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NOTE

From:	Presidency
To:	Delegations
Subject:	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 - Updated full draft compromise

After discussions held with the Parliament, the Presidency would like to present two alternative proposals for Article 5a(1) (online reporting), to be discussed at the JHA Counsellors meeting on 29 October. The Presidency invites delegation to express their positions regarding both options at the meeting.

PUBLIC

Option 1: this option contains an obligation to provide for online reporting based on criteria. It also encourages Member States to provide for more possibilities for online reporting, taking into account some criteria.

1. Member States shall ensure that victims can report criminal offences to the competent authorities through accessible, easy to use, safe, and readily available channels**. In addition to in-person crime reporting methods,** reporting of criminal offences should also be available through free, accessible, easy to use, secure, and user friendly information and communication technologies~~, in addition to in-person crime reporting methods. Member States may be able to restrict the availability and the effect of online reporting, provided that it is contrary to the interest of the victim to report online or where online reporting affects the proper and efficient handling of the report by the competent authority.~~ **at least for non-urgent, non-violent criminal offences if in the interest of the victim. Member States should strive to ensure that reporting through information and communication technologies is also available for additional offences, where this would be in the interest of the victim or where online reporting would not hinder the timely verification, assessment, or processing of the report by the competent authority, including situations where online reporting would not create a substantial risk of loss or deterioration of evidence, or if a delayed or inadequate interview of the victim would harm the case in contrary to the interest of the victim.**

   Such possibility shall include submission of evidence where feasible. Such possibilities shall be without prejudice to national procedural rules regarding formalisation of online reporting and submission of evidence.

Option 2: this option contains an obligation to provide for online reporting for a limited list of offences. It builds on the current EU acquis (Directive on combatting violence against women). The Presidency believes that the offences covered could be reported online without risks as regards the interest of the victim or the effective handling of the case by the competent authorities. It also offers

an additional layer of flexibility for Member States and protection for victims, as reporting should be a possibility for non-urgent minor cases only.

1. Member States shall ensure that victims can report criminal offences to the competent authorities through accessible, easy-to-use, safe, and readily available channels. Reporting ~~of criminal offences~~ should also be available through free, accessible, easy-to-use, secure, and user-friendly information and communication technologies, in addition to in-person crime reporting methods~~. Member States may be able to restrict the availability and the effect of online reporting, provided that it is contrary to the interest of the victim to report online or where online reporting affects the proper and efficient handling of the report by the competent authority.~~ **for at least non-urgent minor cases of the following types of criminal offences:**

   a) the criminal offences mentioned in articles 5 to 8 of Directive (EU) 2024/1385;

   b) threats and intimidation;

   c) non-violent hate crimes;

   d) vandalism;

   e) theft without violence, including bicycle theft;

   f) identity theft;

   g) online fraud;

   h) lost property.

Such possibility shall include submission of evidence where feasible. Such possibilities shall be without prejudice to national procedural rules regarding formalisation of online reporting and submission of evidence.

Recital

Methods for reporting of criminal offences should be determined based on what best serves the interest of the victim, the proper and efficient handling of the report by the competent authority and the proper administration of justice. In-person crime reporting methods could, inter alia, be considered more appropriate in urgent cases, such as in case of an imminent threat, if immediate follow-up is needed, where evidence needs to be secured without delay, but also when a personal contact is necessary for an effective criminal investigation. Online reporting could, inter alia, be considered appropriate in some non-urgent and less complicated **or minor** cases. **Member states may define less complicated or minor cases according to a threshold regarding the maximum sentence applicable to those criminal offences.**