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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Directive on combating violence against women and domestic violence - Compromise suggestions for Chapters 1, 2, 6 and 7 - Questions for delegations in relation to the above Chapters

Delegations will find:

1. in Annex 1, compromise suggestions for Chapters 1, 2, 6 and 7 (4-column table)
2. in Annex 2, questions for delegations concerning the above Chapters

This document is issued in view of the JHA Counsellors + Experts meeting on 22 November 2023.

**Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on combating
violence against women and domestic violence
2022/0066(COD)**

CHAPTER 1					
82	CHAPTER 1 GENERAL PROVISIONS	CHAPTER 1 GENERAL PROVISIONS	CHAPTER 1 GENERAL PROVISIONS		
Article 1					
83	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter		
Article 1, 1.					
84	This Directive lays down rules to prevent and combat violence against women and domestic violence. It establishes minimum rules concerning:	This Directive lays down rules to prevent and combat violence against women and domestic violence. It establishes minimum rules concerning:	1. This Directive lays down rules to prevent and combat violence against women and domestic violence. It establishes minimum rules concerning:		If paragraph 2 in this Article was accepted, this line could be accepted by the EP (the only change is the number of the paragraph).
Article 1, 1., point (a)					
85	(a) the definition of criminal offences and penalties in the areas of sexual exploitation of women and children and	(a) the definition of criminal offences and penalties in the areas of sexual exploitation of women and children and	(a) the definition of criminal offences and penalties in the areas of sexual exploitation of women and children and		This line is the same in the GA and the EP Mandate.

	computer crime;	computer crime;	computer crime;		
Article 1, 1., point (b)					
86	(b) the rights of victims of all forms of violence against women or domestic violence before, during or after criminal proceedings;	(b) the rights of victims of all forms of violence against women or domestic violence before, during or after criminal proceedings;	(b) the rights of victims of all forms of violence against women or domestic violence before, during and for an appropriate time after criminal proceedings;	(b) the rights of victims of all forms of violence against women or domestic violence before, during and for an appropriate time after criminal proceedings;	The EP seems to be able to accept the GA, but this is still under discussion.
Article 1, 1., point (c)					
87	(c) victims' protection and victims' support.	(c) <u>the rights of</u> victims' <u>to</u> protection and victims' support.	(c) victims' protection and victims' support.	(c) victims' protection and victims' support.	The EP seems to be able to accept the GA, but this is still under discussion.
Article 1, first paragraph, point (ca)					
87a		<u>(ca) prevention and early intervention.</u>			This line is linked to line 300 (title of Chapter 5), where the EP suggests to use "Prevention and early intervention".
Article 1, 2.					
87b			2. The provisions of Chapters 3 to 7 shall apply to all victims of offences of violence against women and domestic violence, as defined under this Directive, regardless of their gender. These victims are all the victims	2. The provisions of Chapters 3 to 7 shall apply to all victims of offences of violence against women and domestic violence, as defined under this Directive, regardless of their gender. These victims are all the victims	The EP seems to be able to accept the GA, but this is still under discussion.

			of acts criminalised under Chapter 2, as well as victims of any other acts of violence against women or domestic violence, as criminalised under other Union acts or under national law.	of acts criminalised under Chapter 2, as well as victims of any other acts of violence against women or domestic violence, as criminalised under other Union acts or under national law.	
Article 2					
88	Article 2 Victims at an increased risk of violence and specific risks	Article 2 Victims at an increased risk of violence and specific risks	Article 2 Victims at an increased risk of violence and specific risks		
Article 2(1)					
89	1. When implementing the measures under this Directive, Member States shall take into consideration the increased risk of violence faced by victims experiencing discrimination based on a combination of sex and other grounds so as to cater to their enhanced protection and support needs, as set out in Article 18(4), Article 27(5) and Article 37(7).	1. When implementing the measures under this Directive, Member States shall take into consideration the increased risk of violence faced by victims experiencing <u>intersectional</u> discrimination based on a combination of sex <u>or</u> <u>gender</u> and other grounds so as to cater to their enhanced protection and support needs, as set out in Article 18(4), Article 27(5), <u>Article 35(1)</u> and Article 37(7).	1. When implementing the measures under this Directive, Member States shall take into consideration the increased risk of violence faced by victims experiencing discrimination based on a combination of sex and other grounds so as to cater to their enhanced protection and support needs, as set out in Article 18(4), Article 27(5) and Article 37(7).		This Article is still under debate.
Article 2(2)					

90	2. Member States shall ensure that, in the application of this Directive, particular attention is paid to the risk of intimidation, retaliation, secondary and repeat victimisation and to the need to protect the dignity and physical integrity of victims.	2. Member States shall ensure that, in the application of this Directive, particular attention is paid to the risk of intimidation, retaliation, secondary and repeat victimisation and to the need to protect the dignity and <u>rights of victims, including their physical and psychological integrity, privacy and safety of victims.</u>	2. Member States shall ensure that, in the application of this Directive, particular attention is paid to the risk of intimidation, retaliation, secondary and repeat victimisation and to the need to protect the dignity and physical integrity of victims.		
Article 3					
91	Article 3 Scope	Article 3 Scope	Article 3 Scope		
Article 3, first paragraph					
92	This Directive shall apply to the following criminal offences:	This Directive shall apply to the following criminal offences:	This Directive shall apply to the following criminal offences:		The EP seems to be able to accept the GA, but this is still under discussion.
Article 3, first paragraph, point (a)					
93	(a) criminal offences referred to in Chapter 2;	(a) criminal offences referred to in Chapter 2;	(a) criminal offences referred to in Chapter 2;		
Article 3, first paragraph, point (b)					
94	(b) acts of violence against	(b) acts of violence against	(b) acts of violence against		

	women or domestic violence as criminalised under other instruments of Union law;	women or domestic violence as criminalised under other instruments of Union law;	women or domestic violence as criminalised under other instruments of Union law;		
Article 3, first paragraph, point (c)					
95	(c) any other acts of violence against women or domestic violence as criminalised under national law.	(c) any other acts of violence against women or domestic violence as criminalised under national law.	(c) any other acts of violence against women or domestic violence as criminalised under national law.		
Article 4					
96	Article 4 Definitions	Article 4 Definitions	Article 4 Definitions		
Article 4, first paragraph					
97	For the purposes of this Directive, the following definitions shall apply:	For the purposes of this Directive, the following definitions shall apply:	For the purposes of this Directive, the following definitions shall apply:	For the purposes of this Directive, the following definitions shall apply:	The EP seems to be able to accept the GA, but this is still under discussion.
Article 4, first paragraph, point (a)					
98	(a) “violence against women” means gender-based violence, that is directed against a woman or a girl because she is a woman or a girl or that affects women or girls disproportionately,	(a) "violence against women" means <u>all acts of</u> gender-based violence, that <u>is that are</u> directed against a woman or a girl because she is a woman or a girl or that affects <u>affect</u> women or girls <u>in all their diversity</u>	(a) "violence against women" means gender-based violence, that is all acts of gender-based violence directed against a woman or a girl because she is a woman or a girl or that affects women or girls	(a) “violence against women” means <u>all acts of</u> gender-based violence, that <u>is that are</u> directed against a woman or a girl because she is a woman or a girl or that affects <u>affect</u> women or girls disproportionately,	The EP seems to be able to accept the GA with slight changes, but this is still under discussion.

	including all acts of such violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;	disproportionately, including all acts of such violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;	disproportionately, including all acts of such violence that result in, or are likely to result in, physical, sexual, psychological psychological or economic harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;	including all acts of such violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;	
Article 4, first paragraph, point (b)					
99	(b) “domestic violence” means all acts of violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering, that occur within the family or domestic unit, irrespective of biological or legal family ties, or between former or current spouses or partners, whether or not the offender shares or has shared a residence with the victim;	(b) "domestic violence" means all acts, <u>or threats of acts, of physical, sexual, psychological or economic</u> of violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering, that occur within the family or domestic unit, irrespective of biological or legal family ties, or between former or current spouses or partners, whether or not the offender shares or has shared a residence <u>household</u> with the victim;	(b) "domestic violence" means all acts of violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering , violence that occur within the family or domestic unit, irrespective of biological or legal family ties, or between former or current spouses or partners, whether or not the offender shares or has shared a residence with the victim;	(b) “domestic violence” means all acts of violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering , <u>violence</u> that occur within the family or domestic unit, irrespective of biological or legal family ties, or between former or current spouses or partners, whether or not the offender shares or has shared a residence with the victim;	The EP seems to be able to accept the GA, but this is still under discussion.
Article 4, first paragraph, point (c)					

100	(c) “victim” means any person, regardless of sex or gender, unless specified otherwise, who has suffered harm, which was directly caused by acts of violence covered under this Directive, including child witnesses of such violence;	(c) “victim” means any person, regardless of sex or gender, unless specified otherwise, who has suffered harm, which was directly caused by acts of violence covered under this Directive, including child witnesses of such violence;	(c) "victim" means any person, regardless of sex or their gender, unless specified otherwise , who has suffered harm, which was directly caused by acts of violence covered under this Directive against women or domestic violence , including child witnesses of such children who have suffered harm because they have witnessed domestic violence ;		Still under debate, especially regarding “child witnesses”.
Article 4, first paragraph, point (d)					
101	(d) “cyber violence” means any act of violence covered by this Directive that is committed, assisted or aggravated in part or fully by the use of information and communication technologies;	(d) “cyber violence” means any act of violence covered by this Directive that is committed, assisted or aggravated in part or fully by the use of information and communication technologies;	(d) "cyber violence" means any act of violence covered by this Directive that is committed, assisted or aggravated in part or fully by the use of information and communication technologies in Articles 7 to 10 ;		Still under debate, regarding the extension of the definition of “cyber violence”.
Article 4, first paragraph, point (e)					
102	(e) “information and communication technologies” means all technological tools and	(e) “information and communication technologies” means all technological tools and	(e) “information and communication technologies” means all technological tools and		The EP seems to be able to accept the GA, but this is still under discussion.

	resources used to digitally store, create, share or exchange information, including smart phones, computers, social networking and other media applications and services;	resources used to digitally store, create, share or exchange information, including smart phones, computers, social networking and other media applications and services;	resources used to digitally store, create, share or exchange information, including smart phones, computers, social networking and other media applications and services;		
Article 4, first paragraph, point (f)					
103	<p>(f) “providers of intermediary services” means providers of the services as defined in Article 2 point (f) of Regulation (EU) YYYY/XXX of the European Parliament and of the Council¹ [Regulation on a Single Market for Digital Services];</p> <p>1. Regulation (EU) YYYY/XXX of the European Parliament and of the Council on a Single Market for Digital Services (OJ L ...).</p>	<p>(f) “providers<u>provider</u> of intermediary services” means providers of the a<u>provider of an intermediary</u> services as defined in Article 23<u>23</u>, point (f), of Regulation (EU) YYYY/XXX<u>2022/2065</u> of the European Parliament and of the Council¹;<u>;</u></p> <p>¹⁷ Regulation (EU) <u>2022/2065 of the European Parliament and of the Council of 19 October 2022</u> on a Single Market for Digital Services;<u> and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p.1).</u></p> <p>1. Regulation (EU) YYYY/XXX of the European Parliament and of the Council on a Single Market for Digital Services (OJ L ...).</p>	<p>(f) “providers of intermediary services<u>hosting service providers</u>” means providers of the services as defined in Article 23<u>23</u> point (f)<u>(g) (iii)</u> of Regulation (EU) YYYY/XXX<u>2022/2065</u> of the European Parliament and of the Council¹ [Regulation of 19 October 2022 on a Single Market For Digital Services]<u> and amending Directive 2000/31/EC (Digital Services Act)</u>;</p> <p>¹ Regulation (EU) YYYY/XXX of the European Parliament and of the Council on a Single Market for Digital Services (OJ L ...).</p>		Still under debate.

Article 4, first paragraph, point (fa)					
103a			(fa) "providers of intermediary services" means providers of the services as defined in Article 3, point (g) of Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act);		Still under debate.
Article 4, first paragraph, point (g)					
104	(g) "sexual harassment at work" means any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, where it occurs in the course of, linked with, or arising in matters of employment, occupation and self-employment, with the purpose or effect of violating the dignity of the victim, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment;	(g) "sexual harassment at <u>in the world of</u> work" means any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, where it occurs in the course of, linked with, or arising in matters of employment, occupation, <u>self-employment, informal and undocumented work, job seeking or training, including in public and private work spaces, places where the worker is paid, takes a rest, break or a meal, or uses sanitary,</u>	(g) "sexual harassment at work" means any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, where it occurs in the course of, linked with, or arising in matters of employment, occupation and self-employment, with the purpose or effect of violating the dignity of the victim, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment;		Still under debate (connected to the acceptance, or not, of the new crime of sexual harassment at work).

