



## **YEPP Resolution: European Protection Order**

### **Recognizing:**

- That judicial protective mechanisms (such as restraining orders) are only valid in the territory of one Member State but not in another.
- The launch of a Member States' initiative in 2010 entitled Initiative for a directive of the European Parliament and of the Council on the European Protection Order. The initiative foresees the protection of vulnerable groups in society (mostly women) which have gained legislative protection via the legal system of an EU Member State (e.g. a restraining order) when travelling to another EU Member State.
- That the European Commission intends to launch, parallel to the Member States' initiative a proposal on the protection of vulnerable groups in society (mostly women) which have gained legislative protection via the legal system of an EU Member State (e.g. a restraining order) when travelling to another EU Member State.
- The initiative covers both the civil and criminal law regimes since the application of the regimes vary between the countries
- The initiative can according to Article 76(b) TFEU only be launch in the area of Judicial Cooperation in Criminal Matters. Judicial Cooperation in Civil Matters is excluded.
- That the Commission proposal will cover both civil and criminal law in accordance with Article 76(a) TFEU and Article 293 TFEU
- Legal certainty is especially important to ensure that victims can rely on a fair protection throughout the EU
- Rule 44(4) of the Rules of Procedure of the EP the legal basis to address different proposals coming from the European Commission and initiatives from EU Member States.

### **Acknowledging:**

- There is a risk that criminal law will overshadow civil law or be expanded to any other EU topic with possible consequences for other legislative domains.
- That it is of key importance to give the victims of crime legal certainty throughout the EU.
- Both civil and criminal matters have to be covered to give the optimal protection and that legal certainty has to be maintained in that process.
- That the European Commission is the main source of proposals.

**YEPP calls on:**

- The European Commission to present its proposal to establish a European Protection Order covering both Civil and Criminal legislative arrangements as soon as possible.
- The EU Member States to work with the Commission in reaching an agreement on the basis of the Commission's proposal
- The European Parliament to use rule 44(4) of its rules of procedure to give priority to the Commission proposal.
- Calls on the EU institutions to reach an agreement as soon as possible.

*Adopted by the YEPP Congress in Berlin on 14 May, 2011.*