

Committee statement

regarding **COM(2010) 95 final (28731/EU XXIV.)**
(deadline for submission 25 May 2010)

I.

Opinion for submission to the presidents of the European Parliament, the Council and the European Commission

The EU Committee of the Federal Council discussed the proposal **COM(2010) 95 final (28731/EU XXIV.GP)** at a public hearing on 4 May 2010 and comes to the following conclusion:

A. Opinion

The proposal is compatible with the subsidiarity principle.

B. Reasons

1. The fight against trafficking in human beings requires coordinated efforts by Member States, as well as cooperation at an international level in order to achieve the aims. Differences in legal treatment in the different Member States hinder coordinated efforts and hamper international law enforcement and judicial cooperation.
2. The aims of the proposal (including the fight against all forms of gender-based violence, in particular trafficking of women) are basic components of the European system of values. The fight against child trafficking is also included in the EU strategy on the rights of the child. The objective of fighting trafficking in human beings and assisting victims is consistent with the provisions contained in previous Framework Decisions and Directives.
3. For these reasons the EU Committee of the Federal Council believes that the objectives contained in the proposal cannot be implemented adequately by the Member States alone.
4. The proposal will align Member States' substantive criminal law and procedural rules more extensively than the current Framework Decision. This will have a positive impact on international law enforcement and judicial cooperation, and on the protection and assistance given to victims.
5. The Committee points out that in view of the current standard of Austrian criminal law, criminal procedure and victim protection, even the full adoption of the proposal would require only minor substantive modifications to Austrian law.
6. The extension of the scope to all forms of forced labour as mentioned in the corresponding conventions of the International Labour Organization is welcomed. In this way all forms of exploitation will be included, which was the aim of the proposal.
7. The financial impact of the new offences and extended victim protection are difficult to estimate. The Committee regrets that the Commission does not provide any estimate of the additional costs.
8. The obligation to carry out a case-by-case evaluation and to provide basic support and legal aid are in the spirit of the proposal, but it is questionable whether all of the measures proposed (e.g. information campaigns) should be treated equally or whether a clear distinction should be made between mandatory and optional measures so as not to do more than is necessary to achieve the objectives of the proposal.

II.

The EU Committee of the Federal Council expects the relevant members of the Federal Government in the Council to base their discussions and decision in the Council on the opinion set forth in section I above.