		<u>washing or changing facilities, during work-related trips, travel, training, events or social activities, through work-related communications, including those enabled by information and communication technologies, in employer-provided accommodation, or when commuting to and from work</u> and self-employment , with the purpose or effect of violating the dignity of the victim, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, <u>including where a person's rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for job-related decisions</u> ;			
Article 4, first paragraph, point (h)					
105	(h) "child" means any person below the age of 18 years;	(h) "child" means any person below the age of 18 years;	(h) "child" means any person below the age of 18 years;		This line is the same in the GA and the EP Mandate.
Article 4, first paragraph, point (i)					
106					

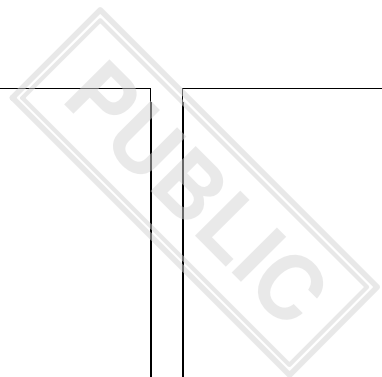
	(i) “age of sexual consent” means the age below which, in accordance with national law, it is prohibited to engage in sexual activities with a child;	(i) “age of sexual consent” means the age below which, in accordance with national law, it is prohibited to engage in sexual activities with a child;	(i) “age of sexual consent” means the age below which, in accordance with national law, it is prohibited to engage in sexual activities with a child;		Still under debate. This provision is linked to Article 45, which is deleted in the GA.
Article 4, first paragraph, point (j)					
107	(j) “dependant” means a child of the victim or any person, other than the offender or suspect, living in the same household as the victim, for whom the victim is providing care and support.	(j) “dependant” means a child of the victim or any person, other than the offender or suspect, living in the same household as the victim, for whom the victim is providing care and support.	(j) "dependant" means a child of the victim or any person, other than the offender or suspect, living in the same household as the victim, for whom the victim is providing care and support-;	(j) "dependant" means a child of the victim or any person, other than the offender or suspect, living in the same household as the victim, for whom the victim is providing care and support-;	The definition is the same in both the EP Mandate and the GA. The only change is the “;” at the end, that depends on the addition of a new paragraph.
Article 4, first paragraph, point (k)					
107a			(k) "competent authorities" means any public authorities designated under national law as competent to carry out the duties provided for in the relevant provisions of this Directive.	(k) "competent authorities" means any public authorities designated under national law as competent to carry out the duties provided for in the relevant provisions of this Directive.	The EP seems to be able to accept the GA, but this is still under discussion.

CHAPTER 2					
108	CHAPTER 2 OFFENCES CONCERNING SEXUAL EXPLOITATION OF WOMEN AND CHILDREN AND COMPUTER CRIME	CHAPTER 2 OFFENCES CONCERNING SEXUAL EXPLOITATION OF WOMEN AND CHILDREN AND COMPUTER CRIME	CHAPTER 2 OFFENCES CONCERNING SEXUAL EXPLOITATION OF WOMEN AND CHILDREN AND COMPUTER CRIME		
Article 5					
109	Article 5 Rape	Article 5 Rape	Article 5 Rape		
Article 5(1)					
110	1. Member States shall ensure that the following intentional conduct is punishable as a criminal offence:	1. Member States shall ensure that the following intentional conduct is punishable as a criminal offence:	1. Member States shall ensure that the following intentional conduct is punishable as a criminal offence:		The Presidency has no indication of a change in the position of the Council regarding this Article.
Article 5(1), point (a)					
111	(a) engaging with a woman in any non-consensual act of vaginal,	(a) engaging with a woman in any non-consensual act of vaginal,	(a) engaging with a woman in any non-consensual act of vaginal,		

	anal or oral penetration of a sexual nature, with any bodily part or object;	anal or oral penetration of a sexual nature, with any bodily part or object;	anal or oral penetration of a sexual nature, with any bodily part or object;		
Article 5(1), point (b)					
112	(b) causing a woman to engage with another person in any non-consensual act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object.	(b) causing a woman to engage with another person in any non-consensual act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object.	(b) causing a woman to engage with another person in any non-consensual act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object.		
Article 5(2)					
113	2. Member States shall ensure that a non-consensual act is understood as an act which is performed without the woman's consent given voluntarily or where the woman is unable to form a free will due to her physical or mental condition, thereby exploiting her incapacity to form a free will, such as in a state of	2. Member States shall ensure that a non-consensual act is understood as an act which is performed without the woman's consent given voluntarily or where the woman is unable to form a free will due to her physical or mental condition, thereby exploiting her incapacity to form a free will, such as in a state of <u>fear</u> ,	2. Member States shall ensure that a non-consensual act is understood as an act which is performed without the woman's consent given voluntarily or where the woman is unable to form a free will due to her physical or mental condition, thereby exploiting her incapacity to form a free will, such as in a state of		

	unconsciousness, intoxication, sleep, illness, bodily injury or disability.	<u>intimidation,</u> unconsciousness, intoxication, sleep, illness, bodily injury or disability <u>or in an otherwise particularly vulnerable situation.</u>	unconsciousness, intoxication, sleep, illness, bodily injury or disability.		
Article 5(3)					
114	3. Consent can be withdrawn at any moment during the act. The absence of consent cannot be refuted exclusively by the woman's silence, verbal or physical non-resistance or past sexual conduct.	3. Consent can be withdrawn at any moment during the act. The absence of consent cannot be refuted exclusively by the woman's silence, verbal or physical non-resistance or past sexual conduct <u>or existing or past relationship with the offender including marital or any other partnership status.</u> <u>Consent shall be given voluntarily as the result of free will and it shall be assessed in the context of the surrounding circumstances;</u>	3. Consent can be withdrawn at any moment during the act. The absence of consent cannot be refuted exclusively by the woman's silence, verbal or physical non-resistance or past sexual conduct.		
Article 5a					

114a		<p><u>Article 5a</u> <u>Sexual assault</u> 1. <u>Member States shall ensure that the following intentional conduct is punishable as a criminal offence:</u> (a) <u>engaging with a woman in any non-consensual act of a sexual nature, other than acts as referred to in Article 5(1), point (a);</u> (b) <u>causing a woman to engage with another person in any non-consensual act of a sexual nature, other than acts as referred to in Article 5(1), point (b);</u> 2. <u>Member States shall ensure that a non-consensual act is understood as an act which is performed without the woman's consent given voluntarily or where the woman is unable to form free will due to her physical or mental condition, and</u></p>			<p>The inclusion of this new crime in the Directive is still to be discussed (not included in the General Approach).</p>
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her incapacity to form free will is exploited, such as being in a state of fear, intimidation, unconsciousness, intoxication, sleep, illness, bodily injury or disability or being in an otherwise particularly vulnerable situation;
3. Consent can be withdrawn at any moment during the act. The absence of consent cannot be refuted by the woman's silence, verbal or physical non-resistance or past sexual conduct or existing or past relationship with the offender, including marital or any other partnership status. Consent shall be given voluntarily as the result of free will and it shall be assessed in the context of the surrounding circumstances.

115	Article 6 Female genital mutilation	Article 6 Female genital mutilation	Article 6 Female genital mutilation		
Article 6, first paragraph					
116	Member States shall ensure that the following intentional conduct is punishable as a criminal offence:	Member States shall ensure that the following intentional conduct is punishable as a criminal offence:	Member States shall ensure that the following intentional conduct is punishable as a criminal offence:		The EP and the Council agree on the definition of this crime. The main difference to be discussed is if it should be an autonomous crime (see Recital 16).
Article 6, first paragraph, point (a)					
117	(a) excising, infibulating or performing any other mutilation to the whole or any part of the labia majora, labia minora or clitoris;	(a) excising, infibulating or performing any other mutilation to the whole or any part of the labia majora, labia minora or clitoris;	(a) excising, infibulating or performing any other mutilation to the whole or any part of the labia majora, labia minora or clitoris;		
Article 6, first paragraph, point (b)					
118	(b) coercing or procuring a woman or a girl to undergo any of the acts referred to in point (a).	(b) coercing or procuring a woman or a girl to undergo any of the acts referred to in point (a).	(b) coercing or procuring a woman or a girl to undergo any of the acts referred to in point (a).		

Article 6a					
118a		<p><u>Article 6a</u></p> <p><u>Intersex genital mutilation</u></p> <p><u>1. Member States shall ensure that the following intentional conduct is punishable as a criminal offence:</u></p> <p><u>(a) performing any medically unnecessary surgical or medical procedure or hormonal treatment on the sex characteristics of a healthy woman or child born with variations of sex characteristics, without obtaining prior and informed consent and without the woman or child understanding the procedure or treatment, with the purpose or effect of altering those sex characteristics to align them with sex characteristics considered typically female or male;</u></p>			<p>The inclusion of this new crime in the Directive is still to be discussed (not included in the General Approach).</p>

		<p><u>(b) coercing a healthy woman or child to undergo a procedure or treatment as referred to in point (a).</u></p> <p><u>2. Member States shall ensure that the prior and informed consent of a woman or child to undergo a procedure or treatment as referred to in paragraph 1 cannot be substituted by the consent of the woman or child's legal guardian.</u></p>			
Article 6b					
118b		<p><u>Article 6b</u></p> <p><u>Forced sterilisation</u></p> <p><u>1. Member States shall ensure that the following intentional conduct is punishable as a criminal offence:</u></p> <p><u>(a) performing surgery which has the purpose or effect of terminating a woman or child's ability to</u></p>			<p>The inclusion of this new crime in the Directive is still to be discussed (not included in the General Approach).</p>

		<p><u>naturally reproduce without obtaining prior and informed consent and without the woman or child understanding the procedure, including as a prerequisite for other medical procedures;</u></p> <p><u>(b) coercing or procuring a woman or a child to undergo the surgery referred to in point (a).</u></p> <p><u>2. Member States shall ensure that the prior and informed consent of a woman or child to undergo the procedure referred to in paragraph 1, point (a), cannot be substituted by the consent of the woman or child's legal guardian.</u></p>			
Article 6c					
118c		<p><u>Article 6c</u></p> <p><u>Forced marriage</u></p> <p><u>Member States shall</u></p>			The inclusion of this new crime in the Directive is still to be discussed (not

		<u>ensure that the following intentional conduct is punishable as a criminal offence:</u> <u>(a) forcing a woman or a child to enter into a marriage;</u> <u>(b) luring a woman or child to the territory of a country other than the one in which the woman or child resides in order to force that person to enter into a marriage.</u>			included in the General Approach).
Article 6d					
118d		<u>Article 6d</u> <u>Sexual harassment in the world of work</u> <u>Member States shall ensure that intentionally committing sexual harassment in the world of work is punishable as a criminal offence.</u>			The inclusion of this new crime in the Directive is still to be discussed (not included in the General Approach).
Article 7					
119	Article 7	Article 7	Article 7		The Presidency has extensively explained to

	Non-consensual sharing of intimate or manipulated material	Non-consensual sharing of intimate or manipulated material	Non-consensual sharing of intimate or manipulated material		the EP the reasons that explain the changes in this Article. The Article is, however, still under discussion.
Article 7, 1.					
120	Member States shall ensure that the following intentional conduct is punishable as a criminal offence:	Member States shall ensure that the following intentional conduct is punishable as a criminal offence:	1. Member States shall ensure that the following intentional conduct is punishable as a criminal offence:		
Article 7, 1., point (a)					
121	(a) making intimate images, or videos or other material depicting sexual activities, of another person without that person's consent accessible to a multitude of end-users by means of information and communication technologies;	(a) making intimate images, or videos or other material depicting sexual activities, of another person without that person's consent accessible to a multitude of other end-users by means of information and communication technologies;	(a) making intimate accessible to the public, by means of information and communication technologies images, or videos or other similar material depicting sexual sexually explicit activities, of another person without that or the intimate parts of a person's without the consent accessible to a multitude of end-users by means of information and		

			communication technologies of the persons involved where such conduct is likely to cause serious harm to those persons;		
Article 7, 1., point (b)					
122	(b) producing or manipulating and subsequently making accessible to a multitude of end-users, by means of information and communication technologies, images, videos or other material, making it appear as though another person is engaged in sexual activities, without that person's consent;	(b) producing or manipulating and subsequently making accessible to a multitude of other end-users, by means of information and communication technologies, images, videos <u>intimate material</u> or other material, making <u>to make</u> it appear as though another person is engaged in sexual activities, without that person's consent;	(b) producing, manipulating or altering or manipulating and subsequently making accessible to a multitude of end-users the public , by means of information and communication technologies, images, videos or other similar material, making it appear as though another person is engaged in sexual sexually explicit activities, without their consent, where such conduct is likely to cause serious harm to the without that person's consent ;		
Article 7, 1., point (c)					

