



EUROPEAN COMMISSION

MEMO

Brussels, 10 September 2013

Another landmark of the procedural rights agenda has been met: European Parliament adopts Commission proposal on access to a lawyer

A new law to guarantee the rights of all citizens to be advised by a lawyer when facing criminal proceedings today received the backing of the European Parliament plenary who adopted the proposal with an overwhelming majority (with 661 votes in favour, 29 against and 8 abstentions). The new law will mean that anyone who is a suspect – no matter where they are in the European Union – will be guaranteed the right to see a lawyer from the earliest stages of proceedings until their conclusion. The new rules will also ensure that anyone arrested has the opportunity to communicate with their family. If they are in another EU country, citizens would have the right to be in contact with their country's consulate.

"EU citizens have the right to a fair trial, whatever their nationality and wherever they are in the Union," said Viviane Reding, Commission Vice-President and Justice Commissioner. *"We have built up a series of procedural rights in EU law and the right to be advised by a lawyer is a central part. I would like to thank the European Parliament for its support, and particularly Rapporteur MEP Oana Antonescu, for her instrumental work on this initiative. I count on national Ministers to do their part to make sure that this law swiftly becomes a reality on the ground."*

Today's vote by the European Parliament plenary follows a vote by the Civil Liberties, Justice and Home Affairs Committee (LIBE) in favour of the Commission's proposal ([MEMO/13/589](#)). The LIBE vote followed an agreement at a so-called trilogue meeting between the Commission and the EU's two co-legislators (the European Parliament and the Council, in which the Member States are represented) on 28 May 2013 ([MEMO/13/468](#)). EU Justice Ministers then endorsed the agreement on the draft law at their meeting of the Justice Council on 6 June 2013 (see [SPEECH/13/514](#)).

It is the third in a series of Directives proposed by Vice-President Reding since 2010 to guarantee fair trial rights for citizens, wherever they are in Europe. The Directive on Access to a Lawyer ([IP/11/689](#)) is one of the key actions to improve citizens' lives announced in the Commission's [2010 EU Citizenship Report](#).

Next steps: The text will now pass to the Council of Ministers of the European Union for formal adoption, signature and publication in the Official Journal of the European Union.

Background

Access to a lawyer rights are essential for building confidence in the European Union's single area of justice, especially when suspects are arrested as a result of a [European Arrest Warrant \(IP/11/454\)](#). The Commission is working towards achieving common minimum standards for procedural rights in criminal proceedings, to ensure that the basic rights of suspects and accused persons are sufficiently protected across the EU. The proposed right of access to a lawyer is the third Directive in a series of proposals to guarantee minimum rights to a fair trial anywhere in the European Union. The others are the right to translation and interpretation, adopted in 2010 (see [IP/10/1305](#)) and the right to information in criminal proceedings, adopted in 2012 (see [IP/12/575](#)).

There are over 8 million criminal proceedings in the European Union every year. The right of defence for anyone suspected of a crime is widely recognised as a basic element of a fair trial. But the conditions under which suspects can consult a lawyer differ between Member States. For example, the person accused of a crime may not be able to see a lawyer during police questioning. The confidentiality of their contacts with their lawyer might not be respected. And people sought under a European Arrest Warrant may not currently have the benefit of a lawyer in the country where the warrant has been issued until they are surrendered to that country.

There are similar divergences in terms of the right of suspects to let a relative, employer and their consulate know when they have been arrested. Individuals may not systematically be offered this right, may only receive it at a late stage in the process, or may not be informed once their family has been contacted.

The Directive will guarantee these rights in practice, by:

- providing access to a lawyer from the first stage of police questioning and throughout criminal proceedings;
- allowing adequate, confidential meetings with the lawyer for the suspect to effectively exercise their defence rights;
- allowing the lawyer to play an active role during questioning;
- making sure that, where a suspect is arrested, somebody such as a family member is made aware of that arrest and that there is an opportunity for the suspect to communicate with their family;
- allowing suspects abroad to be in contact with their country's consulate and receive visits;
- offering people subject to a European Arrest Warrant the possibility of legal advice in both the country where the arrest is carried out and the one where it was issued.

The right to a fair trial and defence are set out in Articles 47 and 48 of the EU Charter of Fundamental Rights; as well as in Article 6 of the European Convention on Human Rights (ECHR). The right to communicate with a third party is one of the important safeguards against ill treatment prohibited by Article 3 of the ECHR.

For more information

European Commission – fair trial rights

http://ec.europa.eu/justice/criminal/criminal-rights/index_en.htm

Homepage of Vice-President Viviane Reding, EU Justice Commissioner:

<http://ec.europa.eu/reding>

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