



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 14 December 2009

17235/09

**DROIPEN 165
COPEN 245**

"I" ITEM NOTE

from : General Secretariat of the Council
to : Committee of Permanent Representatives

no. Initiative : 16801/09 DROIPEN 164 COPEN 238

Subject : Initiative of the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, the Republic of Estonia, the French Republic, the Republic of Hungary, the Italian Republic, the Grand-Duchy of Luxembourg, the Republic of Austria, the Republic of Portugal, Romania, the Republic of Finland and the Kingdom of Sweden for a Directive of the European Parliament and of the Council on the rights to interpretation and to translation in criminal proceedings

1. By letters received by the General Secretariat in December 2009, the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Republic of Estonia, the Republic of Hungary, the Italian Republic, the Grand-Duchy of Luxembourg, the Republic of Austria, the Republic of Portugal, Romania, the Republic of Finland and the Kingdom of Sweden presented an Initiative for a Directive of the European Parliament and of the Council on the rights to interpretation and to translation in criminal proceedings.
2. The Initiative is set out in 16801/09 DROIPEN 164 COPEN 238, which is a text that has been revised by the legal-linguists. The Initiative is accompanied by an explanatory memorandum (ADD 1) and by a detailed statement allowing to appraise compliance with the principles of subsidiarity and proportionality, in accordance with Article 5 of Protocol No 2 to the Lisbon Treaty (ADD 2).

3. The Initiative is based on Article 82(2)(b) of the Treaty on the Functioning of the European Union and is presented by a group of Member States constituting (at least) a quarter of the Member States of the European Union, in conformity with Article 76(b) TFEU.
4. The text should be forwarded to the European Parliament and to the Commission in the framework of the ordinary legislative procedure set out in Article 294 TFEU.
5. The text should also be forwarded to the National Parliaments of the Member States, in application of Article 2 of Protocol No 1 and Article 4 of Protocol No 2 to the Lisbon Treaty, with a view to allowing them to appraise compliance with the principle of subsidiarity.
6. In accordance with Article 17(1)(c) of the Council's Rules of Procedure, the text of the Initiative should be published in the *Official Journal of the European Union*.
7. In view of the above, Coreper is invited to:
 - take note of the Initiative presented by the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Republic of Estonia, the Republic of Hungary, the Italian Republic, the Grand-Duchy of Luxembourg, the Republic of Austria, the Republic of Portugal, Romania, the Republic of Finland and the Kingdom of Sweden for a Directive of the European Parliament and of the Council on the rights to interpretation and to translation in criminal proceedings, set out in 16801/09 DROIPEN 164 COPEN 238 + ADD 1 + ADD 2;
 - ensure that the Initiative, as set out in 16801/09 DROIPEN 164 COPEN 238 + ADD 1 + ADD 2, is forwarded to the European Parliament, to the Commission, and to the National Parliaments of the Member States;
 - ensure that the text of the Initiative, as set out in 16801/09 DROIPEN 164 COPEN 238, is published in the *Official Journal of the European Union*.