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B5-0359/2003

PROPOSAL FOR A RECOMMENDATION

pursuant to Rule 49(1) of the Rules of Procedure

by Jorge Salvador Hernández Mollar

on behalf of the PPE-DE Group

on launching a consultation process to establish minimum standards common to all Member States for procedural safeguards for suspects and defendants in criminal proceedings throughout the European Union

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B5-0359/2003**Recommendation on launching a consultation process to establish minimum standards common to all Member States for procedural safeguards for suspects and defendants in criminal proceedings throughout the European Union**

The European Parliament,

- having regard to the consolidated version of the Treaty on European Union¹, in particular Article 6,
 - having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950², in particular Article 6(3),
 - having regard to Rule 49(1) of the Rules of Procedure,
- A whereas the European Union respects fundamental rights as enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950³,
- B whereas Article 6(3) of the European Convention for the Protection of Human Rights and Fundamental Freedoms guarantees each person charged with a criminal offence the right, among others, to be informed in a language he understands of the nature and cause of the accusation against him, to have adequate time for the preparation of his defence, to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means, to be assisted for free by a legal aid counsel, to examine or have examined witnesses both for and against him and to have the free assistance of an interpreter if he cannot understand the language used in court,
- C whereas although all the Member States of the European Union apply the system of procedural safeguards set out under the Convention on Human Rights, differing practices can hinder confidence in their respective legal systems, which is ultimately what forms the basis of mutual recognition,
1. Puts to the Council the following recommendation:
- that it considers, by means of a consultation process or other suitable method, examining the possibility, in conformity with Article 31(c) of the Treaty, of adopting a legislative measure in order to align the Member States' laws and regulations regarding procedural safeguards for suspects and defendants, with the aim of

¹ OJ C 325, 24.12.2002, p.1.

² Council of Europe, ETS 005.

³ Council of Europe, ETS 005.

increasing the visibility and effectiveness of these standards at EU level, and thereby guaranteeing in practice that European citizens and residents enjoy equal access to these human rights without discrimination;

2. Instructs its President to forward this recommendation to the Council, and to the Commission for information.