

The right to translation in the criminal procedure and the meaning of essential documents – three recent cases of the European Court of Justice in the field of criminal cooperation between Member States¹

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The case note concerns three preliminary rulings of the European Court of Justice (hereinafter referred to as ECJ). Case C-242/22 PPU TL, C-338/20 Prokuratura Rejonowa Łódź-Bałuty and case C-278/16 Sleutjes each concerned the right to translation in the criminal procedure and legal remedies in the event of not providing that right. Thus, the basis of adjudication of the cases was Directive 2010/64/EU of the European Parliament and of the Council on the right to interpretation translation and in the criminal proceedings. The case note sheds light on the deficiencies of the Directive which are the consequences of the legislative technique applied in this legislative instrument, namely that Member States retain great discretion in implementing its often-vague regulations on the right to translation. However, through the preliminary ruling procedure, the ECJ clarified the meaning of the essential document which is subject to translation according to the Directive, found that a final decision shall be considered a judgement even if formally it is not, and finally, it set out the essential parts of a judgement or other decision that are subject to translation for the purpose of safeguarding the right to a fair trial.

Keywords: criminal cooperation, procedural directives, translation, procedural autonomy, essential documents, right to legal remedy

1. Introduction

Directive 2010/64/EU of the European Parliament and of the Council on the right to interpretation and translation in criminal proceedings was the first directive which realized the 2009 Roadmap created by the Council, setting out the objectives for strengthening the protection of suspected and accused persons in criminal proceedings.²

The 2009 roadmap of the Council argued for the need for common rules strengthening the position of the suspect and the accused in the criminal procedure due to the system of criminal cooperation

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² Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings, 2010 OJ L 280/1 (hereinafter referred to as Directive 2010/64/EU); Resolution of the Council of 30 November 2009 on a Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings, 2009 OJ C 295/1 (hereinafter referred to as Roadmap).

between Member States of the European Union based on the principle of mutual recognition.³ Strengthening the protection of the suspect and the accused is perceived by the academics as a counterbalancing measure to the application of the principle of mutual recognition in the field of criminal cooperation between Member States,⁴ since judicial decisions subject to the principle gain extraterritorial nature and take effect in Member States other than that which issued them.⁵ However, due to the automatic process established in secondary sources of EU law regarding these judicial decisions, Member States may not refuse their recognition and execution even if doing so would violate certain fundamental rights of the person subject to those decision. Therefore, judicial cooperation under this system may potentially compromise the protection of rights of individuals in the criminal procedure.⁶

Directive 2010/64/EU aims to increase mutual trust between Member States by laying down common rules in the fields of interpretation and translation applicable in every Member State.⁷ In doing so, it heavily relies on the European Convention of Human Rights (hereinafter referred to as ECHR) and the case law of the European Court of Human Rights (hereinafter referred to as ECtHR).⁸

With an overarching motive of strengthening the status of the individual in the criminal procedure, and increasing mutual trust between Member States in the field of criminal cooperation, taking significant inspiration from the ECHR and the case law of the ECtHR,⁹ Directive 2010/64/EU sets out the obligation and formulates the minimum extent of translation and interpretation in the criminal procedure including, but not limited to the timely manner in which they must be provided, requirements regarding their quality, the documents which are subject to them and the legal remedy if the former requirements are not fulfilled in a criminal procedure.¹⁰

However, due to its nature and effect of minimum harmonization, Member States implement Directive 2010/64/EU in various forms which gives rise only to moderate approximation of their criminal justice systems regarding translation and interpretation. This inevitably results in differences between the implementations in each Member State.¹¹ In addition to that, the often-vague regulations put forward in the Directive resulted in certain deficiencies in its implementation in Member States which turned up in multiple cases of the European Court of Justice (hereinafter referred to as ECJ). Such cases concerned the right to translation of essential documents, the right to legal

³ Roadmap, points 8-9.

⁴ J. Ouwerkerk, *EU Competence in the Area of Procedural Criminal Law: Functional vs. Self-standing Approximation of Procedural Rights and Their Progressive Effect on the Charter's Scope of Application*, European Journal of Crime, Criminal Law and Criminal Justice, Vol. 27, No. 2, p. 90.