123	(c) threatening to engage in the conduct referred to in points (a) and (b) in order to coerce another person to do, acquiesce or refrain from a certain act.	(c) threatening to engage in the conduct referred to in points (a) and (b) in order to coerce another person to do, acquiesce or refrain from a certain act. <u>or (b);</u>	(c) threatening to engage in the conduct referred to in points (a) and (b) in order to coerce another person to do, acquiesce or refrain from a certain act.		
Article 7, first paragraph a					
123a		<u>For the purposes of this Article, the term 'intimate material' shall be understood as including images, photographs and video recordings of a private or personal nature and of a sexual or nude nature.</u>			
Article 7, 2.					
123b			2. Paragraph 1 (a) and (b) shall apply without prejudice to the application of exceptions provided for under national or Union law, which guarantee		

			the freedom of expression and information and the freedom of the arts and sciences.		
Article 8					
124	Article 8 Cyber stalking	Article 8 Cyber stalking	Article 8 Cyber stalking		The Presidency has extensively explained to the EP the reasons that explain the changes in this Article. The Article is, however, still under discussion.
Article 8, first paragraph					
125	Member States shall ensure that the following intentional conduct is punishable as a criminal offence:	Member States shall ensure that the following intentional conduct is punishable as a criminal offence:	Member States shall ensure that the following intentional conduct is punishable as a criminal offence:		
Article 8, first paragraph, point (a)					
126	(a) persistently engaging in threatening or intimidating conduct directed at another person, by means of	(a) persistently engaging in threatening or intimidating conduct directed at another person, by means of	(a) persistently engaging in threatening or intimidating conduct directed at another person, by means of		

	information and communication technologies, which causes that the person fears for own safety or that the person fears for safety of dependants;	information and communication technologies, which causes that the person fears for own safety or that the person fears for safety of dependants;	information and communication technologies, which causes that the person fears for own safety or that the person fears for safety of dependants; The content of letter a) has been moved, with some changes, to Article 9 a).		
Article 8, first paragraph a					
127	(b) placing another person under continuous surveillance, without that person's consent or legal authorisation to do so, by means of information and communication technologies, to track or monitor that person's movements and activities;	(b) placing another person under continuous surveillance, without that person's consent or legal authorisation to do so, by means of information and communication technologies, to track or monitor that person's movements and activities;	repeatedly or continuously placing another person under continuous surveillance, without that person's consent or a legal authorisation to do so, by means of information and communication technologies, to track or monitor that person's movements and activities; where such conduct is likely to cause serious harm to the person, is punishable as a criminal		

			offence		
Article 8, first paragraph a, point (c)					
128	(c) making material containing the personal data of another person, without that person's consent, accessible to a multitude of end-users, by means of information and communication technologies, for the purpose of inciting those end-users to cause physical or significant psychological harm to the person.	(c) making material containing <u>or revealing</u> the personal data of another person, without that person's consent, accessible to a multitude <u>of other</u> end-users, by means of information and communication technologies, for the purpose of inciting those end-users <u>others</u> to cause physical, <u>psychological or economic</u> or significant psychological harm to the <u>that</u> person.	(e) making material containing the personal data of another person, without that person's consent, accessible to a multitude of end-users, by means of information and communication technologies, for the purpose of inciting those end-users to cause physical or significant psychological harm to the person. The content of letter c) has been moved, with some changes, to Article 9 c).		
Article 9					
129	Article 9 Cyber harassment	Article 9 Cyber harassment	Article 9 Cyber harassment		The Presidency has extensively explained to the EP the reasons that explain the changes in this Article. The Article is, however, still under

					discussion.
Article 9, first paragraph					
130	Member States shall ensure that the following intentional conduct is punishable as a criminal offence:	Member States shall ensure that the following intentional conduct is punishable as a criminal offence:	Member States shall ensure that the following intentional conduct is punishable as a criminal offence:		
Article 9, first paragraph, point (a)					
131	(a) initiating an attack with third parties directed at another person, by making threatening or insulting material accessible to a multitude of end-users, by means of information and communication technologies, with the effect of causing significant psychological harm to the attacked person;	(a) initiating an attack with third parties directed at another person, by making threatening or insulting abusive material accessible to a multitude of other end-users, by means of information and communication technologies, with the effect of causing significant psychological psychological or economic harm to the attacked person;	(a) initiating an attack with third parties repeatedly or continuously engaging in threatening conduct directed at another person, by making threatening or insulting material accessible to a multitude of end-users at least when this conduct involves threats to commit criminal offences , by means of information and communication technologies, with the effect of causing significant psychological		

			<p>harm to the attacked person where such conduct is likely to cause the person to seriously fear for their own safety or the safety of dependants;</p> <p>This text replaces what was contained in letter a) of the Commission proposal.</p>		
Article 9, first paragraph, point (b)					
132	(b) participating with third parties in attacks referred to in point (a).	(b) participating with third parties in attacks as referred to in point (a).	<p>(b) participating with third parties in attacks referred to in point (a) engaging, together with other persons, by means of information and communication technologies, in publicly accessible threatening or insulting conduct, directed at another person, where such conduct is likely to cause serious psychological harm to the attacked person;</p>		

			This text replaces what was contained in letter b) of the Commission proposal.		
Article 9, first paragraph, point (ba)					
132a		<u>(ba) the unsolicited sending, by means of information and communication technologies, of an image, video or other material depicting genitals to a person with the effect of causing psychological harm to that person.</u>			<p>The EP mandate includes this new offence, also known as “cyber-flashing”. The Presidency would like to ask Member States if they could accept the inclusion of this crime, provided a more technical wording is used. A possible drafting, based on the UK Online Safety Bill, could be:</p> <p><i>Sending, by means of information and communication technologies, an unsolicited image or video of any person’s genitals to another person, with the intention of causing alarm, distress or humiliation or by being reckless as to whether it will cause alarm, distress or humiliation.</i></p>

Article 9, first paragraph, point (c)					
132b			(c) making accessible to the public by means of information and communication technologies material containing the personal data of another person, without that person's consent, for the purpose of inciting others to cause physical or serious psychological harm to the person.		<p>The EP seems able to accept this conduct among the cybercrimes. The paragraph, however, is still under discussion.</p>
Article 10					
133	Article 10 Cyber incitement to violence or hatred	Article 10 Cyber incitement to violence or hatred	Article 10 Cyber incitement to violence or hatred		<p>The Presidency has extensively explained to the EP the reasons that explain the changes in this Article. The Article is, however, still under discussion.</p>
Article 10, first paragraph					
134	Member States shall ensure that the intentional	Member States shall ensure that the intentional	1. Member States shall ensure that the intentional		

	conduct of inciting to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex or gender, by disseminating to the public material containing such incitement by means of information and communication technologies is punishable as a criminal offence.	conduct of inciting to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex or <u>sexual orientation, gender expression, gender identity or, sex characteristics</u> , by disseminating to the public material containing such incitement by means of information and communication technologies, is punishable as a criminal offence.	conduct of inciting to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex or gender, by disseminating to the public dissemination of material containing such incitement by means of information and communication technologies is punishable as a criminal offence.		
Article 10, second paragraph					
134a			2. For the purpose of paragraph 1, Member States may choose to punish only conduct which is either carried out in a manner likely to disturb public order or which is threatening, abusive or insulting.		

Article 11					
135	Article 11 Incitement, aiding and abetting, and attempt	Article 11 Incitement, aiding and abetting, and attempt	Article 11 Incitement, aiding and abetting, and attempt		
Article 11(1)					
136	1. Member States shall ensure that inciting and aiding and abetting the commission of any of the criminal offences referred to in Articles 5 to 9 are punishable as criminal offences.	1. Member States shall ensure that inciting and aiding and abetting the commission of any of the criminal offences referred to in Articles 5 to 9 are punishable as criminal offences.	1. Member States shall ensure that inciting and aiding and abetting the commission of any of the criminal offences referred to in Articles 5 to 9 6 to 9(b) are punishable as criminal offences.	1. Member States shall ensure that inciting and aiding and abetting the commission of any of the criminal offences referred to in Articles 5 to 9 6 to 9(b) are punishable as criminal offences.	The EP seems able to accept the GA (the introduction of the reference to Article 5 is linked with the question of including rape in the scope of the proposal)
Article 11(1bis)					
136a			1bis. Member States shall ensure that aiding and abetting the commission of any of the criminal offences referred to in Articles 6(a) and 7 to 9 are punishable as criminal offences.	<u>1bis. Member States shall ensure that aiding and abetting the commission of any of the criminal offences referred to in Articles 6(a) and 7 to [10] are punishable as criminal offences.</u>	The EP seems able to accept the GA (the introduction of the reference to Article 5 is linked with the question of including rape in the scope of the proposal). The EP suggests the inclusion of Article 10 in this paragraph, in line with Article 2(2) of

					Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law. The Presidency would like to know if Member States would accept this change.
Article 11(2)					
137	2. Member States shall ensure that an attempt to commit any of the criminal offences referred to in Articles 5 and 6 is punishable as a criminal offence.	2. Member States shall ensure that an attempt to commit any of the criminal offences referred to in Articles 5, <u>5a, 6, 6a, 6b and 6c are</u> and 6 is punishable as a criminal offence.	2. Member States shall ensure that an attempt to commit any of the criminal offences referred to in Articles 5 and Article 6 is punishable as a criminal offence.		The content of this Article is still under debate, pending the discussion on new crimes.
Article 12					
138	Article 12 Penalties	Article 12 Penalties	Article 12 Penalties		The Presidency has explained to the EP the reasons that explain the changes in this Article. The Article is, however, still under discussion.
Article 12(1)					

139	1. Member States shall ensure that the criminal offences referred to in Articles 5 to 11 are punishable by effective, proportionate and dissuasive criminal penalties.	1. Member States shall ensure that the criminal offences referred to in Articles 5 to 11 are punishable by effective, proportionate and dissuasive criminal penalties.	1. Member States shall ensure that the criminal offences referred to in Articles 5 6 to 11 are punishable by effective, proportionate and dissuasive criminal penalties.		The EP seems able to accept the GA (the introduction of the reference to Article 5 is linked with the question of including rape in the scope of the proposal)
Article 12(2)					
140	2. Member States shall ensure that the criminal offence referred to in Article 5 is punishable by a maximum penalty of at least 8 years of imprisonment and at least 10 years of imprisonment if the offence was committed under aggravating circumstances referred to in Article 13.	2. Member States shall ensure that the criminal offence referred to in Article 5 is punishable by a maximum penalty of at least 8 years of imprisonment and at least 10 years of imprisonment if the offence was committed under aggravating circumstances referred to in Article 13.	2. Member States shall ensure that the criminal offence referred to in Article 5 is punishable by a maximum penalty of at least 8 years of imprisonment and at least 10 years of imprisonment if the offence was committed under aggravating circumstances referred to in Article 13.		This paragraph depends on the inclusion of Article 5 in this Directive.
Article 12(2a)					
140a		<u>2a. Member States shall ensure that the criminal</u>			This paragraph depends on the inclusion of new

		<u>offence referred to in Article 5a is punishable by a maximum penalty of at least three years of imprisonment and at least five years of imprisonment if the offence was committed under aggravating circumstances referred to in Article 13;</u>			crimes in this Directive.
Article 12(2b)					
140b		<u>2b. Member States shall ensure that the criminal offences referred to in Article 6d is punishable by a maximum penalty of at least one year of imprisonment.</u>			This paragraph depends on the inclusion of new crimes in this Directive.
Article 12(2c)					
140c					
Article 12(2d)					
140d					
Article 12(3)					

