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**Protection of victims of crime in the view of the Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime in the European Union and the Directive 2011/99/EU on the European protection order**

**Introduction**

Protection of the victims of crime has been recently become one of the most outstanding issues relating to the evolution of the criminal proceedings in the fields of legislation and practice. Strengthening of the victims' protection has become subject of standard-setting in domestic legal system, as well as on the UE level. In the latter respect attention must be paid to two directives: Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA<sup>1</sup> and Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order<sup>2</sup>.

The in-depth analysis of both of aforementioned legal acts, as well as others instruments for protection of victims, has to take into consideration a basic fact, that the criminal proceedings, as traditionally understood, has not been tailored for protection and support for the victims. Its first and main goals are focused on collection and verification of evidence, the findings relating to the deed in question as to the person of the perpetrator, fixing the guilt and – potentially – the penalty. The protection of victims has used to be deemed a secondary purpose of the criminal proceedings. Thus, it should be considered whether it can become its equivalent goal, together with all the issues relating to the perpetrator. Bearing in mind that these goals require sometimes specific approach and measures, applied during the proceedings, it should be also examined if the protection of victim can be exercise without prejudice to efficient counteracting and fighting criminality.

**The EU's legal environment in relation to protection of victims of crime**

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<sup>1</sup> OJ L 315, 14.11.2012, p. 57.

<sup>2</sup> OJ L 338, 21.12.2011, p. 2.

The need of setting the standards for protection of victims of crime at the EU level, is deemed a side-effect of successful establishment an area of freedom of movement and residence, from which citizens benefit by increasingly travelling, studying and working in countries other than those of their residence. The removal of internal borders and the increasing exercise of the rights to freedom of movement and residence have led as a consequence to an increase in the number of people who become victims of a criminal offence and become involved in criminal proceedings in a Member State other than that of their residence.<sup>3</sup>

First comprehensive standard-setting instrument in this field was the Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings<sup>4</sup>. Nonetheless, time has shown that this pioneer endeavor to introduce common UE standards of protection of victims of crime did not succeed. The report prepared by the Commission<sup>5</sup> pointed out that the aim of harmonizing legislation in the field of victims' rights had not been achieved due to the wide disparity in national laws. Moreover, in many cases the Member States tried to transpose the Framework Decision using non-binding instruments, such as: guidelines, charters and recommendations. Therefore, the effect of the implementation of the Framework Decision of 2001 was deemed unsatisfactory.<sup>6</sup>

Outside of the judicial cooperation in criminal matters, Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims<sup>7</sup> introduced a system, which allows victims to obtain compensation in another Member State<sup>8</sup>. However, this afford itself, as covering merely one specific respect of the victims' protection, was obviously not sufficient to deal with in a satisfactory manner with such complex and multifaceted question.

In 10 and 11 December 2009 the European Council adopted so called Stockholm Programme. The official title of that document was "An open and secure Europe serving and protecting citizens". In this paper, the Commission and the Member States were requested to examine

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<sup>3</sup> S. Buczma, An overview of legal acts on protection of victims of crime in the view of the adoption of the Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime in the European Union, ERA Forum, Vol. 14, Issue 2, p. 235, September 2013.

<sup>4</sup> OJ L 82, 22.3.2001, p. 1.

<sup>5</sup> COM (2009) 16 final, 20.4.2009.

<sup>6</sup> S. Buczma, *ibidem*.

<sup>7</sup> OJ L 261, 6.8.2004, p. 15.

<sup>8</sup> See: H. Kuczyńska H., *Wspólny obszar postępowania karnego w prawie Unii Europejskiej*, Wyd. Naukowe Scholar, Warszawa 2008, p. 64.

possible improvement legislation and practical support measures for the protection of victims, including for victims of terrorism, as a priority<sup>9</sup>.

