



**COUNCIL OF  
THE EUROPEAN UNION**



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PRESSE 398

## **Council adopts the directive on the right of access to a lawyer**

The Council adopted today without discussion a directive on the right of access to a lawyer in criminal proceedings ([PE-CONS 40/13](#)) in a historic decision 10 years after the first attempts were made to agree on a legislative measure including notably the right to legal advice. Member states will have 3 years after the entry into force of the directive to adopt the necessary national provisions.

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 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;
- 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;

# **P R E S S**

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Rue de la Loi 175 B – 1048 BRUSSELS Tel.: +32 (0)2 281 6319 Fax: +32 (0)2 281 8026  
[press.office@consilium.europa.eu](mailto:press.office@consilium.europa.eu) <http://www.consilium.europa.eu/press>

- 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 directive is part of a Roadmap on criminal procedural rights, agreed by the Council in November 2009<sup>1</sup>, 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 translation<sup>2</sup>, and on the right to information and a letter of rights<sup>3</sup>. 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.

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1 [OJ C 295, 4.12.2009](#)  
2 [OJ L 280, 26.10.2010](#)  
3 [OJ L 142, 1.06.2012](#)