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WORKING DOCUMENT

From: General Secretariat of the Council
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 draft version of the four-column table.

Delegations will find in the Annex an updated draft version of the four-column table.

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

2023/0250(COD)

DRAFT [Draft table after ITM on 16 and 17 October]

27-10-2025 at 15h39

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
Formula				
1	2023/0250 (COD)	2023/0250 (COD)	2023/0250 (COD)	2023/0250 (COD) To be greened in trilogue <small>Text Origin: Commission Proposal</small>
Proposal Title				
2	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	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	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	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 To be greened in trilogue <small>Text Origin: Commission Proposal</small>
Formula				

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>10255/24</small> <small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, To be greened in trilogue <small>Text Origin: Commission Proposal</small>
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(2)(c) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(2)(c) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(2)(c) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(2)(c) thereof, To be greened in trilogue <small>Text Origin: Commission Proposal</small>
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission, To be greened in trilogue <small>Text Origin: Commission Proposal</small>
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments, To be greened in trilogue <small>Text Origin: Commission Proposal</small>

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Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C , , p . .</u>	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C , , p . .</u>	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C , , p . .</u>	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C , , p . .</u> To be greened in trilogue <u>Text Origin: Commission Proposal</u>
Citation 5				
8	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ C , , p . .</u>	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ C , , p . .</u>	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ C , , p . .</u>	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ C , , p . .</u> To be greened in trilogue <u>Text Origin: Commission Proposal</u>
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure, To be greened in trilogue <u>Text Origin: Commission Proposal</u>
Formula				
10	Whereas:	Whereas:	Whereas:	Whereas: To be greened in trilogue <u>Text Origin: Commission</u>

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				Proposal
Recital 1				
11	<p>(1) To ensure that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings, the Union has adopted Directive 2012/29/EU of the European Parliament and the Council¹.</p> <p>¹ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14.11.2012, p. 57).</p>	<p>(1) To ensure that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings, the Union has adopted Directive 2012/29/EU of the European Parliament and the Council¹.</p> <p>¹ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14.11.2012, p. 57).</p>	<p>(1) To ensure that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings, the Union has adopted Directive 2012/29/EU of the European Parliament and the Council¹.</p> <p>¹ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14.11.2012, p. 57).</p>	<p>(1) To ensure that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings, the Union has adopted Directive 2012/29/EU of the European Parliament and the Council¹.</p> <p>¹ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14.11.2012, p. 57).</p> <p>To be greened in trilogue</p> <p>Text Origin: Commission Proposal</p>
Recital 2				
12	<p>(2) The Commission has assessed how victims have accessed their rights under Directive 2012/29/EU of the European Parliament and the Council and published its results in the evaluation report¹. The evaluation shows that, although Directive 2012/29/EU has broadly delivered the expected benefits and positively affected victims' rights, specific problems related to victims'</p>	<p>(2) The Commission has assessed how victims have accessed their rights under Directive 2012/29/EU of the European Parliament and the Council and published its results in the evaluation report¹. The evaluation shows that, although Directive 2012/29/EU has broadly delivered the expected benefits and positively affected victims' rights, specific problems related to victims'</p>	<p>(2) The Commission has assessed how victims have accessed their rights under Directive 2012/29/EU of the European Parliament and the Council and published its results in the evaluation report¹. The evaluation shows that, although Directive 2012/29/EU has broadly delivered the expected benefits and positively affected victims' rights, specific problems related to victims'</p>	


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	<p>rights under this Directive persist. The identified shortcomings include insufficient ability to rely on victims' rights to access information, to support and protection in accordance with each victim's individual needs, to participate in criminal proceedings and to receive a decision on compensation from the offender during criminal proceedings. This revision of Directive 2012/29/EU of the European Parliament and the Council responds to the shortcomings demonstrated in its evaluation and in numerous consultations.</p> <p>1. Commission Staff Working Document, Evaluation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 (SWD/2022/0179 final).</p>	<p>rights under this Directive persist. The identified shortcomings include insufficient ability to rely on victims' rights to access information, to support and protection in accordance with each victim's individual needs, to participate in criminal proceedings and to receive a decision on compensation from the offender during criminal proceedings. This revision of Directive 2012/29/EU of the European Parliament and the Council responds to the shortcomings demonstrated in its evaluation and in numerous consultations.</p> <p>1. Commission Staff Working Document, Evaluation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 (SWD/2022/0179 final).</p>	<p>rights under this Directive persist. The identified shortcomings include insufficient ability to rely on victims' rights to access information, to support and protection in accordance with each victim's individual needs, to participate in criminal proceedings and to receive a decision on compensation from the offender during criminal proceedings. This revision of Directive 2012/29/EU of the European Parliament and the Council responds to the aims to respond to shortcomings demonstrated in its evaluation and in numerous consultations.</p> <p>1. Commission Staff Working Document, Evaluation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 (SWD/2022/0179 final).</p>	
Recital 2a				
12a		<p><u><i>(2a) Member States should take the necessary measures to ensure that assistance, support and protection are provided to victims in a gender-, trauma-, disability- and child-sensitive approach. Member States should adopt an intersectional approach in the implementation of Directive 2012/29/EU to address the specific needs of victims affected by intersectional discrimination.</i></u></p>		

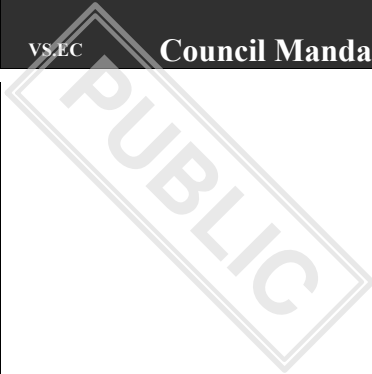
	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
Recital 3				
13	<p>(3) In order to provide victims with seamless and modern means of exercising their rights, the Member States should make it possible for victims to communicate electronically with national competent authorities. Victims should enjoy the possibility of using electronic tools to receive information about their rights and about their case, report crimes and to otherwise communicate with competent authorities and with support services through communication and information technologies. Victims should be able to choose the method of communication, and the Member States should provide for such communication and information technologies as an alternative to the standard methods of communication, without however replacing them completely.</p>	<p>(3) In order to provide victims with seamless and modern means of exercising their rights, the Member States should make it possible for victims to communicate electronically with national competent authorities. Victims should enjoy the possibility of using electronic tools to receive information about their rights and about their case, report crimes, <u><i>provide information and submit evidence where feasible,</i></u> and to otherwise communicate with competent authorities and with support services through <u><i>reliable, easy to use and safe</i></u> communication and information technologies <u><i>in a confidential manner that minimises the risk of harm and supports recovery and access to justice.</i></u> Victims should be able to choose the method of communication, and the Member States should provide for such communication and information technologies as an alternative to the standard methods of communication, without however replacing them completely. <u><i>Those methods of communication and information technologies should include for example websites that provide information in different languages, integrated chats, or e-</i></u></p>	<p>(3) In order to provide victims with seamless and modern means of exercising their rights, the Member States should make it possible for victims to communicate electronically with national competent authorities. Victims should enjoy the possibility of using, where available, electronic tools to receive information about their rights and about their case, report crimes and to otherwise communicate with competent authorities and with support services through information and communication and information technologies. Victims should be able to choose between the methods the method of communication made available, and the Member States should can provide for such information and communication and information technologies as an alternative to the standard methods of communication, without however replacing them. The in-person method of communication, including those with the competent authorities and with support services, should remain available to victims, if they wish so completely.</p>	


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		<u>mails and online working tools that respond to different communication needs, such as those related to age and disability.</u>		
Recital 4				
14	<p>(4) In order to ensure comprehensive channels of communication taking into account the complexity of victims’ needs in relation to their right to access information, all victims, independently of where in the EU and in what circumstances the crime took place, should be able to access victims’ helplines by using the EU-wide 116 006 telephone number or by connecting to the dedicated websites. Under such helplines, victims should be able to receive the information about their rights, emotional support and be referred to the police or other services, including other specialised helplines – if needed. Such helplines should also refer victims to other specialised helplines, referred to in Commission Decision 2007/116/EC¹, such as the harmonised number related to child helpline “116 111”, missing children “116 000” and gender-based violence “116 116”.</p> <p>¹ Commission Decision 2007/116/EC of 15</p>	<p>(4) In order to ensure comprehensive channels of communication taking into account the complexity of victims’ needs in relation to their right to access information, all victims, independently of where in the EU and in what circumstances the crime took place, should be able to access victims’ helplines by using the EU-wide 116 006 telephone number or by connecting to the dedicated websites. Under such helplines, victims should be able to receive the information about their rights, emotional support and be referred to the police or other services, including other specialised helplines – if needed. Such helplines should also refer victims to other specialised helplines, referred to in Commission Decision 2007/116/EC⁵⁶, such as the harmonised number related to child helpline “116 111”, missing children “116 000” and gender-based violence “116 116”. <u>Member States should ensure that support provided by such helplines is without</u></p>	<p>(4) In order to ensure comprehensive channels of communication taking into account the complexity of victims’ needs in relation to their right to access information, all victims, independently of where in the EU and in what circumstances the crime took place, should be able to access victims’ helplines by using the EU-wide 116 006 telephone number or by connecting to the dedicated. Member States can offer such services also through other secure and accessible information and communication technologies, including online applications and websites. Under such helplines, victims should be able to receive the information about their rights, emotional support and be referred to the police or other services, including other specialised specialist helplines – if needed. The helplines can be operated by trained volunteers capable of providing emotional support which can be understood as being an empathetic approach towards victims to make</p>	<p>(4) In order to ensure comprehensive channels of communication taking into account the complexity of victims’ needs in relation to their right to access information, all victims, independently of where in the EU and in what circumstances the crime took place, should be able to access victims’ helplines by using the EU-wide 116 006 telephone number or by connecting to the dedicated. <u>The centralisation of helplines through the EU harmonised number shall be done without prejudice to pre-existing helplines, including those run by non-governmental organisations.</u> <u>Besides telephone, helplines should be accessible through information and communication technologies, including websites and online applications. Such services may also be provided via chat-boxes.</u> <u>When the information is provided on websites, it should include the information specified in Article 25a of this directive on communication about victims’ rights. Such</u></p>

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	<p>February 2007 on reserving the national numbering range beginning with 116 for harmonised numbers for harmonised services of social value (OJ L 049 17.2.2007, p. 30).</p>	<p><u><i>prejudice to the right of victims to receive information on their rights and on their case and to otherwise communicate with competent authorities and with other general or specialised victims' support services through appropriate communication and information technologies. The helplines should be operated by adequately trained and qualified staff in line with existing standards of quality support to ensure a high level of professional service and work in a victim-sensitive manner.</i></u></p> <p><i>1. Commission Decision 2007/116/EC of 15 February 2007 on reserving the national numbering range beginning with 116 for harmonised numbers for harmonised services of social value (OJ L 049 17.2.2007, p. 30).</i></p>	<p>them feel accepted, safe and enable them to express themselves freely. Such helplines should also refer victims to other specialised specialist helplines, referred to in Commission Decision 2007/116/EC¹, such as the harmonised number related to child helpline “116 111”, missing children “116 000” and gender-based violence “116 116”. The helplines should be available in the official language or languages, as determined by national law, of the Member State. Member States are however encouraged to provide this services also in at least one other language most used in the Member State which should be determined by each Member State on the basis of objective criteria. To facilitate offering this service in an additional language, Member States should consider using modern technologies, such as the translation and interpretation applications, as well as telephone interpreting. The helplines should operate under the general rules for victim support services and should be confidential, free of charge, in the interest of victims.</p> <p>¹ [1] Commission Decision 2007/116/EC of 15 February 2007 on</p>	<p><u><i>approach would streamline victims' access to information provided on the websites and avoid a duplication of the websites containing information about victims' rights.</i></u></p> <p><i>Under such helplines, victims should be able to receive the information about their rights, emotional support, <u>which can be understood as being an empathetic approach towards victims to make them feel accepted, safe and enable them to express themselves freely,</u> and be referred to the police or other services, including other specialised <u>specialist</u> helplines – if needed. Such helplines should also refer victims to other specialised <u>specialist</u> helplines, referred to in Commission Decision 2007/116/EC¹, such as the harmonised number related to child helpline “116 111”, missing children “116 000” and gender-based violence “116 116”. <u>The helplines should be available in the official language or languages, as determined by national law, of the Member State.</u> <u>In the case of telephone helplines where Member States are encouraged to ensure the provision of those services in at least one other widely understood language, it is up to the Member States to</u></i></p>

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			<p>reserving the national numbering range beginning with 116 for harmonised numbers for harmonised services of social value (OJ L 049 17.2.2007, p. 30).</p>	<p><u><i>decide, based on objective criteria, which additional language to opt for. A language widely understood should be understood to include a language that is used in Member States besides the official language or languages and that the victim can be reasonably expected to understand. A language widely understood could, for example, include a minority language in a given Member State or languages of particularly vulnerable population as well as a language that is widely used internationally. In the case of helplines provided through information and communication technologies, Member States should provide the services referred to in paragraph 1(a) and 1(c) in a language that victims can understand, provided that this is at least possible through translation and interpretation technologies. Helplines should be operated securely, ensuring that information, and notably data, or information provided by the victim, is not exchanged in a way allowing access without proper authorisation. Without prejudice to national procedures, appropriate security measures should be implemented to prevent any unauthorised access by</i></u></p>

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				<p><u>any party.</u> <u>It is important that helplines are reachable not only through domestic calls under the harmonised number 116 006, but also via calls from another Member State, in particular for victims who suffered harm in a Member State other than their Member State of residence. This should be ensured e.g. by provision of additional number that can be called from another Member State to connect the victim with the helpline they need to reach in order to seek relevant assistance.</u> <u>Member States should ensure that support provided by such helplines is without prejudice to the right of victims to receive information on their rights and on their case and to otherwise communicate with competent authorities and with other general or specialist victims' support services through appropriate communication and information technologies. The helplines should be operated by adequately trained persons, including volunteers, to ensure a high level of service and work in a victim-sensitive manner, in line with existing standards of quality support. The helplines should operate under the general rules for</u></p>


	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
				<p><u>victim support services and should be confidential, free of charge, in the interest of victims.</u></p> <p>1. Commission Decision 2007/116/EC of 15 February 2007 on reserving the national numbering range beginning with 116 for harmonised numbers for harmonised services of social value (OJ L 049 17.2.2007, p. 30).</p> <p>provisionally agreed on 17/10 Linked to Article 3a</p> <p>To be greened in trilogue</p>
Recital 5				
15	<p>(5) The general helpline for victims should not affect the operation of the dedicated and specialised helplines such as child helplines and helplines for victims of violence against women and domestic violence as required under Directive (EU) .../...of the European Parliament and of the Council¹ [on combating violence against women and domestic violence]. The general victims' helplines should function in addition to the specialised helplines.</p> <p>1. Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).</p>	<p>(5) The general helpline for victims should not affect the operation of the dedicated and specialised helplines such as child helplines and helplines for victims of violence against women and domestic violence as required under Directive (EU) .../...of the European Parliament and of the Council⁺ [on combating violence against women and domestic violence]. The general victims' helplines should function in addition to the specialised helplines.</p> <p><u>In particular in the context of cross-border crimes, victims should be able to access from another Member State the general and specialised helplines of the Member State where the crime was committed.</u></p>	<p>(5) The general helpline for victims should not affect the operation of the dedicated and specialised helplines such as child helplines and helplines for victims of violence against women and domestic violence as required under Directive (EU) .../...of the European Parliament and of the Council¹ [on combating violence against women and domestic violence]. The general victims' helplines should function in addition to the specialised helplines.</p> <p>1. Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).</p>	

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		<p>⁵⁷ <u>Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).</u></p> <p>†. Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).</p>		
Recital 6				
16	<p>(6) Crime reporting in the Union should be improved to fight impunity, avoid repeated victimisation and ensure safer societies. It is necessary to fight public insensitivity towards crime, by encouraging people who witness the crime to report crimes and assist victims and by creating safer environments for victims to report crime. For victims who are irregular migrants in the Union, safe environment to report crime means reducing fear of return procedures being launched as a result of contacts with law enforcement authorities. The personal data of victims who are irregular migrants in the Union should not be transferred to the competent migration authorities at least until the completion of the first individual assessment as referred to in Article</p>	<p>(6) Crime reporting in the Union should be improved to fight impunity, avoid repeated victimisation and ensure safer societies. <u>Victims are sometimes not aware that they are victims of a crime while still suffering harm; that is for example often the case for victims of online, gender-based violence and environmental crimes. Member States should create safe environments for victims to report crime in a confidential manner as well as removing or reducing physical, administrative or legal barriers. This is especially relevant as victims least likely to report a crime to the police are usually those most in need of protection, such as children, migrants, people with disabilities and victims of human trafficking.</u> It is necessary to fight public insensitivity towards crime.</p>	<p>(6) Crime reporting in the Union should be improved to fight impunity, avoid repeatedrepeat victimisation and ensure safer societies. It is necessary to fight public insensitivity towards crime, by encouraging people who witness the crime to report crimes and assistassisting victims and by creating safer environments for victims to report crime. ForIt is important that Member states ensure that victims who are irregular migrants in the Union, safe environment to report crime means reducing fear of return procedures being launched as a result of contacts with law enforcement authorities. The personal data of victims who are irregular migrants in the Union should not be transferred to the competent migration authorities at least until the completion of the first</p>	

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	<p>22 of Directive 2012/29/EU. Reporting the crime and participating in criminal proceeding under Directive 2012/29/EU do not create any rights regarding the residence status of the victim, neither have any suspensive effect when determining their residence status. All vulnerable victims, such as child victims or victims in detention, who are in a situation of intimidation, or are otherwise dependent from the offender or whose mobility is limited should be able to report crime in conditions that take into account their particular situation and in line with protocols specifically set up for this purpose.</p>	<p>by encouraging. People who witness the crime <u>should be encouraged</u> to report crimes and assist victims and by creating safer environments for victims to report such crime. For victims who are irregular migrants in the Union, safe environment to report crime means reducing fear of return procedures being launched as a result of contacts with law enforcement authorities. The personal data of victims who are irregular migrants in the Union should not be transferred to the competent migration authorities at least until the completion of the first individual assessment as referred to in Article 22 of Directive 2012/29/EU <u>criminal proceeding</u>. Reporting the crime and participating in criminal proceeding under Directive 2012/29/EU do not create any rights regarding the residence status of the victim, neither have any suspensive effect when determining their residence status. All vulnerable victims, such as child victims or <u>In this regard, Member States should take the necessary measures to ensure that the victim's residence status is not used to influence the victim's cooperation in the criminal investigation, prosecution or trial. Third-party reporting should be</u></p>	<p>individual assessment as referred to in Article 22 of Directive 2012/29/EU. Reporting the crime and participating in criminal proceeding under Directive 2012/29/EU do not create any rights regarding the third-country nationals, irrespective of their residence status of the victim, neither have any suspensive effect when determining, are not discouraged from reporting and are treated in a non-discriminatory manner as regards their residence status in accordance with the objectives of this Directive. To protect all victims from repeat and secondary victimisation, it is important to apply a victim-centred approach. In particular, it should be ensured that the enforcement of the return procedure under Directive 2008/115/EC of the European Parliament and of the Council¹ does not prevent victims from exercising their right to be heard under this Directive. Member States can, in accordance with Directive 2008/115/EC, decide to grant an autonomous residence permit or other authorisation offering a right to stay for compassionate, humanitarian or other reasons to a third-country</p>	


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		<p>offered as an option to victims in detention, who are in a situation of intimidation, or are otherwise dependent from the offender or whose mobility is limited should be able to report crime in conditions that take into account their particular situation and in line with protocols specifically set up for this purpose <u>an effort to diversify reporting mechanisms at Union level, as it can also help address some of the reasons for the underreporting of crimes in the Union.</u></p>	<p>national staying illegally on their territory and are to comply with the obligation under that Directive to take into account as far as possible the special needs of vulnerable persons during the period for voluntary departure, where such a period was granted pursuant to that Directive. –All vulnerable victims, such as child victims or victims in detention, who are in a situation of intimidation, or are otherwise dependent from the offender or whose mobility is limited should be able to report crime in conditions that take into account their particular situation and in line with protocolsany relevant protocol or guideline specifically set up for this purpose. It is important that Member States encourage any person who knows about or suspects, in good faith, that criminal offences have been committed, or that further acts of violence are to be expected, to report this to the competent authorities.</p> <p>1. Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).</p>	

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Recital 6a				
16a			(6a) The Member States should facilitate the referral of the victims with a special need for additional psychological support, that has been demonstrated by an individual assessment, to the services that are able to provide such additional psychological support, taking into account the availability of resources and of these services.	
Recital 6a				
16b		<u><i>(6a) All vulnerable victims, such as child victims and victims living in accommodation facilities where the victim is not permitted to leave at will, including person with disabilities or older people living in residential institutions or victims in detention, who are in a situation of intimidation, or are otherwise dependent on the offender, or require assistance by staff or authorities for all aspects of daily living, or whose mobility is limited should be able to report crime under conditions that take into account their particular situation and in line with protocols specifically set up for that purpose. The term victims in detention refers to persons living in jails and in detention centres and holding cells</i></u>		

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		<p><u>for suspects and accused persons, as well as in specialised detention facilities where applicants of international protection or irregular migrants are located. Accommodation facilities where the victim is not permitted to leave at will should be understood to include reception or accommodation facilities where irregular migrants and applicants and beneficiaries of international protection are located, as well as specialised accommodation for persons with disabilities, children and elderly people from where the victim is not permitted to leave at will. In this regard, special attention should be paid to persons residing in mental health and social care institutions, orphanages and retirement homes, and any other form of public or private custodial setting under control of any judicial, administrative or other public authority, or any private institution from which the victim is not permitted to leave at will. Member States should therefore ensure that a facilitated mechanism for reporting crimes is put in place in such institutions, for example through a proactive system of monitoring and outreach through unannounced visits by independent</u></p>		

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
		<u>authorities.</u>		
Recital 6b				
16c		<u>(6b) In all Member States more effective ways should be developed for reaching victims of crimes that go unreported. The scale of the problem of unreported crime is by nature difficult to assess but is likely to be considerable, especially in relation to less public types of crime, such as domestic violence. While taking into consideration that the problem of underreporting and its causes are complex and that there is no easy solution, Member States are encouraged to exchange best practices and consider innovative measures to increase reporting of crimes, such as the presence of victim support organisations in police stations.</u>		
Recital 7				
17	(7) Targeted and integrated support services should be available to a broad range of victims with specific needs. Such victims may include not only victims of sexual violence, victims of gender-based violence and victims of domestic violence, but also victims of trafficking in human beings, victims of organised crimes, victims with disabilities, victims of exploitation, victims of	(7) Targeted and integrated support services should be available to a broad range of victims with specific needs. Such victims may include not only victims of sexual violence, victims of gender-based violence, <u>including victims of online forms of such crimes,</u> and victims of domestic violence, but also victims of trafficking in human beings, victims of organised crimes, victims	(7) Targeted and integrated support services should be available to a broad range of victims with specific needs. Such victims may include not only victims of sexual violence, victims of gender-based violence and victims of domestic violence, but also victims of trafficking in human beings, victims of organised crimes, victims with disabilities, victims of exploitation, victims of	

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	<p>hate crime, victims of terrorism or victims of core international crimes. In response to the shortcomings identified in the evaluation, Member States should set up specific protocols that will organise the actions of specialist support services to comprehensively address the multiple needs of victims with specific needs. Such protocols should be set up in coordination and cooperation between law enforcement, prosecution authorities, judges, detention authorities, restorative justice services and victim support services.</p>	<p>with disabilities, victims of exploitation, victims of hate crime, victims of terrorism or victims of core international crimes. <u>Ensuring referral and access to sexual and reproductive healthcare services, including emergency contraception, post-exposure prophylaxis treatment, testing for sexually transmitted infections and access to abortion care, should be part of the targeted and integrated support services for those victims.</u> In response to the shortcomings identified in the evaluation, Member States should set up specific protocols that will organise the actions of specialist support services to comprehensively address the multiple needs of victims with specific needs. Such protocols should be set up in coordination and cooperation between law enforcement, prosecution authorities, judges, detention authorities, restorative justice services and victim support services. <u>Victim support services, both governmental and non-governmental, should be granted adequate and stable human and financial resources.</u></p>	<p>hate crime, victims of terrorism or victims of core international crimes falling within the jurisdiction of the International Criminal Court. In response to the shortcomings identified in the evaluation, Member States should can set up specific protocols or guidelines that will organise the actions of specialist support services to comprehensively adequately address the multiple needs of victims with specific needs. Such protocols or guidelines should be set up in coordination and cooperation between relevant stakeholders, such as central authorities in accordance with the internal structure of or division of competences in the Member States, law enforcement, prosecution authorities, judges, judicial authorities, detention authorities, in consultation with restorative justice services and victim support services.</p>	
Recital 7a				
17a		<u>(7a) General support services are organisations specialised in</u>		


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		<p><u>supporting victims of crime which offer support to all victims of crime. Those services may include services tailored to specific groups or offer specific types of services. In parallel, specialist support services are offered to particular groups of victims, based on the type of crime or the personal characteristics of the victim. Central cooperation and coordination of all organisations and services providing support services to victims is crucial to ensure that appropriate victim support services are available to all categories of victims on a reasonably equal basis. Therefore, general and specialist victim support services need to operate in a coordinated manner.</u></p>		
Recital 7a				
17b		<p><u>(7b) General and specialised support services shall, as a minimum, be accessible to victims on a non-discriminatory basis before, during and for an appropriate time after criminal proceedings, ensuring, in particular, sufficient proximity of services to victims, including in rural, remote and sparsely populated areas, appropriate opening hours and delivery of services through multiple channels.</u></p>		<p><u>(7b) General and specialised support services should be easy to access for victims on a non-discriminatory basis before, during and for an appropriate time after criminal proceedings. Member States should ensure a sufficient geographical distribution of services to victims, for instance in rural, remote and sparsely populated areas, taking into account the geography and demographic composition within</u></p>

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		<u>General and specialised support services should be coordinated in particular through referrals in accordance with victims' specific needs, be free of charge and confidential. Psychological support should be available to victims in need of such support for as long as necessary, including by taking into account the assessment by the victim's psychologist and the individual assessment for specific support needs pursuant to this Directive.</u>	PUBLIC	<u>the Member State concerned, appropriate opening hours and delivery of services through multiple channels. General and specialised support services should be coordinated in particular through referrals in accordance with victims' specific needs, be free of charge and confidential including adequately protected from undue disclosure.</u> Linked to Article 8(3a) - agreement on this recital in exchange of deletion of paragraph 3a. PCY to check with MS to confirm agreement "Psychological support should be available to victims in need of such support for as long as necessary, including by taking into account the assessment by the victim's psychologist and the individual assessment for specific support needs pursuant to this Directive." to be included in a new recital and discussed together with article 9 to align the wording agreed Text Origin: EP Mandate
Recital 8				
18	(8) To avoid serious consequences of victimisation in early age, that may negatively affect entire victims' life, it is crucial to ensure that all child victims receive the highest	(8) To avoid serious consequences of victimisation in early age, that may negatively affect entire victims' life, it is crucial to ensure that all child victims, <u>including child</u>	(8) To avoid serious consequences of victimisation in early age, that may negatively affect entire victims' entire life, it is crucial to ensure that all child victims receive	

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	<p>standard of support and protection. Most vulnerable child victims, including child victims of sexual abuse, child victims of trafficking in human beings and child victims who have otherwise been particularly affected by the crime due to the gravity of crime or to their particular circumstances should benefit from the targeted and integrated support and protection services that includes coordinated and cooperated approach of judicial and social services within the same premises. Such services should be provided in a dedicated space. To ensure that the child victim is effectively protected in cases where a crime involves the holder of parental responsibility, or there is a conflict of interest between the child and the holder of parental responsibility, a provision has been added to ensure that in cases such as reporting of a crime, medical or forensic interviews, referral to support services or psychological support, among others, these acts should not be conditional upon the consent of the holder of parental responsibility, always taking into account the best interests of the child.</p>	<p><u>witnesses of crime</u>, receive the highest standard of support and protection. Most vulnerable child victims, including child victims of sexual abuse, child victims of trafficking in human beings, <u>children without parental care</u> and child victims who have otherwise been particularly affected by the crime due to the gravity of crime or to their particular circumstances, <u>such as child victims who are children of persons whose death was directly caused by a criminal offence related to violence against women or domestic violence</u>, should benefit from the targeted and integrated support and protection services that includes coordinated and cooperated approach of judicial and social services within the same premises. Such services should be provided in a dedicated space. <u>In this regard, the so-called Barnahus model has proven to be a good practice</u>. To ensure that the child victim is effectively protected in cases where a crime involves the holder of parental responsibility, or there is a conflict of interest between the child and the holder of parental responsibility, a provision has been added to ensure that in cases such as reporting of a crime, medical or forensic interviews, referral to</p>	<p>the highest standard of support and protection. All competent authorities should adopt a child friendly approach. Moreover, it is important that most vulnerable child victims, including in accordance with their individual needs and especially child victims of sexual abuse, child victims of trafficking in human beings and child victims who have otherwise been particularly affected by the crime due to the gravity of crime or to their particular circumstances should benefit from the targeted and integrated support and protection services that includes coordinated and cooperated cooperative approach of judicial authorities and social services within. Member States are encouraged where possible to provide for these services in the same premises. Such services should be provided in a dedicated space. To ensure that the child victim is effectively protected in cases where a crime involves the holder of parental responsibility, or there is in a way that includes a conflict of interest between the child victim and the holder of parental responsibility, a provision has been added to ensure that for any act requiring consent in the conduct of criminal proceedings, in cases</p>	

