European Protection Order. Initiative Belgium, Bulgaria, Estonia, Spain, France, Italy, Hungary, Poland, Portugal, Romania, Finland and Sweden

2010/0802(COD) - 24/11/2011 - Council position

The Council reached an agreement on the position of the Council at first reading with a view to the adoption of a Directive of the European Parliament and of the Council on the European protection order.

In order to reach a sufficient support within the Council, in the course of the negotiations with the European Parliament the following modifications to the text have been agreed:

- **the scope of application of the instrument has been partially redefined**: by providing a tighter link between the possibility to issue a European protection order and a criminal conduct (Article 1). This modification aims at clarifying the connection of the instrument with the legal basis provided for by Article 82 (1) TFEU;
- **link to a decision taken in criminal matters**: with the same aim, it has been further specified that the protection measure at the basis of the European protection order must derive from a decision taken in criminal matters (Article 2 (2));
- **authority which issues the protection measure**: in order to maintain the widest possible adaptability of the instrument in relation to the different national legal systems for the protection of victims of crime, it has been further specified that, as long as the conditions above are met, the nature of the authority which issues the protection measure underlying the European protection order is irrelevant (Recital 9), and that the Member State executing the European protection order may do so in accordance with the specificities of its own national system by administrative, civil or criminal proceedings (Article 9);
- **relationship with Council framework Decision 2008/947/JHA**: a new paragraph has been added to Article 13 clarifying the relationship between the issuing of a European protection order and proceedings according to Council Framework Decision 2008/947/JHA on mutual recognition of decisions on probation measures and alternative sanctions.

To recall, the Council's Position at first reading reflects the compromise reached in negotiations between the Council and the European Parliament, facilitated by the Commission. On 23 September 2011, the Council (Justice and Home Affairs) took note of the draft agreement and confirmed its readiness to agree on the new text. The LIBE and FEMM Committees of the European Parliament on 4 October 2011 decided to mandate their Chairs to write a letter to the President of COREPER stating that, should the Council transmit formally to the Parliament its position in the form as it stands in the annex of the letter, they would, in their capacity as Chair of the Committee, recommend to the Plenary that the Council's position be accepted **without amendment**, subject to legal-linguistic verification, at Parliament's second reading.