

Re: Proposal for a directive on procedural safeguards for on procedural safeguards for children suspected or accused in criminal proceedings (COM(2013)822).

DOCUMENT APPROVED BY THE COMMITTEE ON EUROPEAN UNION POLICIES OF
ITALY'S CHAMBER OF DEPUTIES

The Committee on European Union Policies,

having appraised the Proposal for a directive on procedural safeguards for children suspected or accused in criminal proceedings (COM(2013)822) for its compliance with the principle of subsidiarity;

having regard to the European Commission's recommendation of 27 November 2013 on procedural safeguards for vulnerable persons suspected or accused in criminal proceedings, which accompanies the Proposal;

taking account of the impact assessment that accompanies the Proposal, as well as of the report prepared by the Ministry of Justice and sent to the Houses of Parliament pursuant to article 6, paragraph 4 of Law 234/2012;

whereas:

- a) the Proposal forms part of the EU Agenda for the Rights of the Child, to which the European Parliament, the Committee of the Regions, the European Economic and Social Committee, the Council of Europe, UNICEF and other third parties have contributed;
- b) the Proposal has a sound legal basis, namely, article 82, paragraph 2 of the Treaty on the Functioning of the European Union (TFEU), which states that to the extent necessary to facilitate mutual recognition of judgments and judicial decisions and police and judicial cooperation in criminal matters having a cross-border dimension, the European Parliament and the Council may,

by means of directives adopted in accordance with the ordinary legislative procedure, establish minimum rules;

c) the Proposal is fully compliant with the principle of subsidiarity, since its objectives cannot be sufficiently achieved by Member States;

d) as the Government report has already noted, Italian legislation would appear already to largely comply with the Proposal, especially in view of the provisions of Presidential Decree 448 of 22 September 1988, which approved measures relating to criminal proceedings against children. The same report also noted, however, that the right accorded to children to be present at trial by article 16 paragraph 2 of the Proposal would necessitate the amendment of Italian legislation relating to the system of notifications and, more generally, to trials held *in absentia*;

acknowledging that the present final document is to be transmitted to the European Commission as part of the political dialogue, as well as to the European Parliament and the Council,

DEEMS THE PROPOSAL TO BE IN COMPLIANCE

with the principle of subsidiarity as defined by article 5 of the Treaty on European Union.