



PERMANENT REPRESENTATION OF THE REPUBLIC OF HUNGARY
TO THE EUROPEAN UNION

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Brussels, 2 June 2011

Dear Ms Svensson and Mr. Aguilar,

I am writing to you inform about the state of play of the negotiations on the Initiative of the Kingdom of Belgium, the Republic of Bulgaria, the Kingdom of Spain, the Republic of Estonia, the French Republic, the Republic of Hungary, the Italian Republic, the Republic of Poland, the Republic of Portugal, Romania, the Republic of Finland and the Kingdom of Sweden for a Directive of the European Parliament and of the Council on the European Protection Order (hereinafter the "European protection order" or "EPO"), as it results from the work carried out by the Council preparatory bodies.

As you are aware, the context changed when on 18 May 2011, the Commission has submitted a comprehensive package on the protection of victims, including a proposal for a Regulation on mutual recognition of protection measures in civil matters (hereinafter "the Commission proposal").

Before the submission of this Commission proposal, and in order to meet some of the concerns of the Commission and of those Member States which had expressed their opposition to the initiative on the Directive on the European protection order, in particular with respect to the wide scope of application of the instrument, a partially modified version of the text was presented to delegations by the Hungarian Presidency. The modifications concern, in particular, Articles 1 and 2 (2) of the text, as well as the corresponding explanatory Recital (9). The modified text was discussed by the JHA Counsellors on 3 and 10 May 2011.

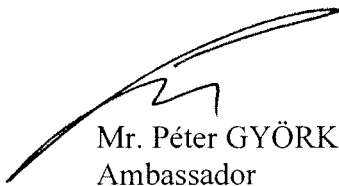
On 11 May 2011 COREPER also examined the suggested modification of the scope of the proposed Directive on the European protection order and confirmed that there was agreement on the modified text (see attached). The Presidency also took note that there was sufficient

support to resume discussions in the Council preparatory bodies in order to align the text of the Directive with the amended scope, which now is clearly limited to criminal matters.

On 24 May 2011 COPEN Working Party examined, in the light of the amended scope, the relation between the two texts, the proposed Directive on EPO in criminal matters and the Commission's proposal on EPO in civil matters. Delegations expressed their wish to continue the examination of the Directive proposed by member States on EPO in criminal matters in parallel with the negotiations on the Commission proposal.

The Commission proposal will be examined by the competent Working Party in June 2010 and the Presidency hopes to make good progress on both instruments.

Yours sincerely,



Mr. Péter GYÖRKÖS
Ambassador

Ms. Eva-Britt SVENSSON

Chair of Women's Rights and Gender Equality (FEMM)

Mr. Juan Fernando Lopez AGUILAR

Chair of Committee on Civil Liberties, Justice and Home Affairs (LIBE)

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Article 1

Objective

This Directive sets out rules allowing a judicial or equivalent authority in a Member State, in which a protection measure has been issued with a view to protecting a person against a criminal act of another person which may endanger his life, physical or psychological integrity and dignity, personal liberty or sexual integrity, to issue a European protection order enabling a competent authority in another Member State to continue the protection of the person concerned in the territory of this Member State, following the commission in the issuing State of a criminal conduct according to its national law.

Article 2

Definitions

For the purposes of this Directive the following definitions shall apply:

- 1) (Unchanged)
- 2) "Protection measure" means a decision in criminal matters adopted in the issuing State in accordance with its national law and procedures, by which one or more of the obligations or prohibitions, referred to in Article 4, are imposed on a person causing danger to the benefit of a protected person with a view to protecting the latter against a criminal act which may endanger his life, physical or psychological integrity, dignity, personal liberty or sexual integrity.
- 3) to 7) (Unchanged)

Corresponding Recital:

(9) This Directive applies to protection measures taken in criminal matters. For a protection measure to be executable in accordance with this Directive, it is not necessary that a criminal offence has been established by a final decision of a court or any other authority competent to issue a protection order. The nature of that authority, be it criminal, administrative or civil, does not matter either.