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Luxembourg, 15 November 2018

**Re: Observations submitted by EULITA in own-initiative inquiry OI/6/2018/LM**

The European Association of Legal Interpreters and Translators (EULITA) is a non-profit organization founded in 2009 with the aim of supporting translators and interpreters working for the national administrations, in particular the national courts; of lobbying legal stakeholders about the importance of training, cooperation and quality in the legal field; and disseminating information, best practice and suggestions for improvement by way of, for example conferences, workshops, meetings, and social networks.

Directive 2010/64 on the right to interpretation and translation in criminal proceedings has always been the context where EULITA presents and discusses all over the world, since it contains a series of rules that, although *de minimis*, bind Member States and the European Commission, and have generated great levels of interest outside as well as within the European Union.

Once adopted, associations and organizations working in the legal field welcomed the entering into force of such a piece of law that mandates Member States to adapt their own legislation to these new rules and, if necessary, to introduce new measures.

In order to allow the legal professions properly to understand the scope of the directive in question and to accelerate its correct transposition, EULITA immediately commenced organising meetings with representatives of judges, prosecutors, lawyers, police officers at national and European level.

Since its foundation, EULITA has been a partner and beneficiary in a series of projects financed by the European Commission, for example TRAFUT, ImPli, Co-Minor, LIT Search, QUALETRA – and continues to have an active role in four ongoing projects – NetPraLat, LawInterp, Capisce, and Applying Procedural Rights in the EU.

Unfortunately, most Member States have not accorded the correct and appropriate level of importance to the content and meaning of the Directive, so that the transposition into their legal structures took place after the deadline, and its effects appear, almost everywhere, superficial if not ridiculous.

The situation is extremely serious in most of our Member States where, in practice, none of the rules set out by the Directive has been correctly applied. We still do not have any Register of independent translators and interpreters (art. 5,2); any concrete measures concerning quality (art. 5,1); nor is there any specific training “to ensure efficient and effective communication” between judges and interpreters (art. 6).

All this has happened, and continues to happen, without any public reaction and/or legal action against the defaulting Member States by the guardian of the Treaties, the European Commission.

The obligation imposed on the Commission by the Directive to submit a report to the European Parliament and the Council by 27 October 2014, “assessing the extent to which the Member States have taken the necessary measures in order to comply with this Directive...” is clear and unconditional. The Commission has no discretion as to compliance unless it proves that it was facing an “absolute impossibility” to respect such an obligation.

According to point 12 of your decision, the Commission justified its inaction saying that it was waiting for Member States to comply with the Directive whose transposition was a prerequisite, according to the Commission, for a complete assessment of the situation on its side.

Not only does this not correspond to an “absolute impossibility” but it has also allowed several Member States to continue violating the Treaties with impunity.

We hope that your procedure will, in the end, convince the Commission of the importance of its report whose absence deprives the whole community of legal interpreters and translators of an essential source of information.

With best regards,



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