector and competent authorities are required to accept and follow up on anonymous reports of breaches.	Article 6 (3 and 4)	3 - O denunciante que apresente uma denúncia externa sem observar as regras de precedência previstas nas alíneas a) a e) do n.º 2 do artigo 7.º beneficia da proteção conferida pela presente lei se, aquando da apresentação, ignorava, sem culpa, tais regras. 4 - A proteção conferida pela presente lei é extensível, com as devidas adaptações, a: a) Pessoa singular que auxilie o denunciante no procedimento de denúncia e cujo auxílio	3 - A whistleblower who submits an external complaint without observing the precedence rules provided for in paragraphs (a) to (e) of Article 7 (2) shall benefit from the protection conferred by this law if, at the time of submission, he/she was unknowingly, without fault, of such rules. 4 - The protection conferred by this law shall be extended, with the necessary adaptations, to:	

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			<p>deva ser confidencial, incluindo representantes sindicais ou representantes dos trabalhadores;</p> <p>b) Terceiro que esteja ligado ao denunciante, designadamente colega de trabalho ou familiar, e possa ser alvo de retaliação num contexto profissional; e</p> <p>c) Pessoas coletivas ou entidades equiparadas que sejam detidas ou controladas pelo denunciante, para as quais o denunciante trabalhe ou com as quais esteja de alguma forma ligado num contexto profissional.</p>	<p>(a) a natural person who assists the whistleblower in the denunciation procedure and whose assistance must be confidential, including trade union representatives or workers' representatives;</p> <p>(b) Third parties connected to the whistleblower, such as work colleagues or family members, who may be the target of retaliation in a professional context; and</p> <p>(c) Legal persons or similar entities that are owned or controlled by the whistleblower, for which the whistleblower is employed or otherwise connected in a professional context.</p>	
Article 6(3)	Persons who reported or publicly disclosed information on breaches anonymously, but who are subsequently identified and suffer retaliation, shall nonetheless qualify for the protection provided for under Chapter VI, provided that they meet the conditions laid down in paragraph 1.	Article 6 (2)	O denunciante anónimo que seja posteriormente identificado beneficia da proteção conferida pela presente lei, contanto que satisfaça as condições previstas no número anterior.	Anonymous whistleblowers who are subsequently identified shall benefit from the protection provided by this law, provided they meet the conditions set out in the preceding paragraph.	
Article 6(4)	Persons reporting to relevant institutions, bodies, offices or agencies of the Union breaches falling within the scope of this Directive shall qualify for protection as laid down in this Directive under the same conditions as persons who report externally.	Article 6 (5)	O denunciante que apresente uma denúncia de infração às instituições, órgãos ou organismos da União Europeia competentes beneficia da proteção estabelecida na presente lei nas mesmas condições que o denunciante que apresenta uma denúncia externa	A whistleblower who reports an infraction to the competent institutions, organs or bodies of the European Union shall benefit from the protection set out in this law under the same conditions as a whistleblower who makes an external complaint.	
CHAPTER II					

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INTERNAL REPORTING AND FOLLOW-UP					
Article 7	Reporting through internal reporting channels	Article 7 Article 11	Precedência entre os meios de denúncia e divulgação pública Seguimento da denúncia interna	Precedence between the means of denunciation and public disclosure Follow-up of internal whistleblowing	
Article 7(1)	As a general principle and without prejudice to Articles 10 and 15, information on breaches may be reported through the internal reporting channels and procedures provided for in this Chapter.	Article 7 (1)	As denúncias de infrações são apresentadas pelo denunciante através dos canais de denúncia interna ou externa ou divulgadas publicamente.	Reports of infractions shall be submitted by the whistleblower through the internal or external reporting channels or made public.	
Article 7(2)	Member States shall encourage reporting through internal reporting channels before reporting through external reporting channels, where the breach can be addressed effectively internally and where the reporting person considers that there is no risk of retaliation.	Article 7 (2, 3, 4 and 5)	2 — O denunciante só pode recorrer a canais de denúncia externa quando: a) Não exista canal de denúncia interna; b) O canal de denúncia interna admita apenas a apresentação de denúncias por trabalhadores, não o sendo o denunciante; c) Tenha motivos razoáveis para crer que a infração não pode ser eficazmente conhecida ou resolvida a nível interno ou que existe risco de retaliação; d) Tenha inicialmente apresentado uma denúncia interna sem que lhe tenham sido comunicadas as medidas previstas ou adotadas na sequência da denúncia nos prazos previstos no artigo 11.º; ou e) A infração constitua crime ou contraordenação punível com coima superior a 50 000 €. 3 - O denunciante só pode divulgar publicamente uma infração quando: a) Tenha motivos razoáveis para crer que a infração pode constituir um perigo iminente ou manifesto para o interesse público, que a infração não pode ser eficazmente conhecida ou resolvida pelas autoridades competentes, atendendo às circunstâncias específicas	2 - The whistleblower may only resort to external reporting channels when: (a) There is no internal denunciation channel; (b) The internal denunciation channel only accepts the submission of complaints by employees, and the whistleblower is not one; (c) He/she has reasonable grounds to believe that the breach cannot be effectively known or resolved internally or that there is a risk of retaliation; (d) He/she has initially lodged an internal complaint without having been informed of the measures envisaged or taken following the complaint within the time limits set out in Article 11; or (e) The breach is a criminal offence or an administrative offence punishable by a fine of more than EUR 50 000. 3 - The whistleblower may only publicly disclose an infraction when:	

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			<p>cas do caso, ou que existe um risco de retaliação inclusivamente em caso de denúncia externa; ou</p> <p>b) Tenha apresentado uma denúncia interna e uma denúncia externa, ou diretamente uma denúncia externa nos termos previstos na presente lei, sem que tenham sido adotadas medidas adequadas nos prazos previstos nos artigos 11.º e 15.º</p> <p>4 - A pessoa singular que, fora dos casos previstos no número anterior, der conhecimento de uma infração a órgão de comunicação social ou a jornalista não beneficia da proteção conferida pela presente lei, sem prejuízo das regras aplicáveis em matéria de sigilo jornalístico e de proteção de fontes.</p>	<p>(a) He/she has reasonable grounds to believe that the breach may constitute an imminent or manifest danger to the public interest, that the breach cannot be effectively known or addressed by the competent authorities, having regard to the specific circumstances of the case, or that there is a risk of retaliation including in the case of external reporting; or</p> <p>(b) He/she has filed an internal denunciation and an external denunciation, or directly an external denunciation under the terms of this law, without appropriate measures being taken within the time limits provided for in articles 11 and 15.</p> <p>4 - A natural person who, outside the cases provided for in the preceding paragraph, reports an offence to a media organ or journalist shall not benefit from the protection conferred by this law, without prejudice to the applicable rules on journalistic confidentiality and protection of sources.</p>	
Article 7(3)	Appropriate information relating to the use of internal reporting channels referred to in paragraph 2 shall be provided in the context of the information given by legal entities in the private and public sector pursuant to point (g) of Article 9(1), and by competent authorities pursuant to point (a) of Article 12(4) and Article 13.	Article 11 (1)	As entidades obrigadas notificam, no prazo de sete dias, o denunciante da receção da denúncia e informam-no, de forma clara e acessível, dos requisitos, autoridades competentes e forma e admissibilidade da denúncia externa, nos termos do n.º 2 do artigo 7.º e dos artigos 12.º e 14.º	Obliged entities shall, within seven days, notify the whistleblower of the receipt of the whistleblowing and inform him/her, in a clear and accessible manner, of the requirements, competent authorities and the form and admissibility of the external whistleblowing, in accordance with articles 7(2), 12 and 14.	
Article 8	Obligation to establish internal reporting channels	Article 8	Obrigaçao de estabelecer canais de denúncia interna	Obligation to establish internal whistleblowing channels	

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		Article 5	Denunciante	Whistleblower	
Article 8(1)	Member States shall ensure that legal entities in the private and public sector establish channels and procedures for internal reporting and for follow-up, following consultation and in agreement with the social partners where provided for by national law.	Article 8 (1)	As pessoas coletivas, incluindo o Estado e as demais pessoas coletivas de direito público, que empreguem 50 ou mais trabalhadores e, independentemente disso, as entidades que estejam contempladas no âmbito de aplicação dos atos da União Europeia referidos na parte I.B e II do anexo da Diretiva (UE) 2019/1937 do Parlamento Europeu e do Conselho, doravante designadas por entidades obrigadas, dispõem de canais de denúncia interna.	Legal persons, including the State and other legal persons governed by public law, employing 50 or more workers and, irrespective of that, entities falling within the scope of the European Union acts referred to in part i.B and ii of the Annex to Directive (EU) 2019/1937 of the European Parliament and of the Council, hereinafter referred to as obliged entities, shall have internal whistleblowing channels.	
Article 8(2)	The channels and procedures referred to in paragraph 1 of this Article shall enable the entity's workers to report information on breaches. They may enable other persons, referred to in points (b), (c) and (d) of Article 4(1) and Article 4(2), who are in contact with the entity in the context of their work-related activities to also report information on breaches.	Article 5 (2 paragraphs b) c) and d)	See above	See above	
Article 8(3)	Paragraph 1 shall apply to legal entities in the private sector with 50 or more workers.	Article 8 (1)	See above	See above	
Article 8(4)	The threshold laid down in paragraph 3 shall not apply to the entities falling within the scope of Union acts referred to in Parts I.B and II of the Annex.	Article 8 (1)	See above	See above	
Article 8(5)	Reporting channels may be operated internally by a person or department	Article 9 (2,3 and 4)	2 - Os canais de denúncia interna são operados internamente, para efeitos de receção e seguimento de denúncias, por pessoas ou	2 - Internal whistleblowing channels shall be operated internally, for the purpose of receiving and	

