



EUROPEAN COMMISSION

Brussels, 16 NOV. 2009
C/2009/ 8975

Dear Secretary General,

The European Commission would like to thank the Italian Senate for having examined the Commission proposal COM(2009)338 for a Council Framework Decision on the right to interpretation and to translation in criminal proceedings and for having provided its opinion on the issue.

The European Commission welcomes the broad support expressed by the Italian Senate to the Commission's proposal.

As concerns the remarks made on the text of the proposal, the European Commission would like to provide the following clarifications.

Although the European Convention for the Protection of Human Rights and Fundamental Freedom represents a background common to all Member States, the current proposal aims to go beyond the minimum guarantees contained in the Convention. For this reason, a reference to it in a recital was considered sufficient.

The Commission believes that the suggestion that costs should be met by Member States (Article 4 of the proposal) regardless of the outcome of the trial merits thorough consideration. This issue will be considered by the European Commission during the discussions in the competent group of the Council.

The Commission agrees with the suggestion to extend the right to assistance to people with hearing or speech impediments, and has already expressed its support for similar requests from delegations in Council to modify the text of the proposal accordingly.

As concerns the quality of translation and interpretation which Member States must guarantee under Article 5, more detailed rules about training and accreditation of translators and interpreters are contained in a "*Proposal for a Resolution of the Council and of the Governments of the Member States meeting within the Council fostering the implementation by Member States of the right to interpretation and to translation in criminal proceedings*", which was put forward by the Swedish Presidency of the Council in conjunction with the Commission's proposal. The guidelines contained in the Draft

Mr Antonio Malaschini
Secretary General
Senate of the Republic
Piazza Madama
00186 Roma

Resolutions are designed to promote the effective application of the rights enshrined in the Draft Framework Decision.

The Senate's suggestion to extend the scope of the Draft Framework Decision to the stage of enforcement of the penalty merits thorough consideration. The Commission will further examine this issue.

I look forward to continuing this fruitful exchange of information,

Yours sincerely,

Margot WALLSTRÖM
Vice-President of the European Commission