



Reports of Cases

Case C-79/11 Maurizio Giovanardi and Others

(Reference for a preliminary ruling from the judge in charge of preliminary investigations at the Tribunale di Firenze)

(Police and judicial cooperation in criminal matters — Framework Decision 2001/220/JHA — Standing of victims in criminal proceedings — Directive 2004/80/EC — Compensation to victims of crime — Liability of a legal person — Compensation in criminal proceedings)

Summary of the Judgment

1. *Preliminary rulings — Jurisdiction of the Court — Limits — Examination of the compatibility of national law with EU law — Excluded — Provision of a ruling on the interpretation of EU law to the national court — Included*

(Art. 267 TFEU)

2. *Judicial cooperation in criminal matters — Standing of victims in criminal proceedings — Framework Decision 2001/220 — Aim*

(Council Framework Decision 2001/220, Recital 4 and Art. 1(c))

3. *Judicial cooperation in criminal matters — Standing of victims in criminal proceedings — Framework Decision 2001/220 — Entitlement to compensation in criminal proceedings — No entitlement to seek such compensation from the legal person who committed an administrative offence under the national system — Lawfulness*

(Council Framework Decision 2001/220, Arts 1(a) and (9)(1))

1. See the text of the decision.

(see para. 36)

2. While the victims of crime should be afforded a high level of protection, the aim of Framework Decision 2001/220 on the standing of victims in criminal proceedings is simply to ensure that, within criminal proceedings as defined in Article 1(c) thereof, minimum standards are drawn up for the protection of victims of crime.

(see para. 44)

3. It is apparent from the very wording of Article 1(a) of Framework Decision 2001/220 on the standing of victims in criminal proceedings that that decision ensures, in principle, that the victim is entitled to compensation in criminal proceedings in respect of 'acts or omissions that are in violation of the criminal law of a Member State' and are the 'direct' cause of the harm. Persons harmed as a

result of an administrative offence committed by a legal person cannot be regarded, for the purposes of the application of Article 9(1) of the Framework Decision, as the victims of a criminal act who are entitled to obtain a decision, in criminal proceedings, on compensation by that legal person.

Consequently, Article 9(1) of the Framework Decision must be interpreted as meaning that, under a system governing the liability of legal persons, that provision does not preclude a situation in which the victim of a criminal act is not entitled to seek compensation for the harm directly caused by that act in the course of criminal proceedings from the legal person who committed an administrative offence.

(see paras 46, 48, 49, operative part)