Legal Interpreting and Translation in the EU: Justice, Freedom and Security through Language

These past few years, co-operation in the area of criminal justice between the Member States of the European Union (EU) has gained momentum. The common desire of the Parties to the EEC Treaty of 1957 was to foster economic and social progress of their countries by eliminating the barriers that divided Europe. At that time criminal law was governed by the Conventions concluded within the Council of Europe.

The treaties of Maastricht (1993), which first introduced justice and home affairs as "matters of common interest" for the EU, Amsterdam (1999), and Nice (2001) set out to make the EU into "an area of freedom, security and justice". It is important to consider that 'Justice' and therefore also criminal matters come under Title VI of the TEU (Treaty of the European Union as the above treaties are collectively known; and see particularly Articles 29, and 31), With the Treaty of Maastricht criminal law became part of the area for joint action of the European Union itself and the Treaty of Amsterdam stated in so many words that its target is the harmonisation of legislation in the field of organised crime, terrorism and drug trafficking. In this so-called *third pillar* (besides the economic and social objectives of the EU), elements of criminal law were prudently introduced. However, it is important to realize that in this third pillar regulation can only take the form of a Framework Decision, not a Directive, and moreover requires the unanimous decisions of the Council, while the European Parliament may put forward recommendations.

Co-operation in Europe in the area of criminal law is necessary to counter the security risks arising from the abolition of controls at internal frontiers in the second half of the eighties of the last century. It was based on the assumption that crime would increase at a cross-border level by the abolition of internal frontiers, while the countering of crime would take place within national frontiers. There is no European enforcement agency based on the EU Convention. National agencies are, in principle, not authorised to act in the territory of other Member States, so that co-operation and exchange are essential to ensure that a criminal may not move from one Member State to another without proper punishment. The expansion of the Union, the consequences of 11 September 2001 and 11 March 2004 and the urgent need to combat terror, reinforced the need for further co-operation in the area of criminal justice. But such co-operation can be effective only if there is mutual confidence between the authorities of the Member States. Confidence is two-sided: the Member States whose cooperation is sought must be confident that the proceedings in the executing state take place in accordance with the rules of law. Confidence is, moreover, not only of importance between the authorities

(the police and the judicial authorities), but also for the citizens involved who must be able to trust that their rights will be duly respected.[1]

The European Arrest Warrant, which replaced the diverging extradition procedures within the European Union, is a clear example. This makes it simpler to extradite someone to the Member State concerned. A French national, for example, suspected of a criminal offence elsewhere within the EU may be surrendered to stand trial there. Furthermore, there are now Framework Decisions for obtaining evidence in criminal matters and for the harmonisation of the regulation for the punishment of offences like human trafficking, money laundering, child pornography, drug trafficking, terrorism and the protection of victims. In brief, more and more EU citizens are confronted with the consequences of co-operation in the area of European criminal justice.

From the perspective of the European citizen it is of importance, where the protection of his procedural rights are concerned, that he will be able to understand the language of the court in the country where he is an actor in criminal proceedings. In order to exercise his rights adequately, the citizen must in any case obtain knowledge and information on his legal (im-) possibilities in a language he can understand. Differences in language must be bridged correctly and reliably. Interpreters and translators therefore constitute a critical link in the communication between the citizen and the judicial authorities, which requires safeguards as to quality and integrity.

Now the right to have a good interpreter and translator is also based on international law. By virtue of Article 6 of the European Convention on Human Rights and Fundamental Freedoms (ECHR) a suspect is entitled, from the moment that there is question of a criminal charge, to be informed, in a language which he understands, of the nature and cause of the accusation against him. This is also one of the minimum safeguards for criminal prosecution mentioned in Article 14 par. 3 of the International Covenant on Civil and Political Rights (ICCPR). Based on Article 5 par. 2 ECHR and Article 9 par. 2 ICCPR, everyone who is arrested is entitled to be informed immediately at his arrest of the reasons for his arrest and of any charge against him. As the Convention states: “to be informed promptly, in a language which he understands …of the nature and the cause of the accusations against him” and the right “to have the free assistance of an interpreter if he cannot understand or speak the language used in court”.

