P7\_TA(2013)0340

Right of access to a lawyer in criminal proceedings and right to communicate upon arrest \*\*\*I

Committee on Civil Liberties, Justice and Home Affairs

PE474.063

European Parliament legislative resolution of 10 September 2013 on the proposal for a directive of the European Parliament and of the Council on the right of access to a lawyer in criminal proceedings and on the right to communicate upon arrest (COM(2011)0326 – C7-0157/2011 – 2011/0154(COD))

(Ordinary legislative procedure: first reading)

*The European Parliament*,

– having regard to the Commission proposal to Parliament and the Council (COM(2011)0326),

– having regard to Article 294(2) and Article 82(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7‑0157/2011),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the contributions submitted by the Bulgarian Parliament, the Italian Senate and the Portuguese Parliament on the draft legislative act,

– having regard to the opinion of the European Economic and Social Committee of 7 December 2011[[1]](#footnote-1),

– after consulting the Committee of the Regions,

– having regard to the undertaking given by the Council representative by letter of 4 June 2013 to approve Parliament’s position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

– having regard to Rule 55 of its Rules of Procedure,

– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Legal Affairs (A7-0228/2013),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7\_TC1-COD(2011)0154

Position of the European Parliament adopted at first reading on 10 September 2013 with a view to the adoption of Directive 2013/.../EU of the European Parliament and of the Council on the right of access to a lawyer in criminal proceedings and in **European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive 2013/48/EU.)*

1. OJ C 43, 15.2.2012, p. 51. [↑](#footnote-ref-1)