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	designated for that purpose or provided externally by a third party. The safeguards and requirements referred to in Article 9(1) shall also apply to entrusted third parties operating the reporting channel for a legal entity in the private sector.		serviços designados para o efeito, sem prejuízo do número seguinte. 3 - Os canais de denúncia podem ser operados externamente, para efeitos de receção de denúncias. 4 - Nas situações previstas nos n.os 2 e 3, deve ser garantida a independência, a imparcialidade, a confidencialidade, a proteção de dados, o sigilo e a ausência de conflitos de interesses no desempenho das funções.	following up complaints, by persons or services designated for the purpose, without prejudice to the following paragraph. 3 - The whistleblowing channels may be operated externally, for the purpose of receiving complaints. 4 - In the situations provided for in paragraphs 2 and 3, independence, impartiality, confidentiality, data protection, secrecy and absence of conflict of interest shall be guaranteed in the performance of the functions.	
Article 8(6)	Legal entities in the private sector with 50 to 249 workers may share resources as regards the receipt of reports and any investigation to be carried out. This shall be without prejudice to the obligations imposed upon such entities by this Directive to maintain confidentiality, to give feedback, and to address the reported breach.	Article 8 (2)	As entidades obrigadas que não sejam de direito público e que empreguem entre 50 e 249 trabalhadores podem partilhar recursos no que respeita à receção de denúncias e ao respetivo seguimento.	Obliged entities that are not governed by public law and that employ between 50 and 249 workers may share resources with regard to the receipt of denunciations and the respective follow-up.	
Article 8(7)	Following an appropriate risk assessment taking into account the nature of the activities of the entities and the ensuing level of risk for, in particular, the environment and public health, Member States may require legal entities in the private sector with fewer than 50 workers to establish internal reporting channels and procedures in accordance with Chapter II.	Article 8 (1)	See above	See above	

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Article 8(8)	Member States shall notify the Commission of any decision they take to require legal entities in the private sector to establish internal reporting channels pursuant to paragraph 7. That notification shall include the reasons for the decision and the criteria used in the risk assessment referred to in paragraph 7. The Commission shall communicate that decision to the other Member States.	-	-	-	
Article 8(9)	Paragraph 1 shall apply to all legal entities in the public sector, including any entity owned or controlled by such entities. Member States may exempt from the obligation referred to in paragraph 1 municipalities with fewer than 10 000 inhabitants or fewer than 50 workers, or other entities referred to in the first subparagraph of this paragraph with fewer than 50 workers. Member States may provide that internal reporting channels can be shared between municipalities or operated by joint municipal authorities in accordance with national law, provided that the shared internal reporting channels are distinct from and auto-	Article 8 (6 and 7)	6 - Não têm de dispor de canais de denúncia as autarquias locais que, embora empregando 50 ou mais trabalhadores, tenham menos de 10 000 habitantes. 7 - As autarquias locais podem partilhar canais de denúncia no que respeita à receção de denúncias e ao respetivo seguimento.	6 - Local authorities that employ 50 or more workers but have less than 10,000 inhabitants are not required to have reporting channels. 7 - Local authorities may share reporting channels for the receipt of whistleblowing and their follow-up.	

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	<p>person or department as the one that receives the reports and which will maintain communication with the reporting person and, where necessary, ask for further information from and provide feedback to that reporting person;</p> <p>(d) diligent follow-up by the designated person or department referred to in point (c);</p> <p>(e) diligent follow-up, where provided for in national law, as regards anonymous reporting;</p> <p>(f) a reasonable timeframe to provide feedback, not exceeding three months from the acknowledgment of receipt or, if no acknowledgement was sent to the reporting person, three months from the expiry of the seven-day period after the report was made;</p> <p>(g) provision of clear and easily accessible information regarding the procedures for reporting externally to competent authorities pursuant to Article 10 and, where relevant, to institutions, bodies, offices or agencies of the Union.</p>	<p style="text-align: center;">Article 11(2)</p>	<p>2014, desde que, em qualquer caso, os meios estejam disponíveis.</p> <p>No seguimento da denúncia, as entidades obrigadas praticam os atos internos adequados à verificação das alegações aí contidas e, se for caso disso, à cessação da infração denunciada, inclusive através da abertura de um inquérito interno ou da comunicação a autoridade competente para investigação da infração, incluindo as instituições, órgãos ou organismos da União Europeia.</p>	<p>910/2014 of the European Parliament and of the Council of 23 July 2014, provided that, in any case, the means are available.</p> <p>Following the complaint, the obliged entities shall perform the appropriate internal acts for the verification of the allegations contained therein and, where appropriate, for the termination of the reported infraction, including through the opening of an internal investigation or the communication to the competent authority for the investigation of the infringement, including the institutions, organs or bodies of the European Union.</p>	
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Article 9(2)	The channels provided for in point (a) of paragraph 1 shall enable reporting in writing or orally, or both. Oral reporting shall be possible by telephone or through other voice messaging systems, and, upon request by the reporting person, by means of a physical meeting within a reasonable timeframe.	Article 10 (1 and 2)	1 — Os canais de denúncia interna permitem, designadamente, a apresentação de denúncias, por escrito e ou verbalmente, por trabalhadores, anónimas ou com identificação do denunciante. 2 — Caso seja admissível a denúncia verbal, os canais de denúncia interna permitem a sua apresentação por telefone ou através de outros sistemas de mensagem de voz e, a pedido do denunciante, em reunião presencial.	1 - The internal whistleblowing channels allow, namely, the presentation of written and/or verbal complaints by employees, either anonymous or with identification of the whistleblower. 2 - If verbal whistleblowing is admissible, the internal reporting channels allow for presentation by telephone or other voice message systems and, at the request of the whistleblower, in a face-to-face meeting.	
CHAPTER III EXTERNAL REPORTING AND FOLLOW-UP					
Article 10	Reporting through external reporting channels	Article 7	Precedência entre os meios de denúncia e divulgação pública	Precedence between the means of denunciation and public disclosure	
	Without prejudice to point (b) of Article 15(1), reporting persons shall report information on breaches using the channels and procedures referred to in Articles 11 and 12, after having first reported through internal reporting channels, or by directly reporting through external reporting channels.	Article 7 (2)	O denunciante só pode recorrer a canais de denúncia externa quando: a) Não exista canal de denúncia interna; b) O canal de denúncia interna admita apenas a apresentação de denúncias por trabalhadores, não o sendo o denunciante; c) Tenha motivos razoáveis para crer que a infração não pode ser eficazmente conhecida ou resolvida a nível interno ou que existe risco de retaliação; d) Tenha inicialmente apresentado uma denúncia interna sem que lhe tenham sido comunicadas as medidas previstas ou adotadas na sequência da denúncia nos prazos previstos no artigo 11.º; ou e) A infração constitua crime ou contraordenação punível com coima superior a 50 000 €.	2 - The whistleblower may only resort to external reporting channels when: (a) There is no internal denunciation channel; (b) The internal denunciation channel only accepts the submission of complaints by employees, and the whistleblower is not one; (c) He/she has reasonable grounds to believe that the breach cannot be effectively known or resolved internally or that there is a risk of retaliation; (d) He/she has initially lodged an internal complaint without having been informed of the measures envisaged or taken following the complaint within the time limits set out in Article 11; or (e) The breach is a criminal offence or an administrative offence punishable by a fine of more than EUR 50 000.	

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Article 11	Obligation to establish external reporting channels and to follow up on reports	Article 12 Article 13	Autoridades competentes Características dos canais de denúncia externa	Competent authorities Characteristics of external whistleblowing channels	
Article 11(1)	Member States shall designate the authorities competent to receive, give feedback and follow up on reports, and shall provide them with adequate resources.	Article 12 (1)	As denúncias externas são apresentadas às autoridades que, de acordo com as suas atribuições e competências, devam ou possam conhecer da matéria em causa na denúncia, incluindo: a) O Ministério Público; b) Os órgãos de polícia criminal; c) O Banco de Portugal; d) As autoridades administrativas independentes; e) Os institutos públicos; f) As inspeções -gerais e entidades equiparadas e outros serviços centrais da administração direta do Estado dotados de autonomia administrativa; g) As autarquias locais; e h) As associações públicas	External complaints shall be submitted to the authorities that, in accordance with their attributions and competences, should or may have knowledge of the matter in question in the complaint, including: (a) The Public Prosecutor's Office b) The criminal police bodies c) The Bank of Portugal d) The independent administrative authorities e) Public institutes; f) Inspectorates-general and similar entities and other central services of the State's direct administration endowed with administrative autonomy g) Local authorities; and h) Public associations.	
Article 11(2)	Member States shall ensure that the competent authorities: (a) establish independent and autonomous external reporting channels, for receiving and handling information on breaches; (b) promptly, and in any event within seven days of receipt of the report, acknowledge that receipt unless the reporting person explicitly requested otherwise or the competent authority reasonably	Article 13 (1 and 2)	1 - As autoridades competentes estabelecem canais de denúncia externa, independentes e autónomos dos demais canais de comunicação, para receber e dar seguimento às denúncias, que assegurem a exaustividade, a integridade e a confidencialidade da denúncia, impeçam o acesso de pessoas não autorizadas e permitam a sua conservação nos termos do artigo 20.º 2 - As autoridades competentes designam os funcionários responsáveis pelo tratamento de denúncias, que inclui: a) Prestar a todas as pessoas interessadas informações sobre os procedimentos de denúncia, garantindo a confidencialidade do aconselhamento e da identidade das pessoas; b) Receber e dar seguimento às denúncias;	1 - The competent authorities shall establish channels for external denunciation, independent and autonomous from other communication channels, to receive and follow up on denunciations, that ensure the completeness, integrity and confidentiality of the denunciation, prevent access by unauthorised persons and enable its conservation in accordance with Article 20. 2 - The competent authorities shall designate the officials responsible for handling complaints, which shall include:	