The provision of the Convention pertains of course to the arrest of the suspect but, in addition, there is the situation that a suspect is stopped for questioning and the matter is dealt with on the spot. For instance, the suspect is briefly interviewed without any further constraint on his liberty. This occurs e.g. when specific checks on the possession of alcohol and drugs are made. The present questionnaire makes clear that the

[1] Mutual confidence is also the essence of the case of Gözútuk and Brügge (ECtoJ 11 February 2003 C187/C and C-385/01). According to the Court it is necessary that the Member States have mutual confidence in their respective systems of criminal law and that each Member State accepts application of the criminal law in effect in the other Member States even if a different solution would result from the application of its own criminal law.

Member States implement the obligations arising from the ECHR and ICCPR each in their own way, as a result of which divergences arise which have far-reaching consequences for the suspects concerned.

Landmark case-law by ‘Strasbourg’ (the European Court of Human Rights) has fleshed out the ECHR principles and turned them into judicial realities. It is crucial to understand the importance of ECHR as it will feature heavily in the responses to the ambition of the EU to take action itself in the area of fundamental rights and freedoms. In the 1978 case Luedicke Belkacem and Koç v. Germany[2] or the 1989 Kamasinski v. Austria case.[3] the European Court of Human Rights decided that Article 6 par. 3 sub b entails that assistance of an interpreter to a suspect is free of charge and, as a result, that a suspect may not be obliged after his sentence to pay the costs. ‘For anyone “who cannot speak or understand the language used in court has the right to receive the free assistance of an interpreter, without subsequently having claimed back from him payment of the cost thereby incurred.”

Where the accuracy of the interpretation or translation is concerned, the European Court of Human Rights in the case of Artico v. Italy[4] formulated as a standard of care that the State did not only have the duty to guarantee that rights are not theoretical or illusory but that rights are practical and effective. This is particularly so of the rights of the defence in view of the prominent place held in a democratic society by the right to a fair trial, from which they derive. This of course also relates to assistance at law and encompasses that of an interpreter and translator: “the State is not liable for every defect but the governmental authorities must maintain an effective system of assistance of interpreters”. In each criminal case the court must always consider whether assistance of an interpreter is required and when this is the case, it must be of adequate quality. The court may not hide behind the indifferent attitude of a counsellor as was clear from the Cuscani-case .[5] In this case the European Court of Human Rights observed that while it is true that the conduct of the defence is essentially a matter between the defendant and his counsel, whether counsel be appointed under a legal aid scheme as in the applicant’s case or be privately financed[6], the ultimate guardian of the fairness of the proceedings, however, was the trial judge who had been clearly apprised of the real difficulties which the absence of interpretation might create for the applicant. It further observed that the domestic courts have already taken the view that in circumstances such as those in the instant case, judges are required to treat the interests of an accused with ‘scrupulous care’.

In an other case, the case of Hermi v. Italy,[7] the Court observed that “in the context of application of paragraph 3 (e), the issue of the defendant’s linguistic knowledge is vital and that it must also examine the nature of the offence with which the

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[2] 28 November 1978, Application no. 6210/73; 6877/75;7132/75.
[3] ECtHR 19 December 1989, Series A 168.
[4] ECtHR 13 May 1980, Application No. 6694/74
[5] ECtHR 25 September 2002, Application No. 32771/96 (Cuscani v. United Kingdom).
[6] See also the Kamasinski v. Austria judgment of 19 December 1989, Series A no. 168, pp. 32-33, § 65; the Stanford v. United Kingdom judgment of 23 February 1994, Series A. 282-A, p. 11, § 28.
[7] 18 October 2006, Application No. 18114/02

defendant is charged and any communications addressed to him by the domestic authorities, in order to assess whether they are sufficiently complex to require a detailed knowledge of the language used in court".

