

**OPINION  
PASSED BY THE SENATE EU POLICIES COMMITTEE ON  
THE PROPOSAL FOR A COUNCIL FRAMEWORK DECISION ON THE RIGHT  
TO INTERPRETATION AND TO TRANSLATION IN CRIMINAL PROCEEDINGS  
(COM (2009) 338 DEF.)**

The Committee,

following consideration of the Community Document above,

whereas

the proposal is part of a broader EU policy to improve judicial cooperation among member States, for the purpose of developing and maintaining a space of freedom, security and justice;

judicial cooperation is based on the principle of mutual recognition of judicial decisions, which is in turn based on the existence of a spirit of mutual trust in other member States' judicial systems;

the proposal for a framework decision is part of a package of measures aimed at ensuring minimum common standards for a better protection of suspects and defendants in criminal cases;

the right to interpretation and translation is enshrined in the European Convention for the Protection of Human Rights;

Italian legislation substantially complies with the provisions of the framework decision;

expresses, in so far as its jurisdiction is concerned, a positive opinion with the following remarks:

1. The proposal complies with the principle of subsidiarity, in that the goal of establishing minimum common standards may not be achieved individually by member States, and can only be attained by action at community level; the proposal also complies with the proportionality principle, since the action of the Union is confined to what is necessary in order to achieve the its goals.
2. Under the proposal, suspects and defendants should be granted the right to interpretation and translation during the investigative and judicial phases of the proceedings; it might be appropriate to grant such right also during enforcement of the penalty.
3. With reference to Article 1, it might be appropriate to include a reference to the European Convention for the Protection of Human Rights and Fundamental Freedoms and to expressly recognise the rights enshrined in such Convention.

4. With reference to Article 4, requiring Member States to meet the costs of interpretation and translation, it might be appropriate to emphasize that such costs should be met regardless of the outcome of the trial.

5. For the purposes of safeguarding the quality of translation and interpretation, as per Article 5, the selection of interpreters and translators should be subject to passage of a test ascertaining their professional skill; furthermore, a roster should be established and regularly updated, from which the judicial authorities may recruit interpreters.

6. The same system of training and recruitment should be used to provide assistance to people suffering from hearing or communication impediments.