Judicial cooperation in criminal matters: right to information in criminal proceedings

2010/0215(COD) - 02/12/2010

The Council reached a **general approach** on EU-wide minimum standards as regards the right to information in criminal proceedings. Now the negotiations with the European Parliament can begin.

The directive was proposed by the Commission in July 2010. Its goal is to ensure that any person suspected or accused of having committed a criminal offence is provided with information concerning some fundamental procedural rights, as well as information on the accusation against him, free of charge and in a language he or she understands.

The text on which the Council reached a general approach stipulates that any person arrested has the right to receive upon arrest a so-called "**Letter of Rights**" in a language that he or she understands. It should be drafted in a simple and accessible language so as to be easily understood by a lay person without any knowledge of criminal procedural law.

This "Letter of Rights" must contain information on a number of procedural rights:

- the right to know how long you can be deprived of liberty in the country concerned before
- being brought before a judicial authority after arrest;
- the right of access to a lawyer;
- any entitlement to legal advice free of charge and the conditions for obtaining it;
- the right to interpretation and translation;
- the right to remain silent.

The Commission proposal also provides for an indicative model of such a "Letter of Rights", in order to facilitate the elaboration by the Member States of a similar document adapted to their national law; the status and content of this indicative model will be discussed by Council at a later date.

Other information rights provided for in the current text of the directive include the right to access to the materials of the case. For this right, access to certain materials may be refused if it may lead to serious risk for the fundamental rights of another person. Access can also be refused if necessary to safeguard an important public interest, e.g. in cases where it risks jeopardizing an ongoing investigation, or where it may seriously harm the national security of the Member State in which the proceedings take place.