



**COUNCIL OF
THE EUROPEAN UNION**



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Council welcomes agreement aimed at enhancing procedural rights of suspected and accused persons in criminal proceedings

The EU Justice Ministers today welcomed the agreement reached last week in the Permanent Representatives Committee¹ on the draft directive on the rights to interpretation and to translation in criminal proceedings ([10420/10](#)). The text was negotiated in recent weeks between representatives of the Council, the European Parliament and the Commission.

Ministers also welcomed that the agreement on this file was reached so quickly, in good collaboration between the three institutions, and that informal talks with the European Parliament point to a first reading agreement in the coming weeks. Subsequently, member states will have to transpose the directive into national law.

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 launched in July 2009. The text also takes account of a proposal that was submitted by the Commission in March of 2010.

¹ See also Press 140, Nr: 10261/10, of 27.05.2010

P R E S S

Enhanced rights - interpretation and translation

The directive will substantially enhance the rights for suspected and accused persons. They will in particular have the following rights:

- 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.
- Right to translation
 - A suspected or accused person who does not understand the language of the criminal proceedings concerned is provided with 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.
 - 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 quality of interpretation and translation and on training of judges, prosecutors and judicial staff.

European Convention on Human Rights

The directive aims 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 this Convention and in the EU Charter of Fundamental Rights.

Part of a wider package

The directive is the first concrete measure of the "Roadmap" for strengthening procedural rights of suspected and accused persons in criminal proceedings, which was adopted by the Council in November 2009¹. The Council unanimously agreed on this wider package of legislative and non-legislative initiatives in October 2009 ([14552/1/09](#)).

The roadmap identifies six main areas on which legislative or other initiatives are desirable over the coming months or years:

- translation and interpretation,
- information on rights and information about charges,
- legal advice and legal aid,
- communication with relatives, employers and consular authorities,
- special safeguards for suspected or accused persons who are vulnerable, and
- a green paper on pre-trial detention.

¹ OJ C 295, 4.12.2009, p. 1.