



Brussels, 08 February 2023

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**Interinstitutional files:  
2022/0066 (COD)**

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**WK 1629/2023 ADD 1**

**LIMITE**

**JAI  
FREMP  
COHOM  
COPEN  
EDUC  
MIGR**

**SOC  
ANTIDISCRIM  
GENDER  
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**NOTE**

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From:	Presidency
To:	Delegations
N° Cion doc.:	ST 7042 2022 ADD 1 + ST 7042 2022 ADD 2 + ST 7042 2022 ADD 3 + ST 7042 2022 ADD 4 + ST 7042 2022 ADD 5 + ST 7042 2022 INIT + COM(2022)105 final; SEC(2022)150 final; SWD(2022)60 final; SWD(2022)61 final; SWD(2022)62 final; SWD(2022)63 final
Subject:	Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence - Presentation and exchange of views on a revised draft, submitted by the Presidency, of Chapters 3 and 4

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With respect to Article 26 (Compensation from offenders), page 16, a new footnote is added, as set out in the Annex.

## New footnote concerning Article 26 (Compensation from offenders)

### Commission suggestions concerning Article 26

1. Member States shall ensure that victims have the right to claim full compensation from offenders for damages resulting from all forms of violence against women or domestic violence.
2. Member States shall ensure that victims are able to obtain a decision on compensation ~~in the course of~~ **within** criminal proceedings.
3. The compensation shall place the victims in the position they they would have been in had the offence not taken place, taking into account the seriousness of the consequences for the victim. Compensation shall not be restricted by the fixing of an upper limit.
4. The damage shall include costs for healthcare services, support services, rehabilitation, loss of income and other ~~reasonable~~ costs that have arisen as a result of the offence or to manage its consequences. The amount of the damages awarded shall also compensate for physical and psychological harm and moral prejudice.
5. The limitation period for bringing a claim for compensation shall be no less than 5 years from the time the offence has taken place.

**Where an**~~In cases of sexual violence~~**offence covered by this Directive is sanctioned with a minimum of the maximum penalty of [3] years**, the limitation period shall be no less than 10 years.

The limitation period for bringing a claim for compensation of criminal offences referred to in Article 7 shall commence with the victim's knowledge of the offence.

The limitation period shall not commence as long as the offender and the victim share the same **residence** ~~domestic unit on a permanent basis~~. In addition, if the victim is a child, the limitation period shall not commence before the victim has reached 18 years of age.

The limitation period shall be interrupted or suspended for the duration of pending legal proceedings concerning the offence.