



EUROPEAN COMMISSION

Brussels, **28 VIII 2014**
C(2014) 6223 final

Dear Chairman,

The Commission would like to thank the House of Commons for its second Opinion concerning the Commission's proposal for a Directive on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings {COM (2013) 821 final}.

The House of Commons enquires in its Opinion further about the subsidiarity substantiation of the proposal which should be provided in the Explanatory Memorandum of the Commission's draft legislative text.

In this context the Commission would like to refer to points 47 and 48 of the Explanatory Memorandum to the Commission's proposal which set out its considerations with regard to the respect of the principle of subsidiarity. The lack of mutual trust between judicial authorities, even if difficult to quantify, and the need to improve it have been the underlying justification of the Commission's proposal. Additionally, the proposed Directive would complement the safeguards provided for by the European Court of Human Rights and ensure that the presumption of innocence is protected from the very start of the criminal proceedings, including the possibility of recourse to EU redress mechanisms.

As indicated in the Explanatory Memorandum, more detailed reasoning can be found in the Commission's Impact Assessment underlying the proposal. Due to certain restrictions on the length of legislative texts and the accompanying Explanatory Memorandum not all details can be provided in the document itself.

The Commission hopes that these additional clarifications address the outstanding point raised by the House of Commons and looks forward to continuing our political dialogue in the future.

Yours faithfully,

Tonio Borg
Member of the Commission

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