

Courtesy Translation

TO  
MR JOSÉ MANUEL BARROSO  
PRESIDENT OF THE  
EUROPEAN COMMISSION

***Regarding:*** Statement of the National Assembly of the Republic of Bulgaria on the *Proposal for a Directive of the European Parliament and the Council establishing minimum standards on the rights, support and protection of victims of crime COM (2011) 275*

DEAR MR BARROSO,

At a regular sitting held on August, 31<sup>st</sup> 2011 the Committee on European Affairs and Oversight of the European Funds (CEAOEF) reviewed the above-mentioned proposal for a Directive of the European Parliament and the Council. The proposal is included in the Annual Working Programme of the National Assembly on European Union Issues (2011) under **section 53**. The proposal for a Directive has been also presented to the attention of the Legal Affairs Committee.

Within the framework of the political dialogue, enclosed is a copy of the approved CEAOEF Report, which includes a **positive assessment on the compliance of the draft EU act with the principles of subsidiarity and proportionality**, as well as some general remarks on the nature of the proposed act. The CEAOEF Report also reflects the position of the Legal Affairs Committee.

We highly appreciate that the Bulgarian Parliament's position will be considered. In addition, we are convinced that only legislative initiatives on the European level are able to provide solutions to problems experienced by victims of crime, thus allowing them to benefit from a common European area without internal borders.

I am confident that our established, fruitful cooperation will continue to grow.

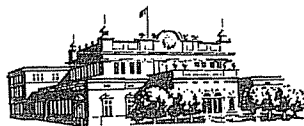
Enclosure:

1. **CEAOEF Report** on the *Proposal for a Directive of the European Parliament and the Council establishing minimum standards on the rights, support and protection of victims of crime COM (2011) 275 - in Bulgarian language;*
2. **CEAOEF Statement** (an integral part of the CEAOEF Report under section 1) – *working translation in English.*

*Yours sincerely,*

PRESIDENT  
OF THE NATIONAL ASSEMBLY

TSETSKA TSACHEVA



NATIONAL ASSEMBLY  
OF THE REPUBLIC OF BULGARIA

STATEMENT

OF THE COMMITTEE ON EUROPEAN AFFAIRS AND OVERSIGHT OF THE EUROPEAN FUNDS  
TO THE NATIONAL ASSEMBLY OF THE REPUBLIC OF BULGARIA

Following the discussion on the Proposal for a Directive of the European Parliament and the Council establishing minimum standards on the rights, support and protection of victims of crime COM (2011) 275, the Committee on European Affairs and Oversight of the European Funds (CEAOEF) expresses the following statement, which is to be sent to the European institutions in the framework of the political dialogue:

1. CEAOEF welcomes the European Commission's initiative to further develop and extend the minimum standards established in the *Council Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings*. The provisions envisaged by the proposed Directive will strengthen the fundamental rights of the people who have suffered crimes in the European Union irrespective of the latter's citizenship or country of residence. In this sense, CEAOEF finds that by setting common minimum standards on the protection and support of the victims of crime, the proposed act will undoubtedly improve their protection. The abovementioned observations are in support of the Council of Minister's position, according to which the Republic of Bulgaria expresses its approval of the project for a directive since it deems the proposed new instrument as essential for the more efficient protection and support of the victims of crime.
2. With regard to the proposed definition for a victim CEAOEF believes that the need to further expand the definition of "family members" of the crime victim should be discussed.

In relation to this, CEAOEF deems that including the victim's registered partners among the individuals considered as "family members" may hinder the Directive's transposition and implementation in certain Member States. CEAOEF finds it advisable in the future directive proposal discussion, the fact that the term "registered partnership" exists in only 14 EU Member States and that not all Member States, including Bulgaria, have legal provisions in this area, to be taken into account<sup>1</sup>.

With regard to the term "non-marital cohabitee" it should be noted that while "domestic partnership" exists as a term in the Bulgarian legislation, it is necessary to assess to what extent it is proper to extend the circle of people considered as family members and grant them rights accordingly.

3. The proposal for a Directive is **in compliance with the principle of subsidiarity** established in article 5, paragraph 3 of the Treaty on European Union (TEU), because the objectives of the proposal can be better achieved at EU level.

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<sup>1</sup> CEAOEF expressed such a view in its position on the *Proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions regarding the property consequences of registered partnerships COM(2011) 127* in relation to the application of the term "registered partnership".

Although the transnational aspects of the proposal are not clearly delineated, the minimum safeguards for the victims established in the directive proposal will strengthen the trust in the legal systems of the Member States. This will promote the free movement of European citizens who will be able to benefit from the same rights in case they suffer a crime in another Member State. Furthermore, the transposition of the Framework Decision 2001/220/JHA provisions has shown that the former are not sufficiently effective for the attainment of the desired results in the victims of crimes protection and that there are still big differences among the Member States.

4. The proposal for a Directive is **in compliance with the principle of proportionality**, established in article 5, paragraph 4 of the TEU, because it does not exceed what is necessary to achieve the objectives of the Treaties. Most of the provisions detail the minimum safeguards for the victims and should not create excessive financial or administrative burden.