

LD

v

Criminal Injuries Compensation Tribunal and Others

(Request for a preliminary ruling from the High Court (Ireland))

Judgment of the Court (Fifth Chamber) of 2 October 2025

(Reference for a preliminary ruling – Judicial cooperation in criminal matters – Directive 2004/80/EC – Article 12(2) – Compensation to victims of violent intentional crimes – Fair and appropriate compensation – National legislation excluding compensation for pain and suffering endured)

Judicial cooperation in criminal matters – Directive 2004/80 – Compensation to victims of violent intentional crime – Obligation for Member States to establish schemes on compensation to victims – Fair and appropriate compensation to victims – National scheme on compensation to victims which excludes, as regards non-material harm, any compensation for pain and suffering endured by such victims – Not permissible

(European Parliament and Council Directive 2012/29, Art. 2(1)(a); Council Directive 2004/80, recitals 2, 10 and 14, and Arts 12(2) and 18(2))

(see paragraphs 20-32, 34-39, operative part)

Résumé

Hearing a reference for a preliminary ruling, the Court of Justice rules on the compatibility with Directive 2004/80 ([1](#)) of a scheme on compensation to victims of violent intentional crimes which, like the Irish scheme, excludes, as regards non-material harm, any compensation for pain and suffering endured by such victims.

On 12 July 2015, LD was the victim of a violent criminal assault committed by a group of persons in front of his home in Dublin (Ireland). On 1 October 2015, he submitted an application for compensation to the Criminal Injuries Compensation Tribunal (Ireland) under the Irish scheme on compensation to victims. In that application, he stated that, because of that assault, he had suffered, inter alia, a significant eye injury resulting in a permanent partial loss of vision. He maintained that he also suffers from mental distress and anxiety. After finding that LD had suffered personal injuries and material loss arising from the violent intentional crime of which he had been the victim, the Criminal Injuries Compensation Tribunal awarded him the sum of EUR 645.62 in respect of the expenses incurred by him as a direct result of that crime.

On 2 August 2019, LD brought proceedings before the referring court, the High Court (Ireland), alleging inter alia the incompatibility of the Irish scheme on compensation to victims with Directive 2004/80, in that that scheme fails to provide for fair and appropriate compensation by reason of the exclusion of ‘general’ damages, including in respect of pain and suffering. ([2](#))

Having doubts regarding the interpretation to be given to Article 12(2) of that directive, the referring court made a reference to the Court of Justice for a preliminary ruling.

Findings of the Court

As regards the reparation of non-material harm suffered by victims of violent intentional crimes, the Court states that, while it is true that Article 12(2) of Directive 2004/80 does not contain any express reference to such harm, the broad wording of that provision in no way limits the scope of the compensation provided for therein as regards the types of harm in respect of which it is capable of contributing to reparation.

As is apparent from the case-law of the Court, no distinction can be drawn according to the types of harm which the victims of the crimes committed may have suffered or the consequences to which those victims may be exposed. Even if the wording of Article 18(2) of Directive 2004/80, which, inter alia in its French- and Romanian-language versions refers only to ‘personal injuries’, might suggest the existence of such a distinction, it must be noted that, in several other language versions of that provision, the term ‘injuries’ is not accompanied by any adjective intended to limit its scope. Provisions of EU law must be interpreted and applied uniformly in the light of the versions existing in all the languages of the European Union and, where there is any divergence between those various versions, the provision in question must be interpreted by reference to the general scheme and the purpose of the rules of which it forms part.

In that regard, the Court observes that no other provision of Directive 2004/80 permits the inference that a distinction must be drawn between the types of harm or loss suffered by the victims who fall within its scope. Moreover, it states that measures to facilitate compensation to victims of crimes should form part of the realisation of the objective of ensuring the protection of the persons concerned from harm. ⁽³⁾ In addition, that directive respects the fundamental rights and principles reaffirmed in particular by the Charter of Fundamental Rights of the European Union. ⁽⁴⁾ As is apparent from Article 3(1) of the Charter, the integrity of the person must be understood as being both physical and mental. Accordingly, the compensation provided for in Article 12(2) of Directive 2004/80 must be capable, where appropriate, of contributing to the reparation of any non-material harm, including harm relating to pain and suffering.

Therefore, the Court rules that Article 12(2) of Directive 2004/80 precludes a national scheme on compensation to victims of violent intentional crimes which, as a matter of principle, excludes, as regards non-material harm, any compensation for pain and suffering endured by such victims. Notwithstanding the need to ensure the financial viability of national compensation schemes, such that the Member States are not necessarily obliged to provide complete reparation of the material and non-material loss suffered by those victims, fair and appropriate compensation, within the meaning of that provision, requires, when determining such compensation, that account be taken of the seriousness of the consequences, for the victims, of the crimes committed and of the reparation that such victims may obtain on the basis of the tortious liability of the offender.

⁽¹⁾ Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims ([OJ 2004 L 261, p. 15](#)). In particular, under Article 12(2) of that directive, all Member States are to ensure that their national rules provide for the existence of a scheme on compensation to victims of violent intentional crimes committed in their respective territories, which guarantees fair and appropriate compensation to victims.

⁽²⁾ Established in 1974, the Irish scheme on compensation to victims, in its original version, made provision for ‘general’ damages, including in respect of pain and suffering endured. Following an amendment to that scheme on 1 April 1986, no compensation is awarded for pain and suffering, in respect of ‘general’ damages, because the scope of the relevant provisions prior to their amendment had serious consequences for the finances of the Irish State which, at that time, was going through a period of profound economic recession.

⁽³⁾ See recital 2 of Directive 2004/80.

⁽⁴⁾ See recital 14 of Directive 2004/80.