To return to the EU properly speaking, it was the Tampere (1999) and The Hague (2004) **European Councils** that set about implementing 'Justice' in the EU. In the programme of the Tampere summit mutual recognition in criminal cases was stressed, so that decisions of judicial authorities in a Member State would be recognised and enforced in another Member State as if it were a national decision and this as expeditiously as possible with the least possible checks. This implementation was meant to secure closer cooperation between the member states in the area of justice, mutual recognition of judicial decisions, approximation of rules and standards and to guarantee all EU citizens equal access to justice also across languages, cultures or impediments. Mutual recognition, collaboration and access, were and are the keywords and key objectives.

Now it is obvious that such collaboration between member states (as in the case of the European Arrest Warrant (EAW) and Surrender Procedure of 13.06.2002) as well as the safeguarding of procedural rights in criminal proceedings both rest on mutual confidence in each other's legal systems, which is itself impossible without there being effective channels of communication in place across languages and cultures. Hence the need for reliable, competent legal interpreters and translators (LITs) in the EU.

However, the current situation in the EU reveals that there are insufficient numbers of trained LITs who meet, if at all, very different quality standards. There is a lack of compatible national registers as well as a lack of interdisciplinary guidelines for best practices in the legal services (e.g. on how to work best with an interpreter). This is why the EU Commission has started a wide range of **programmes** (Grotius, Agis, Criminal Justice) and a number of concrete projects in the area of justice, including some projects on the provision and quality of legal interpreting and translation as part of the procedural safeguards in criminal proceedings. The overall aim being to make the ECHR practical and effective in the EU and to implement it consistently and equally in all member states.

The EU processus on **Procedural Safeguards in Criminal Proceedings** was launched with a Consultation paper in January-February 2002, followed by a Questionnaire for the Member States (beginning of 2002), a Seminar on the Quality of Justice (March 2002) and a Hearing on the Consultation Paper (April 2002). This processus led to a Discussion paper (September 2002) and a Meeting of Experts (October 2002).

As said, the issue of cooperation and of access to justice across languages – and therefore the need for quality interpreting and translation – featured right from the beginning as one of the major fundamental rights and procedural safeguards. This concern was researched and underpinned by a number of Grotius and later Agis Projects on LIT, such as GROTIUS project 98/GR/131, GROTIUS project 2001/GRP/015 and AGIS project 2003/AGIS/048 which set out to propose EU-equivalencies on standards of

selection, training and assessment of LITs, standards of ethics, codes of conduct and good practice, interdisciplinary working arrangements between LITs and the legal services and, last but not least, to disseminate and promote the implementation of those standards throughout the EU. These recommendations were published in book form (Aequitas, 2001; Aequalitas, 2003 and Aequilibrium, 2005) and are accessible on a website (www. agisproject.com).

All this preliminary work resulted in the publication of a **Green Paper on Procedural Safeguards for Suspects and Defendants in Criminal Proceedings** throughout the European Union (February 2003). This Green Paper contained proposals in five areas:

- Access to interpretation and translation
- Access to legal representation both before and at the trial
- Ensuring that vulnerable suspects and defendants in particular are protected
- Consular assistance to foreign detainees
- Notifying suspects and defendants of their rights (the "Letter of Rights")

On LIT the Green Paper contained quite concrete proposals (very much drawing their inspiration from the Grotius-Agis projects), viz. that member states must

- have a system to train qualified LITs
- have a system for the certification of LITs, including a registration system
- establish a system of CPD
- have a system of monitoring the provision and quality of LIT
- have a code of ethics and guidelines for good professional working practices
- offer training to judges, public prosecutors and solicitors on how to work with LITs.

The responses to the Green Paper were, predictably enough, quite varied. On the whole, the European Parliament (see e.g. the important EP resolution of 6 November 2003), the experts at the Public Hearing in June 2003 and most stakeholders such as e. g. Amnesty International, Justice or the CCBE (Conseil des Barreaux Européens), were very positive and welcomed the Commission's initiative in this area. However, some Member States were quite skeptical or even negative about the Green Paper ideas, mostly because they felt the ECHR was a sufficient legal basis for these issues, because of subsidiarity principle (they felt these issues belonged to the member states' prerogatives) and because it was felt that such a measure would lead to an unnecessary, unwanted and overhasty harmonisation of criminal law across the member states. Moreover there was the rather perverse argument that these proposals might actually lead to a lowering of standards in some countries and also there was a fear of the financial consequences the Green paper might entail.

