EU-wide protection for victims of crime

Agreement on the European Protection Order

Improving the protection granted to victims of crime, or possible victims of crime, who move between EU member states - that is the goal of the European Protection Order (14471/11).

The Council confirmed today the compromise text which resulted from negotiations with the European Parliament on 20 September. At that meeting, the Commission also endorsed the text, stating its satisfaction with the compromise achieved. The directive was initially proposed by twelve member states in 2009.

Next steps

For the text to be adopted, the European Parliament will now need to endorse the text at committee level, before the Council and subsequently the Parliament plenary will vote on the text, thus allowing for a rapid conclusion of the legislative procedure ("early second reading agreement"). The Polish presidency hopes that this process can be concluded this year. The directive would then need to be transposed by all member states into national law within three years.

A range of measures to protect victims or possible victims of crime

The focus of the new rules is on crimes which may endanger the victims' life, physical, psychological and sexual integrity or their personal liberty. The ultimate goal is to avoid new acts of crime and to mitigate the consequences of previous acts of crime.
The new rules will allow all those EU member state where these protection measures are a matter of criminal law ('issuing state') to issue a European Protection Order to any other EU member state ('executing state'), no matter whether protection measures in that country are taking under criminal, civil or administrative procedures. The executing state will then have to take measures with a view to continuing the protection of that person.

These measures will include obligations or prohibitions imposed on the person causing danger, such as:

- an obligation not to enter certain places or defined areas where the protected person resides or which he/she visits;
- a prohibition or regulation of contact, in any form, with the protected person, including by phone, electronic or ordinary mail, fax or any other means; or
- a prohibition or regulation on approaching the protected person closer than a prescribed distance.

In the event of a breach of one or more of the measures taken by the executing state, the competent authority of that state would have the powers to impose criminal sanctions and take any other criminal or non-criminal measures.

**Complementary proposal in the civil law area**

Those cases where protection measures are a matter of civil law in the issuing state will be dealt with in a separate legislative act, a regulation proposed by the European Commission in May 2011 (10613/11). The two instruments (the agreed directive and the proposed regulation) will in the end complement each other and should cover the broadest possible number of protection measures for victims issued throughout the EU, given the various national regimes in this field.