141	3. Member States shall ensure that an offender of the criminal offence referred to in Article 5, who has previously been convicted of offences of the same nature, mandatorily participates in an intervention programme referred to in Article 38.	3. Member States shall ensure that an offender of the criminal offence referred to in Article 5; who has previously been convicted of offences of the same nature, mandatorily participates in an intervention programme referred to in Article 38; <u>without delay after conviction;</u>	3. Member States shall ensure that an offender of the criminal offence referred to in Article 5, who has previously been convicted of offences of the same nature, mandatorily participates in an intervention programme referred to in Article 38.		This paragraph is still under discussion.
Article 12(4)					
142	4. Member States shall ensure that the criminal offence referred to in Article 6 is punishable by a maximum penalty of at least 5 years of imprisonment and at least 7 years of imprisonment if the offence was committed under aggravating circumstances referred to in Article 13.	4. Member States shall ensure that the criminal offence <u>offences</u> referred to in Article 6, <u>6a, 6b and 6c are</u> is punishable by a maximum penalty of at least 5 years of imprisonment and at least 7 years of imprisonment if the offence was committed under aggravating circumstances referred to in Article 13.	4. Member States shall ensure that the criminal offence referred to in Article 6 is punishable by a maximum penalty of at least 5 years of imprisonment and at least 7 years of imprisonment if the offence was committed under aggravating circumstances referred to in Article 13 in the most serious cases of Article 6 as defined in their		<p>This paragraph is still under discussion.</p> <p>Its final content will depend on the inclusion of new crimes in this Directive.</p> <p>The Presidency would like to ask Member States if it would be possible to delete the last part of the paragraph, “in the most serious cases of Article 6”, as Female Genital Mutilation can be</p>

			national law.		considered a serious crime in all cases.
Article 12(5)					
143	5. Member States shall ensure that the criminal offences referred to in Articles 8 and 10 are punishable by a maximum penalty of at least 2 years of imprisonment.	5. Member States shall ensure that the criminal offences referred to in Articles 8 and 10 are punishable by a maximum penalty of at least 2 years of imprisonment.	5. Member States shall ensure that the criminal offences referred to in Articles 8 and 10 are punishable by a maximum penalty of at least 2 years of imprisonment.		This paragraph is still under debate with the EP.
Article 12(6)					
144	6. Member States shall ensure that the criminal offences referred to in Articles 7 and 9 are punishable by a maximum penalty of at least 1 year of imprisonment.	6. Member States shall ensure that the criminal offences referred to in Articles 7 and 9 are punishable by a maximum penalty of at least 1 year of imprisonment.	6. Member States shall ensure that the criminal offences referred to in Articles 7 and 9 are punishable by a maximum penalty of at least 1 year of imprisonment.		This paragraph is still under debate with the EP.
Article 13					
145	Article 13 Aggravating circumstances	Article 13 Aggravating circumstances	Article 13 Aggravating circumstances		

Article 13, first paragraph					
146	In so far as the following circumstances do not already form part of the constituent elements of the criminal offences referred to in Articles 5 to 10, Member States shall ensure that they may be regarded as aggravating circumstances in relation to those offences:	In so far as the following circumstances do not already form part of the constituent elements of the criminal offences referred to in Articles 5 to 10, Member States shall ensure that they may be regarded as aggravating circumstances in relation to those offences:	In so far as the following circumstances do not already form part of the constituent elements of the criminal offences referred to in Articles 5 to 10, Member States shall take the necessary measures to ensure that, in relation to the relevant offences referred to in Articles 6 to 10, one or several of the following circumstances may, in accordance with the relevant provisions of national law, be regarded as aggravating circumstances they may be regarded as aggravating circumstances in relation to those offences:		This paragraph is still being discussed with the EP. Preliminarily, it seems it could be accepted, provided some new aggravating circumstances suggested by the EP are added to the list. The EP has expressed special interest in lines 161a and 161c.
Article 13, first paragraph, point (a)					
147					

	(a) the offence, or another criminal offence of violence against women or domestic violence, was committed repeatedly;	(a) the offence, or another criminal offence of violence against women or domestic violence, was committed repeatedly;	(a) the offence, or another criminal offence of violence against women or domestic violence, was committed repeatedly;		This line is the same in the GA and the EP Mandate.
Article 13, first paragraph, point (b)					
148	(b) the offence was committed against a person made vulnerable by particular circumstances, such as a situation of dependence or a state of physical, mental, intellectual or sensory disability, or living in institutions;	(b) the offence was committed against a person made vulnerable by particular circumstances, such as <u>residence status</u> , <u>pregnancy</u> , a situation of dependence or a state of physical, mental, intellectual or sensory disability <u>or distress</u> , <u>being a victim of trafficking</u> , or living in institutions, <u>including retirement homes</u> , <u>children's homes</u> , <u>reception centres</u> , <u>detention facilities or accommodation centres for asylum seekers</u> ;	(b) the offence was committed against a person made vulnerable by particular circumstances, such as a situation of dependence or a state of physical, mental, intellectual or sensory disability, or living in institutions ;		Still under debate.
Article 13, first paragraph, point (c)					

149	(c) the offence was committed against a child;	(c) the offence was committed against a child;	(c) the offence was committed against a child;		This line is the same in the GA and the EP Mandate.
Article 13, first paragraph, point (d)					
150	(d) the offence was committed in the presence of a child;	(d) the offence was committed in the presence of a child;	(d) the offence was committed in the presence of a child;		This line is the same in the GA and the EP Mandate.
Article 13, first paragraph, point (e)					
151	(e) the offence was committed by two or more persons acting together;	(e) the offence was committed by two or more persons acting together;	(e) the offence was committed by two or more persons acting together;		This line is the same in the GA and the EP Mandate.
Article 13, first paragraph, point (f)					
152	(f) the offence was preceded or accompanied by extreme levels of violence;	(f) the offence was preceded or accompanied by extreme levels of violence <u>or particularly inhuman, degrading or humiliating acts</u> ;	(f) the offence was preceded or accompanied by extreme levels of violence;		Still under debate.
Article 13, first paragraph, point (g)					

153	(g) the offence was committed with the use or threat of using a weapon;	(g) the offence was committed with the use or threat of using a weapon;	(g) the offence was committed with the use or threat of using a weapon;		This line is the same in the GA and the EP Mandate.
Article 13, first paragraph, point (h)					
154	(h) the offence was committed with the use of force or threats to use force, or coercion;	(h) the offence was committed with the use of force or threats to use force, or coercion;	(h) the offence was committed with the use of force or threats to use force, or coercion;		This line is the same in the GA and the EP Mandate.
Article 13, first paragraph, point (i)					
155	(i) the offence resulted in the death or suicide of the victim or severe physical or psychological harm for the victim;	(i) the offence resulted in the death or suicide of the victim or severe physical or psychological harm for the victim <u>or dependants</u> ;	(i) the offence resulted in the death or suicide of the victim or severe physical or psychological harm for the victim; conduct caused the death or suicide of the victim or severe physical or psychological harm for the victim;		Still under debate. This line would be linked to a possible agreement on the use of “dependants”.
Article 13, first paragraph, point (j)					
156	(j) the offender has previously been convicted of offences of the same nature;	(j) the offender has previously been convicted of offences of the same <u>similar</u> nature;	(j) the offender has previously been convicted of offences of the same nature;		Still under debate.

Article 13, first paragraph, point (k)					
157	(k) the offence was committed against a former or current spouse or partner;	(k) the offence was committed against a former or current spouse or partner;	(k) the offence was committed against a former or current spouse or partner;		This line is the same in the GA and the EP Mandate.
Article 13, first paragraph, point (l)					
158	(l) the offence was committed by a member of the family or person cohabiting with the victim;	(l) the offence was committed by a member of the family or person cohabiting with the victim;	(l) the offence was committed by a member of the family or person cohabiting with the victim;		This line is the same in the GA and the EP Mandate.
Article 13, first paragraph, point (m)					
159	(m) the offence was committed by abusing a recognised position of trust, authority or influence;	(m) the offence was committed by abusing a recognised position of trust, authority or influence;	(m) the offence was committed by abusing a recognised position of trust, authority or influence;		This line is the same in the GA and the EP Mandate.
Article 13, first paragraph, point (n)					
160	(n) the offence was filmed, photographed or recorded in another form and made accessible by	(n) the offence was filmed, photographed or recorded in another form and made accessible by	(n) the offence was filmed, photographed or recorded in another form and made accessible by		Still under debate.

	the offender;	the offender;	the offender;		
Article 13, first paragraph, point (o)					
161	(o) the offence was committed by causing the victim to take, use or be affected by drugs, alcohol or other intoxicating substances.	(o) the offence was committed by causing the victim to take, use or be affected by drugs, alcohol or other intoxicating substances.	(o) the offence was committed by causing the victim to take, use or be affected by drugs, alcohol or other intoxicating substances.		Still under debate.
Article 13, first paragraph, point (oa)					
161a		<u>(oa) the offence was committed against a public representative, a journalist or a human rights defender;</u>			The Presidency would like to ask Member States whether they could accept this addition by the EP, at least in substance and possibly with adjusted wording (“public office holder” instead of “public representative”, for instance).
Article 13, first paragraph, point (ob)					
161b		<u>(ob) the offence brought profit or gain or had the intention of bringing profit or gain;</u>			The Presidency would like to ask Member States whether they could accept this change by the EP, at

					least in substance and possibly with adjusted wording.
Article 13, first paragraph, point (oc)					
161c		<u>(oc) the intention of the crime was to preserve or restore the so-called "honour" of a person, a family, a community or another similar group;</u>			<p>The Presidency would like to ask Member States whether they could accept this change by the EP, at least in substance and possibly with adjusted wording.</p> <p>A reference to crimes committed in the name of so-called “honour” can be found in Article 42 of the Istanbul Convention.</p>
Article 13, first paragraph, point (od)					
161d		<u>(od) the intention of the crime was to punish victims for their sexual orientation, gender expression, gender identity, sex characteristics, skin colour, religion, social</u>			<p>The Presidency would like to ask Member States whether they could accept this change by the EP, at least in substance and possibly with adjusted wording.</p>

		<u>origin or political beliefs.</u>			
Article 14					
162	Article 14 Jurisdiction	Article 14 Jurisdiction	Article 14 Jurisdiction		
Article 14(1)					
163	1. Member States shall take the necessary measures to establish their jurisdiction over the criminal offences referred to in Articles 5 to 11 where:	1. Member States shall take the necessary measures to establish their jurisdiction over the criminal offences referred to in Articles 5 to 11 where:	1. Member States shall take the necessary measures to establish their jurisdiction over the criminal offences referred to in Articles 5 6 to 11 where:		
Article 14(1), point (a)					
164	(a) the offence is committed in whole or in part within their territory;	(a) the offence is committed in whole or in part within their territory;	(a) the offence is committed in whole or in part within their territory;		This line is the same in the GA and the EP Mandate.
Article 14(1), point (b)					
165	(b) the offence is committed by one of their nationals.	(b) the offence is committed by one of their nationals.	(b) the offence is committed by one of their nationals.		This line is the same in the GA and the EP Mandate.

