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

2002/0247(CNS) - 16/10/2002 - Legislative proposal

PURPOSE : to establish a minimum standard for compensation to crime victims in the EU and to facilitate the access to such compensation in cross-border situations. CONTENT : it is well-known that victims often face difficulties in getting compensation from the offender of the crime, since the offender may remain unknown or lack the means to pay any damages awarded to the victim. For this reason, thirteen Member States have so far introduced state-funded general compensation schemes for crime victims. However, these schemes show large divergences between them. The amount of compensation a victim can obtain is largely determined by in which Member State the crime was committed, due to the different criteria applied. No assistance is available for victims who need to apply for compensation from another Member State. The proposal is the Commission's response to a request from the European Council, which in its meeting in Tampere 1999 called for the drawing up of minimum standards of crime victims in the EU. The proposed directive obliges Member States to award compensation to victims of intentional crime and terrorism committed on their territory. The compensation should cover all losses the victim has sustained as a direct result of the crime. Member States may make the compensation conditional upon that the victim has tried to get compensation from the offender before turning to the State. Compensation should also be awarded to close relatives and dependants of victims who have died as a result of the injuries caused by the crime. To be more specific, the amount of compensation shall be determined: - on a case-by-case basis where the compensation, taken as a whole, does not deviate significantly from what has been or could be expected to be awarded in damages to the applicant in accordance with civil law in the Member State responsible for paying the compensation; or - in accordane with pre-defined tariffs, for the entire compensation or for some or all of the individual items of losses that is covered by the compensation. More importantly, Member States may define a maximum amount of no less that EUR 60 000 for the total compensation that can be paid out to an individual. The compensation shall be defined on the basis of the national laws on damages in each Member State, in order to take into account socio-economic differences within the EU and to respect different legal traditions among the Member States. When EU citizens or residents become victims of a crime abroad, they shall have the right to turn to an authority in their Member State of residence to get assistance when applying to the Member State where the crime was committed. This will ensure that tourists, temporary workers and other citizens using their right to free movement in the EU will have easy access to compensation in practice, even when the crime was committed outside their Member State of habitual residence. Lastly, it should be noted that the present proposal will complement the action taken by the EU in judicial cooperation in civil and criminal matters, in particular the framework decision 2001/220/JHA on the standing of victims in criminal proceedings(refer to CNS/2000/0813).