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Judgments of the Court in Cases C-149/23 | Commission v Germany, C-150/23 | Commission v Luxembourg, C-152/23 | Commission v Czech Republic, C-154/23 | Commission v Estonia and C-155/23 | Commission v Hungary (Whistleblowers directive)

Failure to fulfil obligations: Five Member States are ordered to pay financial penalties for failing to transpose the Whistleblowers directive

They must pay a lump sum to the Commission; Estonia, if it has still not transposed the directive, must also pay a daily penalty payment

In several separate actions, ¹ the Commission has requested the Court of Justice to declare that, by failing to adopt the provisions necessary to comply with the Whistleblowers directive ² and, in any event, by failing to communicate those provisions to the Commission, Germany, Luxembourg, the Czech Republic, Estonia and Hungary have failed to fulfil their obligations ³ under that directive. It has also called for financial penalties to be imposed on all those Member States in the form of lump sums. As regards Estonia, if its failure to fulfil obligations, which persisted on the date on which the action against that Member State was brought before the Court, were still to continue at the time of delivery of the judgment, the Commission has requested the Court to impose a penalty payment on it.

Emphasising the importance of the transposition of that directive in view of the high level of protection it affords to whistleblowers who report a breach of EU law, the Court upholds the Commission's actions, rejecting the arguments put forward by the Member States concerned, and **imposes** on them the financial penalties set out in the table below.

Member State	Penalty defined by the Court
Germany	€ 34 000 000 (lump sum)
Luxembourg	€ 375 000 (lump sum)
Czech Republic	€ 2 300 000 (lump sum)
Estonia	€ 500 000 (lump sum) and a daily penalty payment in the amount of € 1 500 ⁴
Hungary	€ 1 750 000 (lump sum)

NOTE: An action for failure to fulfil obligations directed against a Member State which has failed to comply with its obligations under EU law may be brought by the Commission or by another Member State. If the Court of Justice finds that there has been a failure to fulfil obligations, the Member State concerned must comply with the Court's judgment without delay. Where the Commission considers that the Member State has not complied with the judgment, it may bring a further action seeking financial penalties. However, if measures transposing a directive have not been notified to the Commission, the Court of Justice can, on a proposal from the Commission, impose penalties at the stage of the initial judgment.

Unofficial document for media use, not binding on the Court of Justice.

The full text and, as the case may be, the abstract of the judgments ([C-149/23](#), [C-150/23](#), [C-152/23](#), [C-154/23](#) and [C-155/23](#)) are published on the CURIA website on the day of delivery.

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Images of the delivery of the judgments are available on '[Europe by Satellite](#)' ☎ (+32) 2 2964106.

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¹ The Commission brought actions against six Member States in total, with the judgment against Poland being delivered on 25 April 2024 (judgment of the Court in *Commission v Poland (Whistleblowers directive)*, [C-147/23](#)).

² [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 (Whistleblowers directive).

³ In accordance with Article 26 of that directive, Member States were obliged to adopt the provisions necessary for its application by 17 December 2021 at the latest.

⁴ Should the failure to fulfil obligations persist at the date of delivery of the judgment, as from that date and until that Member State has put an end to the failure.