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	<p>believes that acknowledging receipt of the report would jeopardise the protection of the reporting person's identity;</p> <p>(c) diligently follow up on the reports;</p> <p>(d) provide feedback to the reporting person within a reasonable timeframe not exceeding three months, or six months in duly justified cases;</p> <p>(e) communicate to the reporting person the final outcome of investigations triggered by the report, in accordance with procedures provided for under national law;</p> <p>(f) transmit in due time the information contained in the report to competent institutions, bodies, offices or agencies of the Union, as appropriate, for further investigation, where provided for under Union or national law.</p>			<p>(a) providing all persons concerned with information on the complaint procedures, ensuring the confidentiality of advice and the identity of the persons;</p> <p>(b) Receiving and following up complaints;</p> <p>(c) Providing substantiated information to the complainant on the measures envisaged or adopted to follow up on the complaint, and requesting additional information if necessary.</p>	
Article 11(3)	<p>Member States may provide that competent authorities, after having duly assessed the matter, can decide that a reported breach is clearly minor and does not require further follow-up pursuant to this Directive, other than closure of the procedure. This shall not affect other</p>	-	-	-	

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	obligations or other applicable procedures to address the reported breach, or the protection granted by this Directive in relation to internal or external reporting. In such a case, the competent authorities shall notify the reporting person of their decision and the reasons therefor.				
Article 11(4)	Member States may provide that competent authorities can decide to close procedures regarding repetitive reports which do not contain any meaningful new information on breaches compared to a past report in respect of which the relevant procedures were concluded, unless new legal or factual circumstances justify a different follow-up. In such a case, the competent authorities shall notify the reporting person of their decision and the reasons therefor.	-	-	-	
Article 11(5)	Member States may provide that, in the event of high inflows of reports, competent authorities may deal with reports of serious breaches or breaches of essential provisions falling within the scope of this Directive as a matter of priority, without prejudice to the timeframe as set out in point (d) of paragraph 2.	-	-	-	

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Article 11(6)	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 that the reporting person is informed, without delay, of such a transmission.	Article 12 (3)	Nos casos em que não exista autoridade competente para conhecer da denúncia ou nos casos em que a denúncia vise uma autoridade competente, deve a mesma ser dirigida ao Mecanismo Nacional Anticorrupção e, sendo esta a autoridade visada, ao Ministério Público, que procede ao seu seguimento, designadamente através da abertura de inquérito sempre que os factos descritos na denúncia constituam crime.	In cases where there is no competent authority to deal with the complaint or in cases where the complaint is addressed to a competent authority, the complaint shall be addressed to the National Anti-Corruption Mechanism and, if the latter is the authority addressed, to the Public Prosecutor's Office, which shall follow up the complaint, namely by opening an enquiry whenever the facts described in the complaint constitute a crime.	
Article 12	Design of external reporting channels	Article 13 Article 14	Características dos canais de denúncia externa Forma e admissibilidade da denúncia externa	Characteristics of external whistleblowing channels Form and admissibility of external complaint	
Article 12(1)	External reporting channels shall be considered independent and autonomous, if they meet all of the following criteria: (a) they are designed, established and operated in a manner that ensures the completeness, integrity and confidentiality of the information and prevents access thereto by non-authorised staff members of the competent authority; (b) they enable the durable storage of information in accordance with Article 18 to allow further investigations to be carried out.	Article 13 (1 and 2)	1 - As autoridades competentes estabelecem canais de denúncia externa, independentes e autónomos dos demais canais de comunicação, para receber e dar seguimento às denúncias, que assegurem a exaustividade, a integridade e a confidencialidade da denúncia, impeçam o acesso de pessoas não autorizadas e permitam a sua conservação nos termos do artigo 20.º 2 - As autoridades competentes designam os funcionários responsáveis pelo tratamento de denúncias, que inclui: a) Prestar a todas as pessoas interessadas informações sobre os procedimentos de denúncia, garantindo a confidencialidade do aconselhamento e da identidade das pessoas; b) Receber e dar seguimento às denúncias; c) Prestar informações fundamentadas ao denunciante sobre as medidas previstas ou adotadas para dar seguimento à denúncia e	1 - The competent authorities shall establish channels for external denunciation, independent and autonomous from other communication channels, to receive and follow up on denunciations, that ensure the completeness, integrity and confidentiality of the denunciation, prevent access by unauthorised persons and enable its conservation in accordance with Article 20. 2 - The competent authorities shall designate the officials responsible for handling complaints, which shall include: (a) providing all persons concerned with information on the	

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			solicitar informações adicionais, se necessário.	complaint procedures, ensuring the confidentiality of advice and the identity of the persons; (b) Receiving and following up complaints; (c) Providing substantiated information to the complainant on the measures envisaged or adopted to follow up on the complaint, and requesting additional information if necessary.	
Article 12(2)	The external reporting channels shall enable reporting in writing and orally. Oral reporting shall be possible by telephone or through other voice messaging systems and, upon request by the reporting person, by means of a physical meeting within a reasonable timeframe.	Article 14 (1)	Os canais de denúncia externa permitem a apresentação de denúncias por escrito e ou verbalmente, anónimas ou com identificação do denunciante.	The external complaint channels allow for written and/or verbal complaints to be submitted anonymously or with identification of the complainant.	
Article 12(3)	Competent authorities shall ensure that, where a report is received through channels other than the reporting channels referred to in paragraphs 1 and 2 or by staff members other than those responsible for handling reports, the staff members who receive it are prohibited from disclosing any information that might identify the reporting person or the person concerned, and that they promptly forward the report without modification to the staff members	Article 14 (3)	Caso as denúncias sejam recebidas por canais não destinados ao efeito ou por pessoas não responsáveis pelo seu tratamento, devem ser imediatamente transmitidas, sem qualquer modificação, a funcionário responsável.	If complaints are received through channels not intended for the purpose or by persons not responsible for their processing, they shall be immediately forwarded, without any modification, to the responsible official.	

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	responsible for handling reports.				
Article 12(4)	Member States shall ensure that competent authorities designate staff members responsible for handling reports, and in particular for: (a) providing any interested person with information on the procedures for reporting; (b) receiving and following up on reports; (c) maintaining contact with the reporting person for the purpose of providing feedback and requesting further information where necessary.	Article 13 (1)	See above	See above	
Article 12(5)	The staff members referred to in paragraph 4 shall receive specific training for the purposes of handling reports.	Article 14 (3)	See above	See above	
Article 13	Information regarding the receipt of reports and their follow-up	Article 16	Obrigaç�o de informa�o	Obligation to inform	
	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 for qualifying for protection under this Directive; (b)		As autoridades competentes publicam nos respetivos s�cios na Internet, em sec�o separada, facilmente identific�vel e acess�vel, pelo menos as seguintes informa�o�es: a) Condi�o�es para beneficiar de prote�o�o ao abrigo da presente lei ou ao abrigo dos regimes de prote�o�o de denunciante�es previstos nos atos setoriais espec�ficos da Uni�o Europeia referidos na parte ii do anexo da <u>Diretiva (UE) 2019/1937</u> do Parlamento Europeu e do Conselho ou nos atos legislativos de execu�o�o, transposi�o�o ou que deem cumprimento a tais atos, se aplic�vel;	Competent authorities shall publish on their websites, in a separate, easily identifiable and accessible section, at least the following information: a) Conditions for benefiting from protection under this law or under the whistleblower protection regimes provided for in the sector-specific acts of the European Union referred to in	