Article 14(2)					
166	2. A Member State shall inform the Commission where it decides to extend its jurisdiction to criminal offences referred to in Articles 5 to 11 which have been committed outside its territory in any of the following situations:	2. A Member State <u>States</u> shall inform the Commission where it decides to extend its <u>take the necessary measures to establish their</u> jurisdiction to over criminal offences referred to in Articles 5 to 11 <u>and 6</u> which have been committed outside its territory in any of the following situations:	2. A Member State shall inform the Commission where it decides to extend its jurisdiction to criminal offences referred to in Articles 5 6 to 11 which have been committed outside its territory in any of the following situations:		<p>This paragraph is still under discussion, and should be read followed by lines 167 and 168.</p> <p>The Presidency would like to ask Member States whether they would agree to extend their jurisdiction over criminal offences referred to in Article 6, which have been committed outside their territory, provided that the conditions mentioned in lines 167 and 168 are met (the introduction of a reference to Article 5 is linked with the question of the inclusion of rape in this proposal).</p>
Article 14(2a)					
166a		<u>2a. Member States shall inform the Commission where they decide to establish their jurisdiction over criminal</u>			<p>The final drafting of this paragraph will depend on the inclusion in the Directive of the new crimes suggested by the</p>

		<u>offences as referred to in Article 5a and Articles 6a to 11 which have been committed outside its territory and which have been committed either:</u> <u>(a) against their nationals or habitual residents in their territory; or</u> <u>(b) by offenders who are habitual residents in their territory.</u>			EP.
Article 14(2), point (a)					
167	(a) the offence is committed against one of its nationals or habitual residents in its territory;	(a) the offence is committed against one of its nationals or habitual residents in its territory;	(a) the offence is committed against one of its nationals or habitual residents in its territory;		This line is the same in the GA and the EP Mandate.
Article 14(2), point (b)					
168	(b) the offender is a habitual resident in its territory.	(b) the offender is a habitual resident in its territory.	(b) the offender is a habitual resident in its territory.		This line is the same in the GA and the EP Mandate.
Article 14(3)					
169					

	3. Member States shall ensure that their jurisdiction established over the criminal offences referred to in Articles 7 to 10 includes situations where the offence is committed by means of information and communication technology accessed from their territory, whether or not the provider of intermediary services is based on their territory.	3. Member States shall ensure that their jurisdiction established over the criminal offences referred to in Articles 7 to 10 includes situations where the offence is committed by means of information and communication technology accessed from their territory, whether or not the provider of intermediary services is based on their territory.	3. Member States shall ensure that their jurisdiction established over the criminal offences referred to in Articles 7 to 10 11 includes situations where the offence is committed by means of information and communication technology accessed from their territory, whether or not the provider of intermediary services is based on their territory.	3. Member States shall ensure that their jurisdiction established over the criminal offences referred to in Articles 7 to 10 11 includes situations where the offence is committed by means of information and communication technology accessed from their territory, whether or not the provider of intermediary services is based on their territory.	The EP seems to be able to accept the GA, but this is still under discussion.
Article 14(4)					
170	4. In cases referred to in paragraph 1, point (b), each Member State shall ensure that its jurisdiction is not subject to the condition that the acts are punishable as criminal offences in the country where they were performed.	4. In cases referred to in paragraph 1, point (b), each Member State shall ensure that its jurisdiction is not subject to the condition that the acts are punishable as criminal offences in the country where they were performed.	4. In cases referred to in paragraph 1, point (b), each Member State shall ensure that its jurisdiction established over the criminal offences referred to in Article 6 is not subject to the condition that the acts are punishable as criminal offences in the country where they were performed.		The final wording of this paragraph will depend on the inclusion in this Directive of Article 5.

Article 14(5)					
171	5. In cases referred to in paragraph 1, point (b), Member States shall ensure that the exercise of their jurisdiction is not subject to the condition that a prosecution can be initiated only following a report made by the victim in the place where the criminal offence was committed, or a denunciation from the State of the place where the criminal offence was committed.	5. In cases referred to in paragraph 1, point (b), Member States shall ensure that the exercise of their jurisdiction is not subject to the condition that a prosecution can be initiated only following a report made by the victim in the place where the criminal offence was committed, or a denunciation from the State of the place where the criminal offence was committed.	5. In cases referred to in paragraph 1, point (b), Member States shall ensure that the exercise of their jurisdiction is not subject to the condition that a prosecution can be initiated only following a report made by the victim in the place where the criminal offence was committed, or a denunciation from the State of the place where the criminal offence was committed.		This line is the same in the GA and the EP Mandate.
Article 15					
172	Article 15 Limitation periods	Article 15 Limitation periods	Article 15 Limitation periods		
Article 15(1)					
173	1. Member States shall take the necessary	1. Member States shall take the necessary	1. Member States shall take the necessary		The final wording of this paragraph will depend on

	measures to provide for a limitation period that enables the investigation, prosecution, trial and judicial decision concerning criminal offences referred to in Articles 5 to 11 for a sufficient period of time after the commission of those criminal offences.	measures to provide for a limitation period that enables the investigation, prosecution, trial and judicial decision concerning criminal offences referred to in Articles 5 to 11 for a sufficient period of time after the commission of those criminal offences.	measures to provide for a limitation period that enables the investigation, prosecution, trial and judicial decision concerning ^{concerning-of} criminal offences referred to in Articles 5 ^{6} to 11 for a sufficient period of time after the commission of those criminal offences, in order for those criminal offences to be tackled effectively. The limitation period shall be commensurate with the gravity of the offence concerned.		the inclusion in this Directive of Article 5. The contents of this paragraph, and specially the amendments added by the GA, are still under discussion.
Article 15(2)					
174	2. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in Article 5 of at least 20 years from the time when the offence was committed.	2. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in Article 5 ^{Articles 5 and 6} of at least 20 years from the time when the offence was committed.	2. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in Article 5 of at least 20 years from the time when the offence was committed.		The contents of this paragraph are still under discussion. The Presidency would like to know if Member States would be willing to open the discussion on this paragraph (the introduction of a reference to Article 5 is

					linked with the question of the inclusion of rape in this proposal).
Article 15(3)					
175	3. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in Article 6 of at least 10 years from the time when the offence was committed.	3. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in Article 6 <u>Articles 5a, 6a, 6b and 6c</u> of at least 10 years from the time when the offence was committed-;	3. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in Article 6 of at least 10 years from the time when the offence was committed.		The contents of this paragraph will depend on the introduction of the new crimes in the Directive.
Article 15(4)					
176	4. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in Articles 7 and 9 of at least 5 years after the criminal offence has ceased or the victim has become aware of it.	4. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in Articles <u>6d</u> , 7 and 9 of at least 5 years after the criminal offence has ceased or the victim has become aware of it.	4. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in Articles 7 and 9 of at least 5 years after the criminal offence has ceased or the victim has become aware of it.		The contents of this paragraph are still under discussion. The Presidency would like to know if Member States would be willing to open the discussion on this paragraph (the introduction of a reference to Article 6d is linked with the question

					of the inclusion of this new crime in this proposal).
Article 15(5)					
177	5. Member States shall take the necessary measures to provide for a limitation period for the criminal offences referred to in Articles 8 and 10, of at least 7 years after the criminal offence has ceased or the victim has become aware of it.	5. Member States shall take the necessary measures to provide for a limitation period for the criminal offences referred to in Articles 8 and 10, of at least 7 years after the criminal offence has ceased or the victim has become aware of it.	5. Member States shall take the necessary measures to provide for a limitation period for the criminal offences referred to in Articles 8 and 10, of at least 7 years after the criminal offence has ceased or the victim has become aware of it.		The contents of this paragraph are still under discussion. The Presidency would like to know if Member States would be willing to open the discussion on this paragraph.
Article 15(6)					
178	6. If the victim is a child, the limitation period shall commence at the earliest once the victim has reached 18 years of age.	6. If the victim is a child, the limitation period shall commence at the earliest once the victim has reached 18 years of age.	6. If the victim is a child, the limitation period for offences referred to in Article 6 shall commence at the earliest once the victim has reached 18 years of age.		This paragraph is still under discussion.

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CHAPTER 6					
322	CHAPTER 6 COORDINATION AND COOPERATION	CHAPTER 6 COORDINATION AND COOPERATION	CHAPTER 6 COORDINATION AND COOPERATION	CHAPTER 6 COORDINATION AND COOPERATION	
Article 39					
323	Article 39 Coordinated policies and coordinating body	Article 39 Coordinated policies and coordinating body	Article 39 Coordinated policies and coordinating body	Article 39 Coordinated policies and coordinating body	
Article 39(1)					
324	1. Member States shall adopt and implement state- wide effective, comprehensive and co- ordinated policies encompassing all relevant measures to prevent and combat all forms of violence against women and domestic violence.	1. Member States shall adopt and implement state- wide effective, comprehensive and co- ordinated policies encompassing all relevant measures to prevent and combat all forms of violence against women and domestic violence.	1. Member States shall adopt and implement state- wide effective, comprehensive and co- ordinated policies encompassing all relevant measures to prevent and combat all forms of violence against women and domestic violence.	1. Member States shall adopt and implement state- wide effective, comprehensive and co- ordinated policies encompassing all relevant measures to prevent and combat all forms of violence against women and domestic violence.	
Article 39(2)					
325	2. Member States shall designate or establish an official body responsible for coordinating, implementing, monitoring and evaluating policies and measures to	2. Member States shall designate or establish an official body responsible for coordinating, implementing, monitoring and evaluating policies and measures to	2. Member States shall designate or establish an one or more official body responsible for coordinating, implementing, monitoring and evaluating	2. Member States shall designate or establish one or more official body responsible for coordinating, implementing, monitoring and evaluating	The EP can accept the GA.

	Commission Proposal	EP Mandate	Council Mandate	Acting Presidency2	Acting Presidency3
	prevent and combat all forms of violence covered under this Directive.	prevent and combat all forms of violence covered under this Directive.	policies and measures to prevent and combat all forms of violence covered under this Directive.	policies and measures to prevent and combat all forms of violence covered under this Directive.	
Article 39(3)					
326	3. That body shall coordinate the collection of data referred to in Article 44, and analyse and disseminate its results.	3. That body shall coordinate the collection of data referred to in Article 44, and analyse and disseminate its results <u>and make recommendations and proposals to improve indicators and information and data collection systems.</u>	3. That body, or one of the bodies designated pursuant to paragraph 2, shall coordinate the collection of data referred to in Article 44, and analyse and disseminate its results.	3. That body, or one of the bodies designated pursuant to paragraph 2, shall coordinate the collection of data referred to in Article 44, and analyse and disseminate its results.	The EP can accept the GA.
Article 39(4)					
327	4. It shall be responsible for coordinating policies at the central, regional and local levels.	4. It shall be responsible for coordinating policies at the central, regional and local levels.	4. It Member States shall ensure that policies are coordinated be responsible for coordinating policies at the central, central and/or regional and local levels.	4. Member States shall ensure that policies are coordinated at the central and/or <u>central level as well as, where appropriate, at the regional and/or local levels, in accordance with the distribution of competences in the Member State concerned.</u> <u>New Recital 62 bis:</u> <u>Member States should</u>	It is important for the EP to include that policies shall be coordinated at central level. The Presidency believes that a certain level of coordination at central level can be guaranteed, as a compromise with the EP and in exchange for the wording of the other paragraphs, as long as it respects the distribution of competences in each Member State and is in line with what already exists in

	Commission Proposal	EP Mandate	Council Mandate	Acting Presidency2	Acting Presidency3
				<p><u>adopt and implement effective, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of violence against women and domestic violence. These policies should place the rights of the victim at the centre of all measures and be implemented by way of effective co-operation among all relevant agencies, institutions and organisations, ensuring a minimum coordination at central level as well as, where appropriate, at regional or local level, in accordance with national law and without prejudice to the distribution of powers in each member State. This coordination could be ensured by drawing up national action plans, for instance.</u></p>	<p>Member States.</p> <p>At the request of several MS during the counsellor's meeting of 30/10/23, "where appropriate" is added.</p> <p>A new recital is added to explain that the level of coordination required should adapt to the Constitutional requirements of each Member State, concerning the distribution of powers.</p>
Article 39a					
327a		<p><u>Article 39a</u> <u>National action plans for the elimination of violence against women and</u></p>		<p><u>Article 39a</u> <u>National action plans for the preventing and combatting elimination of violence against women</u></p>	<p>The EP mandate includes a reference to national action plans for the elimination of violence against women and</p>

	Commission Proposal	EP Mandate	Council Mandate	Acting Presidency2	Acting Presidency3
		<p><u>domestic violence</u></p> <p><u>1. By ... [two years after the date of entry into force of this Directive], Member States shall develop national action plans, in consultation with and with the participation of specialist support services and the Union coordinator, for combating gender-based violence (the ‘national action plans’).</u></p> <p><u>2. The national action plans shall set out the following:</u></p> <p><u>(a) priorities and actions to combat violence against women and domestic violence;</u></p> <p><u>(b) targets and monitoring mechanisms for the priorities and actions referred to in point (a);</u></p> <p><u>(c) the resources necessary to achieve the priorities and actions referred to in point (a) and how they are to be allocated.</u></p> <p><u>3. Member States shall ensure that the national action plans are reviewed and updated every five years.</u></p>		<p><u>and domestic violence</u></p> <p><u>1. Member States shall endeavour to develop national action plans for combatting and preventing gender-based violence (the ‘national action plans’), in consultation with, and with the participation of specialist support services.</u></p> <p><u>2. The national action plans shall set out priorities and actions for preventing and combatting violence against women and domestic violence, their targets and monitoring mechanisms, the resources necessary to achieve them and how those resources are to be allocated.</u></p> <p><u>3. Where national action plans are established, Member States shall ensure that they are reviewed and updated at least every five years.</u></p>	<p>domestic violence. In order to reach a compromise with the EP, the Presidency suggests accepting this Article, with some modifications. The Presidency takes into account that these plans already exist in many Member States, and that, when they do not exist, Member States are granted enough flexibility (“shall be encouraged to develop” replaces the original reference to “shall develop”).</p> <p>Member States point out that, if a Union coordinator were to exist, its participation in the development of national plans would not be desirable. For this reason, the reference to this coordinator, which is included in the original wording of this Article, is deleted.</p> <p>At the request of a Member State during the Counsellor’s meeting of 30/10/23, “preventing and</p>

