

The European Protection Order – a new mechanism to protect victims

The Initiative for a Directive of the European Parliament and of the Council on the European protection order proposed by Belgium, Bulgaria, Estonia, Spain, France, Italy, Hungary, Poland, Portugal, Romania, Finland and Sweden, submitted on 7 January 2010

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- Directive 2011/99/EU of the European Parliament and of the Council on the European protection order adopted on 13 December 2011
- entered in to force on 10 January 2012
- implementation by 11 January 2015

The Aim of the Directive

- to establish a mechanism allowing to transmit 'a need of protection' of a victim endangered by a criminal act with regard to his/her life, physical or psychological integrity, dignity, personal liberty or sexual integrity,
- to continue the protection in the territory of another Member State than the current place of residence
- The Directive does not create obligations to modify national systems.

Protection measures

- protection measure issued in criminal matters
- nature of the authority adopting protection measure irrelevant (be it civil, administrative or criminal)
- to protect a victim or his/her relatives (witnesses excluded)
- type of protection measures:
 - a prohibition from entering specific places;
 - a prohibition or regulation of contact;
 - a prohibition or regulation of approaching the protected person;
- character of protection measures: standalone or a part of the decision of probation (FD 2008/947/JHA) or supervision order (FD 2009/829/JHA)

Rules of issuing the EPO

1. existence of one of the protection measure set out in Article 5
2. the length of period the protected person intends to stay in the executing State
3. the seriousness of the need of protection
4. request of the protected person
5. application of the EPO form

Rules of the execution of the EPO

- recognition without undue delay
- grounds for refusal
- application of measures under national law (irrespective of the nature of measures to be applied) corresponding to the original protection measure
- obligation of notification

Breach of the measure applied

A/ The executing State:

- ✓ imposition of criminal penalties or any other measure
- ✓ non-criminal decisions
- ✓ any urgent actions and provisional measures to put an end of the breach
- ✓ notification to the issuing State

B/ The issuing State:

- renewal, review, modification and withdrawal of protection measure and consequently of the EPO
- imposition of custodial sentence on the basis of FD 2008/947 or FD 2009/829/JHA

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Thank you