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<p>the contact details for the external reporting channels as provided for under Article 12, in particular the electronic and postal addresses, and the phone numbers for such channels, indicating whether the phone conversations are recorded;</p> <p>(c) the procedures applicable to the reporting of breaches, including the manner in which the competent authority may request the reporting person to clarify the information reported or to provide additional information, the timeframe for providing feedback and the type and content of such feedback;</p> <p>(d) the confidentiality regime applicable to reports, and in particular the information in relation to the processing of personal data in accordance with Article 17 of this Directive, Articles 5 and 13 of Regulation (EU) 2016/679, Article 13 of Directive (EU) 2016/680 and Article 15 of Regulation (EU) 2018/1725, as applicable;</p> <p>(e) the nature of the follow-up to be given to reports;</p> <p>(f) the remedies and procedures for protection</p>		<p>b) Dados de contacto dos canais de denúncia externa, nomeadamente os endereços eletrónicos e postais e os números de telefone, com indicação sobre se as comunicações telefónicas são gravadas;</p> <p>c) Procedimentos aplicáveis à denúncia de infrações, nomeadamente a forma pela qual a autoridade competente pode solicitar ao denunciante que clarifique a denúncia apresentada ou que preste informações adicionais, inclusivamente em situações de anonimato, e o prazo que a autoridade tem para prestar ao denunciante informações fundamentadas sobre as medidas previstas ou tomadas para dar seguimento à denúncia;</p> <p>d) Regime de confidencialidade aplicável às denúncias, em particular quanto ao tratamento de dados pessoais;</p> <p>e) Tipo de medidas que podem ser tomadas para dar seguimento às denúncias;</p> <p>f) Vias de recurso e procedimentos de proteção contra atos de retaliação;</p> <p>g) Disponibilidade de aconselhamento confidencial para as pessoas que ponderam apresentar uma denúncia; e</p> <p>h) Condições em que o denunciante não incorre em responsabilidade por violação de deveres de confidencialidade ou outros nos termos do artigo 24.º</p>	<p>Part ii of the Annex to Directive (EU) 2019/1937 of the European Parliament and of the Council or in legislative acts implementing, transposing or giving effect to such acts, where applicable;</p> <p>b) Contact details of the external reporting channels, including e-mail and postal addresses and telephone numbers, indicating whether telephone communications are recorded;</p> <p>c) Procedures applicable to reports of infringements, including how the competent authority may ask the complainant to clarify the complaint made or to provide further information, including in situations of anonymity, and the time limit within which the authority must provide the complainant with reasoned information on the actions planned or taken to follow up on the complaint;</p> <p>d) Confidentiality regime applicable to complaints, particularly regarding the processing of personal data;</p> <p>e) Type of measures that can be taken to follow up on complaints;</p> <p>f) remedies and procedures to protect against retaliation;</p> <p>g) the availability of confidential counselling for persons considering making a complaint; and</p>	
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	<p>against retaliation and the availability of confidential advice for persons contemplating reporting;</p> <p>(g) a statement clearly explaining the conditions under which persons reporting to the competent authority are protected from incurring liability for a breach of confidentiality pursuant to Article 21(2); and</p> <p>(h) contact details of the information centre or of the single independent administrative authority as provided for in Article 20(3) where applicable.</p>			<p>h) the conditions under which the complainant does not incur liability for breach of confidentiality or other duties under Article 24.</p>	
Article 14	Review of the procedures by competent authorities	<p>Article 13</p> <p>Article 17</p>	<p>Characteristics of external whistleblowing channels</p> <p>Relatórios anuais</p>	<p>Características dos canais de denúncia externa</p> <p>Annual Reports</p>	
	<p>Member States shall ensure that competent authorities review their procedures for receiving reports, and their follow-up, regularly, and at least once every three years. In reviewing such procedures, competent authorities shall take account of their experience as well as that of other competent authorities and adapt their procedures accordingly.</p>	<p>Article 13 (4)</p> <p>Article 17</p>	<p>As autoridades competentes reveem, a cada três anos, os procedimentos para a receção e seguimento de denúncias, tendo em consideração a sua experiência, bem como a de outras autoridades competentes.</p> <p>As autoridades competentes apresentam à Assembleia da República, até ao fim do mês de março de cada ano, um relatório anual contendo: a) O número de denúncias externas recebidas; b) O número de processos iniciados com base naquelas denúncias e o seu resultado; c) A natureza e o tipo das infrações denunciadas; d) O que demais considerem pertinente para melhorar os mecanismos de apresentação e seguimento de denúncias, de proteção de denunciantes, de</p>	<p>Every three years, the competent authorities shall review the procedures for receiving and following up complaints, taking into account their experience as well as that of other competent authorities.</p> <p>The competent authorities shall submit to the Assembly of the Republic, by the end of March of each year, an annual report containing:</p>	

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			<p>peçoas relacionadas e de peçoas visadas, e a aço sancionatria.</p>	<p>a) The number of external denunciations received; b) The number of proceedings initiated on the basis of such denunciations and their outcome; c) The nature and type of infractions reported; d) What else they consider relevant to improve the mechanisms for lodging and following up complaints, for the protection of whistleblowers, related persons and persons targeted, and the sanctioning action.</p>	
CHAPTER IV PUBLIC DISCLOSURES					
Article 15	Public disclosures	Article 7			
Article 15(1)	<p>A person who makes a public disclosure shall qualify for protection under this Directive if any of the following conditions is fulfilled:</p> <p>(a) the person first reported internally and externally, or directly externally in accordance with Chapters II and III, but no appropriate action was taken in response to the report within the timeframe referred to in point (f) of Article 9(1) or point (d) of Article 11(2); or</p> <p>(b) the person has reasonable grounds to believe that:</p> <p>(i) the breach may constitute an imminent or manifest</p>	Article 7 (3 and 4)	See above	See above	

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	danger to the public interest, such as where there is an emergency situation or a risk of irreversible damage; or (ii) in the case of external reporting, there is a risk of retaliation or there is a low prospect of the breach being effectively addressed, due to the particular circumstances of the case, such as those where evidence may be concealed or destroyed or where an authority may be in collusion with the perpetrator of the breach or involved in the breach.				
Article 15(2)	This Article shall not apply to cases where a person directly discloses information to the press pursuant to specific national provisions establishing a system of protection relating to freedom of expression and information.	Article 7 (3 and 4)	See above	See above	
CHAPTER V PROVISIONS APPLICABLE TO INTERNAL AND EXTERNAL REPORTING					
Article 16	Duty of confidentiality	Article 18	Confidencialidade	Confidentiality	
Article 16(1)	Member States shall ensure that the identity of the reporting person is not disclosed to anyone beyond the authorised staff members competent to receive or follow up on reports, without the explicit consent of that person. This shall also apply to	Article 18 (1)	A identidade do denunciante, bem como as informações que, direta ou indiretamente, permitam deduzir a sua identidade, têm natureza confidencial e são de acesso restrito às pessoas responsáveis por receber ou dar seguimento a denúncias.	The identity of the whistleblower, as well as the information that directly or indirectly allows the identity of the whistleblower to be deduced, shall be of a confidential nature and access shall be restricted to the persons responsible for receiving or following up reports.	

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	any other information from which the identity of the reporting person may be directly or indirectly deduced.				
Article 16(2)	By way of derogation from paragraph 1, the identity of the reporting person and any other information referred to in paragraph 1 may be disclosed only where this is a necessary and proportionate obligation imposed by Union or national law in the context of investigations by national authorities or judicial proceedings, including with a view to safeguarding the rights of defence of the person concerned.	Article 18 (3)	A identidade do denunciante só é divulgada em decorrência de obrigação legal ou de decisão judicial.	The identity of the whistleblower shall only be disclosed as a result of legal obligation or judicial decision.	
Article 17	Processing of personal data	Article 19	Tratamento de dados pessoais	Processing of personal data	
	Any processing of personal data carried out pursuant to this Directive, including the exchange or transmission of personal data by the competent authorities, shall be carried out in accordance with Regulation (EU) 2016/679 and Directive (EU) 2016/680. Any exchange or transmission of information by Union institutions, bodies, offices or agencies shall be undertaken in accordance with Regulation (EU) 2018/1725. Personal data which are manifestly not relevant	Article 19 (1)	O tratamento de dados pessoais ao abrigo da presente lei, incluindo o intercâmbio ou a transmissão de dados pessoais pelas autoridades competentes, observa o disposto no Regulamento Geral sobre a Proteção de Dados, aprovado pelo Regulamento (UE) 2016/679 do Parlamento Europeu e do Conselho, de 27 de abril de 2016, na Lei n.º 58/2019, de 8 de agosto, que assegura a execução, na ordem jurídica nacional, do Regulamento (UE) 2016/679, e na Lei n.º 59/2019, de 8 de agosto, que aprova as regras relativas ao tratamento de dados pessoais para efeitos de prevenção, deteção, investigação ou repressão de infrações penais ou de execução de sanções penais.	The processing of personal data under this law, including the exchange or transmission of personal data by competent authorities, complies with the provisions of the General Data Protection Regulation, approved by Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016, Law 58/2019, of 8 August, which ensures the implementation, in the national legal order, of Regulation (EU) 2016/679, and Law 59/2019, of 8 August, which approves the rules on the processing of personal data for the purpose of prevention, detection, investigation or prosecution of criminal offences or the enforcement of criminal sanctions.	