Taking these comments and positions into consideration, the EU Commission moved forward on the issue with the presentation of a **Proposal for a Council Framework Decision on certain Procedural Rights in Criminal Proceedings**

throughout the EU (COM (2004) 328 final – 28.4.04). It is important here to repeat again that the Framework Decision is the 'highest' or most binding instrument that is available in the area of the Third Pillar and that it needs adoption by the member states by unanimous vote.

The Proposal still wanted to establish common minimum standards in the same five areas as the Green Paper but certainly as far as LIT was concerned, the Green Paper proposals were diluted and sized down to a number of rather vague requirements. The following are the relevant articles on LIT in the proposal.

- Article 6: The right to free interpretation ("free of charge to the suspected person"; "where necessary throughout the proceedings"; applies also to "persons with hearing or speech impairments")
- Article 7: Free translation (of "relevant documents" at the discretion of "competent authorities" or "the suspect's lawyer")
- Article 8: Accuracy of the translation and interpretation (the LITs should be "sufficiently qualified" and if not, "member states must implement a mechanism to provide for a replacement of the LIT").
- Article 9: Recording of the proceedings ("an audio or video recording…to ensure quality control", and " a transcript shall be provided to any party in the event of a dispute" but only "for the purposes of verifying the accuracy of the interpretation")
- Article 16: Duty to collect data to monitor the provision i.a. on the number of persons for whom the services of an interpreter or translator was required, on nationalities, languages, people requiring Sign Language etc.)

To elaborate just one example: all the quality safeguards in LIT which were enumerated in the Green Paper (training, certification, a register, CPD, codes etc.) and worked out in the Grotius-Agis projects were now watered down in the Proposal to the requirement in Article 8 that that LITs must be "sufficiently qualified".

Once again, the responses to the proposed Framework Decision were quite diverse and even antagonistic. The EU Parliament (see e.g. the important response A6-0064/2005 of the Committee on Civil Liberties), the NGOs (such as Amnesty International, the European Criminal Bar Association, Justice, etc.), and of course the Grotius-Agis projects partners, but also a number of member states, some national parliaments and, of course, the Commission were supportive of this Proposal because, at least, it lays down minimum norms**,** implements consistent and uniform rights in the EU, monitors adherence to and effectiveness of these rights, increases mutual confidence in the member states' legal systems and raises effectiveness of ECHR to EU level. However, concerning LIT in particular, there was also real, serious concern about the effectiveness of the articles and an overall feeling of disappointment because the Proposal was seen as a step back from Green Paper. For instance, why not define qualified LIT, or why no obligation of training? Why no required certification or registration procedures? Why no minimum uniform code of ethics? And of course also once again, the response of a number of member States was quite negative because along the lines of their previous

objections they felt that ECHR (Art. 5 & 6) and concordant ECtHR case law is sufficient to safeguard the fundamental rights. These member states continue to feel that the EU legal basis is insufficient, that as a matter of fact the Proposal contravenes the subsidiarity principle, that it might lead to a lowering of standards in some member states and that it certainly would lead to an increase of costs**.**

These discussions continued far into 2007 when it finally became clear that six member states remained adamantly opposed and would not give in on the issues raised above. The United Kingdom, Ireland, the Czech Republic, Slowakia, Malta and Cyprus remained opposed to the Proposal and in spite of strong support from other member states and the Commission, the Proposal was finally buried in June 2007.

As stated above, safeguards for suspects to ensure that they will have a fair trial were already laid down in several international instruments.[8] The proposed Framework Decision did not envisage the creation of new rights or the monitoring of compliance of rights which exist pursuant to the ECHR or other instruments. Its aim was, based on the existing rights, to promote the visibility and efficiency thereof so that these rights become practical and effective and are complied with in a consistent and uniform manner throughout the European Union. Having regard to this aim it is understandable, also in the light of the above-mentioned criticism of the Green Paper, that the Commission in the Proposal opted for the time being for regulation of minimum standards. These minimum standards are, moreover, exactly that, a minimum for effective protection of rights only because when it really becomes important, they will often in practice only be put into effect after litigation taking many years because, first of all, all national juridical procedures must have been completed before it is possible to appeal to the European Court of Human Rights. The case of the English and Dutch plane spotters in Greece once more made clear that the ECHR is not yet so effective that a suspect who speaks a different language may at all times be assured that his rights will be adequately protected.[9] The European Court of Human Rights, moreover, only reviews the conduct of authorities of a Member State and not the course of affairs on a European level, e.g. any acts of several EU-Member States jointly (e.g. *joint teams* of functionaries of Europol). This means that the level of legal protection provided by the ECHR on a European level is in the end only relative.

