



## REPUBLIC OF LATVIA SAEIMA

### EUROPEAN AFFAIRS COMMITTEE

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#### *On the subsidiarity and proportionality check*

The participants of the COSAC Chairpersons meeting on 10 February 2009 in Prague agreed to carry out the subsidiarity check on the Proposal for a Framework Decision on procedural rights in criminal proceedings.

Accordingly, the Saeima (Parliament) of the Republic of Latvia has carried out a subsidiarity and proportionality check concerning the final wording of the Proposal for a Council Framework Decision COM (2009) 338 on the right to interpretation and to translation in criminal proceedings.

On 2 September 2009 the given issue was examined and final decision was taken by the Saeima European Affairs Committee. The Saeima European Affairs Committee's initial assessment about observance of subsidiarity and proportionality principles is as follows: Saeima European Affairs Committee considers that the final wording of the Proposal for a Council Framework Decision COM (2009) 338 on the right to interpretation and to translation in criminal proceedings complies with the principles of subsidiarity and proportionality and the regulation of the said issue falls within the competence of the European Commission.

In order to facilitate the compilation of the replies, we have structured our reply in the form of answers to the questions posed in the aide-mémoire prepared by the COSAC Secretariat.

*Annex:* A copy in English (three pages) of the opinion of the Saeima European Affairs Committee on the subsidiarity and proportionality check for the final wording of the Proposal for a Council Framework Decision COM (2009) 338 on the right to interpretation and to translation in criminal proceedings.

Sincerely,

**Vaira Paegle**

Chairperson of the Saeima  
European Affairs Committee

*Opinion of the Saeima European Affairs Committee on the subsidiarity and proportionality check for the final wording of the Proposal for a Council Framework Decision COM (2009) 338 on the right to interpretation and to translation in criminal proceedings*

*Procedure:*

*1. Which parliamentary committees were involved in the subsidiarity check and how?*

The Saeima European Affairs Committee and Legal Affairs Committee considered the proposal.

*2. Was the plenary involved?*

The given issue has not been on the agenda of Saeima plenary meetings.

*3. At which level the final decision was taken and who signed it?*

Final decision was taken by Saeima European Affairs Committee and covering letter signed by Chairperson of the Saeima European Affairs Committee.

*4. Which administrative services of your parliament were involved and how (please specify)?*

The Saeima European Affairs Committee and Legal Affairs Committee. Other administrative services of the Saeima were not involved in the scrutiny process.

*5. In case of a bicameral parliament, did you coordinate the subsidiarity check with the other chamber?*

Latvia has a unicameral parliament.

*6. Did your government provide any information on the compliance of the Proposal with the principle of subsidiarity?*

On the part of the Latvian government, the Ministry for Justice was involved in the scrutiny process. Ministry for Justice provided opinion regarding the observation of the principles of subsidiarity and proportionality in the given item.

*7. Did you consult your regional parliaments with legislative powers?*

Since the given proposal does not lie within the competence of Latvian local governments, local governments were not consulted on this issue.

*8. Did you consult any non-governmental organisations, interest groups, external experts or other stakeholders?*

In view of the specific nature of the issue, other external actors were not involved in the examination.

*9. What was the chronology of events?*

On 27 July 2009, the Saeima European Affairs Committee transmitted a letter to the Ministry of Justice of the Republic of Latvia and Legal Affairs Committee with a request to assess the compatibility of the given proposal with the principles of subsidiarity and proportionality.

On 31 August 2009, the Saeima European Affairs Committee received the opinion of the Ministry of Justice of the Republic of Latvia regarding the observation of the principles of subsidiarity and proportionality in the given proposal.

On 2 September 2009 the issue was examined and final decision was taken by the Saeima European Affairs Committee. Chairperson and members of Legal Affairs Committee participate in European Affairs Committee meeting and contributed their views to the European Affairs Committee.

*10. Did you cooperate with other national parliaments in the process? If so, by what means?*

While preparing its opinion on subsidiarity and proportionality check the Saeima European Affairs Committee did not directly cooperate with other EU national parliaments. European Affairs Committee followed subsidiarity and proportionality checks in other EU parliaments through IPEX and Permanent Representative to the EU of the Parliament of Latvia.

*11. Did you publicise your findings? If so, by what means?*

The conclusions were not published; however, a press release on the last meeting of the European Affairs Committee during which the subsidiarity and proportionality check was discussed was prepared and sent to the Latvian news agencies.

*Findings:*

*12. Did you find any breach of the principle of subsidiarity?*

Breaches of the subsidiarity and proportionality principles were not detected.

*13. Did you adopt a reasoned opinion on the Proposal? If so, please enclose a copy.*

Taking into account the fact that no breaches of the subsidiarity and proportionality principles were detected, the Saeima opinion on the given item was not adopted.

*14. Did you find the Commission's justification with regard to the principle of subsidiarity satisfactory?*

The justification elaborated in Explanatory memorandum were considered as satisfactory.

*15. Did you encounter any specific difficulties during this subsidiarity check?*

No.

*16. Any other comments?*

The Saeima European Affairs Committee's initial assessment about observance of subsidiarity and proportionality principles is as follows: the European Commission has chosen an adequate framework for developing legislative act. Cause aims put forward in of the Council Framework Decision can not be fully achieved by Member States acting alone. Considering proportionality, Saeima European Affairs Committee considered that planned requirements put forward in Council Framework Decision are adequate and do not exceed the minimum necessary to achieve the aims.

Taking into consideration the above-mentioned, the Saeima European Affairs Committee considers that the final wording of the Proposal for a Council Framework

Decision COM (2009) 338 on the right to interpretation and to translation in criminal proceedings complies with the principles of subsidiarity and proportionality and the regulation of the said issue falls within the competence of the European Commission.