

# Commission: Directive on European Protection Order Underused in Practice

## News

**Thomas Wahl**

The legislative implementation of [Directive 2011/99/EU](#) on the European Protection Order (EPO) in criminal matters is satisfactory, in particular the mechanism for recognising EPOs. The EPO has been applied only in few cases in practice, however; its full potential has not been reached. These are the main results of the [Commission implementation report on the Directive](#) that was tabled on 11 May 2020.

The Directive is a mutual recognition instrument, which – together with [Regulation \(EU\) No. 606/2013](#) on protection measures in civil matters – allows for a prolongation of national protection measures for persons in danger when they travel or move to another EU Member State. Such national protection measures include a ban on entering certain places or defined areas, a ban or a limit on contact, or a ban/restriction on approaching the protected person closer than a set distance. In practice, protection measures are mostly applied to protect women in cases of intimate partner or domestic violence, harassment, stalking, or sexual assault.

The implementation report assesses how the 26 EU Member States bound by the Directive (i.e., except Ireland and Denmark) have complied with the core provisions of the Directive. These include:

- Designation of the competent authorities;
- Language regime;
- The need for an existing protection measure under national law;
- Issuance and recognition of an EPO;
- Consequences of a breach of the measures taken based on an EPO;
- The obligation to inform the parties about their rights and relevant decisions.

The Commission concludes that provisions transposing the issuance and recognition of EPOs are sufficient in all Member States but one. Implementation of some provisions, such as the obligation to inform, needs improvement in some Member States. According to the information available, only 37 EPOs were issued and only 15 were executed. Reasons for this underuse of the instrument may be:

- Both national authorities and persons in need of protection are not fully aware of the possibilities to issue/request an EPO;
- Some Member States do not envisage any sanctions for breach of a measure adopted in recognition of an EPO;
- Wide variety of protection measures available in the Member States (under civil, administrative, or criminal proceedings).

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As a consequence, future action by the Commission will mainly focus on overcoming difficulties in the practical application of Directive 2011/99. To this end, the Commission will financially support awareness-raising campaigns and practitioner training on the availability of the EPO.

The implementation report on the EPO was presented alongside the implementation report on the 2012 EU Victims' Rights Directive. The results of the two implementation reports also fed into the new EU's strategy on victims' rights, which the Commission tabled on 24 June 2020.

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