So, where does that leave us at this point in time? The needs and rationale for an EU Commission initiative are still the same, if not more urgent now than ever. There is ever growing citizens' and migrants' movement in the EU, collaboration and cooperation between member states in the face of new threats remains a priority, confidence in each others' decisions and procedures is required, efficiency and quality of LIT, fairness, consistent application of ECHR, potential miscarriages of justice, all remain issues of

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[8] Vandenberghe, Brecht, The European Convention of Human Rights: The Right to the Free Assistance of an Interpreter (p. 53-59) and Vanden Bosch, Yolanda, Adequate legislation to 'Equal Access to Justice across Language and Culture' (p. 61-73) in Hertog, E. (ed.) 2003. *Aequalitas: Equal Access to Justice across Language and Culture in the EU*. Antwerpen: Lessius Hogeschool.
[9] http://www.f-t-a.freeserve.co.uk/press/releases/2001/eurowarrant301101.htm and http://www.f-t-a.freeserve.co.uk/press/releases/2001/greece101201.htm

concern. All this should propel all member states to take action to safeguard justice, freedom and security throughout the EU.

So, are there ways to get out of the present 'impasse'. Perhaps the EU Commission could use the **'salami' strategy** on LIT in the Proposal and cut the bit about LIT – which most states agree on with the exception of the Article 9 (on recording) - out of the Proposal and seek agreement on that. (cfr. Droipen 07-08.09.06) Or the EU Parliament might consider taking an initiative on the Proposal or stimulate the 'Network' (°2000) into action. An EU presidency might want to take up the issue, possibly via limiting the unanimity rule on certain matters of Justice, but then again even that 'passerelle' proposal by the German presidency collapsed early 2007. Maybe some member states might consider following the "enhanced cooperation" strategy on this issue. And maybe, one might consider taking the whole LIT-quality issue out of DG Justice altogether and try to get it enforced throughout the EU as part of a professional internal market regulation. Or make it an issue of a regulated service provision (cfr. the EN 15038-2006 norm on Translation Services). Or perhaps some sort of initiative by the Commission might pool the needs and expertise of the Commissioner for Multilingualism, the DG Interpretation and the DG Justice to get the processus on the rails again.

Even so, a number of member states, inspired by the momentum of the Green Paper and of the Proposal, have already taken measures or are progressing towards better quality arrangements in LIT, such as a. o. Denmark where a national interdisciplinary working party on LIT has been set up and where political parties have taken initiatives in the Parliament; or Belgium where there is an excellent bill on LIT before Parliament, or the Netherlands where one now has a Act on the provision of legal interpreters and translators, having actually very much implemented all recommendations of the Grotius-Agis projects on LIT. There have been seminars and conferences on the provision of LIT in Vienna, Frankfurt, Madrid, Rome, Helsinki etc. all examples of the desire of many member states to take action and as a matter of fact, we have seen considerable improvements in LIT in the EU over the past years, undoubtedly due to the interest sparked by the EU Commission initiatives, the work of the Grotius-Agis project groups but in the first place the consequence of the urgent needs of member states themselves to cope with the pressing needs of an increasingly multilingual population.

This momentum has been supported by another EU project which has just been completed: **Status Quaestionis: Questionnaire on the Provision of Legal Interpreting and Translation in the EU** (AGIS project JLS/2006/AGIS/052). In order to remedy the discrepancies and to arrive at minimum guaranteed standards in all Member States, of course one needs, first of all, detailed and objective information on the existing provisions, a *status quaestionis* on legal interpreting and translation in the EU as it were. This will in turn allow for considered reflection and action both on EU and on Member State level.