The need to take specific action in order to establish a common minimum standard of protection of victims of crime and their rights in criminal proceedings throughout the European Union was highlighted also in the Resolution of the European Parliament to the Council on the development of a European Union criminal justice area<sup>10</sup>. In this paper the European Parliament called for the adoption of a comprehensive legal framework offering victims of crime the broadest protection, including adequate compensation and witness protection, notably in organised crime cases. Moreover, in the Council Conclusions on a strategy to ensure fulfillment of the rights of, and improve support to, persons who fall victim to crime in the European Union<sup>11</sup>, adopted in 2009, the necessity to develop victim support was stressed. Finally, the Resolution on a roadmap for strengthening the rights and protection of victims, in particular in criminal proceedings, adopted by the Council, during the Hungarian Presidency in 2011, provided for a list of concrete actions to be undertaken in the EU to that end<sup>12</sup>. The following measures were provided in this document:

Measure A: Directive replacing Council Framework Decision 2001/220/JHA;

Measure B: Recommendation or recommendations on practical measures and best practices in relation to the Directive set out in Measure A;

Measure C: Regulation on mutual recognition of protection measures for victims taken in civil matters;

Measure D: Review of the Council Directive 2004/80/EC (in order to assess whether existing procedures for the victim to request compensation should be revised and simplified, and to present any appropriate legislative or non-legislative proposals in the area of compensation of victims of crime);

Measure E: The Commission has been invited to propose through Recommendations practical measures and suggest best practices to provide guidance to Member States in the process of dealing with the specific needs of victims.

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<sup>9</sup> OJ C 115, 4.5.2010, p.1.

<sup>10</sup> Document INI/2009/2012.

<sup>11</sup> Published on the website of the Council:

[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/jha/110726.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/110726.pdf)

<sup>12</sup> Published on the website of the Council:

[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/jha/122529.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/122529.pdf)

Taking due account of the urgent need to make the rights of suspects and accused on one side and victims on the other side, the European Commission submitted on 18 May 2011 a package of instruments aimed at improving the current system of protection of victims. The package included a Communication on protection of victims of crime as well as the Proposal for a Directive establishing minimum standards on the rights, support and protection of victims of crime<sup>13</sup> and the Proposal for a Regulation on mutual recognition of protection measures in civil matters (hereinafter referred to as EPO in civil matters)<sup>14</sup>. The package poses necessary component which aims to supplement the horizontal mechanism to protect victims and strengthen their rights. It supplemented the initiative taken by the Member States for a Directive on the European Protection Order, which concerns the mutual recognition of protection measures taken in criminal matters. The Directive of the European Parliament and of the Council 2011/91/EU of 13 December 2011 on European Protection Order, adopted under the Polish Presidency in 2011, established a mechanism allowing a judicial or equivalent authority in a Member State, in which a protection measure has been adopted with a view to protecting a person against a criminal act endangering his life, physical or psychological integrity, dignity, personal liberty or sexual integrity, to issue a European protection order enabling a competent authority in another Member State to continue the protection, following criminal conduct, or alleged criminal conduct.

### **The main features of the Directive establishing minimum standards on the rights, support and protection of victims of crime**

#### **Definitions**

Article 2 contains definitions applicable for the purpose of this Directive, such as the definition of a victim (Article 2.1 letter a and of family members in Article 2.1 letter b).

In addition, a distinction is made between family members of a victim whose death has been directly caused by a criminal offence and who has suffered harm as a result, and family members of victims who do not fall within the definition of victim, but still are granted a number of the rights under this Directive.

During the working group meetings a majority of Member States agreed that family members should be defined by national law. This view was strongly opposed by the Commission.

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<sup>13</sup> COM(2011) 275 final, 2011/0129 (COD).

<sup>14</sup> Document 10613/11 COPEN 123.

Since the very beginning of negotiations, delegations have stressed the need for limiting the number of family members of victims pointing out that the notion of "family members" would potentially include a large number of persons. Member States' concerns were related to, in particular, that the course of criminal proceedings might be affected, the likely delay of proceedings and the additional administrative burden and increased costs. In cases of large families, internal conflicts of interests between family members, cases concerning sexual abuse involving family members, the number of family members who would be granted the rights under this Directive might have to be limited.

The compromise worked out by the Council and approved by the European Parliament allows Member States to establish procedures aimed at determining which family members of deceased victims may have priority in relation to the exercise of the rights under this Directive. This means that Member States may additionally establish procedures limiting the number of family members who otherwise would have rights under this Directive (for instance the right to access victim support services).

