

Brussels, 30/08/2010
C/2010/ 5770

Mr Martin Preiner
President of the Bundesrat
of the Republic of Austria
A-1017 WIEN

Dear President,

The European Commission thanks the Austrian Bundesrat for sharing its opinion on the proposal for a Directive on preventing and combating trafficking in human beings, and protecting victims {COM(2010) 95}. It agrees that trafficking in human beings is a serious crime and a gross violation of fundamental rights of trafficked persons.

The European Commission also shares the opinion of the Bundesrat that anti-trafficking action and in particular action against trafficking of children at the European level should become more effective, and fully consistent with a human rights centred approach. This is the aim of the proposal for a new Directive on trafficking in human beings. Therefore, the European Commission fully shares the view of the Bundesrat that special emphasis should be given to the increase of the level of protection of victims of trafficking.

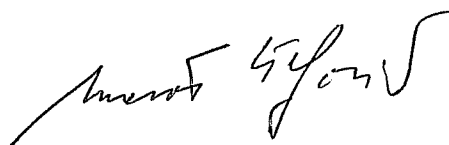
The European Commission agrees that the financial impact of prosecution of new forms of crimes and of more extensive protection of victims is difficult to estimate at this stage. However, the Commission points out that it has indeed carried out an estimation of the costs involved in some of the measures proposed, where the financial impact may be most evident.¹ This is for example the case for free legal counselling and legal representation.

Replying to the remark of the Bundesrat in point 8 in the opinion, the Commission points out that all provisions in the future Directive will be binding if not otherwise stated. In Article 15 (2) of the proposal, it is however explicitly stated that the obligation to conduct awareness raising campaigns is limited to what is appropriate.

¹ Commission staff document: Accompanying document to the proposal for a Council Framework Decision on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA (COM(2009) 136 final)(SEC(2009) 358)

The comments of the Bundesrat, which touch upon some crucial aspects of the proposal such as preventive aspects and trafficking of vulnerable victims such as children, will be taken in due consideration by the European Commission during the following phase of the discussion in the Council and the European Parliament.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Miroslav Lajčák". The signature is written in a cursive style with a long horizontal stroke at the beginning.