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	for the handling of a specific report shall not be collected or, if accidentally collected, shall be deleted without undue delay.				
Article 18	Record keeping of the reports	Article 20	Conservação de denúncias	Record keeping of the reports	
Article 18(1)	Member States shall ensure that legal entities in the private and public sector and competent authorities keep records of every report received, in compliance with the confidentiality requirements provided for in Article 16. Reports shall be stored for no longer than it is necessary and proportionate in order to comply with the requirements imposed by this Directive, or other requirements imposed by Union or national law.	Article 20 (1 and 2) 4, 5 and 6)	<p>1 - As entidades obrigadas e as autoridades competentes responsáveis por receber e tratar denúncias ao abrigo da presente lei devem manter um registo das denúncias recebidas e conservá-las, pelo menos, durante o período de cinco anos e, independentemente desse prazo, durante a pendência de processos judiciais ou administrativos referentes à denúncia.</p> <p>2 - O disposto no número anterior não prejudica as regras de conservação arquivística dos tribunais judiciais e dos tribunais administrativos e fiscais.</p> <p>4 - Caso o canal de denúncia verbal usado não permita a sua gravação, as entidades obrigadas e as autoridades competentes lavram uma ata fidedigna da comunicação.</p> <p>6 - Nos casos referidos nos n.os 3 a 5, as entidades obrigadas e as autoridades competentes permitem ao denunciante ver, retificar e aprovar a transcrição ou ata da comunicação ou da reunião, assinando-a.</p>	<p>1 - The obliged entities and the competent authorities responsible for receiving and processing reports under the terms of this law shall keep a record of the reports received and preserve it, at least for a period of five years and, regardless of such period, during the pendency of judicial or administrative proceedings relating to the report.</p> <p>2 - The provisions of the preceding paragraph are without prejudice to the archival conservation rules of the judicial courts and administrative and tax courts.</p> <p>4 - If the channel of verbal complaint used does not allow its recording, the obliged entities and the competent authorities shall draw up a reliable record of the communication.</p> <p>5 - In case the complaint is presented in a face-to-face meeting, the obliged entities and the competent authorities shall ensure, after obtaining the whistleblower's consent, the recording of the meeting by:</p>	

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				<p>a) Recording the communication on a durable and retrievable medium; or</p> <p>b) Reliable minutes.</p> <p>6 - In the cases referred to in paragraphs 3 to 5, the obliged entities and the competent authorities allow the whistleblower to see, rectify and approve the transcript or minutes of the communication or meeting, and sign it.</p>	
Article 18(2)	<p>Where a recorded telephone line or another recorded voice messaging system is used for reporting, subject to the consent of the reporting person, legal entities in the private and public sector and competent authorities shall have the right to document the oral reporting in one of the following ways:</p> <p>(a) by making a recording of the conversation in a durable and retrievable form; or</p> <p>(b) through a complete and accurate transcript of the conversation prepared by the staff members responsible for handling the report.</p> <p>Legal entities in the private and public sector and competent authorities shall offer the reporting person the opportunity to</p>	Article 20 (3)	<p>As denúncias apresentadas verbalmente, através de linha telefónica com gravação ou outro sistema de mensagem de voz gravada, são registadas, obtido o consentimento do denunciante, mediante:</p> <p>a) Gravação da comunicação em suporte duradouro e recuperável; ou</p> <p>b) Transcrição completa e exata da comunicação.</p>	<p>Complaints submitted verbally, through a recorded telephone line or other recorded voice message system, shall be recorded, after obtaining the consent of the reporting person, by means of:</p> <p>(a) by making a recording of the conversation in a durable and retrievable form; or</p> <p>(b) through a complete and accurate transcript of the conversation</p>	

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	check, rectify and agree the transcript of the call by signing it.				
Article 18(3)	Where an unrecorded telephone line or another unrecorded voice messaging system is used for reporting, legal entities in the private and public sector and competent authorities shall have the right to document the oral reporting in the form of accurate minutes of the conversation written by the staff member responsible for handling the report. Legal entities in the private and public sector and competent authorities shall offer the reporting person the opportunity to check, rectify and agree the minutes of the conversation by signing them.	Article 20 (5 and 6)	5 - Caso a denúncia seja apresentada em reunião presencial, as entidades obrigadas e as autoridades competentes asseguram, obtido o consentimento do denunciante, o registo da reunião mediante: a) Gravação da comunicação em suporte duradouro e recuperável; ou b) Ata fidedigna. 6 - Nos casos referidos nos n.os 3 a 5, as entidades obrigadas e as autoridades competentes permitem ao denunciante ver, retificar e aprovar a transcrição ou ata da comunicação ou da reunião, assinando-a.	In case the complaint is presented in a face-to-face meeting, the obliged entities and the competent authorities shall ensure, after obtaining the whistleblower's consent, the recording of the meeting by: a) Recording the communication on a durable and retrievable medium; or b) Reliable minutes. 6 - In the cases referred to in paragraphs 3 to 5, the obliged entities and the competent authorities allow the whistleblower to see, rectify and approve the transcript or minutes of the communication or meeting, and sign it.	
Article 18(4)	Where a person requests a meeting with the staff members of legal entities in the private and public sector or of competent authorities for reporting purposes pursuant to Articles 9(2) and 12(2), legal entities in the private and public sector and competent authorities shall ensure, subject to the consent of the reporting person, that complete and accurate records of the meeting are kept in a durable and retrievable form. Legal entities in the private and public sector and	Article 20 (5 and 6)	See above	See above	

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	<p>competent authorities shall have the right to document the meeting in one of the following ways:</p> <p>(a) by making a recording of the conversation in a durable and retrievable form; or</p> <p>(b) through accurate minutes of the meeting prepared by the staff members responsible for handling the report.</p> <p>Legal entities in the private and public sector and competent authorities shall offer the reporting person the opportunity to check, rectify and agree the minutes of the meeting by signing them.</p>				
CHAPTER VI PROTECTION MEASURES					
Article 19	Prohibition of retaliation	Article 21	Proibição de retaliação	Prohibition of retaliation	
	<p>Member States shall take the necessary measures to prohibit any form of retaliation against persons referred to in Article 4, including threats of retaliation and attempts of retaliation including in particular in the form of:</p> <p>(a) suspension, lay-off, dismissal or equivalent measures;</p> <p>(b) demotion or withholding of promotion;</p>	<p>Article 21 (2, 3, and 6)</p>	<p>2 — Considera -se ato de retaliação o ato ou omissão que, direta ou indiretamente, ocorrendo em contexto profissional e motivado por uma denúncia interna, externa ou divulgação pública, cause ou possa causar ao denunciante, de modo injustificado, danos patrimoniais ou não patrimoniais.</p> <p>3 — As ameaças e as tentativas dos atos e omissões referidos no número anterior são igualmente havidas como atos de retaliação.</p> <p>6 — Presumem -se motivados por denúncia interna, externa ou divulgação pública, até prova em contrário, os seguintes atos, quando praticados até dois anos após a denúncia ou divulgação pública:</p>	<p>2 - An act or omission shall be deemed an act of retaliation if, directly or indirectly, occurring in a professional context and motivated by an internal or external report or public disclosure, it causes or may cause the whistleblower, in an unjustified manner, material or non-material damage.</p> <p>3 - Threats and attempts of the acts and omissions referred to in the previous paragraph shall also be considered acts of retaliation.</p> <p>6 - The following acts, when practised within two years after the report or public disclosure, shall be</p>	

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	<p>(c) transfer of duties, change of location of place of work, reduction in wages, change in working hours;</p> <p>(d) withholding of training;</p> <p>(e) a negative performance assessment or employment reference;</p> <p>(f) imposition or administering of any disciplinary measure, reprimand or other penalty, including a financial penalty;</p> <p>(g) coercion, intimidation, harassment or ostracism;</p> <p>(h) discrimination, disadvantageous or unfair treatment;</p> <p>(i) failure to convert a temporary employment contract into a permanent one, where the worker had legitimate expectations that he or she would be offered permanent employment;</p> <p>(j) failure to renew, or early termination of, a temporary employment contract;</p> <p>(k) harm, including to the person's reputation, particularly in social media,</p>		<p>a) Alterações das condições de trabalho, tais como funções, horário, local de trabalho ou retribuição, não promoção do trabalhador ou incumprimento de deveres laborais;</p> <p>b) Suspensão de contrato de trabalho;</p> <p>c) Avaliação negativa de desempenho ou referência negativa para fins de emprego;</p> <p>d) Não conversão de um contrato de trabalho a termo num contrato sem termo, sempre que o trabalhador tivesse expectativas legítimas nessa conversão;</p> <p>e) Não renovação de um contrato de trabalho a termo;</p> <p>f) Despedimento;</p> <p>g) Inclusão numa lista, com base em acordo à escala setorial, que possa levar à impossibilidade de, no futuro, o denunciante encontrar emprego no setor ou indústria em causa;</p> <p>h) Resolução de contrato de fornecimento ou de prestação de serviços;</p> <p>i) Revogação de ato ou resolução de contrato administrativo, conforme definidos nos termos do Código do Procedimento Administrativo.</p>	<p>presumed to have been motivated by internal or external report or public disclosure, until proven otherwise:</p> <p>a) Changes in working conditions, such as functions, hours, place of work or remuneration, non-promotion of the employee or breach of labour duties;</p> <p>b) Suspension of an employment contract;</p> <p>c) Negative performance evaluation or negative reference for employment purposes;</p> <p>d) Failure to convert a fixed-term employment contract into an indefinite-term contract, whenever the employee had legitimate expectations of such conversion;</p> <p>e) Non-renewal of a fixed-term employment contract;</p> <p>f) Dismissal;</p> <p>g) Inclusion in a list, based on an industry-wide agreement, that may lead to the impossibility of the whistleblower finding employment in the sector or industry in question in the future;</p> <p>h) Termination of a supply or service contract;</p> <p>i) Revocation of an act or termination of an administrative contract, as defined in terms of the Code of Administrative Procedure.</p>	
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	<p>or financial loss, including loss of business and loss of income;</p> <p>(l) blacklisting on the basis of a sector or industry-wide informal or formal agreement, which may entail that the person will not, in the future, find employment in the sector or industry;</p> <p>(m) early termination or cancellation of a contract for goods or services;</p> <p>(n) cancellation of a licence or permit;</p> <p>(o) psychiatric or medical referrals.</p>				
Article 20	Measures of support	Article 20	Medidas de apoio	Measures of support	
Article 20(1)	<p>Member States shall ensure that persons referred to in Article 4 have access, as appropriate, to support measures, in particular the following:</p> <p>(a) comprehensive and independent information and advice, which is easily accessible to the public and free of charge, on procedures and remedies available, on protection against retaliation, and on the rights of the person concerned;</p> <p>(b)</p>	Article 20 (1, 2, 3, and 4)	<p>1 - Os denunciante têm direito, nos termos gerais, a proteção jurídica.</p> <p>2 - Os denunciante podem beneficiar, nos termos gerais, de medidas para proteção de testemunhas em processo penal.</p> <p>3 - As autoridades competentes prestam o auxílio e colaboração necessários a outras autoridades para efeitos de garantir a proteção do denunciante contra atos de retaliação, inclusivamente através de certificação de que o denunciante é reconhecido como tal ao abrigo da presente lei, sempre que este o solicite.</p> <p>4 - A Direção-Geral da Política de Justiça disponibiliza informação sobre a proteção dos denunciante no Portal da Justiça, sem prejuízo dos mecanismos próprios do acesso ao direito e aos tribunais.</p>	<p>1 – Reporting persons are entitled, under the general terms, to legal protection.</p> <p>2 - Reporting persons may benefit, under the general terms, from witness protection measures in criminal proceedings.</p> <p>3 - The competent authorities shall provide the necessary assistance and collaboration to other authorities in order to guarantee the protection of the reporting person against acts of retaliation, including through certification that the reporting person is recognised as such</p>	