### **Access to specific rights depending on the role of victims in the criminal justice system of Member States**

The role of victim in the criminal justice system varies in each Member State, depending on the national system. There are namely Member States where the victim plays an important role in criminal proceedings and where their status is equal to quarantines granted for suspects or accused. Nevertheless, there are also systems where the role of the victim is rather poor and may be limited only to the role of witness or to a participant in the proceedings, excluding the position as a party. Therefore, to cover the solutions provided for in the legislation of all Member States there were described some criteria in order to define the role of the victim. The criteria are as follows:

- the national system provides for a legal status as a party to the criminal proceedings;
- the victim is under a legal requirement or is requested<sup>1</sup> to actively participate in criminal proceedings, such as witnesses; or
- the victim has a legal entitlement under national law to actively participate in criminal proceedings and is seeking to do so, where the national system does not provide for a legal status as a party to the criminal proceedings.

Thus it was possible to reach the compromise on the definition of the role of the victim in relation to the following rights: right to information about the case (Article 6), to interpretation and translation (Article 7), right to have any decision not to prosecute reviewed (Article 11), right to reimbursement of expenses (Article 14), right to appoint a special representative for the child victim if the holders of parental responsibility are precluded from representing the child (Article 24 let.b);

### **Definition of vulnerable victims**

This definition and scope of rights granted to this specific category of victims caused intense discussion since the very beginning as to whether establishing a presumptive list of vulnerable victims was the right approach. The necessity to establish an individual assessment to include specific victims in the above mentioned category was mostly the preferred solution for the Member States. It had been stressed that any victim could be vulnerable, and a mechanism of individual assessment to determine whether this was the case should be established.

The Commission proposed to make a presumptive list of vulnerable victims. Nevertheless, many delegations objected strongly to having any categories - which criteria were to be used, some wanted to include victims of terrorism or victims of domestic violence as well as victims of other types of crime just as severe. Many supported the individual assessments as a basis, to be carried out in accordance with national procedures on a case-by-case basis. The latter position was the ground for the compromise reached by the Council. No exemplification of vulnerable victims was specified in the operative part of the text and the specification of them was inserted in the preamble.

This approach had been changed in trilogue with the European Parliament due to the strong opposition of the European Parliament and led to the change of the notion of this category of victims. The term *vulnerable victims* has been replaced by the notion of *victims with specific protection needs*. Also the categories of victims who may be covered by this notion were specified. In this regard were mentioned victims of terrorism, organised crime, human trafficking, gender-based violence, violence in a close-relationship, sexual violence, exploitation or hate crime; and victims with disabilities. Nevertheless, the mechanism of individual assessment remained unchanged and it should be based on:

- (a) the personal characteristics of the victim;
- (b) the type or nature of the crime; and
- (c) the circumstances of the crime

In the context of the individual assessment, particular attention shall be paid to victims who have suffered considerable harm due to the severity of the crime; victims who have suffered a crime committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics; victims whose relationship to and dependence on the offender make them particularly vulnerable. For the purposes of this Directive, child victims shall be presumed to have specific protection needs due to their vulnerability.

### **Gender – based violence and violence in close relationship**

In the opinion of the European Parliament the protection of victims of gender-based violence and violence in close relationship was very important. In this respect the Stockholm programme had been revoked as both categories of victims were mentioned as the most vulnerable victims.

The Stockholm programme mentions this category of victims explicitly in section 2.3.4, stating that those who are most vulnerable or who find themselves in particularly exposed situations, such as persons subjected to repeated violence in close relationships, victims of gender based violence, or persons who fall victim to other types of crimes in a Member State of which they are not nationals or residents, are in need of special support and legal protection.

In order to reach the compromise with the EP, there had to be found a solution on how to deal with victims of gender-based violence in the context of the Directive. In the preliminary part of the trilogue the European Parliament insisted on having a definition of '*gender-based violence*' and of '*violence in close relationship*' included in the operative part of the text (Article 2). The Member States strongly opposed this approach. In the course of the negotiations the European Parliament agreed on having the definition of both categories of victims mentioned elsewhere in the Directive as long as the issue would be sufficiently covered and the necessary assistance, support and protection to this type of victims is provided.

