



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

Subject: Initiative for a Directive of the European Parliament and of the Council on the rights to interpretation and to translation in criminal proceedings
- Draft letters to be sent to the Commission and to the European Parliament

Delegations will find attached two draft letters regarding the presentation by the Commission of a new proposal for a Directive on the right to interpretation and translation in criminal proceedings:

- The first draft, set out in Annex A, concerns a letter to be sent to Mrs Vivianne Reding, Vice-President of the Commission and Commissioner for Justice, Fundamental Rights and Citizenship;
- The second draft, set out in Annex B, concerns a letter to be sent to Mr. Juan Fernando López Aguilar, Chairperson of the LIBE Committee of the European Parliament.

COREPER is invited to confirm these letters and allow Mr Francisco Caamaño, President of the Council (Justice and Home Affairs), to send these letters on behalf of the Council to their respective addressees.

DRAFT

**Letter to Vice-President Vivianne Reding regarding the new
Commission proposal for a Directive on the right to interpretation and translation
in criminal proceedings**

Dear Vice-President,

Following your letter of 8 March 2010 addressed to all Justice Ministers, I have been asked to convey that the Council regrets the adoption by the Commission of a new proposal for a Directive of the European Parliament and of the Council on the right to interpretation and translation in criminal proceedings. This adoption was unexpected after the debate during the Council meeting (Justice and Home Affairs) on 26 February 2010.

The Council has concerns that the new proposal may convey a confusing message to the outside world, including to national Parliaments which will be asked again to make an assessment of compliance with the principle of subsidiarity, especially since the proposal basically duplicates the initiative for a Directive on the same issue which was presented, in December 2009, by 13 Member States in application of Article 76 b) TFEU. This initiative was taken on the basis of the general approach unanimously reached by the Council in respect of the proposal presented by the Commission in July 2009. Reaching this general approach constituted an important step in the difficult road towards strengthening the procedural rights of suspected and accused persons in criminal proceedings, and the initiative was presented in order to keep the momentum in the negotiations and in order to ensure that the citizens in the European Union would quickly benefit from these new important rights, for which a general and urgent need is felt.

The presentation of the new proposal may raise certain procedural questions and risks to jeopardize the objective of reaching a quick agreement on the draft Directive. A delay in adoption of the Directive would however be regrettable, since the measure on interpretation and translation, which is considered to be the least problematic, not only provides important rights for citizens, but also has symbolic importance as being the first measure of the Roadmap adopted by the Council on 30 November 2009. The Council therefore shares the view of the Commission that steps should be taken to accelerate the process of the adoption of the Directive and to avoid further delays in strengthening procedural rights on the basis of the Roadmap. The Council would for that matter highly appreciate receiving proposals from the Commission regarding measures B to E.

The Council is aware of the Commission's wish to improve the text on three points. All these points will be addressed on the basis of amendments presented by the European Parliament. Work on this matter is already in full process, and the Council is confident that in good and sincere cooperation between the three institutions it should be possible to find a satisfactory agreement on all of the points.

The Council considers that the citizens in the European Union will be best served by continuation of the work on the draft Directive on the basis of the Member States' initiative, with a view to reaching a swift and satisfactory agreement on this important matter in an open dialogue between the three institutions, in full compliance with the standards set out in the European Convention on Human Rights, as interpreted by the European Court of Human Rights, and guaranteeing the practical applicability of the legislative provisions in the Member States.

On this basis, the Council is looking forward to a fruitful continuation of the constructive cooperation with the European Parliament and with the Commission on this file, in order to achieve our common goal: to reach an agreement on the Directive in June 2010.

(signed)

DRAFT

Letter to Mr. López Aguilar, Chairperson of the LIBE Committee

Dear Mr López Aguilar,

Please find enclosed copy of a letter that I sent today on behalf of the Council to Vice-President Reding of the Commission concerning the new Commission proposal for a Directive of the European Parliament and of the Council on the right to interpretation and translation in criminal proceedings.

In the opinion of the Council, it would be preferable if negotiations between the European Parliament and the Council, in full collaboration with the Commission, would continue to take place on the basis of the initiative for a Directive presented by 13 Member States in December 2009, and in respect of which your rapporteur has already presented draft amendments. Such course of action provides the best guarantee for reaching a swift and satisfactory agreement among the institutions on this draft legislative instrument, which sets important procedural rights to our citizens and for which there is a commonly felt real and urgent need.

(signed)