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		support services or psychological support <u>as well as administrative and legal support</u> , among others, these acts should not be conditional upon the consent of the holder of parental responsibility, always taking into account the best interests of the child.	such as reporting of a crime, medical or forensic interviews, referral to support services or psychological support, among others as determined by national law , these acts should not be conditional upon the consent of the holder of parental responsibility, always taking into account the best interests of the child.	
Recital 8a				
18a			(8a) Participating in a trial can be an emotionally difficult and challenging experience for the victims. For this reason, all victims who need information and emotional support at court premises where criminal proceedings are held, with a special focus on serious crimes, should be provided with the appropriate information regarding organisational aspects of the trial phase in criminal court proceedings, as well as emotional support. Emotional support can be understood as being an empathetic approach toward the victim to make them feel accepted, safe and enable them to express themselves freely. Emotional support can be offered, for instance, by the court staff, by trained volunteers, or by competent authorities as defined	<u>(8a) Participating in a trial can be an emotionally difficult and challenging experience for the victims. For this reason, all victims who need information and emotional support at court premises where criminal proceedings are held, with a special focus on serious crimes, should be provided with the practical information regarding organisational aspects of the criminal court proceedings, as well as emotional support. Practical information should be understood as general information facilitating the victims attendance in the court premises. Emotional support can be understood as being an empathetic approach toward the victim to make them feel accepted, safe and enable them to express themselves freely. Emotional support can be offered, for instance, by the court staff, by</u>


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			by Member States. Such assistance does not require the provision of additional facilities or the permanent presence of victims support services in these court premises.	<u>trained volunteers, or by competent authorities as defined by Member States. Such assistance does not require the provision of additional facilities or the permanent presence of victims support services in these court premises.</u>
Recital 8a				
18b		<u>(8a) Children witnessing crime and consequently suffering physical, mental or emotional harm should benefit from protection under Directive 2012/29/EU. That is particularly relevant in the context of gender-based violence and domestic violence. Children who witness domestic violence within the family or domestic unit should have access to special protection and support measures as they suffer direct psychological and emotional harm that impacts their development and they run an increased risk of suffering from physical and mental illness, both in the short and long term.</u>		
Recital 8b				
18c		<u>(8b) Shelters and other appropriate interim accommodations for victims of crime play a vital role in protecting victims from acts of violence. They not only provide safe and</u>		

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		<p><u>emergency accommodation where victims can seek refuge from violence, but also long-term support to enable victims to rebuild violence-free lives. Shelters and other appropriate interim accommodations should be free of charge or paid for by a dedicated financial allowance for victims. Member States should also ensure that shelters are accessible for victims with reduced mobility and able to provide them with accessible means of information and communication. Member States should also have in place specific shelters and interim accommodations for victims of gender-based violence and domestic violence in line with Directive (EU) 2024/... of the European Parliament and of the Council^{1a} as they are some of the most vital specialised support services for women who are victims of violence and for their children.</u></p> <p>^{1a} <u>Directive (EU) 2024/... of the European Parliament and of the Council of ... on combating violence against women and domestic violence (OJ L ..., ELI ...) [2022/0066 COD].</u></p>		
Recital 9				

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19	<p>(9) For victims to sense that justice is done and to be able to defend their interest, it is important that they are present and able to actively participate in the criminal proceedings. That is why all victims in the Union, independently of their status in the criminal proceeding, which is established by the national law, should have a right to an effective remedy under national law in the event of a breach of their rights under this Directive. In addition, all victims in the Union, independently of their status in the criminal proceeding, should have a right to request a review of decisions that were taken during court proceedings and affect them directly. Such decisions should include at least decisions on interpretation during court hearings and decisions on special protection measures available to victims with special protection needs. The procedural rules under which victims may request a review of such decisions taken during court proceedings should be determined by national law which should provide for the necessary guarantees that such a possibility of revision would not disproportionately prolong the criminal proceeding.</p>	<p>(9) For victims to sense that justice is done and to be able to defend their interest, it is important that they are present and able to actively participate in the criminal proceedings <u>by being properly assisted at the court premises, including being accompanied by support services throughout the entire court proceedings if the victims so wish</u>. That is why all victims in the Union, independently of their status in the criminal proceeding, which is established by the national law, should have a right to an effective remedy under national law in the event of a breach of their rights under this Directive. In addition, all victims in the Union, independently of their status in the criminal proceeding, should have a right to request a review of decisions that were taken during court proceedings and affect them directly. Such decisions should include at least decisions on interpretation during court hearings and, decisions on special protection measures available to victims with special protection needs <u>and decisions on avoiding contact between the victim and the offender</u>. The procedural rules under which victims may request a review of such decisions taken during court proceedings</p>	<p>(9) For victims to sense that justice is done and to be able to defend their interest, it is important that they are present and able to actively participate in the criminal proceedings. That is why All victims in the Union, independently of their status in the criminal proceeding, which is established by the national law, should have a right to an effective remedy under national law in the event of a breach of their rights under this Directive. In addition, all victims in the Union, independently of in accordance with their status in the criminal proceeding, should have a right to request a review of receive information on decisions that were taken during court proceedings and affect them directly. Such decisions should include at least decisions on interpretation during court hearings and decisions on regarding special protection measures available to victims with special protection needs. National law can offer the possibility for victims to request a review of such decisions taken during court proceedings. The procedural rules under which victims may request a review of such decisions taken during court proceedings should be determined by national law which should</p>	


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		<p>should be determined by national law which should provide for the necessary guarantees that such a possibility of revision would not disproportionately prolong the criminal proceeding. <u>Active participation in criminal proceedings and access to an effective remedy requires that victims are duly updated on the state of play and significant developments in the criminal proceedings.</u></p>	<p>provide for the necessary guarantees that such a possibility of revision would not disproportionately prolong the criminal proceeding.</p>	
Recital 9a				
19a			<p>(9a) Protecting the personal data of the victim can be an important means of preventing secondary and repeat victimisation, intimidation and retaliation. The victim can indicate a possible concern regarding a risk for themselves or a third person to be exposed to threats or violence when certain personal contact details would be disclosed to the offender, based on which the competent authority will make a final assessment. If the competent authorities, as determined by national law, assess ex officio or at the request of the victim that there could be a risk that the victim or a third person may be exposed to threats or violence, certain</p>	


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			personal contact details should not be provided to the offender unless not disclosing the information would prejudice the rights of defence.	
Recital 9a				
19b		<i><u>(9a) The right to legal aid is essential to guarantee universal access to justice and effective participation for victims in criminal proceedings. Therefore, Member States should provide free legal aid, covering all costs and expenses, for victims who do not have sufficient means to pay such costs and expenses in order to ensure their access to justice. Member States should also provide free legal aid for victims with specific protection needs as identified by the individual assessment pursuant to Article 22 in Directive 2012/29/EU and, in any case, victims of gender-based violence, terrorism or human trafficking, victims of abuse and mistreatment with disabilities and minors due to their situation of vulnerability and the long-lasting harm caused by those criminal offences.</u></i>		<i><u>(9a) The right to legal aid is essential to guarantee universal access to justice and effective participation for victims in criminal proceedings. Therefore, where victims have a the right to become parties in criminal proceedings, Member States should provide legal aid, covering costs and expenses relating to the assistance by a lawyer, including, where relevant, costs incurred before a status of a party has been granted, for victims who do not have sufficient means to pay such costs and expenses in order to ensure their access to justice, such as victims with disabilities and minors due to their situation of vulnerability. This Directive does not create any right to become a party to criminal proceedings. [Member States should take into account specific protection needs as identified by the individual assessment pursuant to Article 22 in Directive 2012/29/EU.]</u></i> <i><u>In applying the right to legal aid,</u></i>


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				<p><u>Member States are encouraged to grant legal aid to victims of gender-based violence, terrorism and human trafficking irrespective of a means or a merits test.</u></p> <p>Linked to Article 13 - to be further discussed (reference to article 22 and to "right to become")</p>
Recital 10				
20	<p>(10) All victims should be assessed in a timely, adequate, efficient and proportionate manner. It is essential to ensure that victims receive the support and protection that correspond to their individual needs. The individual assessment of victims' needs of support and protection should be done in stages. Within the first stage, all victims should be assessed from the first contact with the competent authorities to ensure that the most vulnerable victims are identified at the very early stages of the proceeding. As of the next stages, victims who need such enhanced assessment should be assessed by victim support services including psychologists. Such services are best placed to assess the state of victims' well-being. The individual assessment should also take into account the situation of the</p>	<p>(10) All victims should be assessed in a timely, adequate, efficient and proportionate manner. It is essential to ensure that victims receive the support and protection that correspond to their individual needs. The individual assessment of victims' needs of support and protection should be done in stages. <u>When assessing the victim's protection and support needs, the primary concern should lie in safeguarding the victim's safety and providing tailored support and protection, taking into account, among other matters, the individual circumstances of the victim, the impact of crime and trauma and their specific vulnerabilities.</u> Within the first stage, all victims should be assessed from the first contact with the competent authorities, <u>whose staff should be adequately trained,</u> to ensure that the most vulnerable</p>	<p>(10) All victims should be assessed in a timely, adequate, efficient and proportionate manner, in accordance with national procedures. It is essential to ensure that victims receive the support and protection that correspond to their individual needs. The individual assessment of victims' needs of support and protection should last for as long as necessary, depending on victims' individual needs. It means that it should be done in stages, some victims will only have a contact with a police service, other victims will go through further stages of individual assessment. Victims needs for support and protection may change in the course of the criminal proceedings. Within the first stage, All victims should be assessed from at the earliest stage possible such as the first contact</p>	<p>(10) All victims should be assessed in a timely, adequate, efficient and proportionate manner, <u>in accordance with national procedures.</u> It is essential to ensure that victims receive the support and protection that correspond to their individual needs. The individual assessment of victims' needs of support and protection should <u>last for as long as necessary, depending on victims' individual needs. It means it should be done in stages, some victims will only have a contact with a police service, other victims will go through further stages of individual assessment. Victims needs for support and protection may change in the course of the criminal proceedings.</u> Within the first stage, All victims should be assessed <u>from at the earliest stage possible such as</u> the first contact with the competent</p>


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	<p>perpetrator, who may have a history of violence, be in a possession of arms or abusing drugs and as such pose higher risks for victims. The individual assessment of victims' needs should also include the assessment of victims' needs of support, not only of protection. It is essential to identify victims who are in need of special support, so a targeted support such as prolonged free of charge psychological aid is provided to those who need it.</p>	<p>victims are identified at the very early stages of the proceeding. As of the next stages, victims who need such enhanced assessment should be assessed by victim support services including psychologists. Such services are best placed to assess the state of victims' well-being. The individual assessment should also take into account the situation of the perpetrator, who may have a history of violence, <u>have access to or</u> be in a possession of arms or abusing drugs and as such pose higher risks for victims. The individual assessment of victims' needs should also include the assessment of victims' needs of support, not only of protection. It is essential to identify victims who are in need of special support <u>and who experience discrimination including intersectional forms of discrimination such as on the grounds of sex, gender, gender identity and expression, sex characteristics, age, disability, resident status, religion or belief, language, racial, social or ethnic origin, and sexual orientation</u>, so a targeted support such as prolonged free of charge psychological aid is provided to those who need it. <u>In cases of gender-based violence, including domestic violence, the individual assessments of protection</u></p>	<p>with the competent authorities, for instance law enforcement and prosecution authorities, to ensure that the most vulnerable victims are identified at the very early stages of the proceeding. As of the next stages, victims who need such enhanced assessment should be assessed by the competent authorities or any other institution, organisation or body, such as victim support services including and where possible by psychologists. Such services are best placed to assess the state of victims' well-being The contact with helplines should not be considered as the first contact with competent authorities. The individual assessment should also take into account, on the basis of the available information, the situation of the perpetrator, who may have a history of violence, be in a possession of arms or abusing drugs and as such pose higher risks for victims. The individual assessment of victims' needs should also include the assessment of victims' needs of support, not only of protection. It is essential to identify victims who are in need of special support, so a targeted support such as prolonged free of charge psychological aid is provided to those who need it.</p>	<p>authorities, <u>whose staff should be adequately trained, for instance law enforcement and prosecution authorities</u>, to ensure that the most vulnerable victims are identified at the very early stages of the proceeding. As of the next stages, victims who need such enhanced assessment should be assessed by <u>the competent authorities or any other relevant institution, organisation or body, such as</u> victim support services including <u>and where possible by</u> psychologists, <u>depending on victims' individual needs and the stage of the procedure. Cooperation and coordination with general or specialist victim support services should be ensured throughout the whole individual assessment process.</u> Such services <u>and law enforcement authorities</u> are best placed to assess the state of victims' well-being. The <u>contact with helplines should not be considered as the first contact with competent authorities.</u> <u>The institution and bodies may include competent justice and law enforcement authorities working with victims as well as those responsible for the adoption of protection measures.</u> <u>Victims' needs for support and</u></p>

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		<p><u>and support needs should take into consideration the fact that victims are often financially dependent on the perpetrator. The individual assessment should be conducted in the best interest of the victim, avoiding secondary or repeated victimisation.</u></p>	<p>Member States can determine the practical organisation of the individual assessment via any relevant protocol or guideline as provided for in this Directive. Member States should ensure that any personal data is dealt with in accordance with the Union law on data protection, which may require the provision of legislative measures if necessary.</p>	<p><u>protection may change in the course of the criminal proceedings, which means that the individual assessment should be regularly reviewed and updated according to the individual needs of the victim. In the cases of significant changes, such as when the offender is released from custody, the individual assessment should be updated throughout the criminal proceedings.</u> <u>When assessing the victim's protection and support needs, the primary concern should lie in safeguarding the victim's safety and providing tailored support and protection, taking into account, among other matters, the individual circumstances of the victim, the impact of crime and trauma and their specific vulnerabilities. In particular, the individual assessment should take into account the personal characteristics of the victims, including experiences of discrimination, also based on intersectional forms of discrimination such as on the grounds of sex, gender, gender identity, age, disability, resident status, religion or belief, language, racial, social or ethnic origin, and sexual orientation,</u> <u>The individual assessment should</u></p>

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				<p>also take into account, <u>on the basis of the available information</u>, the situation of the perpetrator, who may have a history of violence, <u>have access to or</u> be in a possession of arms or abusing drugs and as such pose higher risks for victims. The individual assessment of victims' needs should also include the assessment of victims' needs of support, not only of protection. It is essential to identify victims who are in need of special support, so a targeted support such as <i>prolonged free-of-charge</i> <u>additional psychological-aid support</u> is provided to those who need it.</p> <p><u>The individual assessments of protection and support needs should take into consideration a situation when victims are dependent on the offender, for instance financially. The individual assessment should be conducted in the best interest of the victim, avoiding secondary or repeated victimisation. Where relevant and feasible, the protection and support needs of the victim's family members and dependents should be duly considered in the individual assessment.</u></p> <p><u>Member States should determine the practical organisation of the individual assessment via any</u></p>


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				<p><u>protocols or guidelines as provided for in this Directive. Member States should ensure that any personal data is dealt with in accordance with the Union law on data protection, which may require the provision of legislative measures if necessary.</u></p> <p>Linked to Article 22 - to discuss further</p>
Recital 11				
21	<p>(11) As a result of the enhanced assessment of victims' needs for protection, victims who are in need of physical protection should be able to receive it in a form adapted to their particular situation. Such measures should include the presence of law enforcement authorities or being kept away from the offender on the basis of national protection orders. Such measures may be of a criminal, administrative or civil law nature.</p>	<p>(11) As a result of the enhanced assessment of victims' needs for protection, victims who are in need of physical protection, <u>in particular victims in life threatening situations,</u> should be able to receive it in a form adapted to their particular situation. Such measures should include the presence of law enforcement authorities or being kept away from the offender on the basis of national <u>barring, restraining or the referral to shelters and other interim accommodations.</u> Such measures may be of a criminal, administrative or civil law nature. <u>Member States should enhance the awareness about the availability of such protection measures among relevant competent authorities and should ensure that victims are informed about the availability of</u></p>	<p>(11) As a result of the enhanced assessment of victims' needs for protection, victims who are in need of physical protection should be able to receive it in a form adapted to their particular situation. Such measures should can, in accordance with national law, include the presence of law enforcement authorities, or other bodies providing physical protection, or to keep the offender or being kept away from the offender victim on the basis of national protection orders. Such measures may be of a criminal, administrative or civil law nature.</p>	<p>(11) As a result of the enhanced assessment of victims' needs for protection, victims who are in need of physical protection, <u>in particular victims in life threatening situations,</u> should be able to receive it in a form adapted to their particular situation. Such measures should include the presence of law enforcement authorities or being kept <u>other bodies providing physical protection, or to keep the offender</u> away from the offender <u>victim</u> on the basis of national <u>barring, restraining or the referral to shelters and other interim accommodations.</u> Such measures may be of a criminal, administrative or civil law nature. <u>Member States should enhance the awareness about the availability of such protection measures among relevant competent authorities and</u></p>


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		<p><u>such measures and are informed of their right to apply for them. In order to safeguard the effectiveness of barring, restraining or protection orders, breaches of such orders should be subject to effective, proportionate and dissuasive penalties. Those penalties could be of a criminal, administrative or civil law nature and could include prison sentences, fines or any other legal penalty that is effective, proportionate and dissuasive.</u></p>		<p><u>should ensure that victims are informed about the availability of such measures and are informed of their right to apply for them.</u></p> <p>Linked to Article 23(4) - PCY to confirm agreement</p>
Recital 11a				
21a		<p><u>(11a) Member States should create a legal and social environment that prioritises the well-being and dignity of victims while discouraging actions that could perpetuate harm or contribute to a permissive environment for criminal behaviour. For this reason, Member States should protect victims and their families from any form of mistreatment or disrespect, and prevent actions that could further harm their dignity or exacerbate their suffering. That includes preventing legal and social impunity of perpetrators of acts of terrorism and organised crime, as this represents a significant obstacle for the recovery and protection of victims. Member</u></p>		

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		<p><u>States should take measures to prevent the glorification of acts of terrorism or organised crime as such assaults on victims' dignity may cause secondary victimisation and undermine recovery. Member States should prevent tributes to those found guilty of terrorist activities or organised crime by a final judgement in order to avoid secondary victimisation and should pay special attention to the victims in cases where they can suffer harassment or might fear to face reprisal or public ostracism.</u></p>		
Recital 11b				
21b		<p><u>(11b) In order to ensure the right to protection of the dignity of victims, the Member States must tackle the sharing of online material of a criminal offence in order to avoid secondary victimisation and other serious psychosocial consequences for the victim and to prevent the normalisation of violence. Member States should ensure that the identity of victims is protected. Such measures should apply especially to cases of gender-based violence, including sexual assault and rape, which aim to inflict fear and silence women.</u></p>		
Recital 12				

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
22	<p>(12) All victims should be able to obtain a decision on compensation from the offender within the criminal proceedings to avoid their engagement in multiple cumbersome and lengthy proceedings in separate civil proceedings. All victims should benefit from the schemes on compensation in which, following a decision on compensation from the offender at the end of the criminal proceeding, they receive, without a delay, the compensation from the state. The state afterwards should be able to recuperate the compensation from the offender. Such approach to compensation saves victims from the risks of secondary victimisation, since victims do not have to contact offenders when receiving compensation. Such facilitated access to compensation from the offender during criminal proceeding does not affect the Member States obligations to ensure the existence of a scheme on compensation to victims of violent intentional crimes committed in their respective territories, which guarantees fair and appropriate compensation to victims under Council Directive 2004/80/EC¹.</p> <p>¹. Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime</p>	<p>(12) All victims should be able to obtain a decision on compensation from the offender within the criminal proceedings to avoid their engagement in multiple cumbersome and lengthy proceedings in separate civil proceedings. All victims should benefit from the schemes on compensation in which, following a decision on compensation from the offender at the end of the criminal proceeding, they receive, without a delay, the compensation from the state. The state afterwards should be able to recuperate the compensation from the offender. Such approach to compensation saves victims from the risks of secondary victimisation, since victims do not have to contact offenders when receiving compensation. Such facilitated access to compensation from the offender during criminal proceeding does not affect the Member States obligations to ensure the existence of a scheme on compensation to victims of violent intentional crimes committed in their respective territories, which guarantees fair and appropriate compensation to victims under Council Directive 2004/80/EC¹.</p> <p>¹. Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime</p>	<p>(12) All victims should be able to obtain a decision on compensation from the offender within the criminal proceedings to avoid their engagement in multiple cumbersome and lengthy proceedings in separate civil proceedings. All victims should benefit from the schemes on compensation in which, following a decision on compensation from the offender at the end of the criminal proceeding, they receive, without a delay, the compensation from the state. The state afterwards should be able to recuperate the compensation from the offender. Such approach to compensation saves victims from the risks of secondary victimisation, since victims do not have to contact offenders when receiving compensation. Such facilitated access to compensation from the offender during criminal proceeding does not affect the Member States obligations to ensure the existence of a scheme on compensation to victims of violent intentional crimes committed in their respective territories, which guarantees fair and appropriate compensation to victims under Council Directive 2004/80/EC¹.</p> <p>¹. Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime</p>	

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
	victims (OJ L 261, 6.8.2004, p. 15).	victims (OJ L 261, 6.8.2004, p. 15).	victims (OJ L 261, 6.8.2004, p. 15).	
Recital 13				
23	(13) Victims cannot effectively benefit from their rights to information, to support and protection in accordance with their individual needs if they are faced with the national justice schemes that lack cooperation and coordination among those who come into contact with victims. Without close cooperation and coordination of the national law enforcement, prosecution, judiciary, restorative services, compensation services and victim support services, it is difficult for victims to effectively execute their rights under Directive 2012/29/EU. Other authorities, such as healthcare, education and social services, are encouraged to be part of this cooperation and coordination. This is particularly valid in relation to child victims.	(13) Victims cannot effectively benefit from their rights to information, to support and protection in accordance with their individual needs if they are faced with the national justice schemes that lack cooperation and coordination among those who come into contact with victims. Without close cooperation and coordination of the national law enforcement, prosecution, judiciary, restorative services, compensation services and victim support services, it is difficult for victims to effectively execute their rights under Directive 2012/29/EU. Other authorities, such as healthcare, education and social services, as well as non-governmental organisations , are encouraged to be part of this cooperation and coordination. This is particularly valid in relation to child victims.	(13) Victims cannot effectively benefit from their rights to information, to support and protection in accordance with their individual needs if they are faced with the national justice schemes that lack cooperation and coordination among those who come into contact with victims. Without close cooperation and coordination of relevant stakeholders such as central authorities in accordance with the internal structure of or the division of competences in the Member States , the national law enforcement, prosecution authorities, judicial authorities, detention authorities, judiciary, in consultation with restorative justice services, compensation services and victim support services , it is difficult for victims to effectively execute exercise their rights under this Directive 2012/29/EU . Other authorities, such as healthcare, education and social services, are encouraged to be part of this cooperation and coordination. This is particularly valid in relation to child victims.	
Recital 13a				

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
23a		<p><u><i>(13a) Officials who are likely to come into personal contact with victims should have access to and receive regular, sufficient and appropriate training with regard to implementation of key aspects of Directive 2012/29/EU. Training for competent authorities should be effective, state of the art, interdisciplinary and multi-agency, and should take advantage of new technologies for enhancing engagement and interaction. Trainings should cover at least the identification of the type of harm suffered by victims, prevention of repeat and secondary victimisation, victim-sensitive communication, choice of adequate support and protection measures as well as effective coordination and referrals to victim support services. It should be delivered in cooperation with non-governmental organisations including victims' associations and civil society organisations. In addition to general victims' rights training for competent authorities, there should be dedicated training programmes on dealing with specific categories of victims. Mutual training and exchange of good practices among national authorities, including judicial and law enforcement authorities, and</i></u></p>		

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
		<u>victim support organisations should also be promoted to ensure better support and protection of victims as well as coordination among the involved institutions and organisations. Training should be gender, child, and trauma sensitive, aim to avoid secondary victimisation and develop among other skills empathic communication and active listening. Specific guidelines for law enforcement officers should also be considered a good practice.</u>		
Recital 13b				
23b		<u>(13b) Member States should develop practical guidelines for competent authorities to advise victims of their rights, making sure that their rights are upheld. Those guidelines could include a checklist for professionals to be followed in all cases. Such practical guidelines should be in line with training provided to relevant competent authorities as well as with the national protocols to be established in accordance with this directive.</u>		
Recital 13a				
23c		<u>(13c) Despite significant improvements achieved since the entry into force of Directive 2012/29/EU, evidence shows that</u>		<u>(13c) Despite significant improvements achieved since the entry into force of Directive 2012/29/EU, evidence shows that</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
		<p><u>victims still often lack awareness of their rights, undermining the effectiveness of that Directive on the ground and discouraging victims from coming forward and reporting crime. It is therefore imperative that Member States put in place effective awareness-raising campaigns in order to increase the awareness of victims of their rights under that Directive, or further rights under national law, where applicable. At the same time, Member States should work to increase awareness also among the population at large, including in schools. Such campaigns should be conducted via a variety of channels, including the media, social media, posters in public transport, leaflets in courts, hospitals and police stations or mobile applications. Moreover, Member States should improve the identification of places to which victims can reach out and find help in exercising their rights under that Directive, for example including through signposting or setting up of public directories and registries, for instance of accredited support organisations or lawyers. When introducing those measures, Member States should aim to develop them equally for all types of crimes.</u></p>	<p><u>victims still often lack awareness of their rights, undermining the effectiveness of the Directive on the ground and discouraging victims from coming forward and reporting crime. It is therefore imperative that Member States put in place effective awareness-raising campaigns in order to increase the awareness of victims of their rights under this Directive, as revised, or further rights under national law, where applicable. At the same time, Member States should work to increase awareness also among the population at large, including in schools. Such campaigns should be conducted via a variety of channels such as the media, social media, posters in public transport, leaflets in courts, hospitals and police stations or mobile applications. Moreover, Member States should improve the identification of places to which victims can reach out and find help in exercising their rights under this Directive, for example including through signposting or setting up of public directories and registries, for instance of accredited support organisations or lawyers. When introducing those measures, Member States should aim to develop them equally for all types of crimes. Member States should</u></p>	



	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
			PUBLIC	<p><u>ensure enhanced measures addressing the needs of victims who face higher barriers to communication, including victims who are residents of a Member State other than where the crime was committed, victims with disabilities and child victims.</u></p> <p>Linked to Article 25a - provisionally agreed on 17/10</p> <p>To be greened in trilogue</p>
Recital 14				
24	<p>(14) National protocols are essential to ensure that victims receive information about their rights and about their case and that victims are adequately assessed to enable them to receive the support and protection that corresponds to each victims' individual needs that change in time. Protocols should be established by legislative measures in a way that corresponds best to national legal orders and the organisation of justice in the Member States. This should regulate the actions on provision of information to victims, facilitating crime reporting for the most vulnerable victims, including those in detention and the individual assessment of victims' needs. The</p>	<p>(14) National protocols are essential to ensure that victims receive information <u>in a consistent manner</u> about their rights and about their case and that victims are adequately assessed to enable them to receive the support and protection that corresponds to each victims' individual needs that change in time. <u>National protocols are essential tools to achieve well-coordinated individual assessments, avoid secondary victimisation and enhance the coordination and cooperation among competent authorities, general support services, and specialist support services, including clear referral pathways.</u> Protocols should be established by legislative measures</p>	<p>(14) National Protocols or guidelines are essential to ensure that for example victims receive information about their rights and about their case and that victims are adequately assessed to enable them to receive the support and protection that corresponds to each victims' individual needs that change in time. Protocols or guidelines of a non-binding nature should be established by legislative measures in a way that corresponds best to national legal orders and the organisation of justice in the Member States. This should regulate These protocols or guidelines can cover the actions on provision of information to victims, facilitating crime reporting for the</p>	<p>(14) National Protocols or guidelines are essential to ensure that victims receive information about their rights and about their case and that victims are adequately assessed to enable them to receive the support and protection that corresponds to each victims' individual needs that change in time. Protocols should be or guidelines can be binding or non-binding, established by legislative measures in a way that corresponds best to national legal orders and the organisation of justice in the Member States. This Protocols or guidelines should regulate be followed by those to whom they are addressed when being implemented. <u>These protocols or guidelines</u></p>

CLEAN	Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
	<p>legislative measures setting up the protocols should specify essential elements necessary for the processing of data including, the recipients of the personal data and the categories of data that will be processed in the context of operation of the protocols. The protocols should provide for general instructions on how to deal with services and actions under Directive 2012/29/EU in a comprehensive manner without however dealing with individual cases.</p>	<p>in a way that corresponds best to national legal orders and the organisation of justice in the Member States. This should regulate the actions on provision of information to victims, facilitating crime reporting for the most vulnerable victims, including those in detention <u>and accommodation facilities where individuals are not permitted to leave at will</u> and the individual assessment of victims' needs. The legislative measures setting up the protocols should specify essential elements necessary for the processing of data including, the recipients of the personal data and the categories of data that will be processed in the context of operation of the protocols. The protocols should provide for general instructions on how to deal with services and actions under Directive 2012/29/EU in a comprehensive manner without however dealing with individual cases.</p>	<p>most vulnerable victims, including those in detention and the individual assessment of victims' needs. When it comes to the provision of information to victims, The legislative measures setting up the protocols should specify essential elements necessary for the processing of data can ensure that such information is simple and easy to understand, provided in a timely manner, repeated over time, in multiple formats including orally, in writing and digitally. With regards to victims in detention, the recipients of the personal data and the categories of data that will be processed in the context of operation of the protocols can specify victims' access to information about their rights, methods of crime reporting and access to support and protection in accordance with their needs. The protocols should provide for general instructions on how to deal with services and actions under this Directive 2012/29/EU in a comprehensive manner without however dealing with individual cases. In this context, it is important that Member States take, where appropriate, the necessary measures to allow for collection</p>	<p><u>should cover</u> the actions on provision of information to victims, facilitating crime reporting for the most vulnerable victims, including those in detention and <u>in closed settings, such as in institutional care, and</u> the individual assessment of victims' needs. <u>When it comes to the provision of information to victims, it is important to ensure that such information is simple and easy to understand, provided in a timely manner, repeated over time, in multiple formats including orally, in writing and digitally. With regards to reporting of crimes, including for victims deprived of liberty or whose liberty is restricted,</u> The legislative measures setting up the protocols or guidelines should specify essential elements necessary for the processing of data including, the recipients of the personal data and the categories of data that will be processed in the context of operation of the protocols <u>victims' access to information about their rights, methods of crime reporting and access to support and protection in accordance with their needs.</u> The protocols <u>or guidelines</u> should provide for general instructions on how to deal with services and actions under <u>this</u> Directive</p>