We have chosen to carry out this task by means of a EU-wide questionnaire, so that both best practices but also differences in policy and the different implementation of this procedural right may be ascertained. The report provides an analysis of the responses

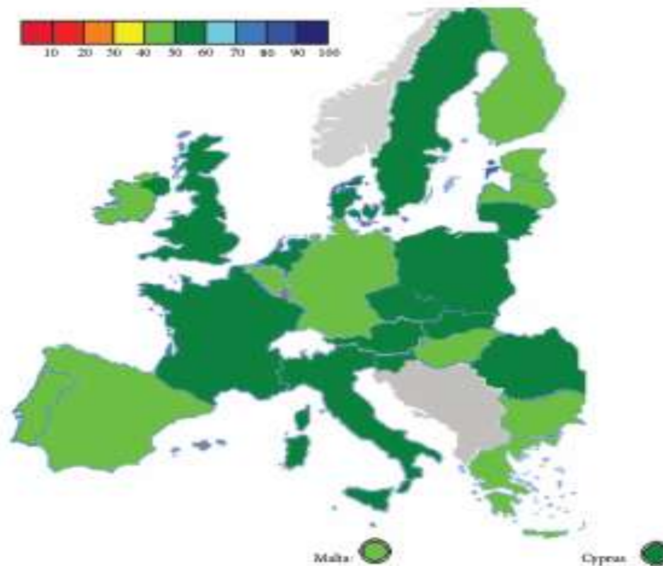
from each Member State (Luxemburg excepted), from both professional and government sources to an online 97-item questionnaire. These questions were then thematically grouped on the basis of indicators that are relevant to assess the quality of the provision of legal interpreting and translation.

Table 1: Hierarchy of indicators

Basic level indicators		Higher level indicators		Apex indicator	
I.1.1	Procedural guarantees	I.1	Procedural safeguards	A.I	Overall ranking of Member State
I.1.2	Number of phases in the procedure				
I.1.3	Criteria for interpreting				
I.1.4	Vulnerable groups				
I.2.1	Protection and regulation	I.2	Regulation of the profession		
I.2.2	Accrediting body				
I.2.3	Register				
I.2.4	Code of conduct and disciplinary procedure				
I.3.1	Quality provisions	I.3	Quality provisions		
I.3.2	Training level				
I.3.3	Video taping				
I.3.4	Directives for magistrates				
I.3.5	Recruitment programme				
I.4.1	Percentage of cases	I.4	Quantitative provisions		

These indicators in turn allow us to draw up a composite country profile of each Member State for interpreting as well as translation. These country profiles are then weighed and ranked, first of all, on a number of essential performance indicators (e.g. procedural safeguards, regulation of the interpreting and translation professions and quality assurance…) and subsequently on five of the Green Paper indicators (accreditation, register, code, training, vulnerable groups). This has allowed us to draw up overall apex indicators ranking all Member States on an EU scale and shows in composite maps how the Member States are performing with regard to a particular procedural safeguard. By way of example we have included here just one overall Apex indicator based on the responses from the professional sources in the EU.

APEX INDICATOR – PROFESSIONAL SOURCES



category	country	T-score	category	country	T-score
Average (High)	Sweden	59.37		Cyprus	50.66
	Poland	59.26	Average (Low)	Germany	47.28
	UK	57.87		Hungary	46.87
	Slovakia	57.78		Finland	46.30
	Czech Republic	56.97		Spain	46.08
	Slovenia	56.50		Belgium	43.44
	Denmark	56.30		Malta	43.03
	Romania	56.17		Estonia	42.81
	Lithuania	54.84		Bulgaria	42.77
	France	53.37		Latvia	42.48
	Austria	52.72		Ireland	41.87
	Netherlands	52.42		Greece	40.95
	Italy	51.46		Portugal	40.30

The core conclusion of this survey on the provision of legal interpreting and translation in criminal proceedings in the EU is twofold. Firstly, the survey shows that sufficient legal interpreting and translation skills and structures are *not yet* in place to meet the goals that all individuals, irrespective of language and culture, have their procedural right respected in each Member State. Secondly, however, it also shows a process of development to do so *is* in progress across the EU, albeit still variable in coherence, quality and quantity. (The full text of this report is also available on the website of our projects (www.agisproject.com) including the full country profiles materials of each Member State).

