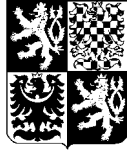


THE PARLIAMENT OF THE CZECH REPUBLIC
SENATE



7th term

154th RESOLUTION

COMMITTEE ON EU AFFAIRS

delivered on the 15th meeting held on 9th September 2009

on Proposal for a Council Framework Decision on the right to interpretation and translation in criminal proceedings

(Senate Press no. M 061/07)

Following the 84th resolution of the Committee on Foreign Affairs, Defence and Security of the Senate from 21st July 2009 and following introductory information from Mr. Tomáš Boček, Deputy Minister of Justice, the rapporteur's report by Senator Luděk Sefzig and after a debate

the Committee

I. Adopts

at the request of the Committee on Foreign Affairs, Defence and Security a position to this document, attached to this resolution;

II. Authorises

the Committee Chairperson Senator Luděk Sefzig to submit this resolution to the Chairperson of the Committee on Foreign Affairs, Defence and Security, to the President of the Senate of the Parliament of the Czech Republic and to the Conference of Community and European Affairs Committees of Parliaments of the European Union (COSAC) that, according to the opinion of the Committee, should continue coordinating subsidiarity checks of selected legislative proposals.

Luděk Sefzig

sign manual

Committee Chairperson

Luděk Sefzig

sign manual

Committee Rapporteur

Pavel Trpák

sign manual

Committee Verifier

Position
on Proposal for a Council Framework Decision on the right to
interpretation and translation in criminal proceedings

(Senate Press no. M 061/07)

The Committee on EU Affairs

I. 1. Considers

necessary that the compliance of the proposal with the principle of subsidiarity is unambiguously proved before the adoption of the framework decision, also with regard to the requirement of necessity of adoption of a legal act, which follows from the Article 31 Paragraph 1 of the Treaty on European Union;

2. Points out

in this context that there is legal regulation in force within the framework of the Council of Europe, with which the possible EU regulation should be in conformity;

II. 1. Emphasises

the need to avoid wording that enables ambiguous interpretation (for example demonstrative listing of essential documents for translation, right of the suspect for interpretation during all necessary meetings between him and his lawyer or during any necessary interim hearing without further specification, etc.);

2. Recommends,

in connection with the abovementioned, to review and reconsider the scope of the proposed obligation of the state to cover the expenses of interpretation and translation;

3. Considers

unnecessary the provisions of the proposal requiring guarantee of the right of appeal against the decision that interpretation is not necessary, all the more so as there is no procedural tool such as decision on translation regulated in the Czech Republic;

4. Recommends

to support the position of the government aimed, in accordance with the principle of proportionality, at minimizing of financial costs, reduction of the administrative burden and limitation of the risk of delays in the criminal proceedings;

III. 1. Requests

the Government to inform the Senate about the way this position was taken into account and to provide the Senate with further information on the proceeding of negotiations;

2. Authorises

the President of the Senate to forward this resolution to the European Commission.