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
			<p>and sharing of information, including information containing personal data of victims between the competent authorities and victim support services to ensure access to information and appropriate support and protection of individual victims. The setting up of the protocols or guidelines should be without prejudice to the already existing methods of cooperation and coordination among the competent authorities and other persons coming in contact with victims in the Member States.</p>	<p>2012/29/EU in a comprehensive manner without however dealing with individual cases. <u>The protocols or guidelines can build upon the already existing methods of cooperation and coordination among the competent authorities and other persons coming in contact with victims in the Member States.</u></p> <p>Linked to article 26a Provisionally agreed on 17/10</p> <p>To be greened in trilogue</p>
Recital 14a				
24a			<p>(14a) Information and communication technologies could include, for instance, emails, internet messaging live chats, video calls and on-line portals with access to information to registered participants. Member States are free to decide which means of communication are the most suitable in relation to the different provisions of this Directive. The information from the first contact with a competent authority can be provided electronically in a standard format. The in-person method of communication, including those with the competent</p>	

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
			<p>authorities and with support services, should remain available to victims, if they wish so. Where Member States' national systems necessitate specific electronic identification and signature methods, those systems should afford victims residents of other Member States equitable access opportunities in accordance with the e-IDAS Regulation.</p>	
Recital 15				
25	<p>(15) Member States should allocate sufficient human and financial resources to ensure an effective compliance with the measures set out in Directive 2012/29/EU. Special attention should be paid to the establishment of victims' helplines, ensuring smooth functioning of specialist support services and individual assessment of victims' needs for protection and for support, including where such services are provided by non-governmental organisations.</p>	<p>(15) Member States should allocate sufficient human and, financial <u>and technical</u> resources to ensure an effective compliance with the measures set out in Directive 2012/29/EU. Special attention should be paid to the establishment of victims' helplines, ensuring smooth functioning of <u>general and</u> specialist support services and individual assessment of victims' needs for protection and for support, including where such services are provided by non-governmental organisations.</p>	<p>(15) Member States should allocate sufficient human and financial resources to ensure an effective compliance with the measures set out in this Directive 2012/29/EU. Special attention should be paid to the establishment of victims' helplines, ensuring smooth functioning of specialist support services and individual assessment of victims' needs for protection and for support, including where such services are provided by non-governmental organisations.</p>	<p>(15) Member States should allocate<u>ensure</u> sufficient human and financial resources to ensure an for <u>the</u> effective compliance with the measures set out in <u>this</u> Directive 2012/29/EU. Special attention should be paid to the establishment of victims' helplines, ensuring smooth functioning of <u>general and</u> specialist support services, <u>provision of legal aid</u> and individual assessment of victims' needs for protection and for support, including where such services are provided by non-governmental organisations.</p> <p>Linked to Article 28b Provisionally agreed on 17/10</p> <p>To be greened in trilogue</p>
Recital 16				

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
26	<p>(16) The Union and the Member States are parties to the UN Convention on the Rights of Persons with Disabilities¹ and are bound by its obligations to the extent of their respective competences. Under Article 13 of that Convention the States Parties are obliged to ensure effective access to justice for persons with disabilities on an equal basis with others, hence the needs to ensure accessibility and provide reasonable accommodation so that victims with disability enjoy their rights as victims on equal basis with others. The accessibility requirements set in Annex I to Directive (EU) 2019/882 of the European Parliament and of the Council² can facilitate the implementation of that Convention and ensure that the victims' rights laid down by Directive 2012/29/EU are accessible for persons with disabilities.</p> <p>1. OJ L 23, 27.1.2010, p. 37. 2. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).</p>	<p>(16) The Union and the Member States are parties to the UN Convention on the Rights of Persons with Disabilities¹ and are bound by its obligations to the extent of their respective competences. Under Article 13 of that Convention the States Parties are obliged to ensure effective access to justice for persons with disabilities on an equal basis with others, hence the needs to ensure accessibility and provide reasonable accommodation <u>as well as procedural accommodation</u> so that victims with disability enjoy their rights as victims on equal basis with others. <u>Procedural accommodation consists of all necessary and appropriate modifications and adjustments in the context of access to justice to ensure the participation of persons with disabilities on an equal basis with others, including for example measures needed to ensure communication with the court.</u> The accessibility requirements set in Annex I to Directive (EU) 2019/882 of the European Parliament and of the Council²⁶⁰ can facilitate the implementation of that Convention and ensure that the victims' rights laid down by Directive 2012/29/EU are accessible for persons with disabilities.</p>	<p>(16) The Union and the Member States are parties to the UN Convention on the Rights of Persons with Disabilities¹ and are bound by its obligations to the extent of their respective competences. Under Article 13 of that Convention the States Parties are obliged to ensure effective access to justice for persons with disabilities on an equal basis with others, hence the needs to ensure accessibility and provide reasonable accommodation so that victims with disability enjoy their rights as victims on equal basis with others. As defined by Article 2 of the UN Convention on the Rights of Persons with Disabilities, "reasonable accommodation" means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms. The accessibility requirements set in Annex I to Directive (EU) 2019/882 of the European Parliament and of the Council² can facilitate the implementation of that Convention and ensure that the victims' rights laid down by this Directive</p>	<p>(16) The Union and the Member States are parties to the UN Convention on the Rights of Persons with Disabilities¹ and are bound by its obligations to the extent of their respective competences. Under Article 13 of that Convention the States Parties are obliged to ensure effective access to justice for persons with disabilities on an equal basis with others, hence the needs to ensure accessibility and provide reasonable accommodation <u>and procedural accommodation</u>, so that victims with disability enjoy their rights as victims on equal basis with others. <u>As defined by Article 2 of the UN Convention on the Rights of Persons with Disabilities, "reasonable accommodation" means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.</u> <u>"Procedural accommodation" means necessary and appropriate modifications and adjustments in the context of access to justice to ensure the participation of persons with disabilities on an equal basis</u></p>

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
		<p><u>⁵⁹ OJ L 23, 27.1.2010, p. 37.</u></p> <p><u>⁶⁰ Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).</u></p> <p>1. OJ L 23, 27.1.2010, p. 37.</p> <p>2. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).</p>	<p>2012/29/EU are accessible for persons with disabilities.</p> <p>1. [1] OJ L 23, 27.1.2010, p. 37.</p> <p>2. [2] Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).</p>	<p><u>with others, including for example measures needed to ensure communication with the court.</u></p> <p><u>Procedural accommodation is not limited by the concept of disproportionate or undue burden.</u></p> <p>The accessibility requirements set in Annex I to Directive (EU) 2019/882 of the European Parliament and of the Council² can facilitate the implementation of that Convention and ensure that the victims' rights laid down by Directive 2012/29/EU are accessible for persons with disabilities.</p> <p>1. OJ L 23, 27.1.2010, p. 37.</p> <p>2. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).</p> <p>operative part and recital provisionally agreed on 17/10</p> <p>CLS and EP LS to discuss the recital, in particular the definition of procedural accommodation to confirm</p>
Recital 17				
27	(17) Eurojust should ensure that appropriate consideration is given to requests concerning victims' rights in accordance with its mandate under Regulation (EU) 2018/1727 of the European Parliament and of the	(17) Eurojust should ensure that appropriate consideration is given to requests concerning victims' rights in accordance with its mandate under Regulation (EU) 2018/1727 of the European Parliament and of the	(17) Eurojust should ensure that appropriate consideration is given to requests concerning victims' rights in accordance with its mandate under Regulation (EU) 2018/1727 of the European Parliament and of the	(17) Eurojust should ensure that appropriate consideration is given to requests concerning victims' rights in accordance with its mandate under Regulation (EU) 2018/1727 of the European Parliament and of the

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
	<p>Council¹.</p> <p>1. Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA (OJ L 295, 21.11.2018, p. 138).</p>	<p>Council¹.</p> <p>1. Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA (OJ L 295, 21.11.2018, p. 138).</p>	<p>Council¹.</p> <p>1. Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA (OJ L 295, 21.11.2018, p. 138).</p>	<p>Council¹.</p> <p>1. Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA (OJ L 295, 21.11.2018, p. 138).</p> <p>To be greened in trilogue</p> <p>Text Origin: Commission Proposal</p>
Recital 18				
28	<p>(18) The collection of accurate and coherent data and the timely publication of collected data and statistics are fundamental to ensure full knowledge on the rights of victims of crime within the Union. Introducing a requirement for Member States to collect and report to the Commission data on the application of national procedures on victims of crime every three years in a harmonised way is expected to constitute a relevant step to ensure the adoption of data-informed policies and strategies. The Fundamental Rights Agency should continue to assist the European Commission and Member States in the collection, production and dissemination of statistics on victims of crime and in reporting on how</p>	<p>(18) The collection of accurate and coherent data, <u>including both qualitative and quantitative data</u>, and the timely publication of collected data and statistics are fundamental to ensure full knowledge on the rights of victims of crime within the Union <u>and to monitor the implementation of Directive 2012/29/EU. The statistics should include data relevant to the application of national procedures for victims of crime, including at least the number and type of the reported crime and the number, age, sex, gender and disability, if any, of the victim, and the type of the offence and the nature of the relationship between the victim and the offender. The data should include information on whether</u></p>	<p>(18) The collection of accurate and coherent data and the timely publication of collected data and statistics are fundamental to ensure full knowledge on the rights of victims of crime within the Union. Introducing a requirement for Member States to collect and report to the Commission data when available at central level on the application of national procedures on victims of crime every three years in a harmonised way is expected to constitute a relevant step to ensure the adoption of data-informed policies and strategies. The Fundamental Rights Agency should continue to assist the European Commission and Member States in the collection, production and dissemination of statistics on victims</p>	

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
	<p>victims have accessed the rights set out in this Directive.</p>	<p><u>victims have suffered a crime due to a bias or discriminatory motive. The collected data should allow the development of qualitative assessments on the remaining barriers when reporting crimes and accessing victims' rights.</u></p> <p>Introducing a requirement for Member States to collect and report to the Commission data on the application of national procedures on victims of crime every three years in a harmonised way is expected to constitute a relevant step to ensure the adoption of data-informed policies and strategies. The <u>reporting of Member States every three-year should be coordinated and harmonised to ensure better comparability of data. To this end, Member States should have a synchronised timeline for reporting the data collected under this Directive. The</u> Fundamental Rights Agency should continue to assist the European Commission and Member States in the collection, production, <u>analysis</u> and dissemination of statistics on victims of crime and in <u>the reporting of information</u> on how victims have accessed the rights set out in this Directive. <u>For the purpose of the analysis of the aggregated data, the budget of the Fundamental Rights Agency of the</u></p>	<p>of crime and in reporting on data <u>available at central level showing</u> how victims have accessed the rights set out in this Directive.</p>	

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
		<u>European Union should be adequately adapted.</u>		
Recital 18a				
28a		<u>(18a) Member States should record, collect and transmit data on offline and online gender-based violence, including violence against women, domestic violence, sexual violence and femicide, as well as hate speech and hate crimes, which are disproportionately affecting women, LGBTIQ+ persons and children and are also still widely underreported.</u>		
Recital 18a				
28b		<u>(18b) Member States should facilitate the tasks of a victims' rights coordinator as set out in the EU Strategy on victims' rights (2020-2025) with the aim of ensuring consistency and effectiveness of actions in relation to the victims' rights policy. The particular tasks of the coordinator are to ensure a smooth functioning of the Victims' Rights Platform and the implementation of the EU Strategy on victims' rights as well as to synchronise the victims' rights related actions of other Union level stakeholders, notably if relevant to the application of Directive 2012/92/EU.</u>		<u>(18b) Member States take note that in order to ensure consistency and effectiveness of actions in relation to victims' rights policy which is cross-cutting along many different policy areas, the Commission has appointed a Victims' Rights Coordinator responsible for ensuring a smooth functioning of the Victims' Rights Platform and commit to working constructively with such Coordinator.</u> provisionally agreed on 17/10 To be greened in trilogue

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
Recital 19				
29	(19) The principle of effectiveness of Union law requires that Member States put in place adequate and effective remedies in the event of a breach of a right conferred upon individuals by Union law. An effective remedy should be available where the rights under Directive 2012/29/EU are undermined or refused in full or in part.	(19) The principle of effectiveness of Union law requires that Member States put in place adequate and effective remedies in the event of a breach of a right conferred upon individuals by Union law. An effective remedy should be available where the rights under Directive 2012/29/EU are undermined or refused in full or in part.	(19) The principle of effectiveness of Union law requires that Member States put in place adequate and effective remedies in the event of a breach of a right conferred upon individuals by Union law. On the basis of the Charter of Fundamental Rights of the European Union , an effective remedy should be available where the rights under this Directive 2012/29/EU are undermined or refused in full or in part.	
Recital 19a				
29a			(19a) As a horizontal Directive, this Directive does not affect more far reaching provisions contained in other Union acts which address the specific needs of particular categories of victims, such as victims of trafficking in human beings, victims of sexual abuse, and sexual exploitation of children, including child sexual abuse material, victims of violence against women and domestic violence and victims of terrorism, in a more targetted manner.	
Recital 20				
30	(20) Since the objectives of this Directive cannot be sufficiently achieved by the Member States due	(20) Since the objectives of this Directive cannot be sufficiently achieved by the Member States due	(20) Since the objectives of this Directive cannot be sufficiently achieved by the Member States due	(20) Since the objectives of this Directive cannot be sufficiently achieved by the Member States due

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
	to the need to facilitate judicial cooperation in criminal matters by ensuring trust in equal access to victims' rights no matter where in the EU the crime happened, but can rather by reason of the scale and effects of the envisaged measures, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	to the need to facilitate judicial cooperation in criminal matters by ensuring trust in equal access to victims' rights no matter where in the EU the crime happened, but can rather by reason of the scale and effects of the envisaged measures, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	to the need to facilitate judicial cooperation in criminal matters by ensuring trust in equal access to victims' rights no matter where in the EU the crime happened, but can rather by reason of the scale and effects of the envisaged measures, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	to the need to facilitate judicial cooperation in criminal matters by ensuring trust in equal access to victims' rights no matter where in the EU the crime happened, but can rather by reason of the scale and effects of the envisaged measures, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives. To be greened in trilogue Text Origin: Commission Proposal
Recital 21				
31	(21) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	(21) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	(21) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	(21) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application. To be greened in trilogue

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
Recital 22				
32	<p>(22) [In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified [by letter of ...], its wish to take part in the adoption and application of this Directive.]</p> <p>OR</p> <p>[In accordance with Articles 1, 2 and 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.]</p>	<p>(22) [In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified [by letter of ...], its wish to take part in the adoption and application of this Directive.]</p> <p>OR</p> <p>[In accordance with Articles 1, 2 and 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.]</p>	<p>(22) [In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified [by letter of ...27 October 2023], its wish to take part in the adoption and application of this Directive.]</p> <p>OR</p> <p>[In accordance with Articles 1, 2 and 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.]</p>	<p>(22) [In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified [by letter of ...27 October 2023], its wish to take part in the adoption and application of this Directive.]</p> <p>OR</p> <p>[In accordance with Articles 1, 2 and 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.]</p> <p>To be greened in trilogue</p> <p>Text Origin: Council Mandate</p>
Recital 23				

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
33	<p>(23) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council¹ and delivered an opinion on [XX XX 2023]²,</p> <p>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39). 2. [OP: Footnote once available]</p>	<p>(23) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council¹ and delivered an opinion on [XX XX 2023]²,</p> <p>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39). 2. [OP: Footnote once available]</p>	<p>(23) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council¹ and delivered an opinion on [XX XX 2023]²,</p> <p>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39). 2. [OP: Footnote once available]</p>	<p>(23) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council¹ and delivered an opinion on [XX XX 2023]²,</p> <p>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39). 2. [OP: Footnote once available]</p> <p>To be greened in trilogue</p> <p>Text Origin: Commission Proposal</p>
Recital 24				
34	<p>(24) Directive 2012/29/EU should therefore be amended accordingly,</p>	<p>(24) Directive 2012/29/EU should therefore be amended accordingly,</p>	<p>(24) Directive 2012/29/EU should therefore be amended accordingly,</p>	<p>(24) Directive 2012/29/EU should therefore be amended accordingly,</p> <p>To be greened in trilogue</p> <p>Text Origin: Commission Proposal</p>
Formula				
35	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:


	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
				To be greened in trilogue Text Origin: Commission Proposal
Article 1				
36	Article 1	Article 1	Article 1	Article 1 Text Origin: Commission Proposal
Article 1, first paragraph				
37	Directive 2012/29/EU is amended as follows:	Directive 2012/29/EU is amended as follows:	Directive 2012/29/EU is amended as follows:	Directive 2012/29/EU is amended as follows: Text Origin: Commission Proposal
Article 1, first paragraph, point (1)				
38	(1) the following Article is inserted:	(1) the following Article is inserted:	(1) the following Article is inserted:	(1) the following Article is inserted: Text Origin: Commission Proposal
Article 1, first paragraph, point (1), amending provision, first paragraph				
39	Article 3a	Article 3a	Article 3a	Article 3a Linked to recital in line 14 - provisionally agreed on 17/10 Text Origin: Commission Proposal
Article 1, first paragraph, point (1), amending provision, second paragraph				
40	Victims' helpline	Victims' helpline	Victims' helpline	Victims' helpline
Article 1, first paragraph, point (1), amending provision, numbered paragraph (1)				


	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
41	1.Member States shall take the necessary measures to establish easily accessible, user friendly, free of charge and confidential victims' helplines which:	1.Member States shall take the necessary measures to establish easily accessible, user friendly, <u>secure</u> , free of charge and confidential victims' helplines which:	1.Member States shall take the necessary measures to establish easily accessible, user friendly, free of charge and confidential victims' helplines which:	1.Member States shall take the necessary measures to establish easily <u>easy to use</u> , accessible, user friendly, <u>secure</u> , free of charge and confidential victims' helplines which:
Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), point (a)				
42	(a) provide victims with the information referred to in Article 4(1);	(a) provide victims with the information referred to in Article 4(1);	(a) provide victims with the information referred to in Article 4(1);	(a) provide victims with the information referred to in Article 4(1);
Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), point (b)				
43	(b) offer emotional support;	(b) offer emotional <u>and psychological</u> support;	(b) offer emotional support;	(b) offer emotional support;
Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), point (c)				
44	(c) refer victims to specialised support services and/or specialised helplines if needed.	(c) refer victims to <u>relevant services, including general and</u> specialised support services and/or specialised helplines if needed .	(c) refer victims to specialised specialist support services and/or specialised specialist helplines if needed.	(c) refer victims to specialised <u>relevant services, including general and specialist</u> support services and/or specialised <u>specialist</u> helplines if needed.
Article 1, first paragraph, point (1), amending provision, numbered paragraph (2)				
45	2.Member States shall ensure the provision of helplines referred to in paragraph 1 through a telephone helpline connected to the EU harmonised number "116 006" and through other information and communication technologies, including websites.	2.Member States shall ensure the provision of helplines referred to in paragraph 1 through a telephone helpline connected to the EU harmonised number "116 006" and through other information and communication technologies, including websites <u>and real time support via chat-boxes. The centralisation of helplines through</u>	2.Member States shall ensure the provision of helplines referred to in paragraph 1 through a telephone helpline connected to <u>reachable via</u> the EU harmonised number "116 006", <u>which may operate in addition to any existing national numbers, and may provide such services also</u> and through other <u>secure and accessible</u> information	2.Member States shall ensure the provision of helplines referred to in paragraph 1 through a telephone helpline connected to <u>reachable via</u> the EU harmonised number "116 006", <u>which may operate in addition to any existing national numbers, and shall provide such services also</u> and through other <u>secure and accessible</u> information

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		<u>the EU harmonised number shall be done without prejudice to the continuation of pre-existing helplines, especially those run by non-governmental organisations.</u>	and communication technologies, including online applications and websites.	and communication technologies, including <u>online applications and</u> websites.
Article 1, first paragraph, point (1), amending provision, numbered paragraph (2a)				
45a		<u>2a. Member States shall ensure that victims of cross-border crime have access to helplines of their choice, including those of other Member States.</u>		<u>2a. Member States shall ensure that, in addition to the EU harmonised number referred to in paragraph 2 for domestic calls, the helplines shall be reachable via a dedicated number for international calls for victims who suffered harm in a Member State other than their Member State of residence. Such international calls are not required to be free of charge.</u>
Article 1, first paragraph, point (1), amending provision, numbered paragraph (3)				
46	3.Member States shall take appropriate measures to ensure the availability of the services referred to in paragraphs 1 and 2 in other languages, including at least the languages most used in the Member State.	3.Member States shall take appropriate measures to ensure the availability of the services referred to in paragraphs 1 and 2 in other languages, including at least the languages most used in the Member State. <u>Member States shall ensure the provision of those services in a language that victims can understand, including by means of telephone interpreting free of charge.</u>	3.Member States shall take appropriate measures to ensure the availability of the services referred to in paragraphs 1 and 2 in other languages, including at least the official language or languages of the Member States as determined by national law. Member States shall strive to ensure the provision of those services in at least one other language most used in the Member State.	3.Member States shall take appropriate measures to ensure the availability of the services referred to in paragraphs 1 and 2 in other languages, including at least the official language or languages most used <u>of the Member States as determined by national law.</u> <u>Member States shall strive to ensure the provision of those services in at least one other language widely understood</u> in the Member State. <u>3a. When the services referred to in</u>


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			PUBLIC	<u><i>paragraph 1(a) and (c) are provided through information and communication technologies, Member States shall ensure their availability in a language that victims can understand, such as through the use of translation and interpretation technologies.</i></u>
Article 1, first paragraph, point (1), amending provision, numbered paragraph (4)				
6	47	4.Helplines may <u>shall</u> be set up <u>and operated by organisations specialised in delivering victim support, either</u> by public or non-governmental organisations and may be organised on a professional or voluntary basis.;	4.Helplines may be set up by public or non-governmental organisations and may be organised on a professional or voluntary basis.;	4.Helplines may be set up by public or non-governmental organisations and may be organised on a professional or voluntary basis.;
Article 1, first paragraph, point (1), amending provision, numbered paragraph (4a)				
6	47a	<u><i>4a. Member States shall take the measures necessary to ensure that helplines provide accessible support to victims of high quality, including by ensuring sufficient human and financial support as well as appropriate operating hours. Those helplines shall be operated by specialised and qualified staff.</i></u>		<u><i>4a. Member States shall take the necessary measures to ensure that helplines provide quality and accessible support to victims during adequate operating hours. Those helplines shall be operated by appropriately trained persons.</i></u> Linked to a horizontal discussion on resources
Article 1, first paragraph, point (2)				
6	48	(2) the following Article 5a is inserted:	(2) the following Article 5a is inserted:	(2) the following Article 5a is inserted:
Article 1, first paragraph, point (2), amending provision, first paragraph				

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
49	Article 5a	Article 5a	Article 5a	Article 5a
Article 1, first paragraph, point (2), amending provision, second paragraph				
50	Reporting of crime	Reporting of crime	Reporting of crime	Reporting of crime
Article 1, first paragraph, point (2), amending provision, numbered paragraph (1)				
51	<p>1. Member States shall ensure that victims can report criminal offences to the competent authorities through easily accessible, user friendly information and communication technologies. Such possibility shall include submission of evidence where feasible.</p>	<p>1. Member States shall ensure that victims can report <u>acts which may constitute a criminal offence</u> to the competent authorities through <u>free</u>, easily accessible, <u>safe, confidential and user friendly reporting mechanisms, including online reporting mechanisms, using</u> information and communication technologies. Such possibility shall include submission of <u>information and</u> evidence where feasible.</p>	<p>1. Member States shall ensure that victims can report criminal offences to the competent authorities, where appropriate and in addition to already existing methods of crime reporting, through easily accessible, user friendly information and communication technologies. 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.</p>	<p>1. <u>Member States shall ensure that victims can report criminal offences to the competent authorities, through free, easily accessible, secure, confidential and user friendly information and communication technologies (ICT). 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 and shall be available in addition to in-person crime reporting. Member States shall specify which reporting channel is to be used for urgent cases and inform victims thereof.</u></p> <p><u>PCY proposal of 29/09:</u> <u>1. Member States shall ensure that victims can report criminal offences to the competent authorities through easily accessible, easy-to-use, safe, and readily available channels. Reporting of criminal offences should also be available through</u></p>

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				<p><u>free</u>, accessible, user-friendly<u>easy-to-use, secure, and user-friendly</u> information and communication technologies, <u>in addition to in-person crime reporting methods</u>. <u>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.</u> Such possibility shall include submission of evidence where <u>feasible online reporting affects the proper and efficient handling of the report by the competent authority.</u></p> <p>Recital (agreed): Criminal offences remaining unreported or underreported affect the entire Union and hamper the smooth functioning of the European area of freedom, security and justice. The process of crime reporting includes various steps, including making a complaint, where relevant/applicable, or competent authorities acting ex officio, where relevant/applicable, which are defined in the applicable procedural rules laid down in Member States' laws. That process should be made more effective in order to improve crime prevention and act as a deterrent to potential offenders. The Victims' Rights Directive should therefore be amended to facilitate reporting of a crime through better use</p>


	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
				<p>of easily accessible, user friendly information and communication technologies."</p> <p>PCY proposal for a recital of 30/09</p> <p>(XX) 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 cases</p> <p>EP wants a clear obligation on MS to introduce online reporting, without a blank cheque to MS (issue with "If it allows"). COM agrees that "effective management" too vague and leave too much leeway. Need to ensure minimum standards – need to have a common minimum rule to make it clear for which cases it can be expected by victims to report online across Union.</p>


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				ITM on 17/10: explore a criteria eg. threshold of imprisonment as a compromise Text Origin: Council Mandate
Article 1, first paragraph, point (2), amending provision, numbered paragraph (2)				
52	2. Member States shall take the necessary measures to encourage any person who knows about or suspects, in good faith, that criminal offences have been committed, or that further acts of violence are to be expected, to report this to the competent authorities.	2. Member States shall take the necessary measures to encourage <u>and enable</u> any person who knows about or suspects, in good faith, that <u>acts which may constitute a criminal offence</u> have been committed, or that further acts of violence are to be expected, to report this <u>those offences or acts of violence</u> to the competent authorities <u>through the mechanisms referred to in paragraph 1.</u>	2. Member States shall take the necessary measures to encourage any person who knows about or suspects, in good faith, that criminal offences have been committed, or that further acts of violence are to be expected, to report this to the competent authorities.	2. Member States shall take the necessary measures to encourage any <u>facilitate any natural or legal</u> person who knows about or suspects, in good faith, that criminal offences have been committed, or that further acts of violence are to be expected, to report this <u>such acts</u> to the competent authorities <u>in accordance with national procedural rules.</u> provisionally agreed in ITM of 30/9 To be greened in trilogue
Article 1, first paragraph, point (2), amending provision, numbered paragraph (2a)				
52a		<u>2a. Member States shall take the necessary measures to ensure the possibility of third-party reporting mechanism through the mechanisms referred to in paragraph 1.</u>		<u>2a. For the purpose of facilitating third-party reporting by civil society organisations who are likely to receive information with regard to criminal offences, Member States shall take the necessary measures to establish cooperation between competent authorities and such organisations.</u>

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				<p>PCY to check with MS to confirm agreement</p> <p>Recital (provisionally agreed on 17/10) - decide placement:</p> <p>Member States should facilitate third-party reporting. Third-party reporting can present an alternative to reporting directly to the competent authorities and allows victims to inform, in good faith, an appropriately trained third party, such as a civil society organisation or a non-governmental organisation, about a criminal offence. The third party then informs, with the consent of the victim where feasible, the competent authorities. Third party reporting can facilitate victims' access to justice, in particular circumstances, such as when they fear repercussions. It also helps to address the problem of underreporting of crimes. Member States can support and facilitate third party reporting, by promoting closer cooperation and dialogue between competent authorities and civil society organisations who are likely to receive information from victims with regard to criminal offences. This can enable authorities to gain an accurate understanding of incidence of crime at local or societal level.</p> <p>Third-party reporting is without prejudice to national procedural rules regarding formalisation of reporting and</p>

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
				submission of evidence and is distinct from third parties representing victims in criminal proceedings and is without prejudice to applicable rules in Member States regarding the procedure necessary for a competent authority to decide whether to formally launch an investigation in a given case.
Article 1, first paragraph, point (2), amending provision, numbered paragraph (2b)				
y	52b	<u>2b. Where a person other than the victim is making a report of an act which may constitute a criminal offence, Member States shall ensure that the competent authorities take adequate measures for the victim's safety, where necessary.</u>		<u>2b. Where a person other than the victim is making a report of a criminal offence, Member States shall ensure that the competent authorities take adequate measures, as determined by the national law, for the victim's protection, where necessary, before the offender is informed about the reporting.</u> PCY suggestion to make a reference to directive 2012/13 in a recital: Measures taken for the victims' protection before the offender is informed about the reporting of a criminal offence should be without prejudice to Article 3, Article 6 and recital 28 of Directive 2012/13/EU. provisionally agreed in ITM of 30/9 To be greened in trilogue
Article 1, first paragraph, point (2), amending provision, numbered paragraph (3)				
y	53	3.Member States shall ensure that	32. Member States shall ensure that	3.Member States shall ensure that


