



# European Scrutiny Committee

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From: Mr William Cash MP

4 June 2014

Vice-President Viviane Reding  
EU Commission  
B-1049  
Brussels

*Scan Mrs Reding*

**Proposal for a Directive on the strengthening of certain aspects of the presumption of innocence and the right to be present at trial in criminal proceedings — COM (2013) 821**

I am replying to the letter of 14 May 2014 from Commissioner Hahn in response to the reasoned opinion issued by the House of Commons in respect of this proposal.

The Committee was grateful for the response. We noted, however, that it did not address the point we raised that the subsidiarity substantiation for a proposal should be contained in the Commission's draft explanatory memorandum which, unlike the Commission's impact assessment, is translated into all languages.

The Committee is disappointed that the Commission still intends to pursue this proposal, particularly in view of the continuing absence of measurable evidence that failures by some Member States to comply with their obligations under the ECHR have created an obstacle to mutual recognition between judicial authorities.

*Yours,*

*Bill*

**CHAIRMAN**