	Commission Proposal	EP Mandate	Council Mandate	Acting Presidency2	Acting Presidency3
					<p>combatting” is added to the text. Also, the participation of specialist support services is deleted.</p> <p>At the request of several Member States during the same meeting, “at least” is included at the end.</p>
Article 40					
328	Article 40 Multi-agency coordination and cooperation	Article 40 Multi-agency <u>and multi-disciplinary</u> coordination and cooperation	Article 40 Multi-agency coordination and cooperation	Article 40 Multi-agency coordination and cooperation	Member States suggest using either “multi-agency” or “multi-disciplinary”. The Presidency suggests using only “multi-agency”, because it is the established language in IC (for instance, see Article 15 IC and points 34, 64, 69, 101, 113, 133 and 261 of its Explanatory Report).
Article 40(1)					
329	1. Member States shall put in place appropriate mechanisms to ensure effective coordination and cooperation, at the national level, of relevant authorities, agencies and bodies, including local and regional authorities, law enforcement agencies, the judiciary,	1. Member States shall put in place appropriate mechanisms to ensure effective, <u>structured and regular</u> coordination and cooperation, at the national level, of among relevant authorities, agencies and bodies, including local and regional authorities, <u>labour</u>	1. Member States shall put in place appropriate mechanisms, in accordance with national law or practice , to ensure effective coordination and cooperation, at the national level , of relevant authorities, agencies and bodies, including ombudsmen ,	1. Member States shall put in place appropriate mechanisms, <u>with due regard to</u> in accordance with national law or practice, to ensure effective, coordination and cooperation of relevant authorities, agencies and bodies, including	<p>Member States oppose to the reference to labour inspectorates, requested by the EP, due to the independence of these authorities in their national systems. The reference is therefore deleted.</p> <p>A Member State points out</p>

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	public prosecutors, support service providers as well as non-governmental organisations, social services, including child protection or welfare authorities, education and healthcare providers, social partners, without prejudice to their autonomy, and other relevant organisations and entities.	<u>inspect</u> orates, law enforcement agencies, the judiciary, public prosecutors, support service providers as well as non-governmental organisations, <u>in particular specialist support services</u> , social services, including child protection or welfare authorities, education and healthcare providers, social partners, without prejudice to their autonomy, and other relevant organisations and entities.	local and regional authorities, law enforcement agencies , the judiciary, public prosecutors with due respect for judicial independence , support service providers services as well as non-governmental organisations, social services, including child protection or welfare authorities, education and healthcare providers, social partners, without prejudice to their autonomy, and other relevant organisations and entities, in protecting and supporting victims from violence against women and domestic violence .	ombudsmen, local and regional authorities, law enforcement, the judiciary, with due respect for judicial independence, support services as well as non-governmental organisations, <u>in particular specialist support services</u> , social services, including child protection or welfare authorities, education and healthcare providers, social partners, without prejudice to their autonomy, and other relevant organisations and entities, in protecting and supporting victims from violence against women and domestic violence.	that the reference to “structured and regular”, requested by the EP, is unclear in practice, and that effective should be enough.
Article 40(2)					
330	2. Such mechanisms shall in particular pertain to the individual assessments under Articles 18 and 19, and the provision of protection and support measures under Article 21 and Chapter 4, the guidelines for law enforcement and judicial authorities under Article 23, and in the trainings for	2. Such mechanisms shall <u>relate to all areas set out in this Directive, in particular</u> in particular pertain to the individual assessments under Articles 18 and 19, and the provision of protection and support measures under Article 21 and Chapter 4, the guidelines for law enforcement and judicial	2. Such mechanisms shall in particular pertain, where appropriate , to the individual assessments under Articles 18 and 19, and the provision of protection and support measures under Article 21 and Chapter 4, the guidelines for law enforcement and judicial authorities non-binding	2. Such mechanisms <u>of coordination and cooperation</u> shall in particular pertain, where appropriate <u>in so far as relevant</u> , to the individual assessments under Articles 18 and 19, and the provision of protection and support measures under Article 21 and Chapter 4, the non-binding guidelines under	

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	professionals as referred to in Article 37.	authorities under Article 23, and in the trainings for professionals as referred to in Article 37.	guidelines under Article 23, and in the trainings for professionals as referred to in Article 37.	Article 23, and in the trainings for professionals as referred to in Article 37.	
Article 41					
331	Article 41 Cooperation with non-governmental organisations	Article 41 Cooperation with non-governmental organisations	Article 41 Cooperation with non-governmental organisations	Article 41 Cooperation with non-governmental organisations	
Article 41, first paragraph					
332	Member States shall cooperate with and consult civil society organisations, including non-governmental organisations working with victims of violence against women or domestic violence, in particular in providing support to victims, concerning policymaking initiatives, information and awareness-raising campaigns, research and education programmes and in training, as well as in monitoring and evaluating the impact of measures to support and protect victims.	Member States shall cooperate with and consult <u>create sustainable structures for the consultation of and partnership with relevant</u> civil society organisations, including non-governmental organisations working with victims of violence against women or domestic violence <u>and women's civil society organisations</u> , in particular for the purpose of <u>providing adequate support to victims and to those who work to rehabilitate offenders, for the purpose of designing and implementing</u> concerning policymaking	Member States shall cooperate with and consult civil society organisations, including non-governmental organisations working with victims of violence against women or domestic violence, in particular in providing support to victims, concerning policymaking initiatives, information and awareness-raising campaigns, research and education programmes and in training, as well as in monitoring and evaluating the impact of measures to support and protect victims.	Member States shall cooperate with and consult <u>hold regular consultations with</u> civil society organisations, including non-governmental organisations working with victims of violence against women or domestic violence, in particular in providing <u>adequate</u> support to victims, concerning policymaking initiatives, information and awareness-raising campaigns, research and education programmes, and in training, as well as in monitoring and evaluating the impact of measures to support and protect victims.	Member States point out that the wording “on a sustainable basis”, requested by the EP, is unclear and could be perceived as including financial means. As an alternative, a Member State suggests using “and hold regular and meaningful consultations”. The Presidency understands, after the counsellors meeting of 30/10/23, that “meaningful (consultations)” would not be accepted. The recital is amended at the request of Member States, who suggest changes in

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		initiatives, information and awareness-raising campaigns, research and education programmes, <u>for the purposes of and in training, as well as in and for the purpose of</u> monitoring and evaluating the impact of measures to support and protect victims, <u>including data collection</u> .		<u><i>Inclusion of a new Recital 62 quater:</i></u> <u><i>Civil society organisations, including non-governmental organisations working with victims of violence against women and domestic violence, embrace a wide range of actors with multiple roles and mandates. These organisations provide valuable expertise and their involvement and contributions could be beneficial during the design, implementation and associated monitoring processes of government policies.</i></u>	order to grant flexibility and who point out that “adequately” is unclear in this context.
Article 42					
333	Article 42 Cooperation between intermediary service providers	Article 42 Cooperation between intermediary service providers	Article 42 Cooperation between intermediary-hosting service providers	Article 42 Cooperation between hosting-intermediary service providers	
Article 42, first paragraph					
334	Member States shall	<u>Member States shall</u>	Member States shall	Member States shall	The reasons for the change

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	facilitate the taking of self-regulatory measures by providers of intermediary services in connection to this Directive, in particular to reinforce internal mechanisms to tackle the online material referred to in Article 25(1) and to improve the training of their employees concerned on preventing, assisting and supporting the victims of the offences referred to therein.	facilitate the taking of self-regulatory measures by providers of intermediary services in connection to <u>with</u> this Directive, in particular to reinforce internal mechanisms to tackle the online material referred to in Article 25(1). <u>Member States shall facilitate technological solutions to detect, report and remove the material referred to in Article 25</u> and to improve the training of their employees concerned on preventing, assisting and supporting the victims of the offences referred to therein.	facilitate the taking of encourage self-regulatory cooperation between hosting service providers, such as codes of conduct, and raise awareness on self-regulatory measures by providers of intermediary services which may be adopted by hosting service providers in connection to with this Directive, in particular to reinforce mechanisms that they implement internal mechanisms to tackle the online material referred to in Article 25(1) and to improve the training of their employees concerned on preventing, assisting and supporting the victims of the offences referred to therein.	encourage self-regulatory cooperation between <u>relevant intermediary</u> hosting service providers, such as codes of conduct, and raise awareness on self-regulatory measures which may be adopted by <u>relevant intermediary</u> hosting service providers in connection with this Directive, in particular to reinforce mechanisms that they implement to tackle the online material referred to in Article 25(1) and to improve the training of their employees concerned on preventing, assisting and supporting the victims of the offences referred to therein.	of “hosting service providers” to “intermediary service providers” are explained in line 308.
Article 43					
335	Article 43 Union level cooperation	Article 43 <u>Union level cooperation and the Union coordinator</u>	Article 43 Union level cooperation	Article 43 Union level cooperation <u>[and the Union coordinator]</u>	
Article 43, first paragraph					
336	Member States shall take	Member States shall take	Member States shall take		A Member State points out

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	appropriate action to facilitate cooperation between each other to improve the implementation of this Directive. Such cooperation shall aim at least at:	appropriate action to facilitate cooperation between each other <u>and with the Union institutions, bodies, offices and agencies</u> to improve the implementation of this Directive. Such cooperation shall aim at least at:	appropriate action to facilitate cooperation between each other to improve the implementation of this Directive. Such cooperation shall aim at least at:	Member States shall take appropriate action to facilitate cooperation between each other <u>and at EU level</u> to improve the implementation of this Directive. Such cooperation shall aim at least at:	that cooperation at EU level cannot be achieved solely by Member States, and therefore should not be included here. The Presidency notes, however, that this paragraph refers to the facilitation of cooperation at EU level, and that it does not impose new obligations to Member States concerning this cooperation.
Article 43, first paragraph, point (a)					
337	(a) exchanging best practices and consulting each other in individual cases, including through Eurojust and the European Judicial Network in criminal matters;	(a) exchanging best practices <u>in a regular and structured manner</u> and consulting each other in individual cases, including through Eurojust and the European Judicial Network in criminal matters;	(a) exchanging best practices and consulting each other in individual cases, including through Eurojust and the European Judicial Network in criminal matters; information, such as best practices, with relevant Union agencies, within their corresponding mandates, and consulting each other in individual cases	(a) exchanging <u>best practices with each other through established networks working on matters directly information, such as best practices, with relevant to violence against women and domestic violence, as well as with</u> Union agencies, within their corresponding respective mandates, and consulting each other in individual cases	In order to reach a compromise with the EP, lines 337 to 339 are amended. Paragraph (a) refers to cooperation at a general level (exchange of best practices and cooperation with existing networks), whereas paragraph (b) refers to cooperation in particular cases. The reference to established networks is meant to designate networks that already exist, and does not imply the creation of any such network. The reference

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					<p>is wide enough to encompass any networks working with victims.</p> <p>The Presidency points out, however, that a new network is being created just now – the EU network on the prevention of gender-based violence and domestic violence.</p>
Article 43, first paragraph, point (b)					
338	(b) exchanging information and best practices with relevant Union agencies;	(b) exchanging information and best practices with relevant Union <u>bodies, offices and</u> agencies, <u>such as the Union coordinator and the European Institute for Gender Equality, and cooperating with them on the establishment of common standards and guidelines</u> ;	(b) exchanging information and best practices with relevant Union agencies;	<p><u>(b) consulting each other in individual cases, including through Eurojust and the European Judicial Network in criminal matters, within their respective mandates;</u></p> <p><u>New recital 63bis:</u> <u>The information and knowledge acquired through the regular exchange of best practices and information is of great value in preventing and combating all forms of violence against women and domestic violence. This exchange should be pursued in a structured manner, including through Eurojust, the European</u></p>	<p>A MS requests the elimination of “individual cases”. In this regard, it is noted that “consulting in individual cases” was already included in the GA.</p> <p>At the request of a MS, “within their respective mandates” is included. The text of subparagraphs (a) and (b) is aligned.</p>

