

*Committee on Petitions*

17.2.2012

NOTICE TO MEMBERS

Subject: Petition 0772/2011 by Tsevan Georgiev Rangelov (Bulgarian), on living conditions in a Bulgarian prison cell

1. Summary of petition

The petitioner was found guilty in Austria and extradited to Bulgaria to serve his sentence. The petitioner complains about living conditions in his Bulgarian prison cell.

2. Admissibility

Declared admissible on 15 November 2011. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 17 February 2012

Detention conditions and prison management are the responsibility of Member States of the European Union.

With regard to fundamental rights issues, it is important to note that according to Article 51 (1) of the European Charter of Fundamental Rights, the provisions of the Charter are addressed to the Member States only when they are implementing Union law. As the detention conditions are not subject to any EU law, the Member State concerned does not act in the course of implementation of EU law and the European Charter does not apply.

It should be noted that, in case of a violation of any rights set out by the European Convention on Human Rights, individuals can appeal against a final ruling by a national court to the European Court of Human Rights in Strasbourg.

The Commission is interested in detention issues because of the central importance of the principle of mutual recognition of judicial decisions in the area of freedom, security and

justice. The Council invited the Commission to present a Green Paper on pre-trial detention.

The Green Paper covers the interplay between detention conditions and mutual recognition instruments such as the European Arrest Warrant as well as pre-trial detention, and opens up a wide public consultation based on ten questions set out in the Paper.

The consultation regarding the Green Paper was closed on 30 November 2011. The Commission will analyse the replies to the Green Paper before any decision is taken on whether any specific action needs to be considered at European Union level.

The European Commission has no competence to intervene in the day-to-day administration of the justice systems of individual Member States. In the absence of European legislation in this area, the administration of justice comes in principle within the competence of Member States' authorities. The European Charter of Fundamental Rights is only applicable when the Member States are implementing Union law.