



**COUNCIL OF  
THE EUROPEAN UNION**



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10261/10 (Presse 140)

## **Council acts to enhance procedural rights of suspected and accused persons in criminal proceedings**

The Permanent Representatives Committee agreed today, to a compromise text regarding the draft directive on the rights to interpretation and translation in criminal proceedings, which was negotiated in recent weeks between representatives of the Council, the European Parliament and the Commission (doc.[10013/10](#)).

Thanks to the rapid work in the Council's preparatory bodies, it is very likely that the directive can soon be formally adopted in first reading.

The directive is based on an initiative taken by 13 member states (Belgium, Germany, Estonia, Spain, France, Italy, Luxembourg, Hungary, Austria, Portugal, Romania, Finland and Sweden) further to an agreement that was unanimously reached by the Council in October 2009 in respect of a Commission proposal from July 2009. The text also takes account of a proposal that was submitted by the Commission in March 2010.

# **P R E S S**

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The directive is the first concrete measure to be prepared subsequent to the Council's November 2009 "roadmap" for strengthening the procedural rights of suspected and accused persons in criminal proceedings<sup>1</sup>. It is aimed at achieving a more consistent implementation of the rights and guarantees set out in article 6 of the European Convention on Human Rights and to provide a further development within the European Union of the minimum standards set out in that convention and in the EU Charter of Fundamental Rights.

The directive will substantially enhance the rights for suspected and accused persons, in particular as regards:

- the right to interpretation
  - A suspected or accused person who does not understand or speak the language of the criminal proceedings concerned will be provided without delay with interpretation during criminal proceedings before investigative and judicial authorities, including during police questioning, during all court hearings and during any necessary interim hearings.
  - Where necessary for the purpose of ensuring the fairness of the proceedings, interpretation will also be available for communication between the suspected or accused person and his legal counsel in direct connection with any questioning or hearing during the proceedings or with the lodging of an appeal or other procedural applications, such as for bail.
- the right to translation
  - A suspected or accused person who does not understand the language of the criminal proceedings concerned will be provided with a written translation of all documents which are essential to ensure that he is able to exercise the right to defend himself and to safeguard the fairness of the proceedings.
  - Essential documents include decisions depriving a person of his liberty, the charge/indictment and any judgment. The competent authorities shall decide in any given case whether any other document is essential. The suspected or accused person or his legal counsel may submit a reasoned request to this effect.

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<sup>1</sup> OJ C 295, 4.12.2009, p. 1.

- Passages of essential documents which are not relevant for the suspected or accused person to have knowledge of the case against him do not have to be translated.
- As an exception to the general rules, an oral translation or an oral summary of essential documents may be provided instead of a written translation, on condition that such oral translation or oral summary does not affect the fairness of the proceedings.

The directive also contains provisions on the quality of interpretation and translation and on the training of judges, prosecutors and judicial staff.

