



Council of the
European Union

Brussels, 9 March 2022
(OR. en)

Interinstitutional File:
2022/0066(COD)

7042/22
ADD 5

JAI 316
FREMP 55
COHOM 18
COPEN 82
EDUC 80
MIGR 78
SOC 141
ANTIDISCRIM 10
GENDER 18
JEUN 27
CODEC 263

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	9 March 2022
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	SWD(2022) 63 final
Subject:	COMMISSION STAFF WORKING DOCUMENT EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT REPORT Accompanying the document PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on combating violence against women and domestic violence

Delegations will find attached document SWD(2022) 63 final.

Encl.: SWD(2022) 63 final



EUROPEAN
COMMISSION

Strasbourg, 8.3.2022
SWD(2022) 63 final

COMMISSION STAFF WORKING DOCUMENT

EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT REPORT

Accompanying the document

**PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL**

on combating violence against women and domestic violence

{COM(2022) 105 final} - {SEC(2022) 150 final} - {SWD(2022) 60 final} -
{SWD(2022) 61 final} - {SWD(2022) 62 final}

Executive summary sheet
Impact assessment for a proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence
A. Need for action
What is the problem and why is it a problem at EU level?
Violence against women and domestic violence (VAW/DV) is widespread across the EU. In 2014, 1 in 3 women in the EU reported a form of physical and/or sexual violence. Administrative data from 2019 estimates the EU prevalence at 21.2%. In addition to offline forms of VAW/DV, cyber violence against women and cyber violence between intimate partners is rising; in 2020 it was estimated to affect 52% of young women globally. Gender-based violence may affect both women and men, but women are disproportionately affected. Domestic violence also affects other family members (e.g. spouses, children and older family members).. VAW/DV affects millions of people in the EU, across all Member States. The drivers of VAW/DV are harmful social norms and stereotypes that bring about gender inequality; a failure to recognise the specificities of VAW/DV crimes; and ineffective countermeasures (legal fragmentation, legal uncertainties and ineffective enforcement). Gaps in prevention, protection, victim support, access to justice, and policy coordination have been identified at both EU and national level, both in Member States that have implemented the Istanbul Convention on violence against women and domestic violence and those that have not. Relevant EU standards are spread across several instruments and have not led to effective monitoring and enforcement for this group of victims. While the Istanbul Convention has triggered action at national level, the monitoring of the Convention's implementation shows that gaps persist. Given the way in which the situation has evolved in the past decades, the number of victims is unlikely to significantly decrease without stronger, coordinated action in matters of prevention, protection, access to justice, victim support, and policy coordination.
What should be achieved?
The initiative aims to prevent and combat violence against women and domestic violence. More specifically, it aims to ensure effective prevention of such violence, protection from violence, access to justice, victim support, and strengthened coordination. It also aims to ensure that sexual harassment and cyber violence are addressed effectively.
What is the value added of action at EU level (subsidiarity)?

