

Ley 2/2023

WHISTLEBLOWING PROTECTION LAW (WHISTLEBLOWING DIRECTIVE)



ALAE ABOGADOS

On February 21, 2023, Law 2/2023, of February 20, 2023, regulating the protection of persons who report regulatory infringements and the fight against corruption, was published in the Official State Gazette, transposing the Directive known as "Whistleblowing".

The main purpose of the Law is to provide adequate protection against retaliation on persons who report any of the actions or omissions referred to in Article 2 of the Law.

Likewise, the Law imposes the obligation on Public Administrations and private sector companies to have an Internal Information System, through which employees can report violations or non-compliance in a secure manner.

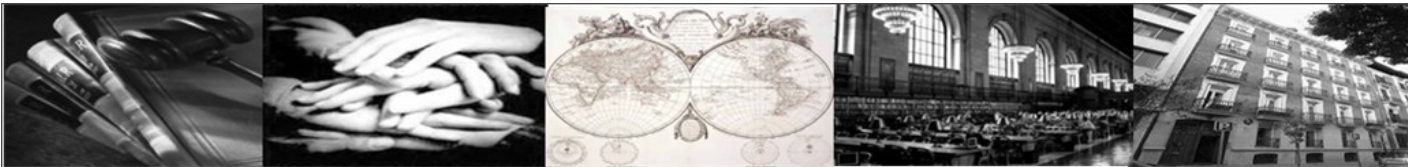
The obligated companies are the following:

- Those with 50 or more employees.
- Legal entities involved in financial services, products and markets, prevention of money laundering or financing of terrorism, and certain areas of transport safety and environmental protection.
- Political parties, trade unions, business organizations and foundations created by them, provided that they receive or manage public funds.
- All those entities not included in the above that establish an Internal Information System must comply with the requirements set forth in the Law.

The aforementioned Internal Information System must have a series of requirements in relation to its own configuration and organization, establishing the possibility of outsourcing the service as long as its compliance with its requirements is guaranteed.

The obliged companies must implement the Internal Information Service within a term not exceeding three months from the entry into force of the Law, unless they have less than 249 employees, in which case the implementation term is extended to December 1, 2023.

Finally, a sanctioning regime is established which, among the infringements classified as very serious, includes the non-existence of the Internal Information System, imposing a sanction of between €600,001 and €1,000,000, and may also include the prohibition to receive subsidies and apply tax benefits for four years, and the prohibition to contract with the Public Sector.



TEAM

Luis Manuel Jara Rolle
Director

Luis Azúa Romeo
Lawyer
lazua@grupoalae.com

Francisco García-Saavedra
Lawyer
fgarcia@grupoalae.com

The content of this Newsletter has the character of general information and does not constitute professional advice or recommendation of any investment and therefore should not be used in that sense. None of the statements or expressions contained herein shall be deemed as a supply of goods or services.

The content of this Newsletter is not intended to be exhaustive or updated. ALAE ABOGADOS is not responsible for the accuracy, completeness, merchantability or fitness for a particular purpose of the information contained in this Newsletter. ALAE ABOGADOS recommends to consult with a professional prior to using any information contained in our Newsletter.

ALAE ABOGADOS assumes no liability for any action, judicial or not, carried out in relation with the information contained in this Newsletter, or for any direct or indirect damages arising from the use of the information contained in this newsletter, its content or service.

Likewise, ALAE ABOGADOS assumes no liability for any links to any website referred to in this Newsletter.

If you wish not to receive information from ALAE ABOGADOS please replay this message with "Unsubscribe".



ALAE ABOGADOS

T: +34 917 817 407

info@grupoalae.com

www.grupoalae.com

C/ Recoletos, 6 2º I
28001 Madrid