



EUROPEAN COMMISSION

13 JAN. 2010

Brussels,
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Dear Ms President,

The Commission thanks the Austrian Nationalrat for its opinion on a Council Framework Decision on the right to interpretation and to translation in criminal proceedings {COM(2009)338} and would like to provide the following clarifications.

While it is true that the rights dealt with in this Proposal are also enshrined in the European Convention on Human Rights and relating case law, the 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 Framework Decision sets common rules subject to uniform interpretation by the EU judicature. Second, the Framework Decision will also apply to European Arrest Warrant proceedings. Third, the Framework Decision 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 ever-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.

Ms Barbara Prammer
President of the Austrian Nationalrat
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Other issues raised by the Austrian Nationalrat, 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, have been the subject of negotiations in the Council. The wording of these provisions has been altered in order to ensure clarity and to meet Member States' financial concerns. The final result of the legislative process should therefore have met the concerns expressed by the Austrian Parliament in its Opinion.

Yours sincerely

Margot WALLSTRÖM
Vice-President of the European Commission