CLEAN	Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
	<p>victims can effectively report crimes committed in detention facilities. Detention facilities shall include in addition to jails, detention centres and holding cells for suspects and accused, specialised detention facilities for applicants of international protection and pre-removal centres, and accommodation centres where applicants and beneficiaries of international protection are located.</p>	<p>victims <u>who are deprived of liberty</u> can effectively report crimes<u>acts which may constitute a criminal offence</u> committed in detention facilities. Detention facilities shall include in addition to jails, detention centres and holding cells for suspects and accused. <u>persons and specialised detention facilities for where irregular migrants or applicants of international protection and pre-removal centres, and accommodation centres where applicants and beneficiaries of international protection are located.</u></p>	<p>victims can effectively report crimes committed in detention facilities. Detention facilities shall include in addition to jails, detention centres and holding cells for suspects and accused, and specialised detention facilities for applicants of international protection and pre-removal centres, and. The possibility to effectively report crimes also applies to accommodation centres where applicants and beneficiaries of international protection are located.</p>	<p>victims<u>any person who is deprived of liberty or whose liberty is restricted</u> can effectively report crimes<u>a criminal offence</u> committed in detention <u>or accommodation facilities from where they are not permitted to leave or are not in a position to leave at will or places where their freedom of movement is restricted</u>. Detention <u>and accommodation</u> facilities shall include in addition to<u>at least</u> jails, detention centres<u>centers</u> and holding cells for suspects and accused, specialised detention facilities for applicants of international protection and pre-removal centres, and accommodation centres where<u>facilities for illegally staying third-country nationals, including for the purpose of preparing return and removal and facilities for applicants and beneficiaries of international protection are located as well as any other form of public or private institution from which the victim is not permitted to leave or is not in a position to leave at will such as specialized accommodation centers for persons with disabilities, children and elderly people.</u></p> <p>Recital (agreed): Member States should ensure that</p>

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
				<p>crime reporting for persons whose liberty is restricted includes mental health and social care institutions, orphanages and retirement homes and any other form of public or private custodial setting under control of any judicial, administrative or other public authorities or any private institution from which the victim is not permitted to leave at will.</p> <p>provisionally agreed in ITM of 30/9</p> <p>To be greened in trilogue</p> <p>Text Origin: Commission Proposal</p>
Article 1, first paragraph, point (2), amending provision, numbered paragraph (3a)				
53a		<p><u>3a. Member States shall ensure that victims whose liberty is restricted can effectively report acts which may constitute a criminal offence committed in accommodation facilities from where they are not permitted to leave at will, such as reception or accommodation facilities, where irregular migrants or applicants and beneficiaries of international protection are located as well as specialised accommodation for person with disabilities, children and elderly people, including mental health and social care institutions, orphanages and retirement homes, and any</u></p>		<p style="text-align: center;"><i>deleted</i></p> <p>Merged with para 3, above.</p> <p>Provisionally agreed in ITM of 30/09</p> <p>To be greened in trilogue</p>

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
		<p><u>other form of public or private custodial setting under control of any judicial, administrative, or other public authority, or any private institution from which the victim is not permitted to leave at will.</u></p>		
<p>Article 1, first paragraph, point (2), amending provision, numbered paragraph (4)</p>				
54	<p>4. Where children report criminal offences, Member States shall ensure that the reporting procedures are safe, confidential, designed and accessible in a child-friendly manner and use language in accordance with their age and maturity.</p>	<p>4. Where children report <u>acts which may constitute a criminal offence</u>, Member States shall ensure that the reporting procedures are safe, confidential, designed and accessible in a child-friendly manner and use language in accordance with their age and maturity. <u>If the offence involves the holder of parental responsibility, Member States shall ensure that reporting is not conditional upon that person's consent and that the measures which are necessary to protect the safety of the child are taken by the competent authorities before the person holding the parental responsibility is informed about the reporting.</u></p>	<p>43. Where children contact competent authorities to report criminal offences, Member States shall ensure that the reporting procedures are safe, are carried out in a confidential manner in accordance with national law, are designed and accessible in a child-friendly manner and use language in accordance with their age and maturity.</p>	<p>4. Where children <u>contact competent authorities to</u> report criminal offences, Member States shall ensure that the reporting procedures are safe, <u>are carried out in a confidential manner in accordance with national law, are</u> designed and accessible in a child-friendly manner and use language in accordance with their age and maturity. <u>When the offence involves the holder of parental responsibility in a way that includes a conflict of interest between the child victim and the holder of parental responsibility, Member States shall ensure that the reporting is not conditional upon the consent of the holder of parental responsibility. Member States shall ensure that the competent authorities take the necessary measures to protect the safety of the child before informing the holder of parental responsibility about the reporting.</u></p>

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
				provisionally agreed on 17/10 To be greened in trilogue
Article 1, first paragraph, point (2), amending provision, numbered paragraph (5)				
55	<p>5. Member States shall ensure that the competent authorities coming in contact with a victim reporting crimes are prohibited from transferring personal data pertaining to the residence status of the victim to competent migration authorities, at least until completion of the first individual assessment referred to in Article 22.;</p>	<p>5. <u>In accordance with Article 1 of this Directive, Member States shall take the necessary measures to ensure that victims who are third-country nationals, irrespective of their residence status, are able to report acts which may constitute a criminal offence. With due regard to the fact that reporting an act which may constitute a criminal offence and participating in criminal proceeding under this Directive does not create any rights regarding the residence status of the victim, or have any suspensive effect when determining their residence status.</u> Member States shall ensure that the competent authorities coming in contact with a victim reporting crimes <u>acts which may constitute a criminal offence</u> are prohibited from transferring <u>and using</u> personal data pertaining to the residence status of the victim to competent migration authorities, at least until completion of the first individual assessment referred to in <u>criminal proceeding. Member States may at any moment decide to grant an autonomous residence</u></p>	<p>5. Member States shall ensure that the competent authorities coming in contact with a victim reporting crimes are prohibited from transferring personal data pertaining to the residence status of the victim to competent migration authorities, at least until completion of the first individual assessment referred to in Article 22.;</p>	<p>5. <u>EP proposal:</u> Member States shall <u>take the necessary measures to</u> ensure that the competent authorities coming in contact with a victim <u>victims who are third-country nationals, irrespective of their residence status, are not discouraged from reporting crimes and are treated in a non-discriminatory manner [in line with Article 1]. Member States shall in particular ensure that the enforcement</u> are prohibited from transferring personal data pertaining to the residence status of the victim to competent migration authorities, at least until completion of the first <u>[Directive 2008/115/EC] applicable rules on return] does not prevent victims from exercising their rights according to this Directive, including their rights to be heard pursuant to Article 10 and to an individual assessment referred to in</u> in <u>accordance to</u> Article 22. <u>Member States may, at any moment, decide to grant an autonomous residence permit or other authorisation offering a right to a third-country national staying</u></p>

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
		<p><u>permit or other authorisation offering a right to stay for compassionate, humanitarian or other reasons to a victim in accordance with Article 226(4) of Directive 2008/115/EC.</u></p>	<p style="text-align: center; opacity: 0.5; font-size: 48px; transform: rotate(-15deg);">PUBLIC</p>	<p><u>illegally on their territory in accordance with national law.</u></p> <p><u>PCY proposal of 29/09:</u> <u>Member States shall take the necessary measures to ensure that victims who are third-country nationals, irrespective of their residence status, are not discouraged from reporting a criminal offence and are treated in a non-discriminatory manner.</u> <u>Member States shall in particular ensure that all victims, regardless of their residence status, are not prevented from exercising their rights according to this Directive, including their rights to be heard pursuant to Article 10 and to an individual assessment according to Article 22. Member States may, at any moment, decide to grant an autonomous residence permit or other authorisation offering a right to stay to a third-country national staying illegally on their territory in accordance with national law.</u></p> <p>Recital wording: In all Member States more effective ways should be developed for reaching victims of crimes that go unreported. The scale of the problem of unreported crime is by nature difficult to assess but is likely to be considerable, especially in</p>


	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
				<p>relation to certain types of crime, such as domestic violence, and in relation to categories of victims, especially the most vulnerable ones. In order to address the issue of underreporting, Member States should be encouraged to exchange best practices and consider innovative measures to increase reporting of crimes. In this regard, some Member States implement a policy based on the approach 'free in, free out' which allows persons to report a crime to competent authorities irrespective of their residence status or without fearing any possible repercussions in case their irregular status is disclosed.</p> <p>Competent authorities should take the general principles of EU data protection law into account, in particular, that personal data should not be processed for a purpose other than for which it has been collected, unless a legal basis exists under national or Union law and where the processing for such other purpose is necessary and proportionate in a democratic society. Depending on the purpose of the processing, competent authorities should apply the appropriate data protection instrument/framework, including where personal data are transmitted between different authorities. [In any event, the processing for such other purpose should only be allowed after the</p>

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
			PUBLIC	<p>completion of the first individual assessment of the victim.]</p> <p>Recital wording ok for EP.</p> <p>PCY proposal of 29/9 on recital related to reporting: both recitals ok, except the last sentence "in any event, the processing for such other purpose should only be allowed after the completion of the first individual assessment of the victim".</p> <p>EP: issue - reference to applicable rules on return is no longer in the text.</p> <p>Needs further discussions, including on the inclusion of sentence on compassionate reasons</p>

Article 1, first paragraph, point (2), amending provision, numbered paragraph (5a)


55a		<u><i>5a. Member States shall take the measures necessary to ensure that at the moment of reporting acts which may constitute a criminal offence, victims are informed about how their personal data may be processed.</i></u>		<p><u><i>5a. Member States shall ensure that at the moment of reporting a criminal offence, victims are informed that according to Article 21 paragraph 3 their personal data may be disclosed to the offender as part of exercising their rights of defence and provide an opportunity to the victim to express their views on such a possible disclosure.</i></u></p> <p>provisionally agreed in ITM of 30/9</p> <p>To be greened in trilogue</p>
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Article 1, first paragraph, point (2), amending provision, numbered paragraph (5b)

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
y	55b	<u>5b. Member States shall provide for appropriate mechanisms to report safely and confidentially to the relevant competent authorities or bodies, in accordance with national law, acts committed by public officials when exercising their official duties which may constitute criminal offences.</u>		<u>5b. EP proposal</u> <u>Member States shall provide for appropriate mechanisms to report safely and confidentially to the relevant competent authorities or bodies, in accordance with national law, criminal offences committed by public officials when exercising their official duties.</u> <p>EP proposal/30.9: Member States shall provide for safe and confidential reporting to the relevant authorities or bodies, in accordance with national law, when criminal offences are the result of abuse of power.</p> <p>Council in favour of deleting the provision/EP to reflect on the provision</p>
Article 1, first paragraph, point (2a)				
g	55c	<u>(2a) Article 6 is amended as follows:</u>		<u>(2a) Article 6 is amended as follows:</u> Text Origin: EP Mandate
Article 1, first paragraph, point (2a)(a)				
g	55d	<u>(a) in paragraph 1 the introductory part is replaced by the following:</u>		deleted
Article 1, first paragraph, point (2a)(a), amending provision, numbered paragraph (1)				
g	55e	<u>Member States shall ensure that victims receive without unnecessary</u>		deleted

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
		<u><i>delay at least the following information about the criminal proceedings instituted as a result of the complaint with regard to a criminal offence suffered by the victim, unless they express their objection to receiving such information to the competent authorities:</i></u>		
Article 1, first paragraph, point (2a)(b)				
G	55f	<u><i>(b) in paragraph 1 the following point is added:</i></u>		<u><i>(b) in paragraph 1 the following points are added:</i></u> Text Origin: EP Mandate
Article 1, first paragraph, point (2a)(b), amending provision, point (a)				
G	55g	<u><i>(ba) information on the state of play and significant developments in the criminal proceeding and any decisions taken in criminal proceedings that pertain to the victim directly.</i></u>		<u><i>(c) on the decision to prosecute the offender;</i></u>
Article 1, first paragraph, point (2a)(b), amending provision, point (b)				
G	55h			<u><i>(d) on the availability of protection measures, including protection orders;</i></u>
Article 1, first paragraph, point (2a)(b), amending provision, point (c)				

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
G	55i			<u>(e) on victims' role in criminal proceedings in accordance with national rules, including, where applicable, on the possibilities of becoming a party therein;</u>
Article 1, first paragraph, point (2a)(b), amending provision, point (d)				
G	55j			<u>(f) on applicable rules concerning claiming and obtaining compensation.</u>
Article 1, first paragraph, point (2a)(c)				
G	55k	<u>(c) in paragraph 2 the following point is added:</u>		deleted
Article 1, first paragraph, point (2a)(c), amending provision, point (a)				
G	55l	<u>(ba) any decisions taken in criminal proceedings that pertain to the victim directly, at least in relation to those decisions set out in Article 20(1).</u>		deleted
Article 1, first paragraph, point (2a)(d)				
G	55m	<u>(d) paragraph (5) is replaced by the following:</u>		<u>(d) paragraph (5) is replaced by the following:</u> Text Origin: EP Mandate
Article 1, first paragraph, point (2a)(d), amending provision, numbered paragraph (1)				
G	55n			

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
		<p><u>5. Member States shall ensure that victims are offered the opportunity to be notified, without unnecessary delay, when the person remanded in custody, prosecuted or sentenced for criminal offences concerning them is released from or has escaped detention, is released under judicial supervision, has been transferred to a different location or accesses prison benefits, reduction of sentences or early termination of the criminal responsibility. Furthermore, Member States shall ensure that victims are informed of any relevant measures issued for their protection in case of release or escape of the offender. Member States shall ensure that this information is provided in a manner minimising the risk of secondary victimisation or psychological harm to the victim.</u></p>		<p><u>5. Member States shall ensure that victims are offered the opportunity to be notified, without unnecessary delay, when the person remanded in custody, prosecuted or sentenced for criminal offences concerning them is released from or has escaped detention, including release under judicial supervision. Furthermore, Member States shall ensure that victims are informed of any relevant measures issued for their protection in case of release or escape of the offender.</u></p> <p>Text Origin: EP Mandate</p>
Article 1, first paragraph, point (2a)(d), amending provision, numbered paragraph (2)				
55o				<p><u>7. Member States shall ensure that the fact that the victim has been notified of their right to receive information about the criminal proceedings, as well as the victims' request to receive information under this Article, is duly recorded</u></p>

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
			PUBLIC	<p><u>in accordance with the recording procedure under national law.</u></p> <p>Recital: Member States should ensure that the notification of victims about the right to receive the information about the criminal proceedings and the request of the victims to receive such information should be duly recorded.</p>
Article 1, first paragraph, point (2b)				
6	55p	<u>(2b) Article 7 is amended as follows:</u>		<p><u>(2b) Article 7 is amended as follows:</u></p> <p>Text Origin: EP Mandate</p>
Article 1, first paragraph, point (2b)(a)				
6	55q	<u>(a) paragraph 1 is replaced by the following:</u>		deleted
Article 1, first paragraph, point (2b)(a), amending provision, numbered paragraph (1)				
6	55r	<u>1. Member States shall ensure that victims who do not understand or speak the language of the proceedings concerned are provided with interpretation free of charge in the framework of such proceedings, including at least during any interviews or questioning of the victim during proceedings before investigative and judicial authorities, including during police</u>		deleted

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
		<u><i>questioning, and interpretation for their active participation in court hearings and any necessary interim hearings.</i></u>		
Article 1, first paragraph, point (2b)(b)				
55s		<u><i>(b) paragraph 3 is replaced by the following:</i></u>		<i>deleted</i>
Article 1, first paragraph, point (2b)(b), amending provision, numbered paragraph (1)				
55t		<u><i>(3) Member States shall ensure that victims who do not understand or speak the language of the proceedings concerned are provided with translations of information essential to the exercise of their rights in criminal proceedings in a language that they understand, free of charge, to the extent that such information is made available to the victims. Translations of such information shall include at least any decision ending the criminal proceedings related to the criminal offence suffered by the victim, reasons or a brief summary of reasons for such decision, except in the case of a jury decision or a decision where the reasons are confidential in which cases the reasons are not provided as a</i></u>		<i>deleted</i>

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
		<u>matter of national law.</u>		
Article 1, first paragraph, point (2b)(c)				
G	55u	<u>(c) paragraph 4 is replaced by the following:</u>		deleted
Article 1, first paragraph, point (2b)(c), amending provision, numbered paragraph (1)				
G	55v	<u>4. Member States shall ensure that victims who are entitled to information about the time and place of the trial in accordance with Article 6(1)(b) and who do not understand the language of the competent authority, are provided with a translation of the information to which they are entitled, unless they refuse such translation.</u>		deleted
Article 1, first paragraph, point (2b)(d)				
G	55w	<u>(d) paragraph 6 is replaced by the following:</u>		<u>(d) paragraph 6 is replaced by the following:</u>
Article 1, first paragraph, point (2b)(d), amending provision, numbered paragraph (1)				
G	55x	<u>6. Notwithstanding paragraphs 1 and 3, an oral translation or oral summary of essential documents may be provided instead of a written</u>		<u>6. Notwithstanding paragraphs 1 and 3, an oral translation or oral summary of essential documents may be provided instead of a written</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
		<u>translation on condition that such oral translation or oral summary does not prejudice the fairness of the proceedings, the ability of victims to participate in the proceedings or their ability to exercise their rights.</u>		<u>translation on condition that such oral translation or oral summary does not prejudice the fairness of the proceedings, and the ability of victims to exercise their rights, including the ability to participate in criminal proceedings in accordance with their role therein.</u>
Article 1, first paragraph, point (3)				
56	(3) Article 8 is amended as follows:	(3) Article 8 is amended as follows:	(3) Article 8 is amended as follows:	(3) Article 8 is amended as follows: <small>Text Origin: Commission Proposal</small>
Article 1, first paragraph, point (3)(a)				
57	(a) paragraph 2 is replaced by the following:	(a) paragraph 2 is replaced by the following:	(a) paragraph 2 is replaced by the following:	(a) paragraph 2 is replaced by the following: <small>Text Origin: Commission Proposal</small>
Article 1, first paragraph, point (3)(a), amending provision, numbered paragraph (2)				
58	2.Member States shall ensure that victims are contacted by the relevant general or specialised support services if the individual assessment referred to in Article 22 demonstrates the need for support and the victim consents to be contacted by support services or if the victim requests support.;	2.Member States shall ensure that victims are <u>promptly</u> contacted by the relevant general or specialised support services if the individual assessment referred to in Article 22 <u>22a</u> demonstrates the need for support and <u>if</u> the victim, <u>duly informed of the services that can be provided</u> , consents to be contacted by support services or if the victim	2.Member States shall ensure that victims are contacted by the relevant general or specialised <u>specialist</u> support services if the individual assessment referred to in Article 22 demonstrates the need for support and the victim consents to be contacted by support services or if the victim requests support.’;	2.Member States shall ensure that victims are contacted <u>without undue delay</u> by the relevant general or specialised <u>specialist</u> support services if the individual assessment referred to in Article 22 demonstrates the need for support and <u>if</u> the victim, <u>duly informed of the services that can be provided</u> consents to be contacted by support

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
		requests support.†		services or if the victim requests support.† provisionally agreed in ITM of 30/9 To be greened in trilogue
Article 1, first paragraph, point (3)(a), first subparagraph, amending provision, point (aa)				
58a		<u>(aa) paragraph 3 is amended as follows:</u>		<u>(aa) paragraph 3 is amended as follows:</u> provisionally agreed in ITM of 30/9 To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (3)(a), amending provision, point (b)				
58b		<u>(3) Member States shall take measures to establish free of charge and confidential specialist support services in addition to, or as an integrated part of, general victim support services, or to enable victim support organisations to call on existing specialised entities providing such specialist support. Victims, in accordance with their specific needs, shall have access to such services and family members shall have access in accordance with their specific needs and the degree of harm suffered as a result of the criminal offence committed against the victim. General and</u>		<u>3. Member States shall take measures to establish free of charge and confidential specialist support services in addition to, or as an integrated part of, general victim support services, or to enable victim support organisations to call on existing specialised entities providing such specialist support. Victims, in accordance with their specific needs, shall have access to such services and family members shall have access in accordance with their specific needs and the degree of harm suffered as a result of the criminal offence committed against the victim. Where specialist</u>


	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
		<u>specialist victim support services shall operate in a coordinated manner.</u>	PUBLIC	<u>support services are not provided as an integrated part of general victim support services, general and specialist support services shall be coordinated.</u> provisionally agreed in ITM of 30/9 To be greened in trilogue
Article 1, first paragraph, point (3)(a), first subparagraph, amending provision, point (a b)				
58c		<u>(ab) the following paragraph is inserted:</u>		Agreement to delete this provision in exchange for new wording on recital 7b. provisionally agreed on 17/10 To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (3)(a), amending provision, point (d)				
58d		<u>(3a) Member States shall ensure that the communication between victims and professionals providing support services are adequately protected from undue disclosure.</u>		Agreement to delete this provision in exchange for new wording on recital 7b. On recital 7b, keep opening hours and discuss the last sentence together with article 9. This sentence would be better placed in a recital on psychological support. provisionally agreed on 17/10

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VSEEC Council Mandate	VS.EC Draft Agreement
				To be greened in trilogue
Article 1, first paragraph, point (3)(b)				
59	(b) the following paragraph is added:	(b) the following paragraph <i>paragraphs are</i> added:	(b) the following paragraph is added:	(b) the following paragraph <i>paragraphs are</i> added: Text Origin: EP Mandate
Article 1, first paragraph, point (3)(b), amending provision, numbered paragraph (6)				
60	6. Victim support services shall remain operational in times of crisis, such as health crises, significant migratory situations or other states of emergency.;	6. Victim support services shall remain operational in times of crisis, such as health crises, significant migratory <i>humanitarian</i> situations or other states of emergency.;	6. Member States shall aim to ensure that victim support services shall remain operational in times of crisis, such as health crises, significant migratory situations or other states of emergency with a view to address at least the victims' basic needs. ;	6. Victim <i>Member States shall aim to ensure that specialist</i> support services shall remain <i>fully</i> operational <i>for victims</i> in times of crisis, such as health crises, significant migratory <i>humanitarian</i> situations or other states of emergency.;
				Recital During times of crisis, it may be particularly necessary to ensure that victims of crime have access to support services in accordance with their individual needs. Due to the crisis, it may be difficult for the Member States to ensure the full functioning of all services normally provided to victims. In such severe cases of a crisis, it is important for Member States to ensure that at least the individual basic needs of victims are addressed. Such individual basic needs could include emergency care, shelters, and measures of physical and psychological

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				protection. recital provisionally agreed in ITM of 30/9
Article 1, first paragraph, point (3)(b), amending provision, numbered paragraph (6a)				
60a		<u>6a. Victim support services shall be adequately coordinated and geographically distributed and shall be easily accessible and available, including online or through other adequate means, such as information and communication technologies.</u>		<u>6a. Victim support services shall be easy to access and available, including online through other adequate means, such as information and communication technologies. Member States shall ensure a sufficient geographical distribution and capacity of the victim support services referred to in this article and article 9a, taking into account the geography and demographic composition within the Member States concerned.</u> provisionally agreed in ITM of 30/9 To be greened in trilogue
Article 1, first paragraph, point (3)(b), amending provision, numbered paragraph (6b)				
60b		<u>6b. Member States shall ensure that victim support services, both governmental and non-governmental, are granted sufficient specialised human and financial resources.</u>		deleted Linked to article 28(b) on resources Provisionally agreed on 30/09 Linked to other provisions To be greened in trilogue

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
Article 1, first paragraph, point (4)				
61	(4) Article 9 is amended as follows:	(4) Article 9 is amended as follows:	(4) Article 9 is amended as follows:	(4) Article 9 is amended as follows: Text Origin: Commission Proposal
Article 1, first paragraph, point (4)(-a)				
61a		<u><i>(-a) in paragraph 1, point (a) is replaced by the following:</i></u>		<u><i>(-a) in paragraph 1, point (a) is replaced by the following:</i></u> Text Origin: EP Mandate
Article 1, first paragraph, point (4)(-b)				
61b		<u><i>(a) information, advice and support relevant to the rights of victims including on accessing national compensation schemes for criminal injuries and legal counselling, including possibilities of legal aid, and on their role in criminal proceedings including preparation for attendance at the trial;</i></u>		<u><i>(a) information, advice and support relevant to the rights of victims including on accessing national compensation schemes for criminal injuries and accessing legal counselling, including possibilities of legal aid, and on their role in criminal proceedings including preparation for attendance at the trial;</i></u> Explanatory recital
Article 1, first paragraph, point (4)(a)				
62	(a) in paragraph 1, point (c) is replaced by the following:	(a) in paragraph 1, point (c) is replaced by the following:	(a) in paragraph 1, point (c) is replaced by the following:	(a) in paragraph 1, point (c) is replaced by the following: Text Origin: Commission Proposal
Article 1, first paragraph, point (4)(a), amending provision, numbered paragraph (c)				
63	(c) emotional and, where available, psychological support once they	(c) emotional and, where available, psychological support <u>and, if</u>	(c) emotional and, where available, psychological support once they	(c) emotional and, where available, psychological support once they

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
	<p>become aware of a status of a person as a victim. If the special need for psychological support has been demonstrated by individual assessment referred to in Article 22, psychological support shall be available to victims in need of such support for as long as necessary.;</p>	<p><u>necessary, a referral to these services</u> once they become aware of a status of a person as a victim. If the special need for psychological support has been demonstrated by individual assessment referred to in Article 22<u>22a</u>, psychological support shall be available to victims in need of such support for as long as necessary.;</p>	<p>become aware of a status of a person as a victim. If the special need for additional psychological support has been demonstrated by individual assessment referred to in Article 22, Member States shall facilitate the referral of victims to services able to provide additional psychological support shall be available to victims in need of such support for as long as necessary, as determined by national law, taking into account any relevant protocol or guideline referred to in Article 26a(1).;</p>	<p>become aware of a status of a person as a victim or, where psychological support is not available, a referral to services that can provide psychological support. If the special need for psychological support has been demonstrated by individual assessment referred to in Article 22, <u>additional</u> psychological support shall be available to victims in need of such support for as long as necessary, <u>in accordance with their individual needs and in line with the relevant national healthcare or social systems governing access to psychological support.</u>;</p> <p>PCY to check with MS</p> <p>last sentence of recital 7b on psychological support to be placed in a new recital (7c) or another recital that is suitable</p>
Article 1, first paragraph, point (4)(a), amending provision, numbered paragraph (Ca)				
63a		<p><u>(aa) paragraph 2 is replaced by the following:</u></p>		<p><u>(aa) paragraph 2 is replaced by the following:</u></p> <p>provisionally agreed in ITM of 30/9</p> <p>To be greened in trilogue</p> <p>Text Origin: EP Mandate</p>
Article 1, first paragraph, point (4)(a), amending provision, numbered paragraph (Cb)				

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
63b		<u>2. Member States shall ensure that victim support services pay particular attention to the personal characteristics of the victim, the type and nature of the crime, the specific needs of victims, particularly those who have suffered considerable harm due to the severity of the crime, or any other circumstances that may require a specific response.</u>		<u>2. Member States shall take necessary measures to ensure that victim support services pay particular attention to the specific needs of victims who have suffered considerable harm due to the severity of the crime.</u> provisionally agreed in ITM of 30/9 To be greened in trilogue
Article 1, first paragraph, point (4)(b)				
64	(b) in paragraph 3, point (b) is replaced by the following:	(b) in paragraph 3, point (b) is replaced by the following:	(b) in paragraph 3, point (b) is replaced by the following:	(b) in paragraph 3, point (b) is replaced by the following: Text Origin: Commission Proposal
Article 1, first paragraph, point (4)(b), amending provision, numbered paragraph (b)				
65	(b) targeted and integrated support, including trauma support and counselling, for victims with specific needs, such as victims of sexual violence, victims of gender-based violence, including violence against women and domestic violence covered by Directive (EU) .../... of the European Parliament and of the Council ¹ [on combating violence against women and domestic violence], victims of trafficking in human beings, victims of organised	(b) targeted and integrated support, including trauma support and counselling <u>as well as access to comprehensive medical care services, including sexual and reproductive healthcare services, especially access to safe and legal abortion care</u> , for victims with specific needs, such as victims of sexual violence, victims of gender-based violence, including violence against women and domestic violence covered by Directive (EU)	(b) targeted and integrated support, including trauma support and counselling, for victims with specific needs, such as victims of sexual violence, victims of gender-based violence, including violence against women and domestic violence covered by Directive (EU) .../... of the European Parliament and of the Council ¹ [on combating violence against women and domestic violence <u>on combating violence against women and domestic</u>	

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
	<p>crimes, victims with disabilities, victims of exploitation, victims of hate crime, victims of terrorism, victims of core international crimes.;</p> <p>1. Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).’;</p>	<p>.../... of the European Parliament and of the Council⁶⁴ [on combating violence against women and domestic violence], victims of trafficking in human beings, victims of organised crimes, victims with disabilities, victims of exploitation, victims of hate crime, victims of terrorism; and victims of core international crimes.;</p> <p><u>64 Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).’;</u></p> <p>1. Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).’;</p>	<p>violence], victims of trafficking in human beings covered by Directive (EU) .../... of the European Parliament and of the Council (amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims), victims of organised crimes, victims with disabilities, victims of exploitation, victims of hate crime, victims of terrorism, victims of corecrimes falling within the jurisdiction of the International crimesCriminal Court .’;</p> <p>1. [1] Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).’;</p>	
Article 1, first paragraph, point (4)(c)				
66	(c) the following paragraph is added:	(c) the following paragraph is paragraphs are added:	(c) the following paragraph is added:	(c) the following paragraph is paragraphs are added: provisionally agreed on 17/10 To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (4)(c), amending provision, numbered paragraph (4)				
67	4.Member States shall provide the	4.Member States shall provide the	4.Member States shall provide the	4.Member States shall provide the

