



EUROPEAN COMMISSION

*Brussels, 23.3.2015
C(2015)1630 final*

Dear Chairman,

The Commission would like to thank the House of Commons for its third Opinion concerning the Commission's proposal for a Directive on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings {COM(2013) 821 final}.

The Commission fully recognises the importance of respecting the principle of subsidiarity as laid down in the Treaty on European Union and in the Protocol on the application of the principles of subsidiarity and proportionality. The Commission agrees with the House of Commons that a detailed statement enabling compliance to be appraised must be found in the draft legislative act and in the accompanying explanatory memorandum.

Concerning the aforementioned proposal, the Commission does not agree with the House of Commons that the explanatory memorandum fails to give a sufficient explanation of the proposal's compliance with the principle of subsidiarity. As stated in the Commission's reply of 28 August 2014 to the House of Commons, the core elements of the subsidiarity substantiation were set out in points 47 and 48 of the explanatory memorandum. The impact assessment, which is by its nature a more technical document, supplements this reasoning with specific examples of a lack of mutual trust between judicial authorities resulting from violations of the presumption of innocence. The Commission considers that this approach is in line with its obligations under the Treaty. However, the Commission will pay close attention to this aspect when preparing future proposals.

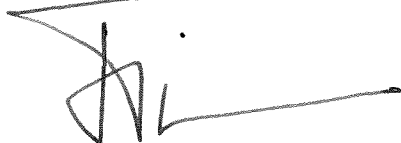
Beyond this specific case, We are keen to engage in a political dialogue with national Parliaments on the operationalisation of the principle of subsidiarity. The new

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Chairman of the European Scrutiny Committee
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Commission has made clear that respect for the fundamental principles of subsidiarity, proportionality and better regulation will be at the core of our work.

The Commission hopes that these clarifications address the issue raised by the House of Commons and looks forward to continuing our political dialogue in the future.

Yours faithfully,

A handwritten signature in black ink, consisting of a stylized 'F' and 'T' followed by a long horizontal stroke.

*Frans Timmermans
First Vice-President*

A handwritten signature in black ink, featuring a stylized 'V' and 'J' followed by a long horizontal stroke.

*Věra Jourová
Member of the Commission*