The European Parliament's request had been met by inserting a reference to victims of gender-based violence and violence in close relationship in Article 9.3 dealing with "*Support*

*available from victim support services*" (targeted and integrated support for victims with specific needs), in Article 22.3 which exemplifies victims with specific protection needs, in Article 26.2 which relates to the obligation imposed on the Member States to provide the cooperation that aims at reducing the risk of secondary and repeat victimisation in particular concerning victims of gender-based violence" and of violence in close relationship as well as by adding explanatory recitals describing the phenomenon of gender-based violence" and of violence in close relationship (recital 17 and 18). The recitals had been aligned to the Council of Europe Convention of 7 April 2011 on preventing and combating violence against women and domestic violence.

### **The main achievements resulting from the adoption of the Directive 2012/29/EU<sup>15</sup>**

The above presented rights were of particular importance to the Member States, to the Commission and to the European Parliament. However, it does not mean that the other rights set out in the Directive were less crucial. Notwithstanding, during the negotiations they had not caused so much problems as those specified above.

In general all rights covered by the Directive are targeted to all victims. Nonetheless, there are some examples where only specific types of victims may be provided with some of those rights. Their application may be limited due to the following reasons:

- a) free of charge access to interpretation and translation granted to victims who do not understand or speak the language of the criminal proceedings concerned, upon their request (Article 7 of the Directive 2012/29/EU). However, access to interpretation and translation may be applied in case a victim requested to do so as well as be limited to the specific information such as in case of translation to a final judgment in a trial or to information enabling the victim to know about the state of the criminal proceedings, unless in exceptional cases the proper handling of the case may be adversely affected by such notification;
- b) right to legal aid is restricted only to victims having status of parties to criminal proceedings which means that this right applies only to those Member States where exists a possibility to be a party to the criminal proceedings exists under the national law (Article 13 of the Directive 2012/29/EU);

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<sup>15</sup> S. Buczma, op. cit. passim

- c) the legal possibility to be reimbursed of expenses incurred as a result of participation in criminal proceedings is limited only to victims playing an active role (Article 14 of the Directive 2012/29/EU). This means that Member States are required to reimburse only necessary expenses of victims in relation to their participation in criminal proceedings and should not be required to reimburse victims' legal fees. The Member States may also impose conditions in regard to the reimbursement of expenses in national law, such as time limits for claiming reimbursement, standard rates for subsistence and travel costs and maximum daily amounts for loss of earnings (recital 47 of the preamble to the Directive 2012/29/EU);
- d) some rights are designated only to victims who are residents in other Member State than that where the criminal offence was occurred. This gives rise to make a complaint to the competent authorities of the Member State of residence in case a victim has not done it in the Member State where the offence occurred (if they were unable to do so in this Member State or, in the event of a serious offence, as determined by national law of that Member State, if they do not wish to do so). Those victims shall have recourse to the provisions laid down in the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000<sup>16</sup> on hearing to be provided with use of video conferencing or telephone conference calls (Article 17 of the Directive 2012/29/EU);

Although there have been mentioned some limitations in the applications of specific rights to all victims, the general assessment of the content of the Directive 2012/29/EU is obviously positive. The comparison with the Framework Decision 2001/220/JHA does not leave any space for doubts that the Directive 2012/29/EU is a modern and an effective tool to strengthen victims' rights throughout EU. Awareness of rights covered by the Directive allows a victim to understand the criminal proceedings and to be understood. This may be achieved also by the access to the interpretation and translation. All those rights are particularly important for victims travelling throughout Europe. We have to bear in mind that everybody might fall into crime in a foreign country. Therefore, the awareness of being treated in a respectful and sensitive manner in the host country in the same way as in the country of origin facilitates the quality of travelling and of living in different EU countries.

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<sup>16</sup> OJ C 197, 12.7.2000, p. 3.

The Directive improves not only the rights of EU citizens but also all victims of crimes committed within the EU even if they come from other countries. So the higher standards of victims' treatment will also positively change the view of how the EU is perceived outside of Europe<sup>17</sup>.

### **The main features of the Directive on European protection order**

The European protection order (EPO) Directive has been the initiative of the group of the Member States, namely Belgium, Bulgaria, Estonia, Spain, France, Italy, Hungary, Poland, Portugal, Romania, Finland and Sweden. The original idea came up from Spain and the work started under Spanish presidency. It was completed under Polish presidency with adoption Directive 2011/99/EU of The European Parliament and of the Council of 13 December 2011 on the European protection order.

