

Brussels, 16/03/2011
C/2011/1743

Dear President,

The European Commission welcomes the broad support expressed by the Greek Parliament for the Commission's proposal for a Directive on the right to information in criminal proceedings {COM(2010)392}, in particular in respect of the subsidiarity and proportionality tests.

As concerns the remarks on the substance of the proposal, the European Commission would like to make the following comments.

Concerning Article 4 of the proposal, the Commission notes that the Greek system does not currently have explicit provisions for the provision of information about rights to suspects in writing.

However, this provision is designed to ensure that suspects and accused persons do receive information about their rights in writing and trusts that all Member States will fully implement the instrument once it is agreed.

As regards any financial burden arising from the Directive, the Commission would refer the Greek Parliament to the Impact Assessment (Commission working document SEC (2010) 907), in which the financial costs for each Member State are estimated. In relation to this Directive the costs are relatively modest.

Concerning Article 6 of the proposal, the obligation to give information about the case against the accused will go further than the obligations arising out of Article 3 of Directive 2010/64/EU on the right to interpretation. The information to be provided under Article 6 is to be provided in a language the accused understands, and this, does not have to be the accused's native language.

As regards Article 7 of the proposal, the Commission takes the view that access to the file must be free of charge in that no charge or levy is to be asked of the accused or his lawyer to examine the case file. The Commission also takes the view that an accused person should be given a free copy of the relevant documents. Prosecution costs should be met by the State in accordance with the principle of equality of arms. This is the Commission's recommendation for best practice but it is not to be implied from the text of the proposal itself.

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*As regards the possibility of adapting the requirements under Article 4 (Letter of Rights) to Article 2 of Directive 2010/64/EU on the right to interpretation, the Commission takes the view that this is not possible since the requirements under Article 4 of this proposal arise when the person has been arrested (not charged) whereas the obligations stemming from Article 2 of Directive 2010/64/EU on the right to interpretation arise once the person has been charged and consequently the scope *ratione temporis* of the provisions is different.*

Finally let me thank you for your support and I look forward to developing our policy dialogue further in the future.

Yours faithfully,