Criminal judicial cooperation: procedural rights in criminal proceedings throughout European Union

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The Council reached agreement on a package of three documents aimed at strengthening procedural rights of suspected or accused persons in criminal proceedings. It is the first time that justice ministers agreed on texts enhancing the rights of individuals in criminal proceedings. Previous negotiations failed in 2007. Ministers therefore expressed great satisfaction and underlined that the new texts will increase mutual confidence among Member States. They also welcomed the Presidency's decision to address the various procedural rights in a step-by-step approach.

Once adopted, the texts will complement the rights set out in the European Convention for the Protection of Human Rights and Fundamental Freedoms, to which all Member States are party.

The texts that were agreed upon are:

- a roadmap identifying the main areas on which legislative or other initiatives are desirable;
- the first legislative proposal in this area, namely the framework decision on the right to interpretation and to translation, as well as
- an accompanying resolution fostering the implementation of the framework decision.

The roadmap defines a step-by-step approach. It sets out six priority areas on which legislative or other initiatives are desirable while underlining that it should be examined to take action in other fields as well. These six areas are:

- translation and interpretation;
- information on rights and information about the charges;
- legal advice and legal aid;
- communication with relatives, employers and consular authorities;
- special safeguards for suspected or accused persons who are vulnerable, and
- a Green Paper on pre-trial detention.

On the first group of rights, the right to interpretation and to translation, ministers reached an agreement, awaiting the opinion by the European Parliament. They also agreed on an accompanying resolution fostering its implementation through guidelines on best practices.

The situation as it stands can be described as follows:

Roadmap: France, Ireland, the Netherlands, and the United Kingdom have a Parliamentary scrutiny reservation. Latvia has a linguistic scrutiny reservation. There are no issues outstanding.

Framework Decision: the Czech Republic, Denmark, France, Lithuania, Malta, the Netherlands, Slovenia and the United Kingdom have a Parliamentary scrutiny reservation. Latvia has a linguistic scrutiny reservation. There are no issues outstanding.

It is observed that Slovenia suggested submitting the text to the Secretariat of the Council of Europe, as it results from the discussions in the Council bodies, in order to verify whether this text is in conformity

with the ECHR, as interpreted by the European Court of Human Rights. The Presidency notes that the Secretariat of the Council of Europe has been informally consulted on all three draft instruments, has taken a view on the initiatives and has submitted positive opinions on them. The comments of the Secretariat of the Council of Europe have been decisive for the Presidency's negotiations all along the procedure.

Resolution: Denmark, France, Ireland, Lithuania, Malta, the Netherlands, Slovenia and the United Kingdom have a Parliamentary scrutiny reservation. Latvia has a linguistic scrutiny reservation. There are no issues outstanding.