



**Hungarian National Assembly
Committee on European Affairs**

Reasoned opinion concerning the subsidiarity check

of the Proposal for a Council Framework Decision
on the right to interpretation and to translation in criminal proceedings
COM(2009) 338 final, 2009/0101 (CNS)

Following the thorough examination of the Proposal by the secretariat of the Committee on European Affairs and the experts of the political groups, the Committee on European Affairs discussed the Proposal on its meeting of 22 September 2009.

It must be noted that the Commission's Proposal is based overwhelmingly – with regard to the scope and content of the suspected person's right to interpretation and translation – on its previous proposal on certain procedural rights in criminal proceedings throughout the European Union [COM(2004) 328 final], which has already been scrutinised by the Committee.

The Committee on European Affairs finds that in recital 14 and the explanatory memorandum of the current Proposal, the compliance with the subsidiarity principle is generally justified by the aim of achieving common minimum standards and the development of mutual trust between Member States. In this aspect, the Commission's staff working document [SEC(2009) 9151] goes further and in section IV (point 47) also relies on the requirements established by the Protocol attached to the Treaty of Amsterdam, without, however, providing an accurate and detailed assessment of the possible administrative, procedural and financial burden of the Proposal falling upon the national governments and authorities.

The Committee considers that the Proposal includes only a brief justification without a detailed examination of the proportionality principle, but concludes that the breach of subsidiarity was not found since the Proposal seems to respect the relevant competence of the Member States.

Budapest, 22 September 2009.