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	<p>effective assistance from competent authorities before any relevant authority involved in their protection against retaliation, including, where provided for under national law, certification of the fact that they qualify for protection under this Directive; and</p> <p>(c) legal aid in criminal and in cross-border civil proceedings in accordance with Directive (EU) 2016/1919 and Directive 2008/52/EC of the European Parliament and of the Council (48), and, in accordance with national law, legal aid in further proceedings and legal counselling or other legal assistance.</p>			<p>under the terms of this law, whenever the whistleblower so requests.</p> <p>4 - The Directorate-General for Justice Policy shall make information on the protection of reporting persons available on the Justice Portal, without prejudice to the mechanisms for accessing the law and the courts.</p>	
Article 20(2)	Member States may provide for financial assistance and support measures, including psychological support, for reporting persons in the framework of legal proceedings.	-	-	-	
Article 20(3)	The support measures referred to in this Article may be provided, as appropriate, by an information centre or a single and clearly identified independent administrative authority.	-	-	-	
Article 21	Measures for protection against retaliation	Article 21 Article 24	Proibição de retaliação Responsabilidade do denunciante	Prohibition of retaliation	

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		Article 23	Tutela jurisdicional efetiva	Responsibility of the reporting person	
		Article 22	Medidas de apoio	Effective judicial protection	
				Measures of support	
Article 21(1)	Member States shall take the necessary measures to ensure that persons referred to in Article 4 are protected against retaliation. Such measures shall include, in particular, those set out in paragraphs 2 to 8 of this Article.	Article 21 (1, 4, 6, 7 and 8)	<p>1 - É proibido praticar atos de retaliação contra o denunciante.</p> <p>4 - Aquele que praticar um ato de retaliação indemniza o denunciante pelos danos causados.</p> <p>6 - Presumem-se motivados por denúncia interna, externa ou divulgação pública, até prova em contrário, os seguintes atos, quando praticados até dois anos após a denúncia ou divulgação pública:</p> <p>a) Alterações das condições de trabalho, tais como funções, horário, local de trabalho ou retribuição, não promoção do trabalhador ou incumprimento de deveres laborais;</p> <p>b) Suspensão de contrato de trabalho;</p> <p>c) Avaliação negativa de desempenho ou referência negativa para fins de emprego;</p> <p>d) Não conversão de um contrato de trabalho a termo num contrato sem termo, sempre que o trabalhador tivesse expectativas legítimas nessa conversão;</p> <p>e) Não renovação de um contrato de trabalho a termo;</p> <p>f) Despedimento;</p> <p>g) Inclusão numa lista, com base em acordo à escala setorial, que possa levar à impossibilidade de, no futuro, o denunciante encontrar emprego no setor ou indústria em causa;</p> <p>h) Resolução de contrato de fornecimento ou de prestação de serviços;</p> <p>i) Revogação de ato ou resolução de contrato administrativo, conforme definidos nos termos do Código do Procedimento Administrativo.</p>	<p>1 - Acts of retaliation against the whistleblower are prohibited.</p> <p>4 - Whoever commits an act of retaliation shall compensate the whistleblower for the damage caused.</p> <p>5 - Independently of the civil liability to which it may give rise, the whistleblower may request the measures appropriate to the circumstances of the case in order to avoid the occurrence or expansion of the damage.</p> <p>6 - The following acts, when practised within two years after the report or public disclosure, shall be presumed to have been motivated by internal or external report or public disclosure, until proven otherwise:</p> <p>a) Changes in working conditions, such as functions, hours, place of work or remuneration, non-promotion of the employee or breach of labour duties;</p> <p>b) Suspension of an employment contract;</p> <p>c) Negative performance evaluation or negative reference for employment purposes;</p> <p>d) Failure to convert a fixed-term employment contract into</p>	

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			<p>7 - A sanção disciplinar aplicada ao denunciante até dois anos após a denúncia ou divulgação pública presume-se abusiva.</p> <p>8 - O disposto nos números anteriores é correspondentemente aplicável às pessoas referidas no n.º 4 do artigo 6.º</p>	<p>an indefinite-term contract, whenever the employee had legitimate expectations of such conversion;</p> <p>e) Non-renewal of a fixed-term employment contract;</p> <p>f) Dismissal;</p> <p>g) Inclusion in a list, based on an industry-wide agreement, that may lead to the impossibility of the whistleblower finding employment in the sector or industry in question in the future;</p> <p>h) Termination of a supply or service contract;</p> <p>i) Revocation of an act or termination of an administrative contract, as defined in terms of the Code of Administrative Procedure.</p> <p>7 - The disciplinary sanction applied to the whistleblower up to two years after the whistleblowing or public disclosure shall be presumed to be abusive.</p> <p>8 - The provisions of the preceding paragraphs shall be correspondingly applicable to the persons referred to in Article 6 (4).</p>	
Article 21(2)	Without prejudice to Article 3(2) and (3), where persons report information on breaches or make a public disclosure in accordance with this Directive they shall not be considered to have	Article 24 (4)	O disposto nos números anteriores não prejudica a eventual responsabilidade dos denunciantes por atos ou omissões não relacionados com a denúncia ou a divulgação pública, ou que não sejam necessários à denúncia ou à divulgação pública de uma infração nos termos da presente lei.	The provisions of the preceding paragraphs are without prejudice to the possible liability of the reporting person for acts or omissions not related to the report or public disclosure, or which are not necessary for the report or public disclosure of a	

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	breached any restriction on disclosure of information and shall not incur liability of any kind in respect of such a report or public disclosure provided that they had reasonable grounds to believe that the reporting or public disclosure of such information was necessary for revealing a breach pursuant to this Directive.			breach under the terms of this law	
Article 21(3)	Reporting persons shall not incur liability in respect of the acquisition of or access to the information which is reported or publicly disclosed, provided that such acquisition or access did not constitute a self-standing criminal offence. In the event of the acquisition or access constituting a self-standing criminal offence, criminal liability shall continue to be governed by applicable national law.	Article 24 (3)	O denunciante que denuncie ou divulgue publicamente uma infração de acordo com os requisitos impostos pela presente lei não é responsável pela obtenção ou acesso às informações que motivam a denúncia ou a divulgação pública, exceto nos casos em que a obtenção ou acesso às informações constitua crime.	A person who reports or publicly discloses a breach in accordance with the requirements imposed by this law shall not be liable for obtaining or having access to the information that motivated the report or public disclosure, except in cases where obtaining or having access to the information constitutes a crime.	
Article 21(4)	Any other possible liability of reporting persons arising from acts or omissions which are unrelated to the reporting or public disclosure or which are not necessary for revealing a breach pursuant to this Directive shall continue to be governed by applicable Union or national law.	Article 23	Os denunciantes gozam de todas as garantias de acesso aos tribunais para defesa dos seus direitos e interesses legalmente protegidos.	Reporting persons shall enjoy all guarantees of access to the courts to defend their legally protected rights and interests.	

