

Brussels, - 3 NOV. 2009
C/2009/ 8434

Dear Mr Perry,

The European Commission would like to thank the Irish Parliament for its opinion on the Commission proposal COM (2009) 338 for a Council Framework Decision on the right to interpretation and to translation in criminal proceedings and has taken note of the Reasoned Opinion adopted by the Joint Committee on European Scrutiny of the Oireachtas. The Commission wishes to make the following comments on the observations made in the Opinion.

The Commission considers that Article 31 EU Treaty is the appropriate legal basis for adoption of measures, such as those at hand, which prove necessary to facilitate judicial cooperation in criminal matters. Mutual recognition, the cornerstone of European judicial cooperation, requires mutual trust to function properly. To this end, certain minimum standards need to be adopted at EU level, and such legislation should have its legal basis in Article 31 (1) (c) of the EU Treaty.

Since the failure of the 2004 Commission's Proposal, for which there were a number of different reasons, many Member States, as well as the European Parliament and stakeholders, have been advocating further EU initiatives on procedural rights.

As concerns the Committee's misgivings about the scope of the Proposal, the Commission would like to point out that different solutions were explored and thoroughly examined at the stage of the Impact Assessment, prior to the Proposal. In particular, the possibility of limiting the scope to "cross-border cases" was considered but eventually discarded given the lack of a viable definition of "cross-border cases". A case which may appear to be purely domestic initially, may involve at a later stage an out-of-State element, such as evidence to be collected elsewhere. This would necessitate the application of different rules to past stages of the procedure, which is not a viable option.

Mr John Perry
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Besides, if mutual trust is to be reinforced among justice professionals, it is necessary that common standards be applied across the board to all proceedings, not only to those having a cross-border dimension. Double standards would indeed compromise the aim of enhancing mutual trust, and therefore of facilitating judicial cooperation, which underscores this Proposal.

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

Yours sincerely



Margot WALLSTRÖM

Vice-President of the European Commission