



EUROPEAN COMMISSION

Brussels, 11/12/2009  
C/2009/10064

Dear Mr President,

I would like to thank you for transmitting the contribution of the Austrian Bundesrat concerning the Proposal of the Commission COM(2009)338 "Council Framework Decision on the right to interpretation and to translation in criminal proceedings".

The European Commission has taken note of the opinion submitted by the EU Committee of the Austrian Bundesrat and would like to provide the following clarifications.

While it is true that the rights dealt with in this Proposal are also to some extent enshrined in the European Convention on Human Rights, the draft Framework Decision complements and reinforces the ECHR *acquis* in a number of ways. First, compliance with the ECHR rules varies markedly across Member States, while the future Framework Decision will set common rules subject to uniform interpretation by the EU judicature, and capable of more effective and more direct enforcement before domestic jurisdictions. Second, those common rules will also apply to European Arrest Warrant proceedings. Third, the Proposal contains clearer rules about the content of the rights to interpretation, and especially of the right to translation.

The necessity and indeed urgency of EU legislation in this area are linked with the functioning of judicial cooperation in criminal matters, the importance of which can hardly be overestimated in the present context of expanding cross-border criminality.

Mutual recognition, which has been the cornerstone of European judicial cooperation since the Tampere Council of 1999, requires a high degree of mutual trust between judicial authorities of different Member States to function properly. In order to reinforce this mutual trust, certain minimum common standards need to be set at EU level: only subject to this condition, will judicial authorities in the Union be sure - when called upon to give execution to a judicial decision handed down in another Member State - that certain minimum safeguards exist, irrespective of the country where proceedings are held.

Herrn Erwin Preiner  
Präsident des Bundesrates  
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Other issues raised by the Austrian Bundesrat, such as the obligation to provide training for judges and prosecutors and the scope of the right to interpretation for meetings between the suspect/accused person and his counsel, are still the subject of negotiations in the Council. The final result of the legislative process may take into account the concerns expressed by the Austrian Senate in its Opinion.

I look forward to developing our policy dialogue further in the future.

Yours sincerely

Margot WALLSTRÖM  
Vice-President of the European Commission