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				<u>Judicial Network in criminal matters and other relevant Union agencies, networks, and mutual learning programmes.</u>	
Article 43, first paragraph, point (c)					
339	(c) providing assistance to Union networks working on matters directly relevant to violence against women and domestic violence.	(c) providing assistance to Union networks, <u>umbrella organisations and Union-wide non-governmental organisations</u> working on matters directly relevant to violence against women and domestic violence.	(c) and providing assistance to Union networks working on matters directly relevant to violence against women and domestic violence.		
Article 43, second paragraph, point (new)					
339a		<u>2 In order to contribute to the achievement of the tasks set out in this Directive and to combat violence against women and domestic violence, Member States shall facilitate the tasks of a Union coordinator on combating gender-based violence (the ‘Union coordinator’). The Union coordinator shall be responsible for improving coordination among, and</u>			Concerning the establishment of this new EU body, the Presidency and the EP have requested feedback by the Commission. One Member State points out that the Commission’s Gender Equality Strategy 2020-2025 committed to the establishment of an EU network on the prevention of gender-based violence and domestic

	Commission Proposal	EP Mandate	Council Mandate	Acting Presidency2	Acting Presidency3
		<u>the coherence of the actions taken by, Union institutions, bodies, offices and agencies and Member States and international actors as regards combating violence against women and domestic violence and for developing and monitoring the implementation and transposition of Union policies to address gender-based violence. In particular, Member States shall transmit to the Union coordinator the information listed in Article 39a(2) and the data provided for in Article 44. On the basis of that information and data, the Union coordinator shall contribute every two years to reporting carried out by the Commission under this Directive on the progress made in the fight against violence against women.</u>			violence.
Article 44					
340	Article 44 Data collection and research	Article 44 Data collection and research	Article 44 Data collection and research	Article 44 Data collection and research	

	Commission Proposal	EP Mandate	Council Mandate	Acting Presidency2	Acting Presidency3
Article 44(1)					
341	1. Member States shall have a system in place for the collection, development, production and dissemination of statistics on violence against women or domestic violence, including the forms of violence referred to in Articles 5 to 10.	1. Member States shall have a system in place for the <u>regular</u> collection, development, production and dissemination of statistics on violence against women or domestic violence, including the forms of violence referred to in Articles 5 to 10, <u>through qualitative and quantitative data</u> .	1. Member States shall have a system in place for the collection, development, production and dissemination of statistics on violence against women or domestic violence; including the forms of violence referred to in Articles 5 to 10.		Lines 341-350a are under discussion.
Article 44(2)					
342	2. The statistics shall include the following data disaggregated by sex, age of the victim and of the offender, relationship between the victim and the offender and type of offence:	2. The statistics shall include the following <u>comparable</u> data disaggregated by sex <u>or gender</u> , age of the victim and of the offender, relationship between the victim and the offender and type of offence, <u>whether the victim had a disability, and the context in which the offence took place</u> :	2. The statistics shall, as a minimum, include the existing data, available at a central level, disaggregated by include the following data disaggregated by sex, age of the victim and of the offender, relationship between the victim and the offender and type of offence:		
Article 44(2), point (a)					
343	(a) the number of victims who experienced violence	(a) the number of victims who experienced violence	(a) the number of victims who experienced violence		

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	against women or domestic violence during the last 12 months, last five years and lifetime;	against women or domestic violence during the last 12 months, last five years and lifetime;	against women or domestic violence during the last 12 months, last five years and lifetime;		
Article 44(2), point (b)					
344	(b) the annual number of such victims, of reported offences, of persons prosecuted for and convicted of such forms of violence, obtained from national administrative sources.	(b) the annual number of such victims, of <u>offences to law enforcement</u> , of persons prosecuted for and convicted of such forms of violence, <u>of sentences imposed by type of offence, of dismissal or withdrawal of complaints and the reason for terminating investigations</u> , obtained from national administrative sources;	(b) the annual number of such victims, of reported offences, of persons prosecuted for and convicted convictions of such forms of violence, obtained from national administrative sources.		
Article 44(2), point (ba) new					
344a		<u>(ba) the motives, forms and impact of violence against women and domestic violence;</u>			
Article 44(2), point (bb) new					
344b		<u>(bb) the number of victims who have been killed due to</u>			

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		<u>violence against women or domestic violence, and whether they had previously filed a complaint;</u>			
Article 44(2), point (bc) new					
344c		<u>(bc) the number of shelter and family places per Member State;</u>			
Article 44(2), point (bd) new					
344d		<u>(bd) the availability of victim support services, and the number of victims accessing support services or awaiting such services;</u>			
Article 44(2), point (be) new					
344e		<u>(be) the number of calls to national helplines.</u>			
Article 44(3), first subparagraph					
345	Member States shall conduct a population-based survey every 5 years using the harmonised methodology of the	Member States shall conduct a population-based survey every 5 years using the harmonised methodology of the	3. Member States shall conduct an endeavour to conduct population-based survey every 5 years using the harmonised		

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	Commission (Eurostat) to gather the data referred to in paragraph 2, point (a), and on this basis assess the prevalence of and trends in all forms of violence covered by this Directive.	Commission (Eurostat) to gather the data referred to in paragraph 2, point (a), and on this basis assess the prevalence of and trends in all forms of violence covered by this Directive.	methodology of the Commission (Eurostat) to gather the data referred to in paragraph 2, point (a), and on this basis surveys at regular intervals to assess the prevalence of and trends in all forms of violence covered by this Directive.		
Article 44(3), second subparagraph					
346	Member States shall transmit those data to the Commission (Eurostat) [3 years after the entry into force of the directive] at the latest.	Member States shall transmit those data to the Commission (Eurostat) [3 years after the entry into force of the directive] at the latest.	Member States shall transmit those data to the Commission (Eurostat) [3 years after the entry into force of the directive] at the latest.		
Article 44(4)					
347	4. In order to ensure administrative data comparability across the Union, Member States shall collect administrative data on the basis of common disaggregations developed in cooperation with and according to the methodology developed by the European Institute for Gender Equality in accordance with paragraph	4. In order to ensure administrative data comparability <u>and standardisation</u> across the Union, Member States shall collect administrative data <u>referred to in paragraph 2</u> on the basis of common disaggregations developed in cooperation with and according to the methodology developed by the European Institute for	4. In order to ensure administrative data comparability across the Union, Member States shall endeavour to collect administrative data on the basis of common disaggregations developed in cooperation with and according to the methodology standards developed by the European Institute for Gender		

	Commission Proposal	EP Mandate	Council Mandate	Acting Presidency2	Acting Presidency3
	5. They shall transmit this data to the European Institute for Gender Equality on a yearly basis. The transmitted data shall not contain personal data.	Gender Equality in accordance with paragraph 5 <u>and shall ensure that such data are available in a machine-readable format.</u> They shall transmit this data to the European Institute for Gender Equality on a yearly basis. <u>The European Institute for Gender Equality shall regularly publish a report based on the statistical data transmitted by the Member States.</u> The transmitted data shall not contain personal data.	Equality in accordance with paragraph 5. They shall transmit this data to the European Institute for Gender Equality on a yearly basis. The transmitted data shall not contain personal data.		
Article 44(5)					
348	5. The European Institute for Gender Equality shall support Member States in the data gathering referred to in paragraph 2, point (b), including by establishing common standards on counting units, counting rules, common disaggregations, reporting formats, and on the classification of criminal offences.	5. The European Institute for Gender Equality shall support Member States in the data gathering referred to in paragraph 2, point (b), including by establishing common standards on counting units, counting rules, common disaggregations, reporting formats, and on the classification of criminal offences.	5. The European Institute for Gender Equality shall support Member States in the data gathering referred to in paragraph 2, point (b), including by establishing common standards on counting units, counting rules, common disaggregations, reporting formats, and on the classification of criminal offences taking into account the requirements set out in paragraph 2.		

	Commission Proposal	EP Mandate	Council Mandate	Acting Presidency2	Acting Presidency3
Article 44(6)					
349	6. The Member States shall make the collected statistics available to the public. The statistics shall not contain personal data.	6. The Member States shall make the collected statistics available to the public <u>in an easily accessible manner</u> . The statistics shall not contain personal data.	6. The Member States shall make the collected statistics available to the public. The statistics shall not contain personal data.		
Article 44(7)					
350	7. The Member States shall support research on root causes, effects, incidences and conviction rates of the forms of violence covered by this Directive.	7. The Member States shall support research on root causes, effects, incidences and conviction rates, <u>including intersectional discrimination</u> , of the forms of violence covered by this Directive, <u>using the experiences of both victims and offenders in close cooperation with relevant competent authorities and specialist support service</u> . <u>Such research shall enable the identification of failures in protection and serve to improve and further develop preventive measures</u> .	7. The Member States shall support research on root causes, effects, incidences and conviction rates of the forms of violence covered by this Directive.		
Article 44(7a)					

	Commission Proposal	EP Mandate	Council Mandate	Acting Presidency2	Acting Presidency3
350a		<u>7a. Member States shall ensure that the data referred to in paragraph 2 are collected independently from other data collection obligations under international and Union law.</u>			
Article 44a					
350b		<u>44a Member States shall allocate sufficient, predictable and sustainable resources, including funding and human resources, to the implementation of all the actions laid down in this Directive. Funding shall be made available to state bodies and agencies and to other relevant actors such as non-governmental organisations, including women's specialist support services, who carry out actions as laid down in this Directive.</u>			This paragraph, which is not directly linked to Article 44, has not been accepted by the Presidency and is currently under discussion.

CHAPTER 7					
351	CHAPTER 7 FINAL PROVISIONS	CHAPTER 7 FINAL PROVISIONS	CHAPTER 7 FINAL PROVISIONS	CHAPTER 7 FINAL PROVISIONS Text Origin: Commission Proposal	
Article 45					
352	Article 45 Amendment to Directive 2011/93/EU	Article 45 Amendment to Directive 2011/93/EU	Article 45 Amendment to Directive 2011/93/EU		The question of the inclusion of this provision is still under discussion.
Article 45, first paragraph					
353	In Article 3 of Directive 2011/93/EU, the following paragraphs are added:	In Article 3 of Directive 2011/93/EU, the following paragraphs are added:	In Article 3 of Directive 2011/93/EU, the following paragraphs are added:		
Article 45, first paragraph, amending provision, numbered paragraph (7)					
354	“ 7. Member States shall ensure that the following intentional conduct shall be punishable by a maximum term of imprisonment of at least 12 years:	“ 7. Member States shall ensure that the following intentional conduct shall be punishable by a maximum term of imprisonment of at least 12 years:	7. Member States shall ensure that the following intentional conduct shall be punishable by a maximum term of imprisonment of at least 12 years:		
Article 45, first paragraph, amending provision, numbered paragraph (7), point (a)					
355	(a) engaging with a child below the age of sexual	(a) engaging with a child below the age of sexual	(a) engaging with a child below the age of sexual		

	consent in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object;	consent in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object;	consent in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object;		
Article 45, first paragraph, amending provision, numbered paragraph (7), point (b)					
356	(b) causing a child below the age of sexual consent to engage with another person in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object.	(b) causing a child below the age of sexual consent to engage with another person in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object.	(b) causing a child below the age of sexual consent to engage with another person in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object.		
Article 45, first paragraph, amending provision, numbered paragraph (8)					
357	8. Where the child is above the age of sexual consent and does not consent to the act, Member States shall ensure that the conduct set out in paragraph 7 is punishable by a maximum term of imprisonment of at least 10 years.	8. Where the child is above the age of sexual consent and does not consent to the act, Member States shall ensure that the conduct set out in paragraph 7 is punishable by a maximum term of imprisonment of at least 10 years.	8. Where the child is above the age of sexual consent and does not consent to the act, Member States shall ensure that the conduct set out in paragraph 7 is punishable by a maximum term of imprisonment of at least 10 years.		
Article 45, first paragraph, amending provision, numbered paragraph (9), first subparagraph					
358	For the purpose of paragraph 8, Member States shall ensure that a non-consensual act is understood as an act which is performed without	<u>9.</u> For the purpose of paragraph 8, Member States shall ensure that a non-consensual act is understood as an act which is performed	For the purpose of paragraph 8, Member States shall ensure that a non-consensual act is understood as an act which is performed without		

	the child's consent given voluntarily, or where the child is unable to form a free will due to the presence of circumstances referred to in paragraph 5, including the child's physical or mental condition such as a state of unconsciousness, intoxication, sleep, illness or bodily injury.	without the child's consent given voluntarily, or where the child is unable to form a free will due to the presence of circumstances referred to in paragraph 5, including the child's physical or mental condition such as a state of <u>fear, intimidation, unconsciousness, intoxication, sleep, illness or bodily injury, disability or being in an otherwise particularly vulnerable situation.</u>	the child's consent given voluntarily, or where the child is unable to form a free will due to the presence of circumstances referred to in paragraph 5, including the child's physical or mental condition such as a state of unconsciousness, intoxication, sleep, illness or bodily injury.		
Article 45, first paragraph, amending provision, numbered paragraph (9), second subparagraph					
359	Consent can be withdrawn at any moment during the act. The absence of consent cannot be refuted exclusively by the child's silence, verbal or physical non-resistance or past sexual conduct.	Consent can be withdrawn at any moment during the act. The absence of consent cannot be refuted exclusively by the child's silence, verbal or physical non-resistance or past sexual conduct <u>or existing or past relationship with the offender. Consent shall be assessed in the context of the surrounding circumstances."</u>	Consent can be withdrawn at any moment during the act. The absence of consent cannot be refuted exclusively by the child's silence, verbal or physical non-resistance or past sexual conduct.		
Article 46					
360	Article 46	Article 46	Article 46 Level of		The question of the inclusion

