



EUROPEAN COMMISSION

Brussels, 8.5.2012  
C/2012/ 3005 final

*Dear President,*

*The European Commission welcomes the broad support expressed in the Opinion of the Romanian Chamber of Deputies to the Commission's 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 final}, and apologises for the undue delay in responding.*

*In reply to the Chamber of Deputies' remarks and bearing in mind that the draft Directive is currently negotiated in the Council and the European Parliament, the European Commission would like to provide the following comments:*

*Concerning Article 2 (a) of the proposal, the definition of "victim" including the notion of family members of a person whose death has been caused by a criminal offence is an important principle of the Directive, as the purpose of the Directive is to ensure that all victims of crime benefit from minimum standards throughout the EU. It is important to stress that family members are covered by the Directive only in a case of death of a direct victim of a crime. In such cases, family members are also harmed by the crime and may themselves be at risk of secondary victimisation as well as victimisation or intimidation by the offender or his or her associates.*

*Concerning the remark that no start and end point for defining a victim is indicated in the Directive, the Commission considers that a victim becomes a victim when a crime is committed against the victim and the authorities are obliged to ascertain the victim's rights - according to the individual victim's needs - as soon as they are in contact with her/him. As regards an end point, the Commission considers that no ending point should be determined either, as this could prevent a victim from exercising his or her rights at a later stage (e.g. when criminal proceedings are re-opened due to new evidence).*

*The Commission considered that there was no need to establish a specific procedure, which would apply in cases when a victim is not finally recognised as a victim. The proposed Directive establishes only minimum rules, in accordance with the Treaty.*

*Ms. Roberta Alma ANASTASE  
President  
Chamber of Deputies  
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*This Directive is a horizontal instrument that aims to ensure that all victims have certain rights, support and protection based on individual assessment of each victim's needs. The needs of victims of crime, who may also be witnesses, are being addressed in the Directive and such individuals will benefit from a range of proposed support and protection mechanisms, e.g. Article 19 establishes a right to avoidance of contact between a victim and an offender in any venue where victims may have personal contact with public authorities due to their being a victim.*

*The Directive does not cover the protection of witnesses, but rights and protection of victims of crime. We recognise that witnesses who are not victims may have the same, as well as other, needs for support and protection. However, given the prioritisation of action on victims of crime, no detailed analysis has been carried out at this stage on what the needs of non-victim witnesses are. Therefore, as a first step, the Commission has focused on victims of crime, as set out in the Lisbon Treaty [Article 82.2.c) addresses "rights of victims"] and as prioritised in the Stockholm Programme. Any action on witnesses may be considered in the future.*

*I hope that these clarifications address the issues raised in the Opinion of the Chamber of Deputies.*

*Yours Faithfully,*

*Maroš Šefčovič  
Vice-President*