Basic information

2002/2022(COS) COS - Procedure on a strategy paper (historic)	Procedure completed
Area of freedom, security and justice: compensation to crime victims. Green Paper **Subject** 7.40.04 Judicial cooperation in criminal matters	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	ANGELILLI Roberta (UEN)	21/11/2001

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs and Internal Market	GHILARDOTTI Fiorella (PSE)	19/02/2002

Council of the European Union

European Commission

Commission DG	Commissioner
Justice and Consumers	

Key events

Date	Event	Reference	Summary
28/09/2001	Non-legislative basic document published	COM(2001)0536	Summary
16/01/2002	Committee referral announced in Parliament		
12/09/2002	Vote in committee		Summary
12/09/2002	Committee report tabled for plenary	A5-0309/2002	
23/09/2002	Debate in Parliament		
24/09/2002	Decision by Parliament	T5-0434/2002	Summary
24/09/2002	End of procedure in Parliament		
14/11/2003	Final act published in Official Journal		

Technical information	
Procedure reference	2002/2022(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 148
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/15689

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A5-0309/2002	12/09/2002	
Text adopted by Parliament, single reading		T5-0434/2002 OJ C 273 14.11.2003, p. 0025-0119 E	24/09/2002	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2001)0536	28/09/2001	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0353/2002 OJ C 125 27.05.2002, p. 0031	20/03/2002	

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

2002/2022(COS) - 28/09/2001 - Non-legislative basic document

PURPOSE : to present the Green Paper on compensation to victims of crime. CONTENt : This paper launches a consultation with all interested parties on possible measures to be taken at Community level to improve state compensation to crime victims in the EU. The following questions are considered: - What European norms are relevant for addressing state compensation at Community level? - What opportunities for obtaining state compensation currently exist in the EU? - How could such opportunities be strengthened through a Community initiative? - How could access to state compensation be facilitated in cross-border situations? The paper provides an overview of state compensation schemes in the Member States. These, together with a consideration of cross-border situations, would appear to confirm that a Community initiative on compensation could provide real added value. Such an initiative could constitute an important building stone in the construction of an area of freedom, security and justice, creating a basic level of protection for all residents of the EU, easily accessible regardless of where in the EU they may become victims of crime. In relation to common minimum standards on matters such as eligibility criteria, losses covered and the amount of compensation, it is clear that each component of such a standard raises considerations difficult in themselves, and highlighting the differences existing between Member States. Cross-border situations are very relevant for the assessment of different solutions. The objective of improving access to state compensation to cross-border victims appears more straightforward. The objectives of providing a safety net and limiting unfair effects are closely linked to the objective of facilitating access to state compensation for cross-border victims. The Commission remarks that, for some Member States, making progress in the possibility for crime victims of getting state compensation will involve increased budgetary and administrative resources, which is clearly a factor to be considered.

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

2002/2022(COS) - 24/09/2002 - Text adopted by Parliament, single reading

The European Parliament adopted the resolution by Roberta ANGELILLI (UEN, Italy) on the Commission's Green Paper. (Please refer to the document dated 12/09/02.) It welcomed the Green Paper, by means of which a consultation was launched on possible ways forward at Community level for improving the possibilities of compensation to victims of crime in the EU. It supported the initiative with regard to first establishing minimum standards, before achieving harmonisation which should remain the long-term goal. Parliament made a number of recommendations on the content of minimum standard, inter alia: -it should contain a clear definition of the types of crime liable to give rise to compensation; -it should establish a list of injuries for which compensation will be awarded, which includes physical, and psychological personal injury, as well as the material losses suffered as a result of the crime; -the degree of proof that the victim must provide with regard to having been a victim, when the offender is unknown; -a common definition of immaterial damages, such as damage to day to day relations; -it would be more appropriate for the compensation for immaterial damage to be determined and calculated in accordance with the national laws governing such cases; -the determination of compensation should be without reference to the financial situation of the victim; -the minimum standard should not lay down the possibility of the crime victim being awarded an advance payment on their compensation; -there must be criteria related to the victim's behaviour in relation to the crime. The mutual assistance model in the Commission's Green Paper contains all the components needed to facilitate cross-border victim's access to state compensation, since on the one hand it applies the principle of territoriality. This means that the State responsible for paying the compensation is the one in which the crime was committed. On the other hand it facilitates victims' administrative dealings from their State of residence, which is the one responsible for communicating with the State responsible for payment. However, the Commission should propose a system of mutual assistance between Member states to give cross-border victims the right to assistance from a competent authority in his Member State of residence.