The EU-wide prevalence of violence against women and domestic violence and the harm these forms of violence cause to individuals and societies create a special need for joint action. VAW/DV may include a physical cross-border aspect if people are moving around; it has no borders in the online world. The policy objectives can only be met if minimum standards apply equally to all cases of VAW/DV. Member States have addressed VAW/DV in legislation and policies, but this has not led to a decrease in prevalence. To ensure equal treatment of victims, the initiative would bring about upward convergence by setting minimum standards on the rights of victims of VAW/DV. These standards would aim to prevent and combat this kind of violence before, during or after criminal proceedings. The initiative would also introduce definitions of and penalties on conduct where gaps in criminalisation exist. EU action will ensure that the fundamental rights of half of the EU population are protected across the EU.
B. Solutions
What are the various options to achieve the objectives? Is there a preferred option or not?
The Commission has considered the following options: 0) the baseline, with non-legislative measures; 1) moderate legislative measures to prevent VAW/DV, protect from violence, provide access to justice, provide victim support, and strengthen coordination; and 2) more comprehensive legislative action addressing the above matters with additional rules on sexual harassment and cyber violence against women and cyber violence between intimate partners. Option 2 has been subdivided into more proportionate measures (2A) and measures that are ideal (in terms of criminalisation, sexual harassment and protection) but less efficient (2B). Sub-option 2A is the preferred option, both qualitatively and in terms of costs and benefits.
What are various stakeholders' views? Who supports which option?
The Commission conducted comprehensive stakeholder consultations jointly for the impact assessment and the fitness check. The open public consultation attracted over 700 responses. Consistently with earlier surveys, the large majority of respondents called for further EU measures on VAW/DV. The Commission consulted the Member States in writing and at a workshop. The Member States expressed their openness on EU action and found the envisaged measures relevant. Targeted consultations of non-governmental and international organisations showed large support for the most ambitious measures (i.e. sub-options 2A and 2B). Trade unions and employers supported the objective of combating sexual harassment and welcomed additional measures. Employers, however, were wary of obligations that would be imposed on them. Trade unions and employers insisted on the role of social partners.
C. Impacts of the preferred option
What are the benefits of the preferred option (if any, otherwise of main ones)?
The assessment of the preferred option reveals positive economic impacts. The reduced prevalence of VAW/DV, in particular, could have economic benefits of around EUR 53.1 billion, potentially reaching around EUR 82.7 billion in the long term. The greatest potential for economic benefits is due to the reduction of the cost of physical and emotional harm to victims (an estimated reduction of EUR 32.2 billion to EUR 64.5 billion). Social impacts would affect various stakeholders, namely victims, witnesses, offenders, companies, national authorities and the wider society. The preferred option would improve victims' health, safety and quality of life (especially due to the measures on protection and support). It would also increase victims and witnesses' awareness of and access to information on the available

protection and support services. Measures on intervention programmes for offenders are expected to have a positive impact on offenders' attitudes and behaviour. For employers, awareness and better understanding of and support for workers who are victims of harassment at work would enable the development of a safe work environment. This would also have a positive impact on productivity. National authorities would benefit from measures addressing legal fragmentation and uncertainties. Increased recognition of harmful gender stereotypes, norms, and abusive behaviour among the general public would have a positive impact on society as a whole. Finally but importantly, the impacts of the preferred option on fundamental rights are considerable.
What are the costs of the preferred option (if any, otherwise of main ones)?
The total compliance costs of the preferred option range between EUR 5 billion and EUR 6.6 billion. Most of the compliance costs would fall on Member States with a few exceptions concerning sexual harassment, which could give rise to compliance costs for employers. The compliance costs stem from measures in the problem areas of prevention, protection, access to justice, victim support and coordination. No negative impacts have been noted.
What are the impacts on small to medium-sized enterprises (SMEs) and competitiveness?
Most costs would fall on Member States. Potential costs to employers are EUR 1.9 billion due to the mandatory participation of managers in training on sexual harassment at work and the effects of domestic violence on the workplace. Costs would be limited to the participation of managers in a two-hour online training, and thus, would not pose significant costs to SMEs.
Will there be significant impacts on national budgets and administrations?
Most of the compliance costs, which range between EUR 5 billion and EUR 6.6 billion for the EU-27, would fall on Member States. The impact on national budgets and administrations is expected to remain limited, and be mitigated by the benefits of the preferred option.
Will there be other significant impacts?
The preferred option simplifies the EU framework by concentrating the VAW/DV measures in one legislative instrument. This instrument better ensures that measures are more equally available at regional and local level and victims are therefore more equally protected.
Proportionality?
The proportionality principle is fully respected, as the measures have been designed on the basis of a careful gap analysis carried out at both EU and national level. The measures: • do not exceed what is necessary by avoiding overlap with national criminalisation rules; • abstain from requiring public authorities to take measures that are overly complex to operate; and • avoid disproportionate costs for the Member States and employers. In addition, the measures of the preferred option can be considered necessary to achieve the objectives effectively and in a manner that strengthens the implementation of fundamental rights.
D. Follow-up

When will the policy be reviewed?
The need for a policy review will be assessed after the first round of Member State reporting on the Directive's implementation. This reporting is expected to take place under a reporting obligation, e.g. 5 years after the entry into force of the Directive. Reporting would be carried out at regular intervals in the form of a questionnaire to the Member States. In addition to information provided under the reporting obligation, the monitoring and evaluation of the initiative will primarily be based on the current harmonised indicators, and supplemented by additional harmonisation measures on data collection. The details will be described in a monitoring and enforcement plan that the Commission will draw up.