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
	protection and specialist support services necessary to comprehensively address the multiple needs of victims with specific needs in line with the protocols referred to in Article 26a(1), point (c).	protection and specialist support services necessary to comprehensively address the multiple needs of victims with specific needs in line with the protocols referred to in Article 26a(1), point (c).	protection and specialist support services necessary, in accordance with national procedures referred to Article 22 paragraph 1, to adequately to comprehensively address the multiple needs of victims with specific needs in line with the protocols taking into account any relevant protocol or guideline referred to in Article 26a(1), point (c).'	protection and specialist support services necessary <u><i>in accordance with national procedures referred to in Article 22(1)</i></u> to to comprehensively address the multiple needs of victims with specific needs in line with the protocols referred to in Article 26a(1), point (c) <u>(d)</u> . Discuss "in accordance with national procedures" together with article 22(1) Linked to other provisions
Article 1, first paragraph, point (4)(c), amending provision, numbered paragraph (4a)				
67a		<u><i>4a. Member States shall ensure independent evaluation of the quality of the support services referred to in this Article and shall ensure that the services are adapted accordingly. The evaluation shall not place an undue burden on organisations and shall use a clear and transparent evidence-based methodology that is focused on determining the quality of the support services.</i></u>		<u><i>4a. Member States shall ensure that certain standards are applied regarding the quality of the support services referred to in this Article and Article 9a. The services provided by the support services shall be reviewed, where appropriate, and where necessary, adapted accordingly. The reviews shall not place an undue burden on organisations.</i></u> Deletion in the operative part of "evidence based methodology" in exchange of recital. EP to provide recital on evidence-based methodology Operative part provisionally agreed on

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				17/10 To be greened in trilogue
Article 1, first paragraph, point (5)				
68	(5) the following Article 9a is inserted in Chapter II:	(5) the following Article 9a is inserted in Chapter II:	(5) the following Article 9a is inserted in Chapter II:	(5) the following Article 9a is inserted in Chapter II: Text Origin: Commission Proposal
Article 1, first paragraph, point (5), amending provision, first paragraph				
69	Article 9a	Article 9a	Article 9a	Article 9a Text Origin: Commission Proposal
Article 1, first paragraph, point (5), amending provision, second paragraph				
70	Targeted and integrated support services for children	Targeted and integrated support services for children	Targeted and integrated support services for children	Targeted and integrated support services for children Text Origin: Commission Proposal
Article 1, first paragraph, point (5), amending provision, numbered paragraph (1)				
71	1. Member States shall take the necessary measures to ensure the availability of child-friendly targeted and integrated specialist services for children to provide for age-appropriate support and protection necessary to comprehensively address the multitude of needs of child victims.	1. Member States shall take the necessary measures, <u>including sufficient and continuous funding</u> , to ensure the availability of child-friendly targeted and integrated specialist services for children to provide for age-appropriate support and protection necessary to comprehensively address the multitude of needs of child victims, <u>including child witnesses of crime</u> .	1. Member States shall take the necessary measures to ensure the availability of child-friendly targeted and integrated specialist support services for children to provide for age-appropriate support and protection necessary to comprehensively address the multitude of needs of child victims.	1. Member States shall take the necessary measures to ensure the availability of child-friendly targeted and integrated specialist support services for children to provide for age-appropriate support and protection necessary to comprehensively address the multitude of needs of child victims, <u>including children who have suffered harm because they have</u>

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				<u>witnessed a crime.</u> provisionally agreed on 17/10 To be greened in trilogue
Article 1, first paragraph, point (5), amending provision, numbered paragraph (2)				
y	72 2.Targeted and integrated support services for child victims shall provide for a coordinated multi-agency mechanism that includes the following services:	2.Targeted and integrated support services for child victims shall provide for a coordinated multi-agency mechanism that includes the following services:	2.Targeted and integrated support services for child victims shall, in accordance with paragraph 4, provide for a coordinated multi-agency mechanism that includes the following services:	2.Targeted and integrated support services for child victims <u>referred to in paragraph 1</u> shall provide for a coordinated multi-agency mechanism that includes the following services: provisionally agreed in ITM of 30/9 To be greened in trilogue
Article 1, first paragraph, point (5), amending provision, numbered paragraph (2), point (a)				
g	73 (a) the provision of information;	(a) the provision of information;	(a) the provision of information as referred to in Article 4;	(a) the provision of information <u>as referred to in Article 4;</u>
Article 1, first paragraph, point (5), amending provision, numbered paragraph (2), point (b)				
g	74 (b) medical examination;	(b) medical examination;	(b) medical examination;	(b) medical examination; Text Origin: Commission Proposal
Article 1, first paragraph, point (5), amending provision, numbered paragraph (2), point (c)				
y	75 (c) emotional and psychological support;	(c) emotional, <u>psychosocial, educational</u> and psychological support;	(c) emotional and psychological support;	(c) emotional, <u>social</u> and psychological support; EP to send recital on what social support means provisionally agreed in ITM of 30/9

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
				To be greened in trilogue
Article 1, first paragraph, point (5), amending provision, numbered paragraph (2), point (ca)				
y	75a	<u>(ca) administrative and legal aid and support;</u>		<u>(ca) administrative assistance;</u> EP to send recital on what administrative assistance means provisionally agreed in ITM of 30/9 To be greened in trilogue
Article 1, first paragraph, point (5), amending provision, numbered paragraph (2), point (d)				
g	76	(d) possibility of crime reporting;	(d) possibility of crime reporting;	(d) possibility of crime reporting; Text Origin: Commission Proposal
Article 1, first paragraph, point (5), amending provision, numbered paragraph (2), point (e)				
g	77	(e) individual assessment of protection and support needs referred to in Article 22;	(e) individual assessment of protection and support needs referred to in Article 22;	(e) individual assessment of protection and support needs referred to in Article 22; Text Origin: Commission Proposal
Article 1, first paragraph, point (5), amending provision, numbered paragraph (2), point (f)				
y	78	(f) video recording of testimonies referred to in Article 24(1).	(f) video recording of testimonies referred to in Article 24(1).	(f) video recording of testimonies referred to in Article 24(1) 24(1)(a) ; provisionally agreed in ITM of 30/9 To be greened in trilogue
Article 1, first paragraph, point (5), amending provision, numbered paragraph (3)				
y	79	3.The services referred to in	3.The services referred to in	3. Some or all of the services 3. <u>Member States shall</u>


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	paragraph 2 shall be provided within the same premises.;	paragraph 2 shall be provided within the same premises.;	referred to in paragraph 2 shall be provided within the same premises.;	<p><u><i>[consider/strive to] [ensuring/ensure] the provision of the services referred to in paragraph 2 shall be provided within the same premises. Particular attention shall be paid to the interest of the child victims, including the seriousness of harm suffered by child victims as a result of the crime.</i></u></p> <p>Recital proposed by the EP:</p> <p>To avoid serious consequences of victimisation at an early age, that may negatively affect victims' entire life, it is crucial to ensure that all child victims receive the highest standard of support and protection. All competent authorities should adopt a child friendly approach. Moreover, it is important that most vulnerable child victims, in accordance with their individual needs, benefit from the targeted and integrated support and protection services that include coordinated and cooperative approach of judicial authorities and social services. Without prejudice to existing national support systems, Member States are encouraged to provide such support and protection services within the same premises, where this may improve accessibility, coordination, and the overall well-being of the child.</p>
Article 1, first paragraph, point (5), amending provision, numbered paragraph (3a)				

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79a		<u>3a. Member States shall ensure independent evaluation of the quality of the support services referred to in paragraph 2 and shall ensure that the services are adapted accordingly. The evaluation process shall not place an undue burden on organisations and shall use a clear and transparent evidence-based methodology that is focused on determining the quality of the support services.</u>		<u>deleted - covered in line 67a</u> provisionally agreed in ITM of 30/9 To be greened in trilogue
Article 1, first paragraph, point (5), amending provision, numbered paragraph (4)				
79b			4.The services referred to in paragraph 2 shall be provided in accordance with victims' individual needs. Particular attention shall be paid to the seriousness of harm suffered by child victims, especially harm from sexual offences.	<i>deleted</i> provisionally agreed in ITM of 30/9 To be greened in trilogue
Article 1, first paragraph, point (5), amending provision, second paragraph b				
79c				<u>4.Targeted and integrated support services for child victims referred to in this provision may be set up as public or non-governmental organizations.</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
				provisionally agreed in ITM of 30/09 To be greened in trilogue
Article 1, first paragraph, point (6)				
80	(6) the following Articles 10a and 10b are inserted:	(6) the following Articles 10a and 10b are inserted:	(6) the following Articles 10a and 10b are inserted:	(6) the following Articles 10a and 10b are inserted: Text Origin: Commission Proposal
Article 1, first paragraph, point (6), amending provision, first paragraph				
81	Article 10a	Article 10a	Article 10a	Article 10a Text Origin: Commission Proposal
Article 1, first paragraph, point (6), amending provision, second paragraph				
82	Right to assistance at the court	Right to assistance at the court	Right to assistance receive information and emotional support at the court premises	Right to assistance at the court <u>premises</u>
Article 1, first paragraph, point (6), amending provision, third paragraph				
83	Member States shall take the necessary measures to establish assistance at the court premises to provide information and emotional support to victims.	Member States shall take the necessary measures to establish <u>professional</u> assistance at the court premises to provide information and <u>practical and</u> emotional support to victims. <u>throughout the criminal proceedings;</u>	Member States shall take the necessary measures to establish ensure that victims receive at the court premises to provide general information on organisational aspects of the trial phase in criminal court proceedings and emotional support. Such information and support shall be provided if needed in accordance with to victims' individual needs.	Member States shall take the necessary measures to establish assistance <u>ensure that victims receive</u> at the court premises to provide information and, <u>in accordance with their individual needs,</u> emotional support to <u>victims and practical information on organisational aspects of criminal court proceedings.</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
Article 1, first paragraph, point (6), amending provision, fourth paragraph				
84	Article 10b	Article 10b	Article 10b	Article 10b Text Origin: Commission Proposal
Article 1, first paragraph, point (6), amending provision, fifth paragraph				
85	Right to a review of decisions taken during court proceedings	Right to a review of decisions taken during court proceedings	Right to a review of information on decisions taken during court proceedings	Right to a review of decisions information on decision taken during court proceedings and right to review Linked to remedies - Article 26d Linked to other provisions
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1)				
86	1. Member States shall ensure that victims are informed without delay of decisions taken in court proceedings that affect them directly and have the right to a review of such decisions. Such decisions shall include at least decisions pursuant to the following provisions:	1. Member States shall ensure that victims are informed without delay of decisions taken in court proceedings that affect them directly and have the right to a review of such decisions. Such decisions shall include at least decisions pursuant to the following provisions:	1. Member States shall ensure that victims, in accordance with their status in the criminal proceedings as defined under national law , are informed without delay of decisions a decision provided for in article 23 (3) , taken in court proceedings that affect them directly and have the right to . Member States may provide the possibility for victims to request a review of such decisions. Such decisions shall include at least decisions pursuant to the following provisions: Article 23(3) .	1. Member States shall ensure that victims, in accordance with their status in the criminal proceedings as defined under national law , are informed without delay of a decision provided for in articles 7(1) and 7(3) in relation to decisions on interpretation and translation during court hearings and 23(3) , taken in court proceedings, that affect them directly and have the right to a review of such decisions. Such decisions shall include at least decisions pursuant to the following provisions: PCY proposal of 19/09 - need further discussions in Council and with EP

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Article 1, first paragraph, point (6), amending provision, numbered paragraph (1), point (a)				
87	(a) Article 7(1) in relation to decisions on interpretation during court hearings;	(a) Article 7(1) in relation to decisions on interpretation during court hearings <u>proceedings</u> ;	(a) Article 7(1) in relation to decisions on interpretation during court hearings;	
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1), point (aa)				
87a		<u>(aa) Article 18 in relation to the measures to protect the dignity of victims during questioning and testifying</u>		
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1), point (ab)				
87b		<u>(ab) Article 19(1)</u>		
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1), point (b)				
88	(b) Article 23(3).	(b) Article 23(3).	(b) Article 23(3).	
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1), point (ba)				
88a		<u>(ba) Article 24(1), first subparagraph, point (b)</u>		
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2), first subparagraph				
89	2.The procedural rules under which victims may request a review of decisions referred to in paragraph 1 shall be determined by national law.	2.The procedural rules under which victims may request a review of decisions referred to in paragraph 1 shall be determined by national law.	2.The procedural rules under which Where victims may request a review of decisions referred to in paragraph 1 a decision under Article 23 (3), the procedural rules for such a review shall be determined by national law.	<u>2. Member States shall ensure that victims, in accordance with their status in criminal proceedings, have the right to request and obtain a review</u> The procedural rules under which <u>national law of a decision, at least, in respect of their right to interpretation or translation pursuant to Article 7(1) and their right to legal aid pursuant to Article 13. Member States may provide the possibility for</u> victims may <u>to</u> request <u>and obtain</u> a review of decisions


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				<p><i>referred to in paragraph 1 pursuant to Article 23(3).</i> <i>The procedural rules for such review, including whether it has or not a suspensive effect,</i> shall be determined by national law <i>and any consideration of such review shall not unreasonably prolong the criminal proceedings.</i></p> <p>PCY proposal of 19/09 - need further discussions in Council and with EP</p> <p>PCY proposed recital of 19/09</p> <p>The right to request a review of a decision pursuant to Article 10b shall be construed in accordance with procedures in national law and the victims' status therein. That right does not entail the obligation for Member States to provide for a separate mechanism or complaint procedure in which such decision may be challenged and should not unreasonably prolong the criminal proceedings or suspend them, unless strictly necessary. An internal review of the decision in accordance with existing national procedures would suffice. Review also includes review rights within the same instance, possibly by the same authority.</p>
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2), second subparagraph				


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90	Member States shall ensure that the judicial decisions on the request of such a review are taken within reasonable time.;	Member States shall ensure that the judicial decisions on the request of such a review are taken within reasonable time.;	Member States shall ensure that the judicial Decisions on the request under article 23(3) and any consideration of a review of such a review are taken within reasonable time decision shall not unreasonably prolong the criminal proceedings.;	
Article 1, first paragraph, point (6a)				
90a		<u><i>(6a) Article 13 paragraph (1) is replaced by the following:</i></u>		<u><i>(6a) Article 13 paragraph (1) is replaced by the following:</i></u> Text Origin: EP Mandate
Article 1, first paragraph, point (6b)				
90b		<u><i>(1) Member States shall ensure that victims have access to legal aid. The procedural rules under which victims have access to legal aid shall be determined by national law. Member States shall ensure that free legal aid is provided for victims who do not have sufficient means to pay for legal assistance prior to, during and after criminal proceedings. Where a Member State applies a means test to assess eligibility for free legal aid, it shall take into account all relevant and objective factors, such as the income, capital and family situation of the person concerned, the costs</i></u>		<u><i>1. Member States shall ensure that victims who have the right to become parties in criminal proceedings and who do not have sufficient means to pay for assistance by a lawyer during criminal proceedings have access to legal aid, including where applicable, for the purpose of claiming compensation, and may apply a means test, a merits test, or both to determine whether legal aid is to be granted. Where a Member State applies a means test to assess eligibility for legal aid, it shall take into account all relevant and objective factors, such as the</i></u>

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		<u>of the assistance of a lawyer and the standard of living in that Member State as well as the relationship to and dependence of the offender.</u>	PUBLIC	<u>income, capital and family situation of the person concerned, the costs of the assistance of a lawyer and the standard of living in that Member State as well as the dependence to the offender. Where a Member State applies a merits test, it shall take into account the seriousness of the criminal offence, the complexity of the case and the seriousness of the harm suffered by the victim. The procedural rules under which victims have access to legal aid shall be determined by national law.</u> operative part provisionally agreed on 16/10. Linked to recital in line 19b - PCY to propose a wording on criteria mentioned in article 22 and on "right to become" To be greened in trilogue
Article 1, first paragraph, point (6c)				
y	90c	<u>(6b) Article 13 (2) is added:</u>		<u>(6b) Article 13 (2) is added:</u> Text Origin: EP Mandate
Article 1, first paragraph, point (6d)				
y	90d	<u>(2) Member States shall ensure that victims with specific protection needs identified by the individual assessment referred to in Article 22 have access to free legal aid. In any</u>		<u>2. Notwithstanding paragraph 1, Member States shall ensure that certain categories of victims, as defined under national law, such as children or persons with</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
		<u>case, Member States shall ensure that victims of gender-based violence, terrorism and human trafficking, and minors and victims of abuse and mistreatment with disabilities have access to free legal aid regardless of their financial situation.</u>	PUBLIC	<u>disabilities, who have the right to become parties in criminal proceedings and who do not have sufficient means, are entitled to legal aid.</u> Linked to recital in line 19b. Operative part provisionally agreed on 16/10. Finetune the recital as explained above To be greened in trilogue
Article 1, first paragraph, point (7)				
91	(7) Article 16 is amended as follows:	(7) Article 16 is amended as follows:	(7) Article 16 is amended as follows:	(7) Article 16 is amended as follows: Text Origin: Commission Proposal
Article 1, first paragraph, point (7)(a)				
92	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following: Text Origin: Commission Proposal
Article 1, first paragraph, point (7)(a), amending provision, numbered paragraph (1)				
93	1. Member States shall ensure that, in the course of the criminal proceedings, victims are entitled to obtain a decision on compensation by the offender, within a reasonable time.;	1. Member States shall ensure that, in the course of the criminal proceedings, victims are entitled to <u>claim compensation and to</u> obtain a decision on compensation by the offender, within a reasonable time.;	1. Member States shall ensure that, in the course of the criminal proceedings, victims are entitled to obtain a decision on compensation by the offender, within a reasonable time.;	1. Member States shall ensure that, in the course of the criminal proceedings, victims are entitled to obtain a decision on compensation by the offender, within a reasonable time.; Text Origin: Commission

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				Proposal
Article 1, first paragraph, point (7)(b)				
94	(b) paragraph 2 is replaced by the following:	(b) paragraph 2 is replaced by the following:	(b) paragraph 2 is replaced by the following:	(b) paragraph 2 is replaced by the following: Text Origin: Commission Proposal
Article 1, first paragraph, point (7)(b), amending provision, numbered paragraph (2)				
95	2.Member States shall ensure that their competent authorities pay directly to the victim the adjudicated compensation without undue delay. The competent authorities shall be subrogated to the right of the victim in relation to the offender for the amount of the adjudicated compensation.;	2.Member States shall ensure that their competent authorities pay directly to the victim the adjudicated compensation without undue delay. The competent authorities shall be subrogated to the right of the victim in relation to the offender for the amount of the adjudicated compensation.;	2.Member States shall ensure that their competent authorities pay directly to the victim the adjudicated compensation without undue delay. The competent authorities shall be subrogated to the right of the victim in relation to the offender for the amount of the adjudicated compensation.;	2.Member States shall ensure that their competent authorities pay directly to the victim the adjudicated <u>have execution or enforcement measures in place, aimed at facilitating the payment of the awarded compensation by the offender</u> without undue delay. The competent authorities shall be subrogated to the right of the victim in relation to the offender for the amount of the adjudicated compensation.; PCY proposal
Article 1, first paragraph, point (7)(b), amending provision, numbered paragraph (2a)				
95a				<u>3.In relation to victims of violent intentional crimes that have not received the awarded compensation from the convicted offender within a reasonable time and the measures referred to in paragraph 2 of this Article, were unsuccessful within a reasonable time, Member States</u>

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				<p><u>may advance the awarded compensation to the victim as defined under national law. Such advance could be partial or in full. Such advanced payment shall not substitute the obligation of the offender to pay the awarded compensation and Member States shall maintain the right to recuperate the advanced compensation from the convicted offender.</u></p> <p>PCY proposal</p> <p>Recital</p> <p>Once a decision on compensation to the victim is made in the course of criminal proceedings, the awarded compensation should be paid by the offender without undue delay. For the purpose of assessing delay, time shall be calculated from the last day of the deadline for final payment, and a delay is considered "undue" where it exceeds what could reasonably be expected given the circumstances of the case. The awarded compensation referred to in this Directive is the compensation awarded after the decision on compensation has become final. Member States should have in place appropriate execution or enforcement measures to help victims in obtaining</p>


	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
				<p>the awarded compensation. Such execution or enforcement measures may include, for example, the seizure of assets, enforcement by bailiffs, garnishment of income or public payments, or other civil or criminal procedures ensuring execution of the compensation.</p> <p>Member States should have discretion whether to advance the full or partial awarded compensation to the victim in accordance with national law. The advancement of compensation does not entail the obligation for Member States to establish new compensation mechanisms or to be the primary payer of the compensation.</p>
Article 1, first paragraph, point (8)				
G	96 (8) Article 17 is amended as follows:	(8) Article 17 is amended as follows:	(8) (7) Article 17 is amended as follows:	(8) Article 17 is amended as follows:
Article 1, first paragraph, point (8)(-a)				
Y	96a	<u><i>(-a) in paragraph 1 the introductory part is replaced by the following:</i></u>		<u><i>(-a) in paragraph 1 the introductory part is replaced by the following:</i></u> Text Origin: EP Mandate
Article 1, first paragraph, point (8)(-b)				
Y	96b	<u><i>(1) Member States shall ensure that victims can exercise the rights provided under this Directive, irrespective of their Member State of residence. Member States shall ensure that their competent authorities take appropriate</i></u>		<u><i>1. Member States shall ensure that their competent authorities take appropriate measures to minimise the difficulties faced where the victim is a resident of a Member State other than that where the criminal offence was committed,</i></u>

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
		<u>measures to minimise the difficulties faced where the victim is a resident of a Member State other than that where the criminal offence was committed, particularly with regard to the organisation of the proceedings. For this purpose, the authorities of the Member State where the criminal offence was committed shall:</u>		<u>particularly with regard to the organisation of the proceedings. For this purpose, the authorities of the Member State where the criminal offence was committed shall:</u> PCY to check with MS
Article 1, first paragraph, point (8)(-aa)				
y	96c	<u>(-aa) in paragraph 1, point (a) is replaced by the following:</u>		<u>(-aa) in paragraph 1, point (a) is replaced by the following:</u> provisionally agreed on 16/10 To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (8)(-d)				
y	96d	<u>(a) take a statement from the victim immediately after the complaint with regard to the criminal offence is made to the competent authority;</u>		<u>(a) take a statement from the victim immediately after the complaint with regard to the criminal offence is made to the competent authority;</u> provisionally agreed on 16/10 To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (8)(a)				
y	97	(a) in paragraph 1, point (b) is replaced by the following:	(a) in paragraph 1, point (b) is replaced by the following:	(a) in paragraph 1, point (b) is replaced by the following:

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				provisionally agreed on 16/10 Text Origin: Commission Proposal
Article 1, first paragraph, point (8)(a), amending provision, numbered paragraph (b)				
98	(b) to have recourse to the extent possible to the provisions on video conferencing and telephone conference calls to facilitate participation in criminal proceedings of victims who are resident abroad.;	(b) to have recourse to the extent possible to the provisions on video conferencing and telephone conference calls <u>other distant communication technologies, which allows the transfer of images</u> , to facilitate participation in criminal proceedings of victims who are resident abroad.;	(b) to have recourse to the extent possible in accordance with Union and national law to the provisions on video conferencing and telephone conference calls to facilitate participation in criminal proceedings of victims who are resident abroad, in accordance with their status under the applicable procedural rules. ;	(b) to have recourse to the extent possible to the provisions on video conferencing and telephone conference calls to facilitate participation in criminal proceedings of <u>hear</u> victims who are resident abroad <u>in another Member State by videoconference or other audiovisual transmission in accordance with the Convention on Mutual Legal Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 and Directive 2014/41/EU of 3 April 2014 regarding the European Investigation Order in criminal matters</u> ;
Article 1, first paragraph, point (8)(a), amending provision, numbered paragraph (ba)				
98a				<u>(c) facilitate the participation at the criminal proceedings through videoconferencing or other distance communication technology of victims who are resident in another Member State to the extent possible</u>

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				<u>under Union and national law and in accordance with the victim's role in the criminal proceedings.</u> COM proposal
Article 1, first paragraph, point (8)(b)				
99	(b) the following paragraph is added:	(b) the following paragraph is added:	(b) the following paragraph is added:	(b) the following paragraph is added:
Article 1, first paragraph, point (8)(b), amending provision, numbered paragraph (4)				
100	4. Member States shall ensure that the competent authorities may request assistance from Eurojust and transmit to Eurojust the information aimed at facilitating cooperation with the competent authorities of other Member States in cross-border cases.;	4. Member States shall ensure that the competent authorities may request assistance from Eurojust and transmit to Eurojust the information aimed at facilitating cooperation with the competent authorities of other Member States in cross-border cases.;	4. In accordance with Regulation (EU) 2018/1727,¹ Member States shall ensure that the competent authorities may request assistance from Eurojust and transmit to Eurojust the information aimed at facilitating cooperation with the competent authorities of other Member States in cross-border cases.?’ ¹ [1] Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA, OJ L 295, 21.11.2018, p. 138.	4. Member States shall ensure that the competent authorities may request assistance from Eurojust <u>in accordance with Regulation (EU) 2018/1727 and from the European Judicial Network set up by Council Joint Action 98/428/JHA</u> , and transmit to Eurojust <u>and the European Judicial Network</u> the information aimed at facilitating cooperation with the competent authorities of other Member States in cross-border cases, <u>in accordance with their respective mandates.</u> ‡ Provisionally agreed on 17/10 To be greened in trilogue
Article 1, first paragraph, point (8)(b), amending provision, numbered paragraph (4a)				
100a		<u>The following article is inserted:</u>		<u>The following article is inserted:</u>

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				Text Origin: EP Mandate
Article 1, first paragraph, point (8)(b), amending provision, numbered paragraph (4b)				
6	100b	<u>Article 19a</u>		<u>Article 18a</u> Text Origin: EP Mandate
Article 1, first paragraph, point (8)(b), amending provision, numbered paragraph (4c)				
6	100c	<u>Right to protection of the dignity of victims</u>		<u>Additional right to protection</u> Text Origin: EP Mandate
Article 1, first paragraph, point (8)(b), amending provision, numbered paragraph (4d)				
6	100d	<u>In order to protect the dignity of victims and their family members, as enshrined in the Charter of Fundamental Rights of the European Union, Member States shall take appropriate measures to protect them from secondary and repeat victimisation, including by preventing the glorification of a specific crime or paying tribute to convicted offenders, when this would result in the deprivation of the dignity of the victims.</u>		<u>Member States shall ensure that access to support and protection measures under this Directive may be granted to a victim who suffered additional harm, including deprivation of dignity from glorification of serious criminal offences as defined under national law, such as public provocation to commit a terrorist offence as defined under Article 5 of Directive 2017/541, or paying tribute to offenders of such crimes.</u> Recital provisionally agreed on 16/10 - decide placement: Glorification of serious criminal offences as defined under national law, including of terrorism offences as defined under Article 5 of Directive 2017/541, or paying tribute to the offender of a serious criminal offence,

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				<p>can result in deprivation of victims' dignity and cause additional suffering or harm to victims. Those victims should have access to support and protection measures provided under this directive. Such acts can render victims particularly vulnerable to secondary victimisation, repeat victimisation, intimidation and retaliation. In this context, it should be recalled that public provocation to commit a terrorist offence comprises, inter alia, the glorification of terrorism, constitutes a criminal offence under Directive 2017/541 on Combatting terrorism. In addition, public incitement to any acts of racism or xenophobia or publicly condoning, denying or grossly trivialising crimes of genocide, crimes against humanity and war crimes constitute criminal offences under Framework Decision 2008/913 on Combatting Racism and Xenophobia. This Directive does not require Member States to criminalise glorification of serious criminal offences nor the criminalisation of hate speech or hate crime. At the same time, the Council Conclusions on improving support and recognition of victims of terrorism from 4 December 2023 include a valuable list of best practices and measures to better protect victims of such crimes. It is important that Member States take measures also to support victims of other types of crime, such as sexual violence, who face a high risk of</p>


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			PUBLIC	secondary victimisation, and can suffer additional harm and deprivation of dignity from the glorification of such offences. For the purposes of the provision concerning the glorification of crimes, the notion of "victim" should be understood in accordance with the definition laid down in Article 2 of this Directive.
Article 1, first paragraph, point (8)(b), amending provision, numbered paragraph (4e)				
y	100e	<u><i>(8a) in Article 19, paragraph 1 is replaced by the following:</i></u>		<u><i>4e. in Article 19, paragraph 1 is replaced by the following:</i></u> provisionally agreed in ITM of 30/9 To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (8)(b), amending provision, numbered paragraph (4f)				
y	100f	<u><i>1. Member States shall establish the necessary conditions to enable avoidance of contact between victims and their family members, and the offender, where necessary or when the victim expresses such a need, within premises where criminal proceedings are conducted, unless the criminal proceedings require such contact. This may include the availability of mobile screens in courtrooms.</i></u>		<u><i>1. Member States shall establish the necessary conditions to enable avoidance of contact between victims and their family members and the offender, where necessary, ex officio or upon victim request, within premises where criminal proceedings are conducted, unless the criminal proceedings require such contact.</i></u> provisionally agreed in ITM of 30/9 To be greened in trilogue
Article 1, first paragraph, point (8)(b), amending provision, numbered paragraph (4g)				

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y	100g	<u>(8b) In Articles 19, paragraph 2 is replaced by the following:</u>	PUBLIC	<u>(8b) In Articles 19, paragraph 2 is replaced by the following:</u> provisionally agreed in ITM of 30/9 To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (8a)				
y	100h	<u>2. Member States shall ensure that new court premises have separate waiting areas for victims and shall establish processes for the creation of separate waiting areas in existing court premises.</u>		<u>2. Member States shall ensure that new court premises have separate waiting areas for victims and shall assess the possibility and feasibility of the creation of separate waiting areas in existing court premises.</u> provisionally agreed in ITM of 30/9 To be greened in trilogue
Article 1, first paragraph, point (8b)				
y	100i	<u>(8c) In Article 19, the following paragraph is added:</u>		<u>(8c) In Article 19, the following paragraph is added:</u> provisionally agreed in ITM of 30/9 To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (8c)				
y	100j	<u>2a. Member States shall ensure that victims are duly informed about the availability of conditions that</u>		<u>2a. Member States shall ensure that, where necessary, victims are duly informed about the availability</u>

