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## **Inaugural Meeting of EULITA**

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### **The Commission's expectations**

A few words of introduction...

Caroline Morgan

### **Background**

- Why does COM require information about working with interpreters and translators?
- In my field, EU criminal law, this becomes more and more pertinent every year. 8 million EU citizens live in a Member State other than their own. People travel for business and holidays. So cross border criminality and cross border justice issues are increasingly important.
- Working with interpreters and translators, and experts in those fields to help make policy e.g. 2003 Green Paper/2004 proposal for a Framework Decision/ step by step approach/2009 specific interpreter/translation proposal. I will go into more detail about these in a moment, but first a recap on the earlier projects.
- What information did we get from the projects?
- Grotius Projects 98/GR/131 and 2001/GRP/015

Aim of 1998 project (98/GR/131):

The Commission's Grotius Programme supported a two-year study of how to promote high standards in legal interpreting and translation throughout the EU. The participating institutions were from Belgium, Denmark, Spain and the UK. The results of that project were published in a book entitled "Aequitas – Access to Justice across Language and Culture". The recommendations of the project cover selection, training, assessment and

accreditation of legal translators and interpreters, a model Code of Conduct and Good Practice, together with suggested registration and disciplinary procedures and an analysis of interdisciplinary arrangements between legal services and linguists. This research project very much influenced the Commission's position on provision of legal translators and interpreters, and its recommendations are to be found repeated in the Commission's 2003 Green Paper on Procedural Safeguards.

I was reading through the book in preparation of today's talk and I was struck by how much of it is very pertinent now, on the event of EULITA's establishment.

I'd like to read you a few words from Erik Hertog's introduction:

*"Justice, which safeguards the fundamental freedoms of individuals and states and which goes to the heart of the Europe of the new millennium as envisaged at the Tampere summit, deserves and should require the highest standards of service across languages and cultures".*

Aim of 2001 project (2001/GRP/015):

A second phase of this work was financed under the Grotius Programme to disseminate the information gathered in the first phase by way of a conference here in Antwerp in 2002.

- Another project which was very significant for the Commission was the Status Quaestionis project – a questionnaire on the provision of legal interpreting and translation in the EU, which showed the very great differences in training and provision of these two services throughout the EU. (JLS/2006/AGIS/052). This project was used extensively in preparing the impact assessment for the Commission's 2009 proposal for a Framework Decision on the right to interpretation and translation in criminal proceedings.
- Green Paper in 2003, followed by a proposal for a Framework Decision in 2004. 3 years of negotiations. Failure to adopt, but elicited the interest of our own Commission Interpretation services. This led to the creation of the Reflection Forum on Multilingualism and Interpreter Training.
- Reflection Forum on Multilingualism – brought together interpreters, academics who teach interpreting, lawyers, translators and civil servants from ministries of justice. Report was very important for the Resolution on best practice. To place this in context, I will now summarise the development of legislation on interpretation and translation.

## **Legislation – what's happening?**

- The Commission originally proposed a draft Framework Decision which covered five basic rights, including the right to translation and interpretation, in 2004. After 3 years of discussion and debate in Council, a German Presidency text was put to the June 2007 Justice Council but 6 Member States announced that they would not support it. Nonetheless there remained a high level of support for this in many Member States and the EP.
- SE Presidency approach – step by step, plus a roadmap.
- In early July 2009, SE presented a draft Roadmap instructing the Commission to put forward proposals on a "step by step" basis, on:
  - (1) Measure A: the right to interpretation and translation,
  - (2) Measure B: the right to information about rights, (Letter of Rights)
  - (3) Measure C: legal advice, before trial and at trial,
  - (4) Measure D: the right for a detained person to communicate with family members, employers and consular authorities, and
  - (5) Measure E: protection for vulnerable suspects.
- Commission put forward a draft Framework Decision on the right to interpretation and translation in criminal proceedings – SE Presidency presented a Resolution on Best Practice to be implemented in conjunction with FD.
- Lisbon Treaty implications (new rules – QMV, EP co-decision, ECJ proceedings for failure to implement correctly or to apply).
- Text agreed between Member States on 23 October. Would have been adopted on 30 November (Justice Council) but need EP Opinion which won't be ready until 17 December). Roadmap will be adopted (not legislation).
- So - future Directive plus resolution - timing? Member State initiative or Commission proposal?

## **Where Eulita fits into this process, what future role, tasks, expectations there may be for Eulita.**

- At each step of the way (consultation, drafting legislation, negotiating legislation) we need input from professionals in this field. We have a

good working relationship with individuals but we need to have an interlocutor that is able and competent to speak for interpreters and translators throughout the EU.

- Just like the US Secretary of State who wants to know who to call in order to speak to Europe, we need to know who to call when we want to speak to interpreters and translators!
- We want the dialogue to work in both directions so we want to call Eulita, but we also want Eulita to call us.
- We want Eulita to have a permanent place on the Justice Forum and express its views on forthcoming legislation at the planning stage and on adopted legislation in the post-implementation phase.
- We want to be able to discuss feasibility of proposals with Eulita, as well as receiving advice on how to proceed.
- We want Eulita to take a lead role in advising on training.
- We also want Eulita to work with Member States on implementation of the Directive on Framework Decision on the right to interpretation and translation in criminal proceedings and the accompanying Resolution on best practice.
- The Commission will hold implementation workshops to help Member States adopt good legislation at national level. We want help from Eulita in organising those workshops.

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