### **The scope of the EPO Directive**

The EPO Directive does neither create obligations to modify national systems for adopting protection measures nor does create obligations to introduce such measures into domestic laws of the Member States. It introduces the mechanism for mutual recognition of the measures already existing in the national legal systems. The European legislators were fully aware that the models of protection of victims in the EU Member States differ, as they stem from different legal traditions. Nevertheless, every single Member State developed its own procedures for protection of victims, by application so – called protection measures, aim specifically to protect a person against a criminal act which may, in any way, endanger that person's life or physical, psychological and sexual integrity, as well as that person's dignity or personal liberty and which aim to prevent new criminal acts or to reduce the consequences of previous criminal acts. These personal rights of the protected person correspond with fundamental values recognized and upheld in all Member States.

The EPO Directive applies to protection measures adopted in criminal matters, and does not therefore cover protection measures adopted in civil matters. This solution was adopted after in-depth discussion, resulting in the concept of introducing two separate instruments – EPO

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<sup>17</sup>See: S. Buczma, *Europejskie standardy postępowania z ofiarami przestępstw – nowe rozwiązania*, Na wokandzie 7(10) 2011, p. 23.

and civil EPO, now covered by the Regulation (EU) No 606/2013 of 12 June 2013 on mutual recognition of protection measures in civil matters<sup>18</sup>. Tackling a great diversity of protection measures systems in the Member States, the European legislator provided that the Directive should apply to any protection measure, if available during criminal proceeding. For a protection measure to be executable in accordance with this Directive, it is not necessary that given measure was adopted by criminal court. Just the opposite, nor is the criminal, administrative or civil nature of the authority adopting a protection measure relevant. Thus, the nature of the proceeding has solely the decisive influence on possibility of issuing the EPO, no matter which authority is competent to impose protection measure under domestic law.

According to Article 5 of the Directive, an EPO may be issued when a protection measure has been previously adopted in the issuing State. It creates complex three – steps procedure, consisting of (1) adoption of a protection measure, (2) issuing an EPO and (3) recognizing and executing it by executing state. Nonetheless, the Directive does not cover all the protection measures, existing in the Member States. Its scope is confined to the following prohibitions or restrictions:

- (a) a prohibition from entering certain localities, places or defined areas where the protected person resides or visits;
- (b) a prohibition or regulation of contact, in any form, with the protected person, including by phone, electronic or ordinary mail, fax or any other means; or
- (c) a prohibition or regulation on approaching the protected person closer than a prescribed distance.

It must be stressed that – however the Directive was adopted as the instrument of judicial cooperation in criminal matters – the authorities involved at all three steps of the procedure need not to be merely the courts competent in criminal matters. The aforementioned rule of the irrelevant nature of the body adopting a protection measure, applies also to all further steps of the EPO procedure. It means that EPO can be issued and recognized not only by criminal court, but also by a civil one, as well as by an administrative body – depends on the institutional structure of protection of victims in the given Member States. Therefore, in relations between some EU States it may occur, that only connector between the EPO procedure and the criminal justice system is that the protection measure was adopted in respect the ongoing criminal proceeding, however none of the typical criminal justice bodies,

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<sup>18</sup> OJ L 181, 29.6.2013, p. 4.

as police, prosecution service or judiciary, were involved. It is clearly explained in Article 9(1), which if fine reads as follows: “The executing State may apply, in accordance with its national law, criminal, administrative or civil measures.”.

### **EPO follows a victim**

One of the most important feature and peculiarity of EPO is that the order follows a victim. So far, the instruments basing on the mutual recognition of the criminal decision provided the transmission of the decision or order after the perpetrator, to the state where he or she moved to, intended to move or was supposed to be moved. In this case however this model has been entirely altered, which implies serious consequences for the general concept of the instrument and a relevant procedure.

Firstly, EPO may be transmitted to more than one executing state. It may be caused by living conditions of the victim, while he or she moves to one country and – for instance – works in the other. This can be an issue especially in the border cities like Cieszyn / Těšín. In such case the protection should be provided in both countries (in the given example – Poland and Czech Republic).