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		<u>enable avoidance of contact with the offender.</u>		<u>of conditions that enable avoidance of contact with the offender.</u> provisionally agreed in ITM of 30/9 To be greened in trilogue
Article 1, first paragraph, point (8g)				
G	100k	<u>(8g) The following article is inserted:</u>		
Article 1, first paragraph, point (8h)				
G	100l	<u>Article 19a</u>		
Article 1, first paragraph, point (8d)				
G	100m	<u>Right to protection of the dignity of victims</u>		
Article 1, first paragraph, point (8e)				
G	100n	<u>In order to protect the dignity of victims and their family members, as enshrined in the Charter of Fundamental Rights of the European Union, Member States shall take appropriate measures to protect them from secondary and repeat victimisation, including by preventing the glorification of a specific crime or paying tribute to convicted offenders, when this would result in the deprivation of the dignity of the victims.”</u>		
Article 1, first paragraph, point (9)				
G	101	(9) in Article 21, the following	(9) (8) in Article 21, the following	(9) in Article 21, the following

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	paragraph is added:	paragraph is added:	paragraph is added:	paragraph is added:
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3)				
102	<p>3. Member States shall ensure that personal data concerning a victim allowing the offender to identify the victim's place of residence or to otherwise contact the victim in any way is not provided to the offender either directly or indirectly.;</p>	<p>3. Member States shall ensure that personal data concerning a victim <u>or their family members</u> allowing the offender to identify the victim's place of residence or to otherwise contact the victim in any way is not provided to the offender either directly or indirectly. <u>Other personal data of the victim or their family members shall not be provided to the offender unless it is essential for the effectiveness of the criminal proceedings. Member States shall also ensure that, to the extent that is necessary to protect the privacy of the victim, competent authorities may decide not to publish victims' personal data included in judgements or decisions.</u></p>	<p>3. Member States shall take the necessary measures to ensure that, if the competent authorities, ex officio or based on a request of the victim, assess that there could be a risk that the victim or a third person may be exposed to threats or violence, personal data concerning a victim allowing the offender to identify the victim's place of residence or to otherwise contact the victim in any way is details are not provided to the offender either directly or indirectly unless not disclosing the information would prejudice the rights of defence.;</p>	<p>3. <u>Commission proposal:</u> Member States shall ensure that personal data concerning a victim allowing the offender to identify the victim's place of residence or to otherwise contact the victim in any way is not provided <u>disclosed</u> to the offender either directly or indirectly <u>unless the information is necessary to establish the truth or not disclosing the information would otherwise prejudice the rights of defence [including as enshrined in Article 7 paragraph 4 of Directive 2012/13]</u>.;</p> <p>PCY proposal:</p> <p>3. Member States shall ensure that, upon assessment by the competent authorities of the need for protection of the victim and the rights of defence, personal data concerning the victim's place of residence or other equivalent contact details, such as phone number and email address, is not provided to the offender in accordance with Article 7 paragraph 2 of the Directive 2012/13 EU.</p>

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				<p>Recital</p> <p>In determining whether personal data concerning the victim’s place of residence or other equivalent contact details, such as phone number and email address, should be provided to the offender, the competent authority should, in its assessment of the needs to reveal the data, take into account the exercise of the right of the defence, with due respect to Article 7 of Directive 2012/13/EU in order to preclude any prejudice to the rights of the defence. Against this background, the competent authority should assess the risk of threat, damage or harm that the victim might be exposed to as a result of providing offender with such personal data. Member States are also encouraged to ensure that, to the extent that is necessary to protect the privacy of the victim, competent authorities may decide not to publish victims’ personal data included in judgements or decisions. This directive does not interfere with national constitutional rules regarding public access to information.</p> <p>Proposed new recital 9a by COM (line 19a):</p> <p>“Protecting the personal data of victims is an important means of preventing secondary and repeat victimization, intimidation and retaliation, and can play an important role in not dissuading</p>

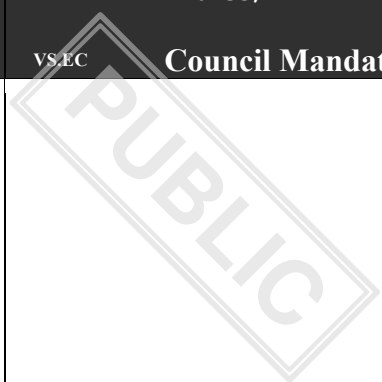
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				<p>victims to report crimes. Member States should ensure that the personal data of a victim allowing the offender to identify the victims' place of residence or to otherwise contact the victim is not disclosed to the offender either by refusing access to relevant documents to the offender or by redacting such personal data from the documents under disclosure, in order to safeguard the important public interest of protecting victims as well as the fundamental rights of victims. When deciding on the provision of personal data concerning a victim to the offender, Member States should ensure that any refusal to provide access to documents containing such data complies with the conditions for derogating from the right of access to the materials of the case as set out in Article 7(4) of Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings in order to preclude any prejudice to the rights of defence.</p> <p>Linked to other provisions</p>	
Article 1, first paragraph, point (10)					
6	103 (10) Article 22 is amended as follows:	(10) Article 22 is amended as follows:	(10) (9) Article 22 is amended as follows:	(10) Article 22 is amended as follows: article 22 linked to recital 10 (line 20) - to be discussed further	6

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Article 1, first paragraph, point (10)(a)						
G	104	(a) the title is replaced by the following:	(a) the title is replaced by the following:	(a) the title is replaced by the following:	G	
Article 1, first paragraph, point (10)(a), amending provision, first paragraph						
G	105	Individual assessment of victims to identify specific support and protection needs’;	Individual assessment of victims to identify specific support and protection needs’;	Individual assessment of victims to identify specific support and protection needs’;	G	
Article 1, first paragraph, point (10)(b)						
G	106	(b) paragraph 1 is replaced by the following:	(b) paragraph 1 is replaced by the following:	(b) paragraph 1 is replaced by the following:	G	
Article 1, first paragraph, point (10)(b), amending provision, numbered paragraph (1)						
Y	107	1.Member States shall ensure that victims receive a timely and individual assessment, to identify specific support and protection needs and to determine whether and to what extent they would benefit from special measures provided for under Article 9(1), point (c), and Articles 23 and 24, due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.;	1.Member States shall ensure that victims receive a timely and individual assessment, to identify specific support and protection needs and to determine whether and to what extent they would benefit from special measures provided for under Article 9(1), point (c), and Articles 18, 23 and 24, due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.;	1.Member States shall ensure that victims receive a timely and individual assessment, <u>in accordance with national procedures</u> , to identify specific support and protection needs and to determine whether and to what extent they would benefit from special measures provided for under Article 9(1), point (c), in relation to additional psychological support, 9a and Articles 23 and 24, due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.’;	1.Member States shall ensure that victims receive a timely and individual assessment, <u>in accordance with national procedures</u> , to identify specific support and protection needs <u>throughout the proceedings</u> , and to determine whether and to what extent they would benefit from special measures provided for under Article 9(1), point (c), <u>in relation to additional psychological support, 9a</u> and Articles <u>18, 18a,</u> 23 and 24, due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.’;	Y

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				Discuss further the reference to national procedures
Article 1, first paragraph, point (10)(c)				
108	(c) the following paragraph 1a is inserted:	(c) the following paragraph 1a is inserted:	(c) the following paragraph 1a is inserted:	(c) the following paragraph 1a is inserted:
Article 1, first paragraph, point (10)(c), amending provision, numbered paragraph (1a)				
109	<p>1a. The individual assessment shall be initiated upon the first contact of the victim with the competent authorities, and shall last as long as necessary depending on the specific needs of each victim. Where the result of the initial stage of the individual assessment by the first contact authorities demonstrates the need to continue the assessment, such assessment shall be undertaken in collaboration with the institutions and bodies depending on the stage of the procedure and victims' individual needs in accordance with the protocols referred to in Article 26a.;</p>	<p>1a. The individual assessment shall be initiated upon the first contact of the victim with the competent authorities, and shall last as long as necessary depending on the specific needs of each victim. Where the result of the initial stage of the individual assessment by the first contact authorities demonstrates the need to continue the assessment, such assessment shall be undertaken in collaboration with the institutions and bodies, <u>including general or specialist victim support services</u>, depending on the stage of the procedure and victims' individual needs in accordance with the protocols referred to in Article 26a. <u>The assessment shall be conducted by specialised trained professionals, in the best interest of the victim, paying special attention to the avoidance of secondary or repeated victimisation;</u></p>	<p>1a. The individual assessment shall be initiated upon at the earliest stage possible such as at the first contact of the victim with the competent authorities, and shall last as long as necessary depending on the specific needs of each victim. Where the result of the initial stage of the individual assessment by the first contact authorities demonstrates the need to continue the assessment, such assessment shall be undertaken where appropriate in coordination in collaboration with the institutions and bodies depending on the stage of the procedure and victims' individual needs in accordance with the protocols any relevant protocol or guideline referred to in Article 26a.';</p>	<p>1a. The individual assessment shall be initiated upon <u>at the earliest stage possible such as at</u> the first contact of the victim with the competent authorities, and shall last as long as necessary depending on the specific needs of each victim. Where the result of the initial stage of the individual assessment by the first contact authorities demonstrates the need to continue the assessment, such assessment shall be undertaken <u>where appropriate</u> in collaboration with the <u>relevant</u> institutions and bodies, <u>and support services</u> depending on the stage of the procedure and victims' individual needs in accordance with the <u>and the stage of the procedure. Member States shall take the necessary measures to ensure collaboration and coordination with general or specialist victim support services throughout the individual needs assessment process, including</u></p>

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			PUBLIC	<p><u>through referrals to general or specialist victim support services for an enhanced assessment of support needs, in line with relevant protocols referred to in or guidelines established pursuant to Article 26a.;</u> <u>The assessment shall be conducted by appropriately trained persons, in the best interest of the victim, paying special attention to the avoidance of secondary or repeated victimisation.</u> <u>The competent authorities, institutions, bodies and support services shall respond to victims' needs for protection and support without undue delay and in a coordinated manner.</u></p> <p>EP and PCY to check the wording internally. In recital, clarify that "appropriately trained persons" includes staff and volunteers</p>
Article 1, first paragraph, point (10)(c), amending provision, numbered paragraph (1aa)				
109a		<p><u>1aa. Member States shall ensure that the individual needs assessment process is coordinated between competent justice and law enforcement authorities working with victims and responsible for the adoption of protection measures.</u> <u>Member States shall take the</u></p>		<p>Merged above, with proposal on para 1a - agreement to delete</p> <p>To be greened in trilogue</p>

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		<u>measures necessary to ensure cooperation and coordination with other involved services providing support for victims, including public or non-governmental organisations, throughout the individual needs assessment process.</u>		
Article 1, first paragraph, point (10)(d)				
G	110	(d) paragraphs 2 and 3 are replaced by the following:	(d) paragraphs 2 and 3 are replaced by the following:	(d) paragraphs 2 and 3 are replaced by the following:
Article 1, first paragraph, point (10)(d), amending provision, numbered paragraph (2)				
G	111	2.The individual assessment shall take into account:	2.The individual assessment shall take into account:	2.The individual assessment shall take into account:
Article 1, first paragraph, point (10)(d), amending provision, numbered paragraph (2), point (a)				
G	112	(a) the personal characteristics of the victim, including relevant experiences of discrimination, also when based on a combination of several grounds such as sex, gender, age, disability, religion or belief, language, racial, social or ethnic origin, sexual orientation;	(a) the personal characteristics of the victim, including relevant experiences of discrimination, also when based on a combination of several <u>intersectional</u> grounds, such as sex, gender, age, disability, <u>resident status</u> , religion or belief, language, racial, social or ethnic origin, <u>gender identity and</u> sexual orientation;	(a) the personal characteristics of the victim, including relevant experiences of discrimination, also when based on a combination of several <u>intersectional</u> grounds, such as sex <u>gender, including</u> gender <u>identity</u> , age, disability, <u>resident status</u> , religion or belief, language, racial, social or ethnic origin, <u>and</u> sexual orientation;
Article 1, first paragraph, point (10)(d), amending provision, numbered paragraph (2), point (b)				
G	113	(b) the type or nature of the crime;	(b) the type or nature of the crime;	(b) the type or nature of the crime;
Article 1, first paragraph, point (10)(d), amending provision, numbered paragraph (2), point (c)				



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G	114	(c) the circumstances of the crime;	(c) the circumstances of the crime;	(c) the circumstances of the crime;	(c) the circumstances of the crime;	G
Article 1, first paragraph, point (10)(d), amending provision, numbered paragraph (2), point (d)						
G	115	(d) the relationship to and the characteristics of the offender.	(d) the relationship to and the characteristics of the offender.	(d) the relationship to and the characteristics of risks emanating from the offender.	(d) the relationship to and the characteristics of risks emanating from the offender.	G
Article 1, first paragraph, point (10)(d), amending provision, numbered paragraph (3), first subparagraph						
G	116	3.In the context of the individual assessment, particular attention shall be paid to:	3.In the context of the individual assessment, particular attention shall be paid to:	3.In the context of the individual assessment, particular attention shall be paid to:	3.In the context of the individual assessment, particular attention shall be paid to:	G
Article 1, first paragraph, point (10)(d), amending provision, numbered paragraph (3), first subparagraph, point (a)						
Y	117	(a) victims who have suffered considerable harm due to the severity of the crime;	(a) victims who have suffered considerable harm <u>or trauma</u> due to the severity <u>or repetition</u> of the crime;	(a) victims who have suffered considerable harm due to the severity of the crime;	(a) victims who have suffered considerable harm due to the severity <u>or repetition</u> of the crime; provisionally agreed on 16/10 To be greened in trilogue Text Origin: EP Mandate	Y
Article 1, first paragraph, point (10)(d), amending provision, numbered paragraph (3), first subparagraph, point (b)						
G	118	(b) victims who have suffered a crime committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics;	(b) victims who have suffered a crime committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics;	(b) victims who have suffered a crime committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics;	(b) victims who have suffered a crime committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics;	G
Article 1, first paragraph, point (10)(d), amending provision, numbered paragraph (3), first subparagraph, point (c)						
G	119	(c) victims whose relationship to and dependence on the offender make them particularly vulnerable.	(c) victims whose relationship to and dependence on the offender make them particularly vulnerable.	(c) victims whose relationship to and dependence on the offender make them particularly vulnerable.	(c) victims whose relationship to and dependence on the offender make them particularly vulnerable.	G
Article 1, first paragraph, point (10)(d), amending provision, numbered paragraph (3), second subparagraph						

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120	<p>In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, including violence against women and domestic violence, sexual violence, exploitation or hate crime, victims of core international crime and victims with disabilities shall be duly considered. Particular attention shall be paid to victims who fall under more than one of those categories.;</p>	<p>In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, including violence against women and domestic violence, sexual violence, <u><i>including child sexual abuse, victims who are irregular migrants and victims with a dependent residence status or permit</i></u>, victims of core international crime and victims with disabilities shall be duly considered. <u><i>Online forms of those types of crime shall be taken into consideration and</i></u> particular attention shall be paid to victims who fall under more than one of those categories.;</p>	<p>In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, including violence against women and domestic violence, sexual violence, exploitation or hate crime, victims of core<u><i>crimes falling within the jurisdiction of the International Criminal Court</i></u> and victims with disabilities shall be duly considered. Particular attention shall be paid to victims who fall under more than one of those categories.;</p>	<p>In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, including violence against women and domestic violence, sexual violence, <u><i>including child sexual abuse, victims of torture, victims of enforced disappearance, victims of crimes of genocide, crimes against humanity, war crimes and crimes of aggression as defined in Articles 6, 7, 8 and 8bis of the Statute of the International Criminal Court</i></u> and victims with disabilities shall be duly considered. <u><i>Victims of online forms of those types of crime shall be taken into consideration and</i></u> particular attention shall be paid to victims who fall under more than one of those categories <u><i>and victims who are irregular migrants and victims with a dependent residence status or permit</i></u>. <u><i>Where relevant and appropriate, the individual assessment shall take into account the specific needs of victim's family members and dependants.</i></u></p> <p>Discuss further the topic of irregular migrants (possible package with para 5 of article 5a - reference to return directive in exchange of deletion) and confirm the wording "where relevant</p>

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				and appropriate" Linked to other provisions
Article 1, first paragraph, point (10)(e)				
G	121	(e) the following paragraph 3a is inserted:	(e) the following paragraph 3a is inserted:	(e) the following paragraph 3a is inserted:
Article 1, first paragraph, point (10)(e), amending provision, numbered paragraph (3a)				
Y	122	3a. In the context of the individual assessment, particular attention shall be paid to the risk emanating from the offender, including the risk of violent behaviour and of bodily harm, the use of weapons, involvement in a group of organised crime, drug or alcohol abuse, child abuse, mental health issues, behaviour of stalking, expression of threats or hate speech.;	3a. In the context of the individual assessment, particular attention shall be paid to the risk emanating from the offender, including the risk of violent behaviour and of bodily harm, the <u>access to and</u> use of weapons, <u>links to or</u> involvement in a group of organised crime, drug or alcohol abuse, child abuse, mental health issues, <u>risk and</u> behaviour of stalking, expression of threats or hate speech.;	3a. In the context of the individual assessment, particular attention shall be paid to the risk emanating from the offender, including as referred to in 2, d). That risk may include the risk of violent behaviour and of bodily harm, the use of weapons, involvement in a group of organised crime, drug or alcohol abuse, child abuse, mental health issues, behaviour of stalking, expression of threats or hate speech.?’ provisionally agreed in ITM of 30/9 To be greened in trilogue
Article 1, first paragraph, point (10)(f)				
G	123	(f) paragraph 4 is replaced by the following:	(f) paragraph 4 is replaced by the following:	(f) paragraph 4 is replaced by the following:
Article 1, first paragraph, point (10)(f), amending provision, numbered paragraph (4)				
Y	124	4.For the purposes of this Directive,	4.For the purposes of this Directive,	4.For the purposes of this Directive,

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	<p>child victims shall be presumed to have specific support and protection needs due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation. To determine whether and to what extent they would benefit from special measures as provided for under Articles 23 and 24, child victims shall be subject to an individual assessment as provided for in paragraph 1 of this Article. The individual assessment of child victims shall be organised within the framework of targeted and integrated support services referred to in Article 9a.;</p>	<p>child victims shall be presumed to have specific support and protection needs due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation. To determine whether and to what extent they would benefit from special measures as provided for under Articles <u>18</u>, 23 and 24, child victims shall be subject to an individual assessment as provided for in paragraph 1 of this Article. The individual assessment of child victims shall be organised within the framework of targeted and integrated support services referred to in Article 9a <u>and shall take into account the specific needs of children without parental care.</u> <u>Where relevant, the individual assessment shall take into account the victim's family members other than children.</u></p>	<p>child victims shall be presumed to have specific support and protection needs due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation. To determine whether and to what extent they would benefit from special measures as provided for under Articles 23 and 24, child victims shall be subject to an individual assessment as provided for in paragraph 1 of this Article. The individual assessment of child victims shall be organised within the framework of targeted and integrated support services referred to in Article 9a.;</p>	<p>child victims shall be presumed to have specific support and protection needs due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation. To determine whether and to what extent they would benefit from special measures as provided for under Articles <u>18, 18a</u>, 23 and 24, child victims shall be subject to an individual assessment as provided for in paragraph 1 of this Article. The individual assessment of child victims shall be organised within the framework of targeted and integrated support services referred to in Article 9a, <u>and, where appropriate, shall take into account the specific needs of children without parental care.</u></p> <p>Alternative draft to test in Council: "shall take into account any specific need of children without parental care". Preferred version for the EP</p>
	Article 1, first paragraph, point (10)(g)			
6	125	(g) paragraph 6 is replaced by the following:	(g) paragraph 6 is replaced by the following:	(g) paragraph 6 is replaced by the following:
	Article 1, first paragraph, point (10)(g), amending provision, numbered paragraph (6)			
6	126	6. Individual assessments shall be carried out with the close	6. Individual assessments shall be carried out with the close	6. Individual assessments shall be carried out with the close


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	involvement of the victim and shall take into account their wishes including where they do not wish to benefit from special measures as provided for in Articles 8, 9 ,9a, 23 and 24.;	involvement of the victim and shall take into account their wishes including where they do not wish to benefit from special measures as provided for in Articles 8, 9 ,9a, 23 and 24.;	involvement of the victim and shall take into account their wishes including where they do not wish to benefit from special measures as provided for in Articles 8, 9 ,9a, 23 and 24.;	involvement of the victim and shall take into account their wishes including where they do not wish to benefit from special measures as provided for in Articles 8, 9 ,9a, 23 and 24.;
Article 1, first paragraph, point (10)(h)				
127	(h) paragraph 7 is replaced by the following	(h) paragraph 7 is replaced by the following	(h) paragraph 7 is replaced by the following	(h) paragraph 7 is replaced by the following
Article 1, first paragraph, point (10)(h), amending provision, numbered paragraph (7)				
128	7. Competent authorities shall update the individual assessment at regular intervals to ensure the support and protection measures relate to the victim's changing situation. If the elements that form the basis of the individual assessment have changed significantly, Member States shall ensure that it is updated throughout the criminal proceedings.;	7. Competent authorities shall update the individual assessment at regular intervals <u>and, where relevant, take new or update ongoing measures,</u> to ensure the support and protection measures relate to the victim's changing situation. If the elements that form the basis of the individual assessment have changed significantly, <u>such as in the case of release of the offender from custody,</u> Member States shall ensure that it is updated throughout the criminal proceedings.;	7. Competent authorities Member States shall update ensure that the individual assessment at regular intervals is reviewed according to the individual needs of the victim to ensure the support and protection measures relate to the victim's changing individual needs situation. If the elements that form the basis of the individual assessment have changed significantly, Member States shall ensure that it is updated throughout the criminal proceedings.;	7. Competent authorities Member States shall update ensure that the individual assessment at regular intervals is reviewed according to the individual needs of the victim and, where relevant, new measures are taken or ongoing measures are updated according to the individual needs of the victim to ensure the support and protection measures relate to the victim's changing situation. If the elements that form the basis of the individual assessment have changed significantly, Member States shall ensure that it is updated throughout the criminal proceedings.;
				The issues of release of the offender from custody and of regularity of the

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				<p>update would be included in the recitals.</p> <p>operative part provisionally agreed on 16/10</p> <p>To be greened in trilogue</p>
Article 1, first paragraph, point (10)(h), amending provision, numbered paragraph (7a)				
y	128a	<u>(10a) The following Article is inserted:</u>		<p><u>delete - covered in article 22</u></p> <p>provisionally agreed on 17/10</p>
Article 1, first paragraph, point (10)(h), amending provision, numbered paragraph (7b)				
y	128b	<u>Article 22a</u>		<p><u>Article 22a deleted</u></p> <p>provisionally agreed on 17/10</p> <p>To be greened in trilogue</p>
Article 1, first paragraph, point (10)(h), amending provision, numbered paragraph (7c)				
y	128c	<u>Individual assessment of victims to identify specific support needs</u>		<p>provisionally agreed on 17/10</p> <p>To be greened in trilogue</p>
Article 1, first paragraph, point (10)(h), amending provision, numbered paragraph (7d)				
y	128d	<u>1. Member States shall ensure that victims receive a timely and individual assessment to identify specific support needs throughout the proceedings, taking into account the individual assessment referred to in Article 22, and to determine whether and to what</u>		<p>provisionally agreed on 17/10</p> <p>To be greened in trilogue</p>

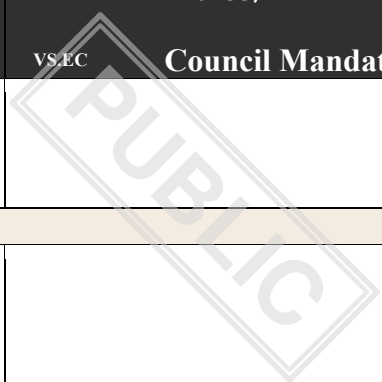
	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
		<u><i>extent they would benefit from special measures provided for under Article 9(1), point (c), due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.</i></u>		
Article 1, first paragraph, point (10)(h), amending provision, numbered paragraph (7e)				
y	128e	<u><i>2. The individual assessment referred to in paragraph 1 shall be undertaken in collaboration with all relevant competent authorities depending on the stage of the proceedings and relevant support services.</i></u>		provisionally agreed on 17/10 To be greened in trilogue
Article 1, first paragraph, point (10)(h), amending provision, numbered paragraph (7f)				
y	128f	<u><i>3. Where the individual assessment referred to in paragraph 1 has identified specific support needs or if the victim requests support, Member States shall ensure that the competent authorities respond to these needs in a timely and coordinated manner. This shall include referrals to general or specialist victim support services for an in-depth assessment of support needs, in line with protocols established pursuant to Article 26a.</i></u>		provisionally agreed on 17/10 To be greened in trilogue
Article 1, first paragraph, point (10)(h), amending provision, numbered paragraph (7g)				
y	128g	<u><i>4. Competent authorities shall update the individual assessment referred to in paragraph 1 at</i></u>		provisionally agreed on 17/10

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		<u>regular intervals to ensure the support measures correspond to the victim's changing situation. If the elements that form the basis of the individual assessment have changed significantly, Member States shall ensure that it is updated throughout the proceedings.</u>		To be greened in trilogue
Article 1, first paragraph, point (10)(h), amending provision, numbered paragraph (7h)				
y	128h	<u>5. Article 22(2) to (5) shall apply mutatis mutandis to the individual assessment referred to in paragraph 1 of this Article.</u>		provisionally agreed on 17/10 To be greened in trilogue
Article 1, first paragraph, point (10)(h), amending provision, numbered paragraph (7i)				
g	128i	<u>(10aa) In Article 23, paragraph 1 is replaced by the following:</u>	(10) In Article 23, paragraph 1 is replaced by the following:	<u>(10) In Article 23, paragraph 1 is replaced by the following:</u> Article 23 linked to recital 11 (line 21) - PCY to check wording of the recital.
Article 1, first paragraph, point (10), amending provision, numbered paragraph (1)				
y	128j	<u>1. Without prejudice to the rights of the defence and in accordance with rules of judicial discretion, Member States shall ensure that victims with specific protection needs who benefit from special measures identified as a result of an individual assessment provided for in Article 22(1), may benefit from the measures provided for in paragraphs 2 and 3 of this Article. In exceptional circumstances, a</u>	'1. Without prejudice to the rights of the defence and in accordance with rules of judicial discretion, Member States shall ensure that victims with specific protection needs who benefit from special measures identified as a result of an individual assessment provided for in Article 22(1), may benefit from the measures provided for in paragraphs 2, 3 and 4 of this Article. A special measure	<u>1. Without prejudice to the rights of the defence and in accordance with rules of judicial discretion, Member States shall ensure that victims with specific protection needs who benefit from special measures identified as a result of an individual assessment provided for in Article 22(1), may benefit from the measures provided for in paragraphs 2, 3 and 4 of this Article. By way of</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
		<p><u>special measure envisaged following the individual assessment may not be made available if operational or practical constraints make this impossible, or where there is an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice the course of the proceedings."</u></p>	<p>envisaged following the individual assessment shall not be made available if operational or practical constraints make this impossible, or where there is an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice the course of the proceedings.'</p>	<p><u>[exemption/exception], a special measure envisaged following the individual assessment may not be made available if operational or practical constraints make this impossible, or where there is an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice the course of the proceedings.</u></p> <p>discuss further exemption/exception + may clause EP needs to reflect on the wording</p>
Article 1, first paragraph, point (10a)				
128k		<p><u>(10a) The following Article is inserted:</u> <u>'Article 22a</u> <u>Individual assessment of victims to identify specific support needs</u> <u>1. Member States shall ensure that victims receive a timely and individual assessment to identify specific support needs throughout the proceedings, taking into account the individual assessment referred to in Article 22, and to determine whether and to what extent they would benefit from special measures provided for under Article 9(1), point (c), due to their particular vulnerability to</u></p>		<p>deleted</p>

CLEAN	Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
		<p><u>secondary and repeat victimisation, to intimidation and to retaliation.</u></p> <p><u>2. The individual assessment referred to in paragraph 1 shall be undertaken in collaboration with all relevant competent authorities depending on the stage of the proceedings and relevant support services;</u></p> <p><u>3. Where the individual assessment referred to in paragraph 1 has identified specific support needs or if the victim requests support, Member States shall ensure that the competent authorities respond to these needs in a timely and coordinated manner. This shall include referrals to general or specialist victim support services for an in-depth assessment of support needs, in line with protocols established pursuant to Article 26a.</u></p> <p><u>4. Competent authorities shall update the individual assessment referred to in paragraph 1 at regular intervals to ensure the support measures correspond to the victim's changing situation. If the elements that form the basis of the individual assessment have changed significantly, Member States shall ensure that it is updated throughout the proceedings.</u></p> <p><u>5. Article 22(2) to (5) shall</u></p>		

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
		<u>apply mutatis mutandis to the individual assessment referred to in paragraph 1 of this Article.'</u>		
Article 1, first paragraph, point (10b)				
128l		<u>(10b) in Article 23, paragraph 1 is replaced by the following: "1. Without prejudice to the rights of the defence and in accordance with rules of judicial discretion, Member States shall ensure that victims with specific protection needs who benefit from special measures identified as a result of an individual assessment provided for in Article 22(1), may benefit from the measures provided for in paragraphs 2 and 3 of this Article. In exceptional circumstances, a special measure envisaged following the individual assessment may not be made available if operational or practical constraints make this impossible, or where there is an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice the course of the proceedings."</u>		deleted
Article 1, first paragraph, point (11)				
129	(11) in Article 23, paragraph 2, point (d) is replaced by the following:	(11) in Article 23, paragraph 2, point (d) is replaced by the following:	(11) in Article 23, paragraph 2, point (d) is replaced by the following:	(11) in Article 23, paragraph 2, point (d) is replaced by the following:
Article 1, first paragraph, point (11a)				