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Article 21(5)	In proceedings before a court or other authority relating to a detriment suffered by the reporting person, and subject to that person establishing that he or she reported or made a public disclosure and suffered a detriment, it shall be presumed that the detriment was made in retaliation for the report or the public disclosure. In such cases, it shall be for the person who has taken the detrimental measure to prove that that measure was based on duly justified grounds.	Article 21 (6,, 7 and 8)	See above	See above	
Article 21(6)	Persons referred to in Article 4 shall have access to remedial measures against retaliation as appropriate, including interim relief pending the resolution of legal proceedings, in accordance with national law.	Article 22 (1 and 2)	1 - Os denunciante s têm direito, nos termos gerais, a proteção jurídica. 2 - Os denunciante s podem beneficiar, nos termos gerais, de medidas para proteção de testemunhas em processo penal.	1 – Reporting persons are entitled, under the general terms, to legal protection. 2 - Reporting persons may benefit, under the general terms, from witness protection measures in criminal proceedings.	
Article 21(7)	In legal proceedings, including for defamation, breach of copyright, breach of secrecy, breach of data protection rules, disclosure of trade secrets, or for compensation claims based on private, public, or on collective labour law, persons referred to in Article 4 shall not incur liability of any kind as a result of reports or public disclosures under this Directive. Those persons	Article 24 (2)	Sem prejuízo dos regimes de segredo salvaguardados pelo disposto no n.º 3 do artigo 3.º, o denunciante que denuncie ou divulgue publicamente uma infração de acordo com os requisitos impostos pela presente lei não responde pela violação de eventuais restrições à comunicação ou divulgação de informações constantes da denúncia ou da divulgação pública	Without prejudice to the secrecy regimes safeguarded by the provisions of Article 3, paragraph 3, the person who reports or publicly discloses a breach in accordance with the requirements imposed by this law shall not be liable for the violation of any restrictions on the communication or disclosure of information contained in the report or public disclosure.	

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	<p>shall have the right to rely on that reporting or public disclosure to seek dismissal of the case, provided that they had reasonable grounds to believe that the reporting or public disclosure was necessary for revealing a breach, pursuant to this Directive.</p> <p>Where a person reports or publicly discloses information on breaches falling within the scope of this Directive, and that information includes trade secrets, and where that person meets the conditions of this Directive, such reporting or public disclosure shall be considered lawful under the conditions of Article 3(2) of the Directive (EU) 2016/943.</p>				
Article 21(8)	<p>Member States shall take the necessary measures to ensure that remedies and full compensation are provided for damage suffered by persons referred to in Article 4 in accordance with national law.</p>	Article 21 (4 and 5)	<p>4 - Aquele que praticar um ato de retaliação indemniza o denunciante pelos danos causados.</p> <p>5 - Independentemente da responsabilidade civil a que haja lugar, o denunciante pode requerer as providências adequadas às circunstâncias do caso, com o fim de evitar a verificação ou a expansão dos danos.</p>	<p>4 - Whoever commits an act of retaliation shall compensate the whistleblower for the damage caused.</p> <p>5 - Independently of the civil liability to which it may give rise, the whistleblower may request the measures appropriate to the circumstances of the case in order to avoid the occurrence or expansion of the damage.</p>	
Article 22	Measures for the protection of persons concerned	Article 25	Proteção da pessoa visada	Protection of the person concerned	

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Article 22(1)	Member States shall ensure, in accordance with the Charter, that persons concerned fully enjoy the right to an effective remedy and to a fair trial, as well as the presumption of innocence and the rights of defence, including the right to be heard and the right to access their file.	Article 25 (1)	O regime previsto na presente lei não prejudica quaisquer direitos ou garantias processuais reconhecidos, nos termos gerais, às pessoas que, na denúncia ou na divulgação pública, sejam referidas como autoras da infração ou que a esta sejam associadas, designadamente a presunção da inocência e as garantias de defesa do processo penal.	The regime provided for in this law does not prejudice any rights or procedural guarantees recognised, in general terms, to the persons who, in the report or in the public disclosure, are referred to as authors of the offence or are associated to it, namely the presumption of innocence and the guarantees of defence in criminal proceedings.	
Article 22(2)	Competent authorities shall ensure, in accordance with national law, that the identity of persons concerned is protected for as long as investigations triggered by the report or the public disclosure are ongoing.	Article 25 (1)	See above	See above	
Article 22(3)	The rules set out in Articles 12, 17 and 18 as regards the protection of the identity of reporting persons shall also apply to the protection of the identity of persons concerned.	Article 25 (2)	O disposto na presente lei relativamente à confidencialidade da identidade do denunciante é também aplicável à identidade das pessoas referidas no número anterior.	The provisions of this law regarding the confidentiality of the identity of the reporting person shall also apply to the identity of the persons referred to in the preceding paragraph.	
Article 23	Penalties	Article 27 Article 29	Contraordenações e coimas Competência para o processamento e aplicação das coimas	Administrative offences and fines Competence for processing and application of fines	
Article 23(1)	Member States shall provide for effective, proportionate and dissuasive penalties applicable to	Article 27 (1,2, 3, 4, 5 and 6)	1 — Constitui contraordenação muito grave: a) Impedir a apresentação ou o seguimento de denúncia de acordo com o disposto no artigo 7.º;	1 - It is a very serious administrative offence to: a) Impeding the lodging or following up of a report in accordance with the provisions of Article 7;	

