Area of freedom, security and justice: compensation to crime victims

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The Commission presents a report on the application of Council Directive 2004/80/EC.

Crime victims in the European Union are entitled to fair and appropriate compensation for the injuries they have suffered, regardless of where in the European Community the crime was committed. Council Directive 2004/80/EC relating to compensation to crime victims set up a system for cooperation to facilitate access to compensation to victims of crime in cross-border situations. The system operates on the basis of the Member State's schemes on compensation to victims of violent intentional crime, committed in their respective territories.

Article 19 of the Directive stipulates that the Commission is to present a report on the application of the Directive by 1 January 2009. This report complies with that obligation. It covers the period from 1 January 2006 to 31 December 2008.

In accordance with Article 18(1), Member States were to bring into force the laws, regulations and administrative provisions necessary to comply with the Directive by 1 January 2006. 15 Member States adopted the national transposing measures before the said deadline (Bulgaria, Denmark, Germany, Estonia, Spain, France, Ireland, Luxembourg, Netherlands, Austria, Poland, Slovenia, Finland, Sweden and the United Kingdom) and notifications from seven further Member States (Belgium, the Czech Republic, Cyprus, Lithuania, Hungary, Portugal and Slovakia) were received in early 2006.

The Commission launched the infringement procedure against Greece, Italy, Latvia, Malta and Romania for non-notification in 2006-2007. Since then, Italy, Latvia, Malta and Romania have notified national transposing legislation in accordance with their obligation. To date, Greece has not notified national transposing measures for the Directive. It was condemned by the European Court of Justice in July 2007 and the Commission launched the procedure under Article 228 of the EC Treaty against Greece in 2008, which is currently pending.

Application and Effectiveness of the Directive in practice: only limited data is available on the practical application of the Directive in the different Member States. Overall, however, it is noted that there have been very few cases of cross-border applications made.

The Commission draws the following **conclusionsconcerning the application of the Directive**:

- Concerning the national compensation schemes required by the Directive, it appears that Member States provide fair and appropriate compensation for victims of violent intentional crimes. In this regard, there seems to be a substantial degree of compliance across Member States;
- As far as the procedural aspects of the Directive for cross-border cases are concerned, Deciding and Assisting Authorities are broadly positive about the operation of the current system including Central Contact Points, the use of standard forms, languages and the use of communications technology. Claimants are, however, much less positive about the process than authorities. Many find the process of applying complicated and time-consuming and consider that language barriers – and communication in general – constitute a major obstacle in facilitating the victim application process.

The Commission is therefore of the opinion that **the functioning of the Directive should be improved with regard to the following aspects of its application**:

- Member States should seek to collect data on the application of the Directive in order to able to better assess the effectiveness of the process;
- Member States should, as far as possible, ensure that more information on the Directive and on national compensation schemes is provided to citizens, since too few potential claimants seem to be aware of their rights;
- Member States should ensure that the language requirements of the Directive are respected in order to ensure the most efficient processes for claimants;
- clarity and transparency concerning key elements of national compensation schemes is important. This concerns in particular the questions of which offences are included in the schemes and which injuries are covered by them. The Atlas and the website of the European Judicial Network in Civil and Commercial Matters contain already a substantial amount of information on national compensation schemes. It should, however, be considered whether efforts are required to further improve information available on the Directive and on national compensation schemes in these websites.

Because of the short period and consequent limited practical experience on the application of the Directive, the Commission will not propose amendments to the Directive but considers that the implementation can be improved on the basis of the current provisions. Furthermore the Commission will use its powers under the Treaty to urge the Member States to complete the possible deficient measures.