	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
129a				
Article 1, first paragraph, point (11), amending provision, numbered paragraph (d)				
130	<p>(d) all interviews with victims of sexual violence, gender-based violence including victims of violence against women and domestic violence covered by Directive (EU) .../... of the European Parliament and of the Council¹ [on combating violence against women and domestic violence], unless conducted by a prosecutor or a judge, being conducted by a person of the same sex as the victim, if the victims so wishes, provided that the course of the criminal proceedings will not be prejudiced.;</p> <p>1. Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).’</p>	<p>(d) all interviews with victims of sexual violence, gender-based violence including victims of violence against women and domestic violence covered by Directive (EU) .../... of the European Parliament and of the Council⁶⁵ [on combating violence against women and domestic violence], unless conducted by a prosecutor or a judge, being conducted by a person of the same sexgender as the victim, if the victims so wishes, provided that the course of the criminal proceedings will not be prejudiced.;</p> <p><u>65 Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).’</u></p> <p>1. Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).’</p>	<p>(d) all interviews with victims of sexual violence, gender-based violence including victims of violence against women and domestic violence covered by Directive (EU) .../... of the European Parliament and of the Council¹ [on combating violence against women and domestic violence], unless conducted by a prosecutor or a judge, being conducted by a person of the same sex as the victim, if the victims so wishes, provided that the course of the criminal proceedings will not be prejudiced.;</p> <p>1. Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).’</p>	<p>(d) all interviews with victims of sexual violence, gender-based violence including victims of violence against women and domestic violence covered by Directive (EU) .../... of the European Parliament and of the Council¹ [on combating violence against women and domestic violence], unless conducted by a prosecutor or a judge, being conducted by a person of the same sex as the victim, if the victims so wishes, provided that the course of the criminal proceedings will not be prejudiced.;</p> <p>1. Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).’</p> <p>provisionally agreed on 16/10</p> <p>To be greened in trilogue</p> <p>Text Origin: Commission Proposal</p>
Article 1, first paragraph, point (11), amending provision, numbered paragraph (Da)				
130a		<u>(11a) in Article 23, paragraph 3 (c) is replaced by the following:</u>		<u>(11a) in Article 23, paragraph 3 (c) is replaced by the following:</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
				provisionally agreed on 16/10 To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (11), amending provision, numbered paragraph (Db)				
G	130b	<u>(c) measures to avoid unnecessary questioning concerning the victim's private life, including the person's sexual orientation, gender identity or past sexual conducts, not related to the criminal offence; and</u>		<u>(c) measures to avoid unnecessary questioning concerning the victim's private life, including the person's sexual orientation, gender, including gender identity or past sexual conducts, not related to the criminal offence; and</u>
Article 1, first paragraph, point (12)				
Y	131	(12) in Article 23, the following paragraph is added: paragraph is <u>paragraphs are</u> added:	(12) in Article 23, the following paragraph is added:	(12) in Article 23, the following paragraph is <u>paragraphs are</u> added: provisionally agreed on 16/10 To be greened in trilogue
Article 1, first paragraph, point (12)(a)				
Y	131a			
Article 1, first paragraph, point (12), amending provision, numbered paragraph (4)				
Y	132	4. The following measures to ensure victims' physical protection shall be available for victims with specific protection needs identified in accordance with Article 22(1) during	4. The following Measures to ensure victims' physical protection shall be available for victims with specific protection needs identified in accordance with Article 22(1) during	4. <u>Member States shall ensure that their competent authorities are granted the power to take adequate</u> The following measures <u>during criminal proceedings and</u>

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	criminal proceedings:	criminal proceedings:	criminal proceedings. Those measures may include:	<u>for as long a necessary</u> to ensure victims' the physical protection shall be available for <u>of</u> victims with specific protection needs <u>as</u> identified in accordance with Article 22(1) during criminal proceedings, <u>including:</u> EP accept para 4, subject to changes in recital 11 (line 21) PCY to confirm agreement
Article 1, first paragraph, point (12), amending provision, numbered paragraph (4), point (a)				
133	(a) continuous or temporary presence of law enforcement authorities;	(a) continuous or temporary presence of law enforcement authorities;	(a) continuous or temporary presence of law enforcement authorities or other bodies providing physical protection in accordance with national law;	(a) continuous or temporary presence of law enforcement authorities <u>or other bodies providing physical protection in accordance with national law;</u> PCY to confirm agreement Text Origin: Council Mandate
Article 1, first paragraph, point (12), amending provision, numbered paragraph (4), point (b)				
134	(b) barring, restraining or protection orders to provide protection for victims against any acts of violence, including by prohibiting or restraining certain dangerous behaviour of the offender.;	(b) barring, restraining or protection orders to provide protection for victims against any acts of violence, including by prohibiting or restraining certain dangerous behaviour of the offender.;	(b) barring, restraining or protection orders to provide protection for victims against any acts of violence, including by prohibiting or restraining certain dangerous behaviour of the offender in accordance with national law .;	(b) barring, restraining or protection orders to provide protection for victims against any acts of violence, including by prohibiting or restraining certain dangerous behaviour of the offender <u>in accordance with national law .;</u> PCY to confirm agreement Text Origin: Council Mandate

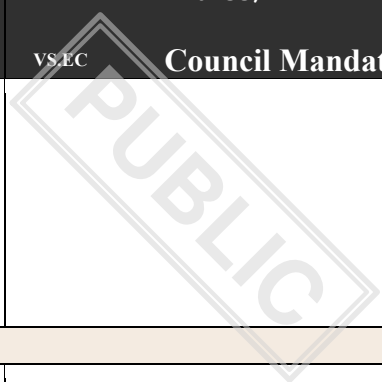
	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
Article 1, first paragraph, point (12), amending provision, numbered paragraph (4), point (ba)				
y	134a	<u>(ba) access to shelters and other appropriate interim accommodations free of charge or paid for by a dedicated financial allowance for victims.</u>		<u>(ba) access to shelters and other appropriate interim accommodations, in accordance with national law.</u> PCY to confirm agreement Text Origin: EP Mandate
Article 1, first paragraph, point (12), amending provision, numbered paragraph (4), point (bb)				
y	134b	<u>4a Member States shall ensure that competent authorities inform victims of the possibility to apply for barring, restraining or protection orders as well as the possibility to seek cross-border recognition of protection orders pursuant to Directive 2011/99/EU or Regulation (EU) No 606/2013.</u>		<u>4a. Member States shall ensure that, where relevant for the safety of the victim, the competent authorities inform victims of the possibility to apply for barring, restraining or protection orders as well as the possibility to seek cross-border recognition of protection orders pursuant to Directive 2011/99/EU or Regulation (EU) No 606/2013.</u> provisionally agreed in ITM of 30/9 To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (12)a				
y	134c	<u>(12a) in Article 24 paragraph (1), the following point is added:</u>		<u>(12a) in Article 24 paragraph (1), the following point is added:</u> provisionally agreed in ITM of 30/9 To be greened in trilogue

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: EP Mandate
Article 1, first paragraph, point (12), amending provision, numbered paragraph (4b)				
y	134d	<u><i>(ca) the child's right to be heard and the best interests of the child are ensured during the criminal investigations and proceedings, in accordance with Article 10';</i></u>		<u><i>(ca) the child's right to be heard and the best interests of the child are ensured during the criminal investigations and proceedings, in accordance with Article 10';</i></u> provisionally agreed in ITM of 30/9 To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (13)				
g	135	(13) in Article 24, the following paragraph is added:	(13) in Article 24, the following paragraph is added:	(13) in Article 24, the following paragraph is added:
Article 1, first paragraph, point (13), amending provision, numbered paragraph (3)				
y	136	3. Where the offence involves the holder of parental responsibility, or there could be any other conflict of interest between the child victims and the holder of parental responsibility, Member States shall take into account the best interest of the child and ensure that any act requiring consent is not conditional upon the consent of the holder of parental responsibility.;	3. Where the offence involves the holder of parental responsibility, or there could be any other conflict of interest between the child victims and the holder of parental responsibility, Member States shall take into account the best interest of the child and ensure that any act requiring consent is not conditional upon the consent of the holder of parental responsibility.;	3. Where the offence involves the holder of parental responsibility, or there could be any other conflict of interest between the child victims and the holder of parental responsibility, responsibility, or there could be any other responsibility in a way that includes a conflict of interest between the child victims and the holder of parental responsibility, Member States shall take into account the best interest of the child and ensure that, as determined by national law, any act requiring consent is not conditional upon the consent of the holder of parental responsibility.;

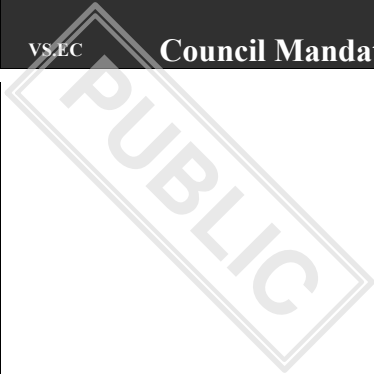
	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
			responsibility.;	provisionally agreed on 16/10 To be greened in trilogue
Article 1, first paragraph, point (13), amending provision, numbered paragraph (3a)				
y	136a	<u>(13a) Article 25 is amended as follows:</u>		<u>(13a) Article 25 is amended as follows:</u> provisionally agreed in ITM of 30/9 To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (13), amending provision, numbered paragraph (3b)				
y	136b	<u>(a) paragraph 1 is replaced by the following:</u>		<u>(a) paragraph 1 is replaced by the following:</u> provisionally agreed in ITM of 30/9 To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (13), amending provision, a paragraph				
y	136c	<u>1. Member States shall ensure that officials of public authorities, bodies and institutions likely to come into contact with victims, such as police officers and court staff, receive both general and specialist training to a level appropriate to their contact with victims to increase their awareness of the needs of victims, to avoid secondary victimisation and to enable them to</u>		<u>1. Member States shall ensure that officials likely to come into contact with victims, such as police officers and court staff, receive both general and specialist training to a level appropriate to their contact with victims to increase their awareness of the needs of victims, to avoid secondary victimisation and to enable them to deal with them in an impartial, respectful, non-</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
		<u>recognise victims, communicate, and deal with them in an impartial, respectful, non-discriminatory, and professional manner and where relevant, also in a trauma-sensitive, gender-sensitive and child-sensitive manner.</u>		<u>discriminatory, and professional manner and where relevant, also in a trauma-sensitive, gender-sensitive, disability - sensitive and child-sensitive manner. Training shall be provided in relation to victims of cybercrime.</u> provisionally agreed in ITM of 30/9 To be greened in trilogue
Article 1, first paragraph, point (13), amending provision, b paragraph				
y	136d	<u>(b) the following paragraph is inserted:</u>		deleted provisionally agreed in ITM of 30/9 To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (13), amending provision, c paragraph				
y	136e	<u>1a. In order to ensure comprehensive support and protection to victims, Member States shall develop practical guidelines to help translate the obligations for assessing victims' protection and support needs into practical steps for competent authorities, such as law enforcement authorities.</u>		deleted Might be moved in recitals, should protocols in Article 26a keep their binding nature provisionally agreed in ITM of 30/9 To be greened in trilogue
Article 1, first paragraph, point (13), amending provision, CI paragraph				
y	136f	<u>(c) paragraph 2 is replaced by the</u>		<u>(c) paragraph 2 is replaced by the</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
		<u>following:</u>		<u>following:</u> provisionally agreed in ITM of 30/9 To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (13), amending provision, CII paragraph				
136g		<u>2. Without prejudice to judicial independence and differences in the organisation of the judiciary across the Union, Member States shall take the measures necessary to ensure that both general and specialist training is provided for judges and prosecutors involved in criminal proceedings and investigations with respect to the objectives of this Directive and appropriate to the functions of the involved staff and authorities to increase their awareness of the needs of victims and to treat victims in a trauma-sensitive, gender-sensitive and child-sensitive manner, avoiding secondary victimisation.</u>		<u>2. Without prejudice to judicial independence and differences in the organisation of the judiciary across the Union, Member States shall take the necessary measures to ensure that both general and specialist training is provided for judges and prosecutors involved in criminal proceedings and investigations with respect to the objectives of this Directive and appropriate to the functions of those judges and prosecutors. Such training shall be human – rights based, victim centred and gender, disability and child sensitive.</u> provisionally agreed in ITM of 30/9 To be greened in trilogue
Article 1, first paragraph, point (13), amending provision, CIII paragraph				
136h		<u>(d) paragraph 3 is replaced by the following:</u>		<u>(d) paragraph 3 is replaced by the following:</u> provisionally agreed in ITM of 30/9

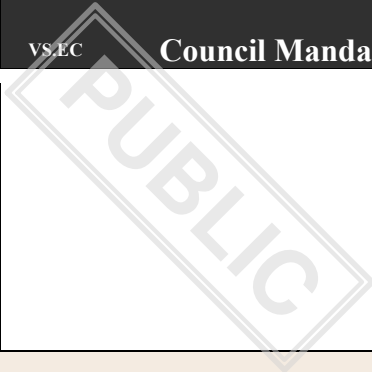



	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
				To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (13), amending provision, CIV paragraph				
y	136i	<u>3. With due respect for the independence of the legal profession, Member States shall ensure that those responsible for the training of lawyers make available both general and specialist training to increase the awareness of lawyers of the needs of victims and to treat victims in a trauma-sensitive, gender-sensitive and child-sensitive manner, avoiding secondary victimisation.</u>		<u>3. Without prejudice to the independence of the legal profession, Member States shall recommend that those responsible for the training of lawyers make available both general and specialist training to increase the awareness of lawyers of the needs of victims and to treat victims in a trauma-, gender-, disability- and child-sensitive manner.</u> provisionally agreed in ITM of 30/9 To be greened in trilogue
Article 1, first paragraph, point (13), amending provision, CV paragraph				
y	136j	<u>(e) paragraph 4 is replaced by the following:</u>		<u>(e) paragraph 4 is replaced by the following:</u> provisionally agreed in ITM of 30/9 To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (13), amending provision, CVI paragraph				
y	136k	<u>4. Through their public services or by funding victim support organisations, Member States shall encourage initiatives enabling those</u>		<u>4. Through their public services or by funding victim support organisations, Member States shall encourage initiatives enabling those</u>


	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
		<u>providing victim support and restorative justice services to receive adequate training to a level appropriate to their contact with victims and observe professional standards to ensure such services are provided in an impartial, respectful, non-discriminatory, child sensitive and professional manner.</u>		<u>providing victim support and restorative justice services to receive adequate training to a level appropriate to their contact with victims and observe professional standards to ensure such services are provided in an impartial, respectful, non-discriminatory, child sensitive and professional manner.</u> provisionally agreed in ITM of 30/9 To be greened in trilogue
Article 1, first paragraph, point (13), amending provision, CVII paragraph				
y	136l	<u>(f) paragraph 5 is replaced by the following:</u>		<u>(f) paragraph 5 is replaced by the following:</u> provisionally agreed in ITM of 30/9 To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (13), amending provision, numbered paragraph (3c)				
y	136m	<u>5. In accordance with the duties involved, and the nature and level of contact the practitioner has with victims, training shall cover general and specialist training, and shall aim to enable the practitioner to recognise victims, to understand the needs of victims as well as national law and procedures in relation to</u>		<u>5. In accordance with the duties involved, and the nature and level of contact the practitioner, including relevant health practitioners, has with victims, training shall aim to enable the practitioner to recognise victims and to treat them in a respectful, professional and non-</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
		<u>victims' rights, to avoid secondary victimisation, and to treat them in a respectful, professional and non-discriminatory manner.</u>		<u>discriminatory manner.</u> provisionally agreed on 17/10 To be greened in trilogue
Article 1, first paragraph, point (13), amending provision, CVIII paragraph				
y	136n	<u>(g) the following paragraphs are added:</u>		<u>(g) the following paragraphs are added:</u> provisionally agreed in ITM of 30/9 To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (13), amending provision, CIX paragraph				
y	136o	<u>5a. Training referred to in paragraphs 1, 2, and 3 shall include specific guidance on co-ordinated multi-agency cooperation, in accordance with Article 26a, allowing for a comprehensive, efficient and appropriate handling of referrals among the different competent authorities.</u>		<u>5a. Training referred to in this Article shall take into account the protocols or guidelines referred to in Article 26a (1).</u> provisionally agreed in ITM of 30/9 To be greened in trilogue
Article 1, first paragraph, point (13), amending provision, CX paragraph				
y	136p	<u>5b. Member States shall encourage the development of interdisciplinary training among the staff of the different authorities who are likely to come in contact with victims, where relevant with the cooperation of non-governmental organisations, to enhance cooperation and</u>		deleted To be potentially moved in a recital To be potentially moved in a recital (comment from 7 April)

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
		<u>coordination among authorities.</u>		To be greened in trilogue
Article 1, first paragraph, point (13), amending provision, CXI paragraph				
136q		<u>5c. The Member States shall promote training for the staff of competent authorities, who are in contact with victims, to enable them to respond to the specific needs of victims of cybercrime, including online forms of violence against women or child sexual abuse.</u>		deleted provisionally agreed in ITM of 30/9 To be greened in trilogue
Article 1, first paragraph, point (13), amending provision, CXII paragraph				
136r		<u>5d. Training activities referred to in paragraphs 1 to 5 and 8 shall be carried out regularly. Member States shall take measures to support bodies and organisations responsible for carrying out such training activities to develop, deliver and ensure the receipt of such training activities as well as its quality and availability throughout the territory of the Member States.</u>		<u>5d. Training activities referred to in this Article, which are under the responsibility of Member States, shall be carried out regularly. Member States shall take measures to support bodies and organisations responsible for carrying out such training activities to develop, deliver and ensure the receipt of such training activities as well as its quality and availability throughout the territory of the Member States.</u> provisionally agreed on 17/10 Draft a recital on training provided by a variety of actors, to clarify "under the responsibility of Member States" To be greened in trilogue
Article 1, first paragraph, point (13), amending provision, CXIII paragraph				

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
y	136s	<u>(13b) the following article is inserted:</u>		<u>(13b) the following article is inserted:</u> provisionally agreed on 17/10 To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (13), amending provision, CXIV paragraph				
y	136t	<u>Article 25a</u>		<u>Article 25a</u> provisionally agreed on 17/10 To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (13), amending provision, CXV paragraph				
y	136u	<u>Awareness raising and communication of victims' rights</u>		<u>Awareness raising and communication of victims' rights</u> provisionally agreed on 17/10 linked to recital 13c - provisionally agreed To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (13), amending provision, CXVI paragraph				
y	136v	<u>1. Member States shall ensure that regular awareness-raising campaigns are carried out at national level in order to ensure that victims are aware of their</u>		<u>1. Member States shall take appropriate action, including through the information and communication technologies, aimed at raising awareness of the rights</u>

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		<u>rights under this Directive. These campaigns shall be conducted through a variety of channels and ensure the delivery of information to victims in a consistent manner across the territories of Member States.</u>		<u>set out in this Directive, reducing the risk of victimisation, and minimising the negative impact of crime and the risks of secondary and repeat victimisation, of intimidation and of retaliation, in particular by targeting groups at risk such as children and victims of gender-based violence. Such action may include information and awareness raising campaigns and research and education programmes, where appropriate in cooperation with relevant civil society organisations and other stakeholders, as well as measures to increase the awareness of victims on where to obtain help and exercise their rights, including by public registers of accredited support organisations.</u> provisionally agreed on 17/10 delete current article 26(2) - to be reflected in the 4CT To be greened in trilogue
Article 1, first paragraph, point (13), amending provision, CXVII paragraph				
y	136w	<u>2. Member States shall establish a dedicated website to provide information to the public on reporting a crime, victims' rights, available general and specialist victim support services, functioning</u>		<u>2. Member States shall provide information to the public on reporting a crime, victims' rights, available general and specialist victim support services, functioning of the justice system as well as</u>

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		<u>of the justice system as well as relevant procedures and application processes. The website shall be written in plain language and be easily accessible, including for persons with disabilities. Member States shall ensure that the content of information communicated to victims is developed in collaboration with civil society organisations and that the content is consistent and regularly updated to ensure accuracy.</u>		<u>relevant procedures and application processes. This information should be easy to access, user friendly, provided in a plain language and readily available, such as on a website. Member States shall ensure that the content of information communicated to the public is developed, where relevant, in collaboration with civil society organisations and that the content is consistent and regularly updated to ensure accuracy.</u> provisionally agreed on 17/10 To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (13), amending provision, CXVIII paragraph				
y	136x	<u>3. Member States shall ensure enhanced measures addressing the needs of victims who face higher barriers to communication, including but not limited to victims who are residents of a Member State other than where the crime was committed, victims with disabilities and child victims.</u>		deleted provisionally agreed on 17/10 To be greened in trilogue
Article 1, first paragraph, point (13), amending provision, CXIX paragraph				
y	136y	<u>4. Member States shall ensure that measures are put in place to</u>		deleted

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		<u>increase the awareness of victims on where to obtain help and exercise their rights, including by signposting mechanisms promoting easy and rapid identification of places where victims may get help or public registers of accredited support organisations.</u>		provisionally agreed on 17/10 To be greened in trilogue
Article 1, first paragraph, point (14)				
G	137	(14) the following articles are inserted in Chapter 5:	(14) the following articles are inserted in Chapter 5:	(14) the following articles are inserted in Chapter 5:
Article 1, first paragraph, point (14), amending provision, first paragraph				
G	138	Article 26a	Article 26a	Article 26a Linked to recital 14
Article 1, first paragraph, point (14), amending provision, second paragraph				
Y	139	Protocols through national coordination and cooperation	Protocols through <u>for</u> national coordination and cooperation	Protocols through national <u>or guidelines for</u> coordination and cooperation <u>in the Member States</u> provisionally agreed on 17/10 To be greened in trilogue
Article 1, first paragraph, point (14), amending provision, numbered paragraph (1)				
Y	140	1. Member States shall establish and implement specific protocols on the organisation of services and actions under this Directive by the	1. Member States shall establish and implement specific protocols on the <u>efficient and consistent</u> organisation of services and actions under this	1. Member States shall establish and implement specific protocols <u>or guidelines, binding or non-binding in nature depending on national</u>

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	competent authorities and other persons coming in contact with victims. The protocols shall be drawn up in coordination and cooperation between law enforcement, prosecution authorities, judges, detention authorities, restorative justice services and victim support services. The specific protocols shall aim as a minimum at ensuring that:	Directive by the competent authorities, <u>victim support services, bodies and institutions dealing with victims of crime</u> and other persons coming in contact with victims. The protocols shall be drawn up in coordination and cooperation between law enforcement, prosecution authorities, judges, detention authorities, restorative justice services and victim support services <u>and in consultation with civil society organisations and relevant professional organisations.</u> The specific protocols shall aim as a minimum at ensuring that:	under this Directive by the competent authorities and other persons coming in contact with victims. The protocols or guidelines shall be drawn up in coordination and cooperation between relevant stakeholders, such as central authorities, in accordance with the internal structure of or division of competences in the Member States , law enforcement, prosecution authorities, judicial authorities judges, detention authorities, in consultation with restorative justice services and victim support services with a view to respond to the victims' individual needs. Member States are encouraged to ensure that, as a minimum, through the specific protocols shall aim as a minimum at ensuring that or guidelines :	<u>law</u> , on the organisation of services and actions under this Directive by of the competent authorities and other persons coming in contact with victims. The protocols <u>or guidelines</u> shall be drawn up in coordination and cooperation between <u>relevant stakeholders, such as central authorities, in accordance with the internal structure of or division of competences in the Member States</u> , law enforcement, prosecution authorities, judges <u>judicial authorities</u> , detention authorities, <u>and</u> restorative justice services and victim support services. The specific, <u>in consultation with relevant professional organisations and civil society organisations, with a view to respond to the victims' individual needs.</u> <u>The protocols or guidelines shall aim as a minimum at ensuring that at least provide general instructions on how:</u> provisionally agreed on 17/10 To be greened in trilogue
	Article 1, first paragraph, point (14), amending provision, numbered paragraph (1), point (a)			
y	141 (a) victims receive information that is adapted to their changing individual needs; whereas such	(a) victims receive information that is adapted to their changing individual needs; whereas such	(a) victims receive information that is adapted to their changing individual needs; whereas such	(a) victims receive <u>all the necessary information is provided to victims in line with this Directive</u> that is

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	information shall be simple and easy to understand, provided in a timely manner, repeated over time, in multiple formats including orally, in writing and digitally;	information shall be simple and easy to understand, provided in a timely manner, repeated over time, in multiple formats including orally, in writing and digitally;	information shall be simple and easy to understand, provided in a timely manner, repeated over time, in multiple formats including orally, in writing and digitally;	adapted to their changing individual needs; whereas such information shall be simple and easy to understand, provided in a timely manner, repeated over time, in multiple formats including orally, in writing and digitally; PCY: add in recital the last part of lit.a from the Commission proposal provisionally agreed on 17/10 To be greened in trilogue
Article 1, first paragraph, point (14), amending provision, numbered paragraph (1), point (b)				
142	(b) victims who are in detention including jails, detention centres and holding cells for suspects and accused, as well as specialised detention facilities for applicants of international protection and pre-removal centres or in other institutions, including accommodation centers where applicants and beneficiaries of international protection are located:	(b) victims who are in detention including jails, detention centres and holding cells for suspects and accused, as well as persons, specialised detention facilities for <u>where irregular migrants or</u> applicants of international protection and pre-removal centres or in other institutions, including accommodation centers where applicants and beneficiaries of international protection are located.	(b) victims who are in detention including jails, detention centres and holding cells for suspects and accused, as well as specialised detention facilities for applicants of international protection and pre-removal centres or in other institutions, including accommodation centers where applicants and beneficiaries of international protection are located, as referred to in article 5, paragraph 3	(b) victims who are in detention including jails, detention centres and holding cells for suspects and accused, as well as specialised detention facilities for applicants of international protection and pre-removal centres or in other institutions, including accommodation centers where applicants and beneficiaries of international protection are located. <u>Article 5a of this Directive should be applied by the competent authorities;</u> PCY to check new wording with MS
Article 1, first paragraph, point (14), amending provision, numbered paragraph (1), point (b)(-i)				
142a		<u>(ba) victims in accommodation</u>		

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		<u>facilities where they are not permitted to leave at will, such as reception or accommodation facilities, where irregular illegal migrants or applicants and beneficiaries of international protection are located, as well as specialised accommodation for person with disabilities, children and elderly people, including mental health and social care institutions, orphanages and retirement homes, and any other form of public or private custodial setting under control of any judicial, administrative or other public authority, or any private institution from which the victim is not permitted to leave at will.</u>		deleted provisionally agreed on 17/10 To be greened in trilogue
Article 1, first paragraph, point (14), amending provision, numbered paragraph (1), point (b)(i)				
y	143 (i) receive the information about their rights;	(i) receive the information about their rights;	(i) receive the information about their rights;	(i) receive the information about their rights; provisionally agreed on 17/10 To be greened in trilogue
Article 1, first paragraph, point (14), amending provision, numbered paragraph (1), point (b)(ii)				
y	144 (ii) can rely on facilitated crime reporting;	(ii) can rely on facilitated crime reporting;	(ii) can rely on facilitated crime reporting;	(ii) can rely on facilitated crime reporting; provisionally agreed on 17/10 To be greened in trilogue

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Article 1, first paragraph, point (14), amending provision, numbered paragraph (1), point (b)(iii)				
145	(iii) have access to support and protection in accordance with their individual needs;	(iii) have access to support and protection in accordance with their individual needs;	(iii) have access to support and protection in accordance with their individual needs;	(iii) have access to support and protection in accordance with their individual needs; provisionally agreed on 17/10 To be greened in trilogue
Article 1, first paragraph, point (14), amending provision, numbered paragraph (1), point (c)				
146	(c) individual assessment of victims' needs for support and protection as referred to in Article 22, and provision of support services for victims with specific needs, take into account the victims' individual needs at different stages of the criminal procedure.	(c) individual assessment of victims' needs for support and protection as referred to in Article 22, and provision of support services for victims with specific needs, take into account the victims' individual needs at different stages of the criminal procedure, <u>including through the effective coordination and cooperation among competent authorities and general and specialist victim support services during this process, including through clear referral protocols.</u>	(c) individual assessment of victims' needs for support and protection as referred to in Article 22, and provision of support services for victims with specific needs, take into account the victims' individual needs at different stages of the criminal procedure.	(c) <u>the</u> individual assessment of victims' needs for support and protection as referred to in Article 22, and provision of support services for victims with specific needs, take <u>is carried out, taking</u> into account the victims' individual needs at different stages of the criminal procedure.; provisionally agreed on 17/10 To be greened in trilogue
Article 1, first paragraph, point (14), amending provision, numbered paragraph (1), point (ca)				
146a		<u>(ca) competent authorities who are likely to come into contact with victims are trained in a targeted and regular manner to ensure victims are identified and receive appropriate support and protection in accordance with Article 25.</u>		provisionally agreed on 17/10 To be greened in trilogue
Article 1, first paragraph, point (14), amending provision, numbered paragraph (1), point (cb)				