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	<p>natural or legal persons that:</p> <p>(a) hinder or attempt to hinder reporting;</p> <p>(b) retaliate against persons referred to in Article 4;</p> <p>(c) bring vexatious proceedings against persons referred to in Article 4;</p> <p>(d) breach the duty of maintaining the confidentiality of the identity of reporting persons, as referred to in Article 16.</p>		<p>b) Praticar atos retaliatórios, nos termos do artigo 21.º, contra as pessoas referidas no artigo 5.º ou no n.º 4 do artigo 6.º;</p> <p>c) Não cumprir o dever de confidencialidade previsto no artigo 18.º;</p> <p>d) Comunicar ou divulgar publicamente informações falsas.</p> <p>2 — As contraordenações previstas no número anterior são puníveis com coimas de 1 000 € a 25 000 € ou de 10 000 € a 250 000 € consoante o agente seja uma pessoa singular ou coletiva.</p> <p>3 — Constitui contraordenação grave: a) Não dispor de canal de denúncia interno, nos termos previstos no artigo 8.º e nos n.os 2 e 3 do artigo 9.º;</p> <p>b) Dispor de um canal de denúncia interno sem garantias de exaustividade, integridade ou conservação de denúncias ou de confidencialidade da identidade ou anonimato dos denunciadores ou da identidade de terceiros mencionados na denúncia, ou sem regras que impeçam o acesso a pessoas não autorizadas, nos termos do n.º 1 do artigo 9.º;</p> <p>c) A receção ou seguimento de denúncia em violação dos requisitos de independência, imparcialidade e de ausência de conflitos de interesse, nos termos previstos no n.º 4 do artigo 9.º;</p> <p>d) Dispor de canal de denúncia interno que não garanta a possibilidade de denúncia a todos os trabalhadores, não garanta a possibilidade de apresentar denúncia com identificação do denunciante ou anónima, ou que não garanta a apresentação da denúncia por escrito, verbalmente ou de ambos os modos, nos termos do n.º 1 do artigo 10.º e da primeira parte do n.º 2 do artigo 10.º;</p> <p>e) Recusar reunião presencial com o denunciante em caso de admissibilidade de denúncia verbal, nos termos da parte final do n.º 2 do artigo 10.º;</p>	<p>b) Engaging in retaliatory acts, under the terms of article 21, against the persons referred to in article 5 or in article 6 (4);</p> <p>c) Failing to comply with the duty of confidentiality as set out in Article 18;</p> <p>d) Communicating or publicly disseminating false information.</p> <p>2 - The administrative offences provided for in the preceding paragraph are punishable by fines of between 1000 (euro) and 25 000 (euro) or of 10 000 (euro) and 250 000 (euro) depending on whether the agent is a natural or legal person.</p> <p>3 - It constitutes a serious administrative offence:</p> <p>a) Failing to have an internal reporting channel in accordance with the terms set out in Article 8 and Article 9(2) and (3);</p> <p>b) Having an internal reporting channel without guarantees of completeness, integrity or conservation of reports, or confidentiality of the identity or anonymity of the reporting persons or the identity of third parties mentioned in the report, or without rules preventing access to unauthorised persons, under the terms of Article 9(1);</p> <p>c) Receiving or following up on a report in breach of the requirements of independence, impartiality and the absence of conflicts of interest, under the terms of Article 9(4);</p> <p>d) Have an internal reporting channel that does not guarantee the possibility of reporting to all employees, does not guarantee the possibility of submitting a report</p>	
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			<p>f) A não notificação ao denunciante da receção da denúncia ou dos requisitos para apresentação de denúncia externa nos termos do n.º 2 do artigo 7.º, no prazo previsto no n.º 1 do artigo 11.º;</p> <p>g) A não comunicação ou a comunicação incompleta ou imprecisa ao denunciante dos procedimentos para apresentação de denúncias externas às autoridades competentes, nos termos dos artigos 12.º e 14.º, no prazo previsto no n.º 1 do artigo 11.º;</p> <p>h) A não comunicação ao denunciante do resultado da análise da denúncia, se este a tiver requerido, no prazo previsto no n.º 4 do artigo 11.º;</p> <p>i) Não dispor de canal de denúncia externa, nos termos do n.º 1 do artigo 13.º; j) Dispor de um canal de denúncia externa que não seja independente e autónomo, ou que não assegure a exaustividade, integridade, confidencialidade ou conservação da denúncia, ou que não impeça o acesso a pessoas não autorizadas, nos termos do n.º 1 do artigo 13.º;</p> <p>k) Não designar funcionários responsáveis pelo tratamento de denúncias, nos termos do n.º 2 do artigo 13.º; l) Não ministrar formação aos funcionários responsáveis pelo tratamento de denúncias, nos termos do n.º 3 do artigo 13.º;</p> <p>m) Não analisar, a cada três anos, os procedimentos para receção e seguimento de denúncias, a fim de verificar se são necessárias correções ou se podem ser introduzidas melhorias, nos termos do n.º 4 do artigo 13.º;</p> <p>n) Não dispor de canal de denúncia externa que permita, em simultâneo, a apresentação de denúncias por escrito, verbalmente, com identificação do denunciante ou anónimas, nos termos do n.º 1 do artigo 14.º e da primeira parte do n.º 2 do artigo 14.º;</p>	<p>with the identification of the reporting person or anonymously, or does not guarantee the submission of the report in writing, orally, or both, under the terms of Article 10, paragraph 1 and the first part of Article 10 (2);</p> <p>e) Refuse to meet face-to-face with the reporting person where an oral report is admissible under the terms of the final part of Article 10(2);</p> <p>f) Failing to notify the reporting person of the receipt of the report or the requirements for lodging an external report pursuant to Article 7(2) within the timeframe set out in Article 11(1);</p> <p>g) failure to inform or incomplete or inaccurate communication to the reporting person of the procedures for submitting external reports to the competent authorities under Articles 12 and 14 within the time limits set out in Article 11(1);</p> <p>h) Failing to inform the reporting person of the outcome of the examination of the report, if the reporting person so requests, within the timeframe set out in Article 11(4);</p> <p>i) Not having an external reporting channel, under the terms of Article 13(1);</p> <p>j) Having an external reporting channel that is not independent and autonomous, or that does not ensure the completeness, integrity, confidentiality or preservation of the report, or that does not prevent access to unauthorised persons, under the terms of Article 13(1);</p>	
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			<p>o) Recusar reunião presencial com o denunciante, nos termos da parte final do n.º 2 do artigo 14.º;</p> <p>p) Não publicar os elementos referidos nas alíneas a) a h) do artigo 16.º em secção separada, facilmente identificável e acessível dos respetivos sítios na Internet;</p> <p>q) Não registar ou não conservar a denúncia recebida pelo período mínimo de cinco anos ou durante a pendência de processos judiciais ou administrativos pertinentes à denúncia recebida, nos termos do n.º 1 do artigo 20.º;</p> <p>r) Registar as denúncias através dos meios previstos nos n.os 3 e 5 do artigo 20.º, sem consentimento do denunciante;</p> <p>s) Não permitir ao denunciante ver, retificar ou aprovar a transcrição ou ata da comunicação ou da reunião, nos termos previstos no n.º 6 do artigo 20.º</p> <p>4 — As contraordenações previstas no número anterior são puníveis com coimas de 500 € a 12 500 € ou de 1 000 € a 125 000 €, consoante o agente seja uma pessoa singular ou coletiva. 5 — A tentativa é punível, sendo os limites máximos das coimas identificados nos n.os 2 e 4 reduzidos em metade.</p> <p>5 - A tentativa é punível, sendo os limites máximos das coimas identificados nos n.os 2 e 4 reduzidos em metade.</p> <p>6 — A negligência é punível, sendo os limites máximos das coimas identificados nos n.os 2 e 4 reduzidos em metade.</p>	<p>k) Failing to designate officials responsible for handling reports, under the terms of Article 13(2);</p> <p>l) Failing to provide training to the officials in charge of handling reports pursuant to Article 13(3);</p> <p>m) Failing to review every three years the procedures for receiving and following up complaints to ascertain whether corrections are needed or improvements can be made, pursuant to Article 13(4);</p> <p>n) Not having an external reporting channel that allows, simultaneously, the submission of written, verbal, identified or anonymous reports, under the terms of Article 14 (1) and the first part of Article 14 (2);</p> <p>o) Refuse a face-to-face meeting with the reporting person, under the terms of the final part of Article 14 (2);</p> <p>p) Failing to publish the elements referred to in Article 16 (a) to (h) on a separate, easily identifiable and accessible section of their respective websites;</p> <p>q) Failing to register or to keep the report received for at least five years, or during the pendency of judicial or administrative proceedings relevant to the report received, pursuant to Article 20 (1);</p> <p>r) Recording reports by the means set out in Article 20(3) and (5) without the consent of the reporting person;</p> <p>s) Not allow the reporting person to view, rectify or approve the transcript or minutes of the communication or meeting, under the terms provided for in Article 20(6).</p>
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		Article 29	<p>1 — O processamento das contraordenações a que se refere o artigo 27.º e a aplicação das coimas correspondentes competem ao Mecanismo Nacional Anticorrupção, sem prejuízo do disposto no número seguinte.</p> <p>2 — Caso as contraordenações previstas no artigo 27.º sejam praticadas por pessoas singulares, pessoas coletivas ou entidades equiparadas sujeitas aos regimes previstos no n.º 1 do artigo 3.º, o processamento dessas contraordenações e a aplicação das coimas correspondentes competem às autoridades que tenham competência sancionatória, nos termos dos atos setoriais específicos da União Europeia ou nos atos legislativos nacionais em que estejam previstos os regimes de proteção de denunciante.</p> <p>3 — Nos casos previstos no número anterior, havendo mais do que uma autoridade com competência sancionatória, a determinação da autoridade competente faz -se de acordo com as regras previstas nos atos setoriais específicos da União Europeia ou nos atos legislativos nacionais em que estejam previstos os regimes de proteção de denunciante ou, na sua falta, nos termos do</p>	<p>4 - The administrative offences provided for in the preceding paragraph are punishable with fines of between 500 (euro) and 12,500 (euro) or of 1,000 (euro) to 125,000 (euro), depending on whether the agent is a natural or legal person.</p> <p>5 - Attempt is punishable and the maximum limits of the fines identified in paragraphs 2 and 4 are reduced by half.</p> <p>6 - Negligence is punishable and the maximum limits of the fines identified in paragraphs 2 and 4 are reduced by half.</p> <p>1 - The processing of the administrative offences referred to in Article 27 and the application of the corresponding fines shall be incumbent upon the National Anti-Corruption Mechanism, without prejudice to the provisions set out in the following paragraph.</p> <p>2 - Where the administrative offences provided for in Article 27 are committed by natural persons, legal persons or equivalent entities subject to the regimes provided for in Article 3(1), the processing of such administrative offences and the application of the corresponding fines shall be the responsibility of the authorities which have sanctioning powers under the terms of specific sectorial acts of the European Union or national legislative acts providing for the protection of reporting persons.</p> <p>3 - In the cases provided for in the previous number, where there is more than one authority with sanctioning powers, the determination</p>	
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			regime geral do ilícito de mera ordenação social, aprovado pelo Decreto -Lei n.º 433/82, de 27 de outubro.	of the competent authority shall be made in accordance with the rules provided for in specific sectorial acts of the European Union or in national legislative acts where the protection regimes for reporting persons are provided for or, in their absence, in accordance with the terms of the general regime of the illicit offense of mere social order, approved by Decree-Law 433/82, of 27 October.	
Article 23(2)	Member States shall provide for effective, proportionate and dissuasive penalties applicable in respect of reporting persons where it is established that they knowingly reported or publicly disclosed false information. Member States shall also provide for measures for compensating damage resulting from such reporting or public disclosures in accordance with national law.	Article 27 (1, 5 and 6)	See above	See above	
Article 24	No waiver of rights and remedies	Article 26	Indisponibilidade dos direitos	Unavailability of rights	
	Member States shall ensure that the rights and remedies provided for under this Directive cannot be waived or limited by any agreement, policy, form or condition of employment, including a pre-dispute arbitration agreement.	Article 26 (1 and 2)	1 — Os direitos e garantias previstos na presente lei não podem ser objeto de renúncia ou limitação por acordo. 2 — São nulas as disposições contratuais que limitem ou obstem à apresentação ou seguimento de denúncias ou à divulgação pública de infrações nos termos da presente lei.	1 - The rights and guarantees provided for in this law may not be subject to waiver or limitation by agreement. 2 - Contractual provisions that limit or hinder the lodging or follow-up of reports or the public disclosure of breaches under the terms of this law shall be null and void.	

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CHAPTER VII FINAL PROVISIONS					
Article 25	More favourable treatment and non-regression clause	Article 22			
Article 25(1)	Member States may introduce or retain provisions more favourable to the rights of reporting persons than those set out in this Directive, without prejudice to Article 22 and Article 23(2).	-	-	-	
Article 25(2)	The implementation of this Directive shall under no circumstances constitute grounds for a reduction in the level of protection already afforded by Member States in the areas covered by this Directive.	Article 22 (2)	Os denunciante podem beneficiar, nos termos gerais, de medidas para proteção de testemunhas em processo penal.	Reporting persons may benefit, under the general terms, from witness protection measures in criminal proceedings.	