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

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The Council held an exchange of views on this proposal, in particular on the question of the legal basis for the instrument, and agreed to continue working on the basis of a Presidency compromise based on the following principles:

- only minimum standards are established and there is no "upper limit" of rights. Consequently, Member States will not be prevented from providing for more far-reaching rights for suspects in criminal proceedings;
- there will be full compliance with the rights enshrined in the European Convention of Human Rights and the case law of the European Court of Human Rights. Member States will not be allowed to go below this level.

As compared to the Commission proposal, the Presidency proposal limited the number and scope of the rights covered and focused on general standards rather than specifying in detail how the rights will be applied in each Member State in view of the different procedural systems.

The areas where common minimum standards were proposed by the Presidency are:

- right to information,
- right to legal assistance,
- right to interpretation, and
- right to translation of procedural documents for any person subject to criminal proceedings.

Furthermore, the Council agreed that further work on procedural rights should also include work on practical measures.

The original proposal was submitted by the Commission on 3 May 2004 with a view to setting common minimum standards as regards certain procedural rights applying in criminal proceedings throughout the EU.