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EU-wide protection for victims: Council adopts regulation on mutual recognition of protection measures in civil matters

The Council adopted today a regulation on mutual recognition of protection measures taken in civil matters upon request of the person at risk ([PE-CONS 7/13](#)).

The regulation will enter into force on the twentieth day following that of its publication in the Official Journal and shall apply from 11 January 2015. The United Kingdom and Ireland have decided to take part in the application and the adoption of this instrument. Denmark will not be bound by it or subject to its application.

What's new?

The regulation will apply to protection measures ordered with a view to protecting a person when there exist serious grounds for considering that that person's life, physical or psychological integrity, personal liberty, security or sexual integrity is at risk, for example as to prevent any form of gender-based violence and violence in close relationships, such as physical violence, harassment, sexual aggression, stalking, intimidation or other forms of indirect coercion. It is important to underline that this regulation will apply to all victims irrespective of whether they are victims of gender-based violence.

The national legal traditions in the area of protection measures are highly diverse. In some national laws protection measures are regulated by civil law, in others by criminal law and some regulate them under administrative law.

P R E S S

Rue de la Loi 175 B – 1048 BRUSSELS Tel.: +32 (0)2 281 6319 Fax: +32 (0)2 281 8026
press.office@consilium.europa.eu <http://www.consilium.europa.eu/press>

The regulation takes account of this diversity. Dealing with protection measures in civil matters it is designed to complement Directive 2011/99/EU on the European protection order¹, which covers protection measures in criminal matters.

The aim of the regulation is to establish an efficient mechanism of recognition to ensure that all protection measures taken in civil matters in a member state can circulate freely throughout the EU.

To that end, the new rules will provide for a certificate which will act as a kind of 'passport' containing all essential information for a quick and easy recognition of the protection measure when the protected person moves or travels to another member state.

The protection measures covered by the regulation will include obligations or prohibitions imposed on the person causing risk, such as:

- a prohibition or regulation on entering the place where the protected person resides, works or visits or stays regularly;
- 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;
- a prohibition or regulation on approaching the protected person closer than a prescribed distance.

Complementary legislation in the criminal law area

The new regulation aims at complementing [Directive 2011/99/EU](#) on the European Protection Order ("EPO Directive"), which covers protection orders in criminal matters ([14517/11](#)). The combined scope of the two instruments should cover the highest possible number of protection measures for victims.

Background

This new regulation is part of a legislative package which aims at strengthening the protection of victims in the EU and also includes a directive on minimum standards on the rights, support and protection of victims of crime ([Directive 2012/29/EU](#)), which has been adopted recently.

¹ OJ L 338, 21.12.2011, p. 2.