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

2002/0247(CNS) - 23/10/2003 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Roberta AGNELILLI (UEN, Italy) by 431 votes in favour, 35 against and 5 abstentions. The main amendments are as follows: - a new recital states that the needs of crime victims should be considered and dealt with in an integrated fashion, so as to avoid partial or inconsistent measures which could lead to secondary victimisation; -in view of the wide divergences in national legislation as regards compensation to crime victims, the first step should be to establish minimum standards on the matter, while aiming for future harmonisation on a gradual basis. The Commission had stated that an approach aiming at a minimum standard rather than harmonisation is to be preferred; - a minimum standard should dependants and spouses and first-degree relatives of crime victims who have died or become permanently and irreversibly incapacitated as a result of injuries sustained. This replaces the Commission's wording of close relatives; - the minimum standard should be based on the approximation of the existing rules on civil and criminal liability of each Member State and on the model that underlies all the existing compensation schemes, rather than the Commission's wording of tort laws; - there should not be undue delay in compensation the victim, especially where the offender cannot be identified, located or put on trial or lacks the means to pay, or where there are clear signs that the trial will last more than one year; - the directive has a dual objective of establish a minimum standard for compensation of victims of crime and to facilitate access to such compensation in cross-border situations; - each Member State must compensate victims who have become permanently incapacitated or have sustained personal injury directly caused by an intentional crime or by an act of grave negligence for which the author of the crime can reasonably be held responsible against the victim's life, health or personal, physical or psychological integrity, committed on its territory; - compensation will cover pecuniary losses resulting from material damage and damage to property, and non pecuniary losses resulting from non material damage; - Member States may define a maximum amount of no less than EUR 100 000 rather (than EUR 60 000) for the total compensation that can be paid out to an individual applicant. This amount will be updated annually in line with the cost of living index as defined officially by Eurostat; - Member States may set a minimum threshold not exceeding EUR 250 in order to exclude the award of compensation to victims who have sustained only minor injuries, defined as injuries that do not have a significant pecuniary or non-pecuniary, direct or indirect, impact on the victim's life and its quality; - Member States may make the award conditional upon unsuccessful efforts to obtain and enforce a judgment on compensation against the offender and having exhausted the possibilities of compensation through state or private insurance schemes; - Member States must establish the harmonised compensation application form as well as the harmonised form for communication between authorities.