The present momentum is further strengthened through new Criminal Justice Programme projects (Council Decision of 12 February 2007) that can be carried out in the period 2007 to 2013. Currently approved projects under this programme are **EULITA** (JLS/2007/JPEN/249), which seeks to establish a European Association of Legal Interpreters and Translators, and **Building Mutual Trust** (JLS/2007/JPEN/219), which

seeks to develop and disseminate throughout the EU best practices in training (curricula, teaching materials, etc.), testing, and certification procedures. An other project (AVIDICUS) deals with "**Videoconferencing technologies in criminal proceedings".**

All in all, this is a long, but at the same time extremely fascinating an rewarding story. But whatever happens in the (near?) future, the initial Grotius-Agis recommendations on LIT that fed the substance of the Green Paper still stand, we believe.

This has been confirmed by a recently constituted '**Reflection Forum'** which was given the task by Mr Leonard Orban, Commissioner for Multilingualism, to propose practical recommendations to the Member States on **Best Practices in Legal Interpreting in the European Union.**

In the end, all EU Member States and indeed every country wishing to set up or improve a quality trajectory in LIT should first of all collect and establish data on the needs and the demand, set up appropriate structures and identify the instruments, strategies and budgets. Attention should be paid, right from the beginning to working conditions and remuneration ('professional status' of LITs) and to working arrangements with the legal services. Such a sound and solid basis would allow for the implementation of a structure of LIT training, certification and registration, including the issue of 'emergency measures' when no 'qualified' interpreter is available as well as the need to provide continuous professional development strategies to respond to new needs, specialisms, etc..

In short, all EU Member States or indeed any country should implement an overall **quality monitoring** system which would have to include the following elements:

1. It is recommended that legal interpreters have protection of title and that their status be defined in the law.

2. Relevant data should be collected as a basis for nationally co-ordinated and informed planning for meeting requirements in legal interpreting and to monitor progress. This effort would include:

- Estimation of predicted demand: visitors (e.g. for tourism, trade or education), events (e.g. sporting, commercial fairs), legal services employing legal interpreters, new arrivals (immigration and migration), etc
- Current demand in terms of when legal interpreters are to be engaged, in which languages, in which geographical locations, etc.
- Potential supply of qualified legal interpreters in terms of numbers, languages, training, locations, qualifications, etc.

This task, as well as the responsibility for liaising with the professional association(s), the accreditation of training and the keeping of the register, could be the responsibility of a governmental authority.

3.The necessary budget should be allocated for the provision of quality legal interpreting in the legal services as well as for the fair and reasonable remuneration of the legal interpreters.

4. The legal services and professionals should recognize the professional profile of the legal interpreter.

5. Member States should provide appropriate training in legal interpreting, both for new and already practising legal interpreters. Such training should lead to a nationally recognized professional certification and be accredited by a recognized authority. Efforts should be made to develop equivalent training throughout the EU, making a quality label of the establishments offering training, the exchange of materials, trainers and best practices, and a compatible register possible.

6. The Professional Code of Conduct is the responsibility of the professional association of legal interpreters and should be required of any practising LIT. Guidelines to Good Practice should be drawn up to ensure quality service. Both should be an integral part of the training. A common EU Professional Code of Conduct for legal interpreters could strengthen mutual confidence between Member States. The Professional Code of Conduct should be recognized and respected by the other professionals in the legal services.

7.Training be provided to the legal services and to legal professions on how to work across languages and cultures and with interpreting. A national register of qualified legal interpreters should be kept, and the use of only registered legal interpreters made mandatory. The national registers should aim for EU consistency, thus allowing mutual access.

8. The legal services should commit themselves to engage qualified, registered legal interpreters only. The exchange of good practices and the establishment of training and professional networks should be encouraged and effectively established among EU countries to push standards of legal interpreting up effectively.

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