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NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee

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
- Preparation for the trilogue

I. INTRODUCTION

1. On 12 July 2023, the Commission submitted to the Council and the European Parliament a 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/JHA¹ (hereafter “the revision of the Victims’ Rights Directive”).

¹ 11840/23

2. The existing Victims' Rights Directive is a horizontal instrument, which applies to all victims. Adopted in 2012, it establishes minimum standards on the rights, support and protection of victims of crime and ensures that persons who have fallen victim to crime are recognised and treated with respect. Victims of crime must also receive proper protection, support and access to justice. Following the evaluation carried out in 2022, the Commission's proposal aims to address the shortcomings that require targeted amendments in the existing framework, in order to improve the exercise of victim's rights, especially as regards the right to information, the protection and specialist support, victims' participation in criminal proceedings and victims' access to compensation.
3. The Council reached its general approach on the proposal for a Directive on 14 June 2024².
4. The European Parliament adopted its negotiating mandate at the plenary session on 11 April 2024, and the proposal was referred to the Committees on Civil Liberties, Justice and Home Affairs (LIBE) and Women's Rights and Gender Equality (FEMM) to start interinstitutional negotiations.
5. Trilogues were held on 2 December 2024, 5 February 2025, 9 April 2025 and 25 June 2025.
6. The general state of play of the negotiations is indicated in the draft four-column table (WK 14391/25 REV 2). On most of the provisions in the draft directive, the co-legislators have reached provisional agreements at technical level.

² 10255/24

7. Negotiations have helped identifying the main political issues in the co-legislators' positions, described below. These issues will be the subject of the trilogue scheduled on 10 December 2025, although the negotiating teams are still discussing the exact agenda of the trilogue.

II. MAIN ISSUES

8. The Presidency considers that the negotiations have now reached a point where a political agreement between the co-legislators could be within reach.
9. In light of the meetings with delegations at technical level, the Presidency believes it has a clear idea of the Council's mandate for the trilogue and intends to firmly defend it. In summary, the mandate received so far is:
- a) **Recital 7 to Article 9(3)(b) (Sexual and reproductive healthcare):** a recital in line with the proposal discussed in Coreper on 11 June 2025 (9768/25).
 - b) **Article 9a (Targeted and integrated support services for children):** no obligation to introduce the Barnhaus model at national level, as discussed in Coreper on 11 June 2025 (9768/25).
 - c) **Article 10b (Right to information about decisions taken in court proceedings and right to a review):** a limited obligation for a right to request for a review regarding Articles 7(1) and 7(3), 10, 13 and possibly 19(1), in line with the text discussed at technical level (15723/25).
 - d) **Article 16 (Compensation):** no obligation as regard the issue of subrogation. Instead, an obligation to ensure that Member States have execution or enforcement measures in place and ensuring that at least victims of violent intentional crimes can have access to national compensation schemes, as discussed in Coreper on 11 June 2025 (9768/25).

- e) **Article 21(3) (Right to privacy):** an obligation to ensure that certain personal data of the victim are not shared with the offender, provided that strong safeguards relating to the right of defence and legitimate interests to disclose are included in the provision. The text proposal has been discussed and confirmed at technical level.
- f) **Article 26d (Remedies):** a deletion of the provision.
10. The Presidency considers that the other provisions in the text of the draft Directive as provisionally agreed with the European Parliament are acceptable for the Council.
11. However, it has also become clear that an important element of the agreement for the Parliament would be the provision on sexual and reproductive healthcare services. The European Parliament has indicated its strong position on this provision, in particular on a reference to abortion, and presented a text proposal, which was shared with delegations at technical level (WK 16858/25).
12. On this issue, the mandate for the Council remains based on a recital in line with the proposal discussed in Coreper on 11 June 2025 (9768/25). In subsequent discussions at technical level, delegations have continued to insist on the importance of safeguarding the exclusive competence and responsibilities of Member States for the definition of their health policy and for the organisation and delivery of health services and medical care, as provided for in Article 168(7) of the Treaty on the functioning of the European Union. In this context, they have elaborated on the legal and policy issues of defining the concept of sexual and reproductive healthcare services in the revision of the Victims' Rights Directive.

13. In light of the above, and reassuring delegations that the Presidency will firmly defend the Council's mandate described in points 9 and 10, before making further concessions if they are acceptable to the Council, the Presidency considers it important to consult Coreper on whether there would be room to take a final step towards the European Parliament. In particular, it invites delegations to indicate whether, as last resort in order to reach a political agreement on this important file, they could consider accepting a reference to abortion in a recital on sexual and reproductive healthcare services, provided that all other provisions discussed at the trilogue are in line with the Council's mandate outlined above. In case this is acceptable to delegations, the Presidency would strongly defend a provision that respects Member States' exclusive competence and national laws, including constitutional law, in line with the text discussed at technical level (15723/25).

III. CONCLUSION

Having regard to the above, the Permanent Representatives Committee is therefore invited:

- to confirm the Presidency's approach described under points 9 and 10;
- to indicate their flexibility, as last resort, on the issue of sexual and reproductive healthcare services, as described in points 11 to 13.