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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	12 July 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	SEC(2023) 270 final
Subject:	REGULATORY SCRUTINY BOARD OPINION Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

Delegations will find attached document SEC(2023) 270 final.

Encl.: SEC(2023) 270 final

EUROPEAN COMMISSION

Brussels, 31.3.2023
SEC(2023) 270 final

REGULATORY SCRUTINY BOARD OPINION

Proposal for a
DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

{COM(2023) 424}

{SWD(2023) 246 }
{SWD(2023) 247 }

Ref. Ares(2023)2334388 - 31/03/2023

EUROPEAN COMMISSION
Regulatory Scrutiny Board

Brussels,
RSB/

Opinion

Title: Impact assessment / Amendment of the EU rules on victims' rights

Overall opinion: POSITIVE

(A) Policy context

The Victims' Rights Directive is the core EU level instrument that lays down a set of rights for all victims of all crimes and imposes corresponding obligations on Member States. A May 2020 Commission implementation report showed that the full potential of the Directive had not been reached A subsequent evaluation in June 2022 identified specific problems with the Directive.

This revision aims at strengthening EU rules on victims' rights, based on gaps identified and findings of the evaluation.

(B) Summary of findings

The Board notes the additional useful information sent ahead of the meeting, in particular on methodology and evaluative evidence.

The Board gives a positive opinion. The Board also considers that the report should further improve with respect to the following aspects:

(1) The report is not sufficiently clear on implementation costs (investments and resources) that Member States will have to bear to fulfil additional obligations.

(2) The main report should describe the methodology in its essential elements. The scoring of options is not clear in particular concerning the efficiency criterion. .

(C) What to improve

(1) The report doesn't give a clear picture about which additional efforts Member States will have to face to fulfil the obligations deriving from this initiative and what impact this would have on their budget. . . Given that there are significant differences in the problems faced by Member States the report should be clearer on the expected impacts for each Member State and their public authorities under the various options. Some examples would add value to the analysis, showing the differences between various countries. Moreover, the cost benefit analysis should consider possible differences across Member States, rather than provide an EU aggregated figure.

This opinion concerns a draft impact assessment which may differ from the final version.

(2) The methodology is detailed only in the annexes and should be referred to in the main report, to have a complete self-standing report that is clear to the reader.

(3) The scoring of options is not sufficiently clear and does not correspond to the quality assessment. The report should explain how the scores (+ to +++) have been set to rate options particularly on efficiency.

The Board notes the estimated costs and benefits of the preferred option(s) in this initiative, as summarised in the attached quantification tables.

Some more technical comments have been sent directly to the author DG.

(D) Conclusion

The DG must take these recommendations into account before launching the interservice consultation.

Full title	Amendment of the EU rules on victims' rights
Reference number	PLAN/2021/11420
Submitted to RSB on	03/11/2022
Date of RSB meeting	30/11/2022

ANNEX – Quantification tables extracted from the draft impact assessment report

The following tables contain information on the costs and benefits of the initiative on which the Board has given its opinion, as presented above.

If the draft report has been revised in line with the Board's recommendations, the content of these tables may be different from those in the final version of the impact assessment report, as published by the Commission.

Specific Objective I	Option I.2 (national coordination schemes and Victims' helpline)
Specific Objective II	Option II.2 (enhanced individual assessment and adding victims' physical protection to protection measures)
Specific Objective III	Option III.2 (Barnahus model for all children and psychological aid for those in need)
Specific Objective IV	Option IV.1 (victim rights to be advised during criminal procedure and accompanied by a person of choice during criminal proceeding and to challenge decisions that concern them directly)
Specific Objective V	Option V.2 (rights to decision on compensation in criminal proceeding and to receive offenders' compensation by the state, where state recuperates if from the offender later)

Preferred options	**Benefits (million)** **Scenario medium – 5 years; social discount rate 3%**	**Costs (million)** **Average low and high limits – 5 years; social discount rate 3%**	**Cost-benefit ratio (i.e. A/B, present value of benefits divided by the present value of the costs for a total of 5 years)**
Option I.2	1,388	231	6
Option II.2	1,488	25	59
Option III.2	10,217	9,336	1
Option IV.1	266	255	1
Option V.2	9,732	8,897	1
TOTAL	23,091	18,743	68

Electronically signed on 01/12/2022 19:16 (UTC+01) in accordance with Article 11 of Commission Decision (EU) 2021/2121