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146b			(d) the protection and specialist support services necessary to adequately address the multiple needs of victims with specific needs as referred to in Article 9(4) are provided.	<p><u>(d) the cooperation between general and specialist support services is carried out, including targeted and integrated support services for child victims as referred to in Article 9a.</u></p> <p>provisionally agreed on 17/10</p> <p>To be greened in trilogue</p> <p>Referrals to be mentioned in a recital.</p>
Article 1, first paragraph, point (14), amending provision, numbered paragraph (2)				
147	2.Member States shall ensure that the protocols referred to in paragraph 1 are reviewed at regular intervals to ensure their effectiveness, and at least once every two years.	2.Member States shall ensure that the protocols referred to in paragraph 1 are reviewed at regular intervals to ensure their effectiveness, and at least once every two years.	2.Member States shall ensure that the protocols or guidelines referred to in paragraph 1 are reviewed at regular intervals where necessary to ensure their effectiveness, and at least once every two years. such as in case of significant changes of national law	2.Member States shall ensure that the protocols <u>or guidelines</u> referred to in paragraph 1 are reviewed at regular intervals <u>where necessary</u> to ensure their effectiveness, and at least once every two years <u>such as in case of significant changes of national law.</u>
Article 1, first paragraph, point (14), amending provision, numbered paragraph (3)				
148	3.Member States shall take the necessary legislative measures to allow for collection and sharing of information, including information containing personal data of victims between the competent authorities and victim support services to ensure access to information and appropriate support and protection of individual victims.	3.Member States shall take the necessary legislative measures to allow for collection and sharing of information <u>in accordance with Regulation (EU) 2016/679</u> , including information containing personal data of victims between the competent authorities and victim support services to ensure access to information and appropriate support and protection of individual victims.	3.Member States shall take the necessary legislative measures to allow for collection and sharing of information, including information containing personal data of victims between the competent authorities and victim support services to ensure access to information and appropriate support and protection of individual victims.	3.Member States shall take the necessary legislative measures to allow for <u>ensure [that the protocols or guidelines include provisions on]</u> the collection and sharing of information, including information containing personal data of victims between the competent authorities and victim support services to ensure access to information and appropriate support and protection of

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				<p>individual victims.</p> <p>Paragraph needs to be discussed further.</p> <p>EP wishes a substantial obligation on ensuring collection.</p> <p>Possible alternative wording outside of Article 26a to be discussed.</p> <p>Previously in recital 14: "In this context, Member States should take, where appropriate, the necessary legislative measures to allow for collection and sharing of information in accordance with Regulation (EU) 2016/679 and respecting the will of the victim, including information containing personal data of the victim between the competent authorities and victim support services to ensure access to information and appropriate support and protection of the affected victim." to be further discussed</p>
Article 1, first paragraph, point (14), amending provision, sixth paragraph				
G	149	Article 26b	Article 26b	Article 26b
Article 1, first paragraph, point (14), amending provision, seventh paragraph				
G	150	Use of electronic means of communication	Use of electronic means of information and communication technologies	Use of electronic means of <u>information and technologies</u> communication
Article 1, first paragraph, point (14), amending provision, numbered paragraph (1)				
Y	151	1.Member States shall ensure that victims of crime may exercise their rights provided for in Article 3a,	1.Member States shall ensure that victims of crime may exercise their rights provided for in Article 3a,	Reflect on the scope of articles covered - "where available" is problematic

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
	Article 4(1), Article 5(1), Article 5a, Article 6(1), (2), (4), (5) and (6) and Article 10b using electronic means of communication.	Article 4(1), Article 5(1) <u>and (3)</u> , Article 5a, Article 6(1), (2), (4), (5) and (6) and Article 10b using electronic means of communication.	Article 4(1), Article 5(1), Article 5a (1) and (4) , Article 6(1), (2), (4), (5) and (6) and as well as Article 10b in relation to informing victims about decisions taken in court proceedings, by using electronic means of, where available information and communication technologies.	Commission to draft
Article 1, first paragraph, point (14), amending provision, numbered paragraph (2)				
152	2. Victims of crime shall not be prevented from accessing or otherwise using national systems offering the electronic means of communication referred to in paragraph 1 on the basis that they are residents of another Member State.	2. Victims of crime shall not be prevented from accessing or otherwise using national systems offering the electronic means of communication referred to in paragraph 1 on the basis that they are residents of another Member State.	2. Victims of crime shall not be prevented from accessing or otherwise using, where available, the services provided by national systems offering the electronic means of information and communication technologies referred to in paragraph 1 on the basis that they are residents of another Member State.	2. Victims of crime shall not be prevented from accessing or otherwise using <u>[where available] the services provided by</u> national systems offering the electronic means of <u>information and technologies</u> referred to in paragraph 1 on the basis that they are residents of another Member State. EP insisting on not including 'where available'. COM - important to refer to the new eIDAS Regulation of 2024. 'where available' is no longer possible. PCY to check again with Member States deletion of 'where available'. Text Origin: Council Mandate
Article 1, first paragraph, point (14), amending provision, numbered paragraph (3)				
153	3. Where national systems offering	3. Where national systems offering	3. Where national systems offering	3. Where national systems offering

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	<p>electronic means of communication require the use of electronic identification, signatures and seals, Member States shall allow the use of notified electronic identification schemes, qualified electronic signatures, and qualified electronic seals of any other Member States as provided for in Regulation (EU) No 910/2014 of the European Parliament and of the Council¹.</p> <p>1. Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).</p>	<p>electronic means of communication require the use of electronic identification, signatures and seals, Member States shall allow the use of notified electronic identification schemes, qualified electronic signatures, and qualified electronic seals of any other Member States as provided for in Regulation (EU) No 910/2014 of the European Parliament and of the Council¹.</p> <p>1. Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).</p>	<p>electronic means of information and communication technologies require the use of electronic identification, signatures and seals, Member States shall allow the use of notified electronic identification schemes, qualified electronic signatures, and qualified electronic seals of any other Member States as provided for in Regulation (EU) No 910/2014 of the European Parliament and of the Council¹.</p> <p>1. [1] Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).</p>	<p>electronic means of information and communication technologies require the use of electronic identification, signatures and seals, Member States shall allow the use of <u>European Digital Identity Wallets</u>, notified electronic identification schemes, qualified electronic signatures, and qualified electronic seals of any other Member States as provided for in Regulation (EU) No 910/2014 of the European Parliament and of the Council¹.</p> <p>1. [1] Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).</p> <p>provisionally agreed on 17/10</p> <p>To be greened in trilogue</p> <p>Text Origin: Council Mandate</p>	
Article 1, first paragraph, point (14), amending provision, eleventh paragraph					
G	154	Article 26c	Article 26c	Article 26c	G
Article 1, first paragraph, point (14), amending provision, twelfth paragraph					
G	155	Rights of victims with disabilities	Rights of victims with disabilities	Rights of victims with disabilities	G
Article 1, first paragraph, point (14), amending provision, numbered paragraph (1)					
G	156	1.Member States shall ensure that victims with disabilities benefit on	1.Member States shall ensure that victims with disabilities benefit on	1.Member States shall ensure that victims with disabilities benefit on	G

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
	<p>equal basis with others from electronic means of communication as referred to in Article 26b of this Directive by complying with the accessibility requirements set out in Annex I to Directive (EU) 2019/882 of the European Parliament and of the Council¹.</p> <p>1. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).</p>	<p>equal basis with others from electronic means of communication as referred to in Article 26b of this Directive by complying with the accessibility requirements set out in Annex I to Directive (EU) 2019/882 of the European Parliament and of the Council¹.</p> <p>1. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).</p>	<p>equal basis with others from electronic means of information and communication technologies as referred to in Article 26b of this Directive by complying with the accessibility requirements set out in Annex I to Directive (EU) 2019/882 of the European Parliament and of the Council¹.</p> <p>1. [1] Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).</p>	<p>equal basis with others from electronic means of information and communication technologies as referred to in Article 26b of this Directive by complying with the accessibility requirements set out in Annex I to Directive (EU) 2019/882 of the European Parliament and of the Council¹.</p> <p>1. [1] Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).</p>
Article 1, first paragraph, point (14), amending provision, numbered paragraph (2), first subparagraph				
6	157	2.Member States shall ensure that victims with disabilities can access on equal basis with others, any procedure as well as the support services and protection measures covered by this Directive in line with the accessibility requirements set out in Annex I to Directive (EU) 2019/882.	2.Member States shall ensure that victims with disabilities can access on equal basis with others, any procedure as well as the support services and protection measures covered by this Directive in line with the accessibility requirements set out in Annex I to Directive (EU) 2019/882.	2.Member States shall ensure that victims with disabilities can access on equal basis with others, any procedure as well as the support services and protection measures covered by this Directive in line with the accessibility requirements set out in Annex I to Directive (EU) 2019/882.
Article 1, first paragraph, point (14), amending provision, numbered paragraph (2), second subparagraph				
y	158	Member States shall ensure that reasonable accommodation is provided for victims with disabilities upon request.	Member States shall ensure that reasonable accommodation is and procedural accommodations are provided for victims with disabilities upon request.	Member States shall ensure that reasonable accommodation is and procedural accommodations are provided for victims with disabilities upon request. operative part and recital (line 26)

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				provisionally agreed on 17/10 CLS and EP LS to discuss the recital, in particular the definition of procedural accommodation to confirm To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (14), amending provision, fifteenth paragraph				
R	159 Article 26d	Article 26d	Article 26d	Linked to article 10b right to review Linked to other provisions
Article 1, first paragraph, point (14), amending provision, sixteenth paragraph				
R	160 Remedies	Remedies	Remedies	
Article 1, first paragraph, point (14), amending provision, seventeenth paragraph				
R	161 Member States shall ensure that victims have an effective remedy under national law in the event of a breach of their rights under this Directive.;	Member States shall ensure that victims have an effective remedy under national law in the event of a breach of their rights under this Directive.;	Member States shall ensure that victims have an effective remedy under national law in the event of a breach of their rights under this Directive.;	
Article 1, first paragraph, point (15)				
G	162 (15) the following Article 27a is inserted:	(15) the following Article 27a is inserted:	(15) the following Article 27a is inserted:	<i>deleted</i>
Article 1, first paragraph, point (15), amending provision, first paragraph				
G	163 Article 27a	Article 27a	Article 27a	<i>deleted</i>

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
<i>Article 1, first paragraph, point (15), amending provision, second paragraph</i>				
164	Specific obligations in relation to victims of violence against women and domestic violence	Specific obligations in relation to victims of violence against women and domestic violence	Specific obligations in relation to victims of violence against women and domestic violence	<i>deleted</i>
<i>Article 1, first paragraph, point (15), amending provision, third paragraph</i>				
165	When Member States adopt the measures to comply with this Directive, they shall ensure that it is done without affecting the obligations under Directive (EU) .../... [on combating violence against women and domestic violence], which are applicable in relation to such victims in addition to the obligations set out in this Directive. In particular, Member States shall ensure that	When Member States adopt the measures to comply with this Directive, they shall ensure that it is done without affecting the obligations under Directive (EU) .../... [on combating violence against women and domestic violence], which are applicable in relation to such victims in addition to the obligations set out in this Directive. In particular, Member States shall ensure that	When Member States adopt the measures to comply with this Directive, they shall ensure that it is done without affecting the obligations under Directive (EU) .../... [on combating violence against women and domestic violence], which are applicable in relation to such victims in addition to the obligations set out in this Directive. In particular, Member States shall ensure that	<i>deleted</i>
<i>Article 1, first paragraph, point (15), amending provision, numbered paragraph (a)</i>				
166	(a) the victims' helpline as referred to in Article 3a of this Directive does not affect the operation of dedicated and specialised helplines for victims of violence against women and domestic violence as required under Article 31 of Directive (EU) .../... [on combating violence against women and domestic violence];	(a) the victims' helpline as referred to in Article 3a of this Directive does not affect the operation of dedicated and specialised helplines for victims of violence against women and domestic violence as required under Article 31 of Directive (EU) .../... [on combating violence against women and domestic violence];	(a) the victims' helpline as referred to in Article 3a of this Directive does not affect the operation of dedicated and specialised helplines for victims of violence against women and domestic violence as required under Article 31 of Directive (EU) .../... [on combating violence against women and domestic violence];	<i>deleted</i>
<i>Article 1, first paragraph, point (15), amending provision, numbered paragraph (b)</i>				
167	(b) the obligation to take measures pursuant to Article 5a(2) of this Directive does not affect Member States' obligation to take targeted	(b) the obligation to take measures pursuant to Article 5a(2) of this Directive does not affect Member States' obligation to take targeted	(b) the obligation to take measures pursuant to Article 5a(2) of this Directive does not affect Member States' obligation to take targeted	<i>deleted</i>

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
	measures to encourage the reporting of acts of violence against women or domestic violence set out in Article 16(1) of Directive (EU) .../... [on combatting violence against women and domestic violence];	measures to encourage the reporting of acts of violence against women or domestic violence set out in Article 16(1) of Directive (EU) .../... [on combatting violence against women and domestic violence];	measures to encourage the reporting of acts of violence against women or domestic violence set out in Article 16(1) of Directive (EU) .../... [on combatting violence against women and domestic violence];	
<i>Article 1, first paragraph, point (15), amending provision, numbered paragraph (c)</i>				
168	(c) the obligation to take measures pursuant to Article 5a(3) of this Directive does not affect Member States' obligation to take specialised measures to ensure the reporting of occurrences of violence against women or domestic violence in reception and detention centres set out in Article 35(4) of Directive (EU).../... [on combatting violence against women and domestic violence];	(c) the obligation to take measures pursuant to Article 5a(3) of this Directive does not affect Member States' obligation to take specialised measures to ensure the reporting of occurrences of violence against women or domestic violence in reception and detention centres set out in Article 35(4) of Directive (EU).../... [on combatting violence against women and domestic violence];	(e) the obligation to take measures pursuant to Article 5a(3) of this Directive does not affect Member States' obligation to take specialised measures to ensure the reporting of occurrences of violence against women or domestic violence in reception and detention centres set out in Article 35(4) of Directive (EU).../... [on combatting violence against women and domestic violence];	<i>deleted</i>
<i>Article 1, first paragraph, point (15), amending provision, numbered paragraph (d)</i>				
169	(d) the obligation to take measures pursuant to Article 5a(4) of this Directive does not affect Member States' obligation to take targeted measures under Article 16(4) of Directive (EU) .../... [on combatting violence against women and domestic violence];	(d) the obligation to take measures pursuant to Article 5a(4) of this Directive does not affect Member States' obligation to take targeted measures under Article 16(4) of Directive (EU) .../... [on combatting violence against women and domestic violence];	(d) the obligation to take measures pursuant to Article 5a(4) of this Directive does not affect Member States' obligation to take targeted measures under Article 16(4) of Directive (EU) .../... [on combatting violence against women and domestic violence];	<i>deleted</i>
<i>Article 1, first paragraph, point (15), amending provision, numbered paragraph (e)</i>				
170	(e) as regards victims of violence against women or domestic violence, the provisions of [Articles 18 and 19	(e) as regards victims of violence against women or domestic violence, the provisions of [Articles 18 and 19	(e) as regards victims of violence against women or domestic violence, the provisions of [Articles 18 and 19	<i>deleted</i>

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
	of Directive (EU) .../... [on combating violence against women and domestic violence] shall apply in addition to the rules set out in Article 22 of Directive 2019/29, as amended by this Directive'	of Directive (EU) .../... [on combating violence against women and domestic violence] shall apply in addition to the rules set out in Article 22 of Directive 2019/29, as amended by this Directive'	of Directive (EU) .../... [on combating violence against women and domestic violence] shall apply in addition to the rules set out in Article 22 of Directive 2019/29, as amended by this Directive'	
<i>Article 1, first paragraph, point (15), amending provision, numbered paragraph (f)</i>				
171	(f) the protocols on individual assessment of victims' needs for support and protection as referred to in Article 26a in conjunction with Article 22 of this Directive do not affect Member States' obligations to issue guidelines and establish dedicated mechanisms for victims of violence against women and domestic violence provided for in Article 23, point (b), and Article 40(2) of Directive (EU) .../... [on combating violence against women and domestic violence].;	(f) the protocols on individual assessment of victims' needs for support and protection as referred to in Article 26a in conjunction with Article 22 of this Directive do not affect Member States' obligations to issue guidelines and establish dedicated mechanisms for victims of violence against women and domestic violence provided for in Article 23, point (b), and Article 40(2) of Directive (EU) .../... [on combating violence against women and domestic violence].;	(f) the protocols on individual assessment of victims' needs for support and protection as referred to in Article 26a in conjunction with Article 22 of this Directive do not affect Member States' obligations to issue guidelines and establish dedicated mechanisms for victims of violence against women and domestic violence provided for in Article 23, point (b), and Article 40(2) of Directive (EU) .../... [on combating violence against women and domestic violence].;	<i>deleted</i>
<i>Article 1, first paragraph, point (15), amending provision, numbered paragraph (fa)</i>				
171a		<u><i>(fa) the use of barring, restraining and protection orders to provide protection for victims as referred to in Article 23 of this Directive do not affect Member States' obligations to ensure the physical integrity of victims of violence against women and domestic violence and their dependants provided for in Article</i></u>		<i>deleted</i>

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
		21 of Directive (EU) .../... [on combating violence against women and domestic violence].		
Article 1, first paragraph, point (15), amending provision, numbered paragraph (fb)				
171b		(fb)the obligation to take measures pursuant to Article 25 of this Directive does not affect Member State's obligation to take targeted measures under Article 37 of Directive (EU) .../... [on combating violence against women and domestic violence]'. ,		deleted
Article 1, first paragraph, point (16)				
172	(16) Article 28 is replaced by the following:	(16) Article 28 is replaced by the following:	(16 15) Article 28 is replaced by the following:	(16) Article 28 is replaced by the following:
Article 1, first paragraph, point (16), amending provision, first paragraph				
173	Article 28	Article 28	Article 28	Article 28
Article 1, first paragraph, point (16), amending provision, second paragraph				
174	Provision of data and statistics	Provision of data and statistics	Provision of data and statistics	Provision of data and statistics
Article 1, first paragraph, point (16), amending provision, numbered paragraph (1)				
175	1.Each Member State shall take the necessary measures to establish a system for the collection, production and dissemination of statistics on victims of crime. The statistics shall include data relevant to the application of national procedures on	1.Each Member State shall take the necessary measures to establish a system for the collection, production and dissemination of statistics on victims of crime. The statistics shall include data relevant to the application of national procedures on	1.Each Member State shall take the necessary measures to establish a system for the collection, production and dissemination of statistics on victims of crime. The statistics shall include data, when available at central level , relevant to the	1.Each Member State shall take the necessary measures to establish a system for the collection, production and dissemination of statistics on victims of crime. The statistics shall, as a minimum , include the following data, available at central

	CLEAN Commission Proposal	VS.EC EP Mandate	10255/24 VS.EC Council Mandate	VS.EC Draft Agreement
	victims of crime, including at least the number and type of reported crimes and the number, the age, sex of the victims and the type of the offence. They shall also include information on how victims have accessed the rights set out in this Directive.	victims of crime, including at least the number and type of reported crimes and the number, the age, sex, <u>gender and disability, if any</u> , of the victims and , the type of the offence <u>and the nature of the relationship between the victim and the offender</u> . They shall also include information on how victims have accessed the rights set out in this Directive <u>and whether victims have suffered a crime due to a bias or discriminatory motive as set out in Article 22. Such statistics shall allow for developing qualitative analysis, including on remaining barriers when reporting crimes and accessing victims' rights.</u>	application of national procedures on victims of crime, including at least <u>which may include</u> the number and type of reported crimes and the number, the age, sex of the victims and the type of the offence . They shall also include information on <u>data available at central level showing</u> how victims have accessed the rights set out in this Directive. For the purposes of the statistics referred to in this provision, Member States may use data collected on the basis of relevant Union instruments.	<u>level, disaggregated by sex, age group (child/adult) of the victim and, where possible and data relevant, relationship between the victim and the offender and type of offence, on:</u> <u>(a) the number of</u> to the application of national procedures on victims of crime, including at least; <u>(b) the number and type of reported crimes</u> and the number, the age, sex of the victims and the type of the offence. They shall also include information on <u>data available at central level showing</u> how victims have accessed the rights set out in this Directive. <u>For the purposes of the statistics referred to in this provision, Member States may use data collected on the basis of relevant Union instruments.</u>
Article 1, first paragraph, point (16), amending provision, numbered paragraph (2)				
176	2.Member States shall collect the statistics referred to in this Article on the basis of common disaggregation developed in cooperation with the Commission (Eurostat). They shall transmit this data to the Commission (Eurostat) every three years. The transmitted data shall not contain	2.Member States shall collect the statistics referred to in this Article on the basis of common disaggregation developed in cooperation with the Commission (Eurostat) <u>and the Victims Rights' Coordinator) and experts in the field of victims' rights</u> . They shall transmit this data	2.Member States shall endeavour to collect the statistics referred to in this Article on the basis of common disaggregation developed in cooperation with the Commission (Eurostat). They shall transmit this data to the Commission (Eurostat) every three years. The transmitted	2.Member States shall <u>endeavour to</u> collect the statistics referred to in this Article on the basis of common disaggregation developed in cooperation with <u>and in accordance with the standards developed by</u> the Commission (Eurostat) <u>in cooperation with national</u>

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	personal data.	to the Commission (Eurostat) every three years. <u>Member States shall have a synchronised timeline for this reporting to ensure data comparability.</u> The transmitted data shall not contain personal data.	data shall not contain personal data.	<u>authorities</u> . They shall transmit this data to the Commission (Eurostat) every three years. The transmitted data shall not contain personal data.
Article 1, first paragraph, point (16), amending provision, numbered paragraph (3)				
177	3.The European Union Agency for Fundamental Rights shall support Member States and the Commission in the collection, production and dissemination of statistics on victims of crime and in reporting on how victims have accessed the rights set out in this Directive.	3.The European Union Agency for Fundamental Rights shall support Member States and the Commission in the collection, production and dissemination <u>and qualitative analysis</u> of statistics on victims of crime and in reporting on how victims have accessed the rights set out in this Directive.	3.The European Union Agency for Fundamental Rights shall support Member States and the Commission in the collection, production and dissemination of available statistics on victims of crime and in reporting on available data showing how victims have accessed the rights set out in this Directive.	3.The European Union Agency for Fundamental Rights shall support Member States and the Commission in the collection, production and dissemination of <u>available</u> statistics on victims of crime and in reporting on available data showing how victims have accessed the rights set out in this Directive.
Article 1, first paragraph, point (16), amending provision, numbered paragraph (4)				
178	4.The Commission (Eurostat) shall support Member States in the data gathering referred to in paragraph 1, including by establishing common standards on counting units, counting rules, common disaggregation, reporting formats, and on the classification of criminal offences.	4.The Commission (Eurostat) shall support Member States in the data gathering referred to in paragraph 1, including by establishing common standards on counting units, counting rules, common disaggregation, reporting formats, and on the classification of criminal offences.	4.The Commission (Eurostat) shall support Member States in the data gathering referred to in paragraph 1, including by establishing common standards on counting units, counting rules, common disaggregation, reporting formats, and on the classification of criminal offences.	4.The Commission (Eurostat) shall support Member States in the data gathering referred to in paragraph 1, including by establishing common standards on counting units, counting rules, common disaggregation, reporting formats, and on the classification of criminal offences.
Article 1, first paragraph, point (16), amending provision, numbered paragraph (5)				
179	5.The Member States shall make the collected statistics available to the public. The statistics shall not contain personal data.	5.The Member States shall make the collected statistics available to the public <u>in an easily accessible manner. In compliance with Regulation (EU) 2016/679</u> the	5.The Member States shall make the collected statistics available to the public. The statistics shall not contain personal data.?’;	5.The Member States shall make the collected statistics available to the public <u>in an accessible and user-friendly manner</u> . The statistics shall not contain personal data.

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		statistics shall not contain personal data-		
Article 1, first paragraph, point (16), amending provision, numbered paragraph (6)				
6	180 6.The collection of data under paragraph 1 shall not affect the dedicated data collection under Article 44 of Directive (EU) .../... [on combating violence against women and domestic violence].;	6.The collection of data under paragraph 1 shall not affect the dedicated data collection under Article 44 of Directive (EU) .../... [on combating violence against women and domestic violence].;	6.The collection of data under paragraph 1 shall not affect the dedicated data collection under Article 44 of Directive (EU) .../... [on combating violence against women and domestic violence].;	<i>deleted</i>
Article 1, first paragraph, point (16a)				
y	180a	<u>(16a) The following Articles are inserted:</u>		provisionally agreed on 17/10 To be greened in trilogue
Article 1, first paragraph, point (16b)				
y	180b	<u>Article 28a</u>		Article 28a deleted - linked to recital 18b provisionally agreed on 17/10 To be greened in trilogue
Article 1, first paragraph, point (16c)				
y	180c	<u>Coordination of the EU strategy on victims' rights</u>		provisionally agreed on 17/10

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				To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (16c)(a)				
y	180d	<u>1. In order to ensure consistency and effectiveness of actions in relation to victims' rights policy, Member States shall facilitate the tasks of Victims' Rights Coordinator, established by the Commission.</u>		provisionally agreed on 17/10 To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (16c)(b)				
y	180e	<u>2. The Victims' Rights Coordinator shall in particular ensure a smooth functioning of the Victims' Rights Platform and implementation of the EU Strategy on victims' rights and this Directive as well as synchronise victims' rights related actions of other Union level stakeholders, notably where relevant to the application of this Directive.'</u>		provisionally agreed on 17/10 To be greened in trilogue
Article 1, first paragraph, point (16d)				
y	180f	<u>Article 28b</u>		<u>Article 28b</u> provisionally agreed on 17/10 To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (16e)				
y	180g	<u>Resources</u>		<u>Resources</u>

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				provisionally agreed on 17/10 To be greened in trilogue Text Origin: EP Mandate
Article 1, first paragraph, point (16f)				
Y	180h	<u>Member States shall ensure adequate and stable human, technical and financial resources for the full and timely implementation of this Directive, including for public and non-governmental organisations' support services.'</u>		<u>Member States shall ensure sufficient human and financial resources for the effective application of the measures set out in this Directive without prejudice to the budgetary autonomy of the Member States.</u> Linked to recital 15 PCY to check with MS to confirm agreement Text Origin: EP Mandate
Article 1, first paragraph, point (17)				
G	181	(17) Article 29 is replaced by the following:	(17) Article 29 is replaced by the following:	(17) Article 29 is replaced by the following:
Article 1, first paragraph, point (17), amending provision, point (1)				
G	181a			
Article 1, first paragraph, point (17), amending provision, first paragraph				
G	182	Article 29	Article 29	Article 29
Article 1, first paragraph, point (17), amending provision, second paragraph				
G	183	Reporting by the Commission and review	Reporting by the Commission and review	Reporting by the Commission and review

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Article 1, first paragraph, point (17), amending provision, third paragraph				
y	184	By [six years after adoption], the Commission shall submit a report on the application of this Directive to the European Parliament and the Council. The report shall assess the extent to which the Member States have taken the necessary measures to comply with this Directive, including the technical implementation.	By ... [six years after <u>the</u> adoption <u>of this Directive</u>], the Commission shall submit a report on the application of this Directive to the European Parliament and the Council. The report shall assess the extent to which the Member States have taken the necessary measures to comply with this Directive, including the technical implementation. <u>The Commission shall take into consideration the findings of the European Union Agency for Fundamental Rights and Eurostat in that report.</u>	By [six years after adoption], the Commission shall submit a report on the application of this Directive to the European Parliament and the Council. The report shall assess the extent to which the Member States have taken the necessary measures to comply with this Directive, including the technical implementation.
<div style="text-align: right;">provisionally agreed on 17/10</div> <div style="text-align: right; background-color: #90EE90;">To be greened in trilogue</div>				
Article 1, first paragraph, point (17), amending provision, fourth paragraph				
g	185	The report shall be accompanied, if necessary, by a legislative proposal.;	The report shall be accompanied, if necessary, by a legislative proposal.;	The report shall be accompanied, if necessary, by a legislative proposal.;
Article 2				
g	186	Article 2 Transposition	Article 2 Transposition	Article 2 Transposition
Article 2(1), first subparagraph				
g	187	1.Member States shall take the	1.Member States shall take the	1.Member States shall take the

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	necessary measures to comply with this Directive [by two years after the entry into force] with the exception of the provisions necessary to comply with Article 26b which shall be adopted and published [by four years after the entry into force]. They shall immediately inform the Commission thereof.	necessary measures to comply with this Directive [by two years after the entry into force] with the exception of the provisions necessary to comply with Article 26b which shall be adopted and published [by four years after the entry into force]. They shall immediately inform the Commission thereof.	necessary measures to comply with this Directive [by two years after the entry into force] with the exception of the provisions necessary to comply with Article 26b which shall be adopted and published [by four years after the entry into force]. They shall immediately inform the Commission thereof.	necessary measures to comply with this Directive [by two years after the entry into force] with the exception of the provisions necessary to comply with Article 26b which shall be adopted and published [by four years after the entry into force]. They shall immediately inform the Commission thereof.
Article 2(1), second subparagraph				
188	When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.	When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.	When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.	When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.
Article 2(2)				
189	2.Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.	2.Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.	2.Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.	2.Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.
Article 3				
190	Article 3 Entry into force	Article 3 Entry into force	Article 3 Entry into force	Article 3 Entry into force
Article 3, first paragraph				
191	This Directive shall enter into force on the twentieth day following that of its publication in the Official	This Directive shall enter into force on the twentieth day following that of its publication in the Official	This Directive shall enter into force on the twentieth day following that of its publication in the Official	This Directive shall enter into force on the twentieth day following that of its publication in the Official

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>10255/24</small> <small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
	Journal of the European Union.	Journal of the European Union.	Journal of the European Union.	Journal of the European Union.
	Article 3, second paragraph			
<small>G</small>	192 This Directive is addressed to the Member States in accordance with the Treaties.	This Directive is addressed to the Member States in accordance with the Treaties.	This Directive is addressed to the Member States in accordance with the Treaties.	This Directive is addressed to the Member States in accordance with the Treaties.
	Formula			
<small>G</small>	193 Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels,
	Formula			
<small>G</small>	194 For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament
	Formula			
<small>G</small>	195 The President	The President	The President	The President
	Formula			
<small>G</small>	196 For the Council	For the Council	For the Council	For the Council
	Formula			
<small>G</small>	197 The President	The President	The President	The President