



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 7 December 2012**

**17461/12**

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**Interinstitutional File:  
2011/0130 (COD)**

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**JUSTCIV 354  
COPEN 270  
CODEC 2965**

**NOTE**

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from : the Finnish delegation  
to : Council

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No. Cion prop. : 10613/11 JUSTCIV 143 COPEN 123 CODEC 889

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No. prev. doc. : 17165/12 JUSTCIV 348 COPEN 265 CODEC 2900

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Subject : Proposal for a Regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters  
- Statement by Finland to be included in the minutes of the Council

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Finland strongly shares the objective of strengthening the rights of victims in the European Union. Finland welcomes the draft Regulation which is an important element of the comprehensive European mechanism ensuring mutual recognition of protection measures.

Protection orders are preventive by nature. In order to ensure the preventing effect and the effectiveness of protection orders, it is essential that the person causing the risk is informed about the recognition in another Member State. However, according to the draft Regulation, in situations, where there is no need for adjustment of the protection measure in the Member State addressed, the person causing the risk is not informed of the invoking of a certificate. In those situations the person causing the risk is, thus, not informed that the protection measure is recognised in another Member State. This can lead to a situation where he or she unintentionally violates the protection measure. In addition, the person causing the risk does not know what the Member State addressed is, so he or she is in reality prevented of exercising the remedies under Articles 12 and 12 a. In this respect the draft Regulation, unfortunately, does not fully guarantee the effectiveness of Regulation in practice.