	Level of protection	Level of protection	protection		of this provision is still under discussion. However, the Presidency believes that the EP could be flexible here, as the Commission has already indicated that they are flexible regarding this provision.
Article 46, first paragraph					
361	This Directive establishes minimum rules. Member States may introduce or maintain provisions with higher standards, including such which provide a higher level of protection and support for victims.	This Directive establishes minimum rules. Member States may introduce or maintain provisions with higher standards, including such which provide a higher level of protection and support for victims.	This Directive establishes minimum rules. Member States may introduce or maintain provisions with higher standards, including such which provide a higher level of protection and support for victims.		
Article 47					
362	Article 47 Reporting	Article 47 Reporting	Article 47 Reporting and review		
Article 47(1)					
363	1. By [seven years after the entry into force of this Directive] at the latest, Member States shall communicate to the Commission all relevant information concerning the application of this Directive necessary for the	1. By [seven five years after the entry into force of this Directive] at the latest, and every five years thereafter , Member States shall communicate to the Commission all relevant information concerning the application of this Directive	1. By [seven years after the entry into force of this Directive seven years after the entry into force of this Directive] at the latest, Member States shall communicate to the Commission all relevant available information	1. By [seven five years after the entry into force of this Directive] at the latest, Member States shall communicate to the Commission all relevant available information concerning the application of this Directive necessary for	The EP suggests MS to submit information concerning the application of this Directive every five years. The Presidency is sceptical about this, taking into account that MS will already submit the information required in

	Commission to draw up a report on the application of this Directive.	necessary for the Commission to draw up a report on the application of this Directive.	concerning the application of this Directive necessary for the Commission to draw up a report on the application of this Directive.	the Commission to draw up a report on the application of this Directive.	Article 44 (data collection and research).
Article 47(2)					
364	2. On the basis of the information provided by Member States pursuant to paragraph 1, the Commission shall submit to the European Parliament and the Council a report in which it reviews the application of this Directive.	2. On the basis of the information provided by Member States pursuant to paragraph 1, the Commission shall <u>regularly, and in accordance with the reporting obligations of Member States under this Directive,</u> submit to the European Parliament and the Council a report in which it reviews the application of this Directive.	2. On the basis of the information provided by Member States pursuant to paragraph 1, the Commission shall submit to the European Parliament and the Council a report in which it reviews the application of this Directive.	2. On the basis of the information provided by Member States pursuant to paragraph 1, the Commission shall <u>regularly, and in accordance with the reporting obligations of Member States under this Directive,</u> submit to the European Parliament and the Council a report in which it reviews the application of this Directive	The Presidency asked the Commission to draft this paragraph, as it is the one concerned by the obligations stemming from it. Note: the reporting by the Commission on the application of this Directive is only linked to the information provided in paragraph 1, not all other reporting obligations of MS under this Directive. The two should remain separated.
Article 48					
365	Article 48 Relationship with other Union acts	Article 48 Relationship with other Union acts	Article 48 Relationship with other Union acts	Article 48 Relationship with other Union acts Text Origin: Commission Proposal	
Article 48(1)					
366					

	1. This Directive shall not affect the application of the following legal acts:	1. This Directive shall not affect the application of the following legal acts:	1. This Directive shall not affect the application of the following legal acts:	1. This Directive shall not affect the application of the following legal acts: Text Origin: Commission Proposal	
Article 48(1), point (a)					
367	(a) Directive 2011/36/EU,	(a) Directive 2011/36/EU,	(a) Directive 2011/36/EU,	(a) Directive 2011/36/EU, Text Origin: Commission Proposal	
Article 48(1), point (b)					
368	(b) Directive 2011/93/EU,	(b) Directive 2011/93/EU,	(b) Directive 2011/93/EU,	(b) Directive 2011/93/EU, Text Origin: Commission Proposal	
Article 48(1), point (c)					
369	(c) Directive 2011/99/EU,	(c) Directive 2011/99/EU,	(c) Directive 2011/99/EU,	(c) Directive 2011/99/EU, Text Origin: Commission Proposal	
Article 48(1), point (d)					
370	(d) Directive 2012/29/EU,	(d) Directive 2012/29/EU,	(d) Directive 2012/29/EU,	(d) Directive 2012/29/EU, Text Origin: Commission Proposal	
Article 48(1), point (e)					

371	(e) Regulation (EU) No 606/2013,	(e) Regulation (EU) No 606/2013,	(e) Regulation (EU) No 606/2013,	(e) Regulation (EU) No 606/2013, Text Origin: Commission Proposal	
Article 48(1), point (f)					
372	(f) [Regulation (EU) .../... on a Single Market for Digital Services].	(f) [Regulation (EU) .../... on a Single Market for Digital Services].	(f) [Regulation (EU) .../... on a Single Market for Digital Services] 2022/2065 .		The EP agrees to align with the GA text.
Article 48(2)					
373	2. The specific measures of prevention, protection of and support to victims under this Directive shall apply in addition to measures laid down in Directives 2011/36/EU, 2011/93/EU and 2012/29/EU.	2. The specific measures of prevention, protection of and support to victims under this Directive shall apply in addition to measures laid down in Directives 2011/36/EU, 2011/93/EU and 2012/29/EU.	2. The specific measures of prevention, protection of and support to victims under this Directive shall apply in addition to measures laid down in Directives 2011/36/EU, 2011/93/EU and 2012/29/EU.	2. The specific measures of prevention, protection of and support to victims under this Directive shall apply in addition to measures laid down in Directives 2011/36/EU, 2011/93/EU and 2012/29/EU. Text Origin: Commission Proposal	
Article 48bis					
373a			Article 48bis Freedom of the press and the freedom of expression in other media	Article 48bis Freedom of the press and the freedom of expression in other media	
Article 48bis, first paragraph					

373b			This Directive shall not affect special liability regimes relating to fundamental principles on to the freedom of the press and the freedom of expression in protected media which exist in Member States at the time of adoption of this Directive, provided these provisions can be applied in full compliance with the Charter.	This Directive shall not affect special liability regimes relating to fundamental principles on to the freedom of the press and the freedom of expression in protected media which exist in Member States at the time of adoption of this Directive, provided these provisions can be applied in full compliance with the Charter.	The EP has preliminary agreed to accept this Article, although it is still under examination.
Article 49					
374	Article 49 Non-regression clause	Article 49 Non-regression clause	Article 49 Non-regression clause	Article 49 Non-regression clause Text Origin: Commission Proposal	
Article 49, first paragraph					
375	Nothing in this Directive shall be construed as lowering, limiting or derogating from any of the rights and procedural safeguards that are guaranteed under the law of any Member State which provides a higher level of protection. Member States	Nothing in this Directive shall be construed as lowering, limiting or derogating from any of the rights and procedural safeguards that are guaranteed under <u>international instruments binding on Member States and under</u> the law of any	Nothing in The implementation of this Directive shall be construed as lowering, limiting or derogating from any of the rights and procedural safeguards that are guaranteed under the law of any Member State which provides a higher level of		The EP is still examining this Article.

	shall not lower that higher level of protection guaranteed at the time of entry into force of this Directive.	Member State which provides a higher level of protection. Member States shall not lower that higher level of protection guaranteed at the time of entry into force of this Directive.	protection. not constitute grounds for justifying a reduction in the level of protection of victims. The prohibition of such a reduction in the level of protection shall be without prejudice to the right of Member States shall not lower that higher level of protection guaranteed at the time to lay down, in light of changing circumstances, legislative or regulatory arrangements other than those in force on the date of entry into force of this Directive, provided that the minimum requirements laid down in this Directive are complied with.		
Article 50					
376	Article 50 Transposition	Article 50 Transposition	Article 50 Transposition	Article 50 Transposition Text Origin: Commission Proposal	
Article 50(1), first subparagraph					
377	Member States shall bring into force the laws, regulations and administrative provisions	Member States shall bring into force the laws, regulations and administrative provisions	1. Member States shall bring into force the laws, regulations and administrative provisions		The discussion about the transposition period has been left to the final stages of the negotiation.

	necessary to comply with this Directive by [two years after entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.	necessary to comply with this Directive by [two years after entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.	necessary to comply with this Directive by [two three years after entry into force years after entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.		
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Article 50(1), second subparagraph

378	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made. Text Origin: Commission Proposal	
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Article 50(2)

379	2. Member States shall communicate to the Commission the text of the main provisions 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 provisions 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 provisions 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 provisions of national law which they adopt in the field covered by this Directive. Text Origin: Commission Proposal	
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Article 51					
380	Article 51 Entry into force	Article 51 Entry into force	Article 51 Entry into force	Article 51 Entry into force Text Origin: Commission Proposal	
Article 51, first paragraph					
381	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. Text Origin: Commission Proposal	
Article 52					
382	Article 52 Addressees	Article 52 Addressees	Article 52 Addressees	Article 52 Addressees Text Origin: Commission Proposal	
Article 52, first paragraph					
383	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. Text Origin: Commission Proposal	

Formula					
384	Done at Strasbourg,	Done at Strasbourg,	Done at Strasbourg,	Done at Strasbourg, Text Origin: Commission Proposal	
Formula					
385	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament Text Origin: Commission Proposal	
Formula					
386	The President	The President	The President	The President Text Origin: Commission Proposal	
Formula					
387	For the Council	For the Council	For the Council	For the Council Text Origin: Commission Proposal	
Formula					
388	The President	The President	The President	The President Text Origin: Commission Proposal	

Questions concerning Chapters 7, 1 and 2:

Chapter 7:

- Would Member States be willing to discuss the re-introduction of Article 45 (amendment to Directive 2011/93) in this Directive? Do they see this issue as linked with Article 5 on rape of adults, an independent matter or would they rather see this looked at separately, in the context of the review of Directive 2011/93, which was announced for Q3 of 2023?

Chapter 1:

- Would Member States agree to include “prevention and early intervention” in line 87a, and align the title of Chapter 5 (line 300) to this wording?

Chapter 2:

- Would Member States consider amending the definition of Cyber-crimes in the following aspects?
 - o By amending the reference to “harm”, and changing “likely to cause serious harm” with “likely to cause harm”.
 - o By including in the operative part a definition of what is considered “accessible to the public” or “publicly accessible” (currently included in Recital 18 of the GA).
 - o By including a new crime, defined in the EP Mandate – line 132a – and covering what is known as “cyber flashing”, possibly subject to some redrafting.
- Would Member States accept amending Article 11 (incitement, aiding and abetting, and attempt), by including the mention of Article 10 in line 136a, in line with Article 2(2) of Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law?
- Would Member States consider amending Article 12 (penalties), by deleting “in the most serious cases as defined in their national law” (concerning Female Genital Mutilation) in line 142, as Female Genital Mutilation can be considered a serious crime in all cases?
- Would Member States consider amending Article 13 (aggravating circumstances), by adding new aggravating circumstances to the list (lines 161a to 161d), provided that paragraph 1 of the same Article (line 146) remains flexible?

- Concerning line 166, would Member States agree to extend their jurisdiction over criminal offences referred to in Articles 5 (if it is included in the Directive), and 6, when they are committed outside their territory, provided that the conditions mentioned in lines 167 and 168 are met?
 - Concerning Article 15 (limitation periods), the Presidency would like to know if delegations would be willing to discuss the re-introduction of lines 174 to 177 in the Directive.
-