



**COUNCIL OF
THE EUROPEAN UNION**



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Coreper confirms agreement on the directive on the right of access to a lawyer

The Permanent Representatives Committee¹ (Coreper) today endorsed the provisional agreement that was reached with the European Parliament on 28 May on the directive on the right of access to a lawyer in criminal proceedings ([10190/13](#)). This means that a historic agreement on the draft directive is within reach, nearly 10 years after the first attempts were made to agree on a legislative measure including notably the right to legal advice.

The text was negotiated in trilogue meetings between the Council, the European Parliament and the European Commission. To enter into force it still needs to be formally approved in the coming months by the European Parliament and the Council.

This directive as agreed sets out minimum rules on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, on the right to have a third party informed upon deprivation of liberty, and on the right to communicate, while deprived of liberty, with third persons and with consular authorities.

The draft directive deals amongst other things with the following:

- the right of access to a lawyer for suspects and accused persons (when, under which conditions);
- the principle of confidentiality of communications between the lawyer and the suspect or accused person;

¹ The Permanent Representatives Committee is composed of the ambassadors of the 27 EU member states. Its role is to prepare decisions of the Council.

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- the right for a suspect or accused person to have a third person informed of his deprivation of liberty;
- the right for a suspect or accused person who is deprived of liberty to communicate with third persons and with his country's consular authorities;
- the possibility of making temporary derogations to certain rights in exceptional circumstances and under strict conditions only;
- the right for requested persons subject to a European Arrest Warrant to have access to a lawyer in the executing state and to appoint a lawyer in the issuing state.

The proposed directive is part of a Roadmap on criminal procedural rights, agreed by the Council in November 2009¹, which sets out a series of proposals aiming to establish common minimum standards on the rights of suspects and accused persons in criminal proceedings. The Commission submitted this draft directive in June 2011 ([11497/11](#)).

The Council and the European Parliament already agreed measures on the right to interpretation and translation², and on the right to information and a letter of rights³. This measure, on the right of access to a lawyer, is the core of the five measures of the Roadmap, which may be supplemented by other rights.

¹ [OJ C 295, 4.12.2009](#)

² [OJ L 280, 26.10.2010](#)

³ [OJ L 142, 1.06.2012](#)