Secondly, EPO may be issued basing on the decision which was not originally rendered by the authority of the issuing state. EPO mechanism covers also the situation when the judgment comprising given protection measure was delivered by one state, and then transferred to the other one, who decides afterword to issue EPO on its basis. Thus, the source of the protection measure may be the decision which is as well either delivered or solely executed by the issuing state.

### **The grounds for issuing of EPO.**

According to Article 6(1) of the Directive, a European protection order may be issued when the protected person decides to reside or stay or already resides or stays in another member state. The competent authority in the issuing state shall take into account, inter alia, the length of the period that the protected person intends to stay in the executing state and the seriousness of the need for protection. It must be however considered, that aforementioned conditions are solely demonstration, therefore the issuing authority may decide upon issuing EPO on the basis of different premises too, if they imply a need for doing so.

EPO cannot be issued ex officio, on the own motion of the issuing authority. As the protection measures cannot be executed against the will of protected person, his or her motion is needed in any situation.

### **Execution of EPO and breaching its conditions**

The EPO is generally executed under the laws of executing state. The laws of various member states are however different, that may cause specific problems, especially in the case of breaching of the obligation imposed in the protection order. The result of breach may significantly vary in the Member States, depends on their legal standards. Therefore the Directive provides for the general cluster of feasible solutions, that can be applied in such case (see Article 11). The executing authority may then

- (a) impose criminal penalties and take any other measure as a consequence of the breach, if that breach amounts to a criminal offence under its the law of the executing state
- (b) take any non-criminal decisions related to the breach, or
- (c) take any urgent and provisional measure in order to put an end to the breach, pending, where appropriate, a subsequent decision by the issuing State.

If however there is no available tool at national level in a similar case that could be taken in the executing state, its competent authority shall at least report to the issuing authority of the any breach of the protection measure described in the EPO of which it is aware. This option should be considered as the last resort measure, bearing in mind that exchange of information, even the swiftest one, will not provide real and material protection for the protected person pending quite a period of time.

### **V. Conclusions**

The need of increasing standards for protection of victims in respect of criminal proceedings is out of discussion now. Aforementioned instruments are ones of many possible and required steps in this direction. The protection of victims should become an essential element of operation of judicial authorities, both at national and at European level. The way the victims are treated by the authorities will often determine the perception of effectiveness of the EU justice systems in the eyes of the public. Taking into account that already nearly 12 million EU citizens live in another Member State than their country of origin, this is of crucial

importance. Hence, by proper implementation of the Directives the Member States shall demonstrate to their citizens that the new standards of their treatment established by them were worth waiting for. The Directive itself may boost the protection of victims but a significant improvement of victims' protection will not be possible until there is a complete implementation of this Directive as well as the Directive on EPO. Only then we can expect the establishment of a consistent and comprehensive mechanism of the protection of victims which enables them to be provided with access to the same rights irrespective of their nationality and their place of residence.

Having said that it has to be pointed out at this point that if the expiry date for the implementation of a directive has passed and the directive is clear and unconditional, an individual may rely on the directive against the state<sup>19</sup>. This is another aspect of the responsibility of the Member State concerned in case it has not transposed or applied the Directives correctly. The Lisbon Treaty has strengthened the EU's competence in the criminal justice area. This means that the Commission can bring an infringement case against that Member State. Any citizen can complain about poor application of the rules and this makes this instrument a very strong tool for victims to enforce their rights<sup>20</sup>.

Setting-out of common minimum standards of victims' protection will result in an increase of trust to the national justice systems of the Member States in criminal matters which may give rise to more effective cooperation in criminal matters in the EU. Therefore, the standards laid down in both Directives should also imply more efficient combating of trans-border criminality<sup>21</sup>.

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<sup>19</sup> P. Craig, G. De Búrca, *EU Law. Text, cases and materials*, Oxford 2008, p.280-281.

<sup>20</sup> See speech of F. Le Bail, *Strengthening victims' rights in Europe*, SPEECH/2011/11/08 - provided at the Victim Support Europe conference "*Putting victims' rights into practice – How to implement the EU directive on victims' rights across the EU*", held in Brussels on 26 November 2012,.

<sup>21</sup> See: A. Grzelak, T. Ostropolski, *System prawa Unii Europejskiej. Podręcznik, Współpraca policyjna i sądowa w sprawach karnych*, t. XI., Warszawa 2011, p. 141.