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A7-0435/2011

6.12.2011

*****II**

RECOMMENDATION FOR SECOND READING

on the Council position 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
(15571/1/2011 – C7-0452/2011– 2010/0802(COD))

Committee on Civil Liberties, Justice and Home Affairs
Committee on Women's Rights and Gender Equality

Rapporteurs: Teresa Jiménez-Becerril Barrio, Carmen Romero López (Joint committee meetings - Rule 51 of the Rules of Procedure)

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the Council position 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 (15571/1/2011 – C7-0452/2011 – 2010/0802(COD))

(Ordinary legislative procedure: second reading)

The European Parliament,

- having regard to the Council position at first reading (15571/1/2011 – C7-0452/2011),
 - having regard to its position at first reading¹ on the initiative emanating from a group of Member States submitted to Parliament and the Council,
 - having regard to Article 294(7) and Article 82(1) (a) and (d) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 72 of its Rules of Procedure,
 - having regard to the joint deliberations of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women's Rights and Gender Equality under Rule 51 of the Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women's Rights and Gender Equality (A7-0435/2011),
1. Approves the Council position at first reading;
 2. Takes note of the Council statement annexed to this resolution;
 3. Notes that the act is adopted in accordance with the Council position;
 4. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
 5. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
 6. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Texts adopted of 14.12.2010, P7_TA(2010)0470.

**Statement of the Council on the comprehensive approach
to the question of recognition of protection measures**

The Council welcomes the adoption of the Directive of the European Parliament and of the Council on the European protection order, as an important instrument of the protection of the victims of crime in the European Union.

Considering the fact that this Directive is focused on protection measures taken in criminal matters, and given the different legal traditions in the Member States in this field, the Council is aware that this instrument will have to be complemented in the future by a similar mechanism for mutual recognition of protection measures taken in civil matters.

In this respect, the Council recalls that the proposal presented by the Commission on 18 May 2011 for a Regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters is currently under examination in the preparatory bodies of the Council.

In line with its Resolution of 10 June 2011 on a Roadmap for strengthening the rights and protection of victims, in particular in criminal proceedings (see Measure "C"), the Council commits itself to continuing the examination of this proposal as a matter of priority. It also commits itself to ensure that this instrument will complement the provisions of the Directive on the European protection order, so that the combined scope of application of the two instruments enables the cooperation among the Member States, irrespective of the nature of their national systems, with respect to the highest possible number of protection measures for victims.

EXPLANATORY STATEMENT

The draft directive on the European protection order is based on an initiative of twelve EU Member States. The Parliament received this initiative on 22 January 2010.

Once adopted, the directive will specify measures that allow the executing state to continue the protection of a person against a criminal act by another person which may endanger his life, physical or psychological integrity, dignity, personal liberty or sexual integrity. The ultimate goal is to avoid new criminal acts and to reduce the consequences of previous criminal acts and enhance victims' protection.

Procedure

Parliament's position in first reading on the draft directive of the European Parliament and of the Council on the European Protection Order (00002/2010 – C7-0006/2010 – 2010/0802(COD)) was adopted on 14 December 2010 with a large majority.

The LIBE and FEMM Committees adopted in a joint meeting on 15 May 2011 the composition of a negotiating team and a negotiating mandate. On 4 June 2010, the Council (Justice and Home Affairs) concluded that there was sufficient support on the text as the basis for the negotiations with the European Parliament.

A trilogue was organized on 20 of September 2011 which led to a provisional agreement on the text. The agreement was then endorsed by LIBE and FEMM Committees in a joint meeting on 4 October 2011. The Chairs were mandated 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.

On 6 October COREPER confirmed the agreement with a view to submission of the text for adoption of the political agreement at Council. The Council's Position at first reading was adopted on 24 November 2011 and it reflects the compromise reached in negotiations between the two institutions and facilitated by the Commission. The Council Position was sent to European Parliament and announced in Plenary on 1 December 2011. The draft recommendation for second reading is submitted to vote in a joint LIBE FEMM meeting on 5 December. The vote in plenary will take place during the December part-session in Strasbourg.

Content

The main change in comparison with Parliament's position in first reading concerns the scope of application of the instrument which 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. It also takes into account the new context created after

the presentation by the Commission on 18 May 2011 of a legislative package which aims at strengthening the rights of victims in the EU that contains also a proposal for a Regulation on mutual recognition of protection measures in civil matters.

PROCEDURE

Title	European Protection Order
References	15571/1/2011 – C7-0452/2011 – 2010/0802(COD)
Date of Parliament's first reading – P number	14.12.2010 T7-0470/2010
Commission proposal	00002/2010 - C7-0006/2010
Receipt of Council position at first reading announced in plenary	1.12.2011
Committee responsible Date announced in plenary	FEMM 1.12.2011
Rapporteur(s) Date appointed	Teresa Jiménez- Carmen Becerril Barrio Romero López 2.3.2010 2.3.2010
Date adopted	5.12.2011
Result of final vote	+: 46 -: 2 0: 0
Members present for the final vote	Jan Philipp Albrecht, Regina Bastos, Edit Bauer, Emine Bozkurt, Simon Busuttill, Philip Claeys, Carlos Coelho, Agustín Díaz de Mera García Consuegra, Tanja Fajon, Kinga Gál, Kinga Göncz, Nathalie Griesbeck, Mikael Gustafsson, Anna Hedh, Salvatore Iacolino, Sophia in 't Veld, Teresa Jiménez-Becerril Barrio, Constance Le Grip, Juan Fernando López Aguilar, Barbara Matera, Véronique Mathieu, Louis Michel, Elisabeth Morin-Chartier, Jan Mulder, Georgios Papanikolaou, Carmen Romero López, Raül Romeva i Rueda, Judith Sargentini, Csaba Sógor, Marc Tarabella, Rui Tavares, Axel Voss, Renate Weber, Marina Yannakoudakis, Anna Záborská, Tatjana Ždanoka, Auke Zijlstra
Substitute(s) present for the final vote	Ioan Enciu, Sylvie Guillaume, Nadja Hirsch, Iliana Malinova Iotova, Ádám Kósa, Antigoni Papadopoulou, Rovana Plumb, Licia Ronzulli, Marie-Christine Vergiat
Substitute(s) under Rule 187(2) present for the final vote	Sergio Gaetano Cofferati, Veronica Lope Fontagné
Date tabled	6.12.2011