⁵ V. Mitsilegas, *EU Criminal Law after Lisbon. Rights, Trust and the Transformation of Justice in Europe*, Hart, Oxford, 2018, p. 125.; In the EU area of free movement, criminals have greater freedom and they make use of that. The EU legislators – in turn – decided to enhance Member States' enforcement capabilities with the principle of mutual recognition implemented in the process of criminal cooperation. To this end, a standard regulatory technique is used which was first utilised in the EAW framework decision, and it is referred to as a cooperative system by Mitsilegas. See: V. Mitsilegas, *The Limits of Mutual Trust in Europe's Area of Freedom, Security and Justice: From Automatic Inter-State Cooperation to the Slow Emergence of the Individual*, Yearbook of European Law, Vol. 31, No. 1, 2012, p. 319.

⁶ Mitsilegas 2018, p. 154.

⁷ Directive 2010/64/EU, Preamble 9.

⁸ On many occasions, the Directive refers to the right to a fair trial as set out in the ECHR. See: Directive 2010/64/EU Preamble 5, 14, 17, 20, 26 and Arts. 2-3.

⁹ Roadmap, point 13.

¹⁰ Directive 2010/64/EU, Arts. 2-3.

¹¹ L. Siry, *The ABC's of the Interpretation and Translation Directive*, in S. Allegrezza & V. Covolo (Eds.), *Effective Defence Rights in Criminal Proceedings. A European and Comparative Study on Judicial Remedies*, Wolters Kluwer Italia, Milano, 2018, p. 48.

remedy and the retrospective scrutiny of the quality of interpretation in the criminal proceedings.¹²

In the following points, I will discuss the right to translation in criminal proceedings as regulated by the Directive and the unresolved issues of this legal regime which were addressed by the ECJ. In order to do so, I will analyse three cases that were adjudicated by the ECJ in its preliminary ruling procedure. With their analyses, I will shed light on the deficiencies inherent in the legal framework set forward by Directive 2010/64/EU and draw conclusions from the judgements of the ECJ regarding these issues.

2. The right to translation in Directive 2010/64/EU

Directive 2010/64/EU lays down common minimum rules for the right to translation and interpretation in the criminal procedure. As the analysed cases concern the right to translation, I will only focus on the legal regime put forward in the Directive to guarantee a common approach in every Member State towards translation in the criminal procedure.

Article 3 sets out that the right to translation of essential documents shall be provided for the suspect or the accused who does not understand the official language of the criminal proceedings so that they are able to effectively exercise their right of defence which safeguards the fairness of the procedure.¹³ Due to the fact that the Directive achieves minimum harmonization, its rules are far from complete. Instead, they are more like general guidelines given to Member States to approximate their criminal justice systems. This shows in that the Directive only provides an exemplificative list of the so-called essential documents which must be translated. Essential documents include any decision depriving a person of his liberty, any charge or indictment, and any judgement.¹⁴

It is easy to understand that solely prescribing the translation of the above documents is not sufficient to provide the fairness of the procedure. However, the Directive does not set out more examples of those, as the criminal justice systems of the Member States vary. Instead, it prescribes that the competent authorities must decide whether any other document is essential.¹⁵ In an attempt to better safeguard this right, the Directive also lays down the fundamental rule for the right to legal remedies. According to its Article 3(5), Member States must ensure that the suspect or the accused has the right to challenge the decision of the competent authority not to translate a document.¹⁶

The above minimum rules regarding the translation of essential documents leave plenty of room for interpretation which is shown in three cases analysed below. All cases fundamentally concerned and clarified the meaning of essential documents which is especially important due to the discretion of the competent authorities to decide on whether a document is considered essential. In addition to that, in two cases, the ECJ gave guidelines for the principle of procedural autonomy of the Member States and borrowed standards from the case law of the ECtHR.

¹² For details, see cases C-242/22 PPU TL [EU:C:2022:611], C-338/20 Prokuratura Rejonowa Łódź-Bałuty [EU:C:2021:805], C-564/19 IS [EU:C:2021:949], C-278/16 Sleutjes [EU:C:2017:757], C-216/14 Covaci [EU:C:2015:686].

¹³ Directive 2010/64/EU, Art. 3(1).

¹⁴ Directive 2010/64/EU, Art. 3(2).

¹⁵ Directive 2010/64/EU, Art. 3(3).

¹⁶ Directive 2010/64/EU Art. 3(5); V. Covolo, *Ensuring the Effectiveness of Defence Rights: Remedial Obligations under the ABC Directive*, in S. Allegrezza & V. Covolo (Eds.), *Effective Defence Rights in Criminal Proceedings. A European and Comparative Study on Judicial Remedies*, Wolters Kluwer Italia, Milano, 2018, p. 87.

3. Facts of the cases

In case *C-242/22 PPU TL* a criminal procedure pending in Portugal was brought before the ECJ in the preliminary ruling procedure due to the lack of translation of an important procedural document. This was the so-called DIR which serves to establish and maintain contact with the suspect throughout the criminal procedure and even after that. As such, the suspect must provide their current address in the DIR which is used for communication between the person subject to the DIR and the competent authorities. In addition to that, the DIR obliges the suspect, later the accused and finally even the convicted person to inform the competent authorities if their address changes so that they may remain available.¹⁷

In the underlying Portuguese case, a Moldovan individual, TL committed a traffic violation, and they were convicted for twelve months of prison sentence on probation.¹⁸ After the final judgement, TL changed their address which meant that they became unavailable to the competent authority which intended to implement the probation scheme prescribed by the original judgement.¹⁹ As a result, the convicted person was summoned to appear before the court in order to be heard due to their failure to comply with the conditions of the probation scheme. Two notifications were sent to the address of TL indicated in the DIR, which was found to be invalid, but none of them had been translated to a language the convict could understand.²⁰ Since TL did not appear before the court, the suspension of their prison sentence were revoked in another procedure.²¹ This was followed by the arrest of the convict for the purpose of enforcing their sentence.²² However, TL challenged the decision as the DIR was not translated into a language understood by them, nor were they assisted by an interpreter during the drafting of the DIR. They claimed that they had no knowledge of their obligation to notify the authorities about their change of addresses. They also put forward a claim regarding the lack of translation of the summons for the hearing due to the non-compliance with the probation scheme.²³

Even though the Portuguese criminal procedure provided for remedy in situations where translation or interpretation was not provided for the concerned person, such legal remedy may be applied until the respective procedural action is finalized – in this case, the drafting of the DIR. As a result, by law, the first instance court turned down the claim.²⁴ However, the second instance court considered the DIR as an essential document which shall be translated, since it sets out important procedural obligations for the suspect or the accused.²⁵ In light of the procedural importance of the DIR and the time-bar imposed on the legal remedy by the Portuguese criminal procedure code, the second instance court decided to put forward a question for the ECJ whether the Portuguese legislation – especially its rules on legal remedy – is in line with the Directive.²⁶

Case *C-338/20 Prokuratura Rejonowa Łódź-Bałuty* concerned the translation of a decision ordering the payment of financial penalty for a traffic violation. In 2019, a Polish national, D.P. commit-

¹⁷ *C-242/22 PPU TL*, para. 14.

¹⁸ *C-242/22 PPU TL*, paras. 15-17.

¹⁹ *C-242/22 PPU TL*, para. 18.

²⁰ *C-242/22 PPU TL*, para. 19.

²¹ *C-242/22 PPU TL*, para. 20.

²² *C-242/22 PPU TL*, para. 21.

²³ *C-242/22 PPU TL*, para. 23.

²⁴ *C-242/22 PPU TL*, paras. 12, 24.

²⁵ *C-242/22 PPU TL*, para. 27.

²⁶ *C-242/22 PPU TL*, para. 29.

ted a traffic violation in the Netherlands.²⁷ The Netherlands central administrative authority responsible for the collection and recovery of fines issued in connection with offences committed in the territory of the Netherlands (hereinafter referred to as CJIB²⁸) requested the referring Polish court to execute a decision imposing financial penalty on D.P. as they failed to pay the fine.²⁹ At the hearing before the referring court, the addressee claimed that they did not understand the letter which was sent previously from the Netherlands about the traffic violation and the imposed financial penalty as it did not include a Polish translation, which was confirmed by the CJIB as well.³⁰

In connection with the claim of D.P., the referring Polish court noted that even though Framework Decision 2005/214 regulating the recognition and execution of financial penalties in the European Union does not contain any provision explicitly stating an obligation to provide the addressee with a translation for the decision imposing a financial penalty, according to Directive (EU) 2015/413 in facilitating the cross-border exchange of information on road-safety-related traffic offenses and Directive 2010/64/EU, any decision imposing a financial penalty in the context of the Framework Decision shall be served in a language the addressee understands. This is particularly important for them to be able to exercise their rights of defence.³¹ The referring court also claimed that this view is reiterated by the ECtHR as well which found in more cases that the translation requirement is applicable even in cases concerning minor offences.³²

Against the previous background, the Polish court referred a question before the ECJ inquiring whether the execution of a decision imposing a financial penalty may be refused on the basis that a translation is not provided to the addressee.³³

Last, but not least, in case C-278/16 *Sleutjes* the ECJ was called to decide whether a penalty order in German criminal procedure law shall be translated when the concerned person does not understand the official language of the criminal procedure.

In this case, a Dutch national, F.S. committed a traffic violation. In the German criminal procedure, the prosecutor issued a penalty order imposing a financial penalty.³⁴ The penalty order was drafted in German language with Dutch translation available only for the legal remedies.³⁵ The accused requested the trial to be held in accordance with their right to do so. However, they made the request in their native language instead of German. After being informed that German language shall be used when communicating with the German court, the accused lodged an objection to the penalty order in that language, however it was dismissed as inadmissible on account of its late submission.³⁶ F.S. then challenged the dismissal.³⁷

In the following procedure, the referring court noted that the obligation to translate the penalty order seems uncertain to it. It emphasized that the German criminal procedure code does prescribe the translation of the judgement, however, it was unsure whether the concept of judgement covers penalty orders. As a result, the proceeding court referred a question before the ECJ whether a judgement also includes penalty orders.³⁸

²⁷ C-338/20 Prokuratura Rejonowa Łódź-Bałuty, para. 15.

²⁸ C-338/20 Prokuratura Rejonowa Łódź-Bałuty, para. 13.

²⁹ C-338/20 Prokuratura Rejonowa Łódź-Bałuty, para. 16.

³⁰ C-338/20 Prokuratura Rejonowa Łódź-Bałuty, paras. 16-17.

³¹ C-338/20 Prokuratura Rejonowa Łódź-Bałuty, para. 18.

³² C-338/20 Prokuratura Rejonowa Łódź-Bałuty, para. 19.

³³ C-278/16 *Sleutjes*, para. 20.

³⁴ C-278/16 *Sleutjes*, para. 10.

³⁵ C-278/16 *Sleutjes*, para. 12.

³⁶ C-278/16 *Sleutjes*, paras. 13-14.

³⁷ C-278/16 *Sleutjes*, para. 15.

³⁸ C-278/16 *Sleutjes*, paras. 18-19.

4. Judgement of the ECJ

In case *C-242/22 PPU TL*, the ECJ argued that all three procedural documents – the DIR, the summons, and the revoking of the suspension of prison sentence – that TL claimed to not have been translated into a language they understood shall be considered essential documents.³⁹

The ECJ argued that the DIR entails obligations that must be adhered to throughout the criminal procedure and significant consequences when failing to do so. In addition, the person subject to the criminal procedure is notified of these obligations via the declaration in the DIR.⁴⁰ Thus, the DIR is of utmost importance for informing the subject of the criminal procedure of their obligations which is why it shall be translated under Art. 3(3) of Directive 2010/64/EU. The ECJ applied a similar argument to the other two procedural documents as well, since the summons was important for the case in that the purpose of the court hearing was to decide on whether the suspension of the prison sentence should be revoked, and the decision revoking the suspension of the prison sentence entailed the execution of the prison sentence. Without the translation of those documents, the convicted person could not exercise their right of defence.⁴¹

Last, but not least, the ECJ argued that even though TL should have been informed of their right to interpretation and translation based on Arts. 2(1) and 3(1) of Directive 2010/64/EU according to Art. 3(1) of Directive 2012/13,⁴² in the present case, such information was not provided to them.⁴³ As such, the ECJ held that TL's rights to translation, interpretation and information have been infringed.⁴⁴

It is important to note though that the Portuguese legal system holds the lack of interpretation and translation where necessary a procedural defect which entails the relative nullity of the corresponding procedural actions. Yet, for this legal remedy to be effective, the person concerned must plead the infringement of the right in question before the finalization of the act. Failing to do so in time sets in a time-bar for the legal remedy.⁴⁵ Regarding the Portuguese legal regime of legal remedies in connection with the relative nullity of procedural acts, the ECJ noted that Directives 2010/64/EU and 2012/13/EU do not set out the consequences of failure to provide the rights therein. Instead, the directives only stipulate that a legal remedy shall be provided to the person concerned, thus Member States may formulate their legal system as they see fit in this regard. However, the rules implementing the rights which individuals derive from EU law must not be less favourable than those governing similar domestic actions, nor they may be framed in such a way as to make it impossible or excessively difficult to exercise the rights conferred by EU law. In essence, the ECJ referred to the principle of procedural autonomy of Member States which provides for the possibility for Member States to formulate their legal systems autonomously if harmonization does not lay down procedural rules, however it also noted that this principle is limited by the principles of equivalence and effectiveness.⁴⁶

The Court found that as far as the principle of equivalence is concerned, the Portuguese legal regime for legal remedies is in line with the directives, however in terms of the principle of effectiveness, it found the rules regulating legal remedies lacking as TL was not informed of their rights to interpretation and translation. Without the knowledge of those rights, the concerned person was unable to plead their infringement in the time provided for them which effectively rendered the right to legal remedy non-existent.⁴⁷

As such, the ECJ decided that national legislation is precluded under EU law if the infringement of the

³⁹ *C-242/22 PPU TL*, para. 53.

⁴⁰ *C-242/22 PPU TL*, para. 60.

⁴¹ *C-242/22 PPU TL*, paras. 65-66.

⁴² *C-242/22 PPU TL*, para. 61.

⁴³ *C-242/22 PPU TL*, para. 69.

⁴⁴ *C-242/22 PPU TL*, para. 70.

⁴⁵ *C-242/22 PPU TL*, para. 71.

⁴⁶ *C-242/22 PPU TL*, paras. 74-75.

⁴⁷ *C-242/22 PPU TL*, paras. 76-80.

rights provided for by those provisions of those directives must be invoked by the beneficiary of those rights within a prescribed period, failing which that challenge will be time-barred, where that period begins to run before the person concerned has been informed, in a language which he or she speaks or understands, first, of the existence and scope of his or her right to interpretation and translation and, secondly, of the existence and content of the essential document in question and the effects thereof.⁴⁸

In the second case – *C-338/20 Prokuratura Rejonowa Łódź-Bałuty* – concerning a Dutch decision imposing financial penalty, the ECJ approached the question from the refusal grounds laid down in Framework Decision 2005/214 instead of the other two directives brought up by the referring court. According to Art. 7(2)(g) of that Framework Decision, the competent authority of the executing Member State may refuse to recognize a decision imposing a financial penalty if the addressee of that decision has not been informed of their right to appeal and the time limit for doing so.⁴⁹ The Court also held that even though the manner of providing information is left to Member States to decide on, the notification of the addressee should be sufficiently detailed so that they can get to know the reasons upon which the decision was taken. In other words, it is not enough to translate the passages concerning the right to legal remedy. Instead the addressee shall have full knowledge of the relevant facts so that they can effectively challenge the decision.⁵⁰ In connection with the information provided to the addressee, the ECJ referred to the case law of the ECtHR which sets out that the person charged with a criminal offence shall be informed not only of the accusation, but also the material facts and the legal details and classification of the accusation.⁵¹

As such, according to the ECJ, the addressee must be served a notification along with the decision translated to a language they understand. In addition, the translation shall include the facts on which the notified decision is based, the offence committed, the penalty imposed, the legal remedies available against that decision, the time limit laid down for that purpose and the identification of the body before which the appeal must be lodged.⁵² Based on this argument, the ECJ held that the decision imposing a financial penalty may be rejected if the notification of the addressee lacked the translation of the essential elements of the decision which are required for exercising the right of the defence.⁵³

In the third case – *C-278/16 Sleutjes* –, the ECJ held that the penalty order shall also be translated, since it is considered both an indictment, since it represents the first opportunity for the accused person to be informed of the accusation against them and a final judgement.⁵⁴ The Court also argued that the lack of translation results in the violation of the right of defence, since the accused is not sufficiently informed of the criminal offense they are charged with.⁵⁵ Hence the ECJ held that the penalty order, which is essentially an order provided for in national law for imposing sanctions in relation to minor offences and delivered by a judge following a simplified unilateral procedure shall be considered an essential document that is subject to translation for the purpose of enabling the addressee to exercise their rights of defence.⁵⁶

⁴⁸ C-242/22 PPU TL, para. 89.

⁴⁹ C-338/20 Prokuratura Rejonowa Łódź-Bałuty, para. 32.

⁵⁰ C-338/20 Prokuratura Rejonowa Łódź-Bałuty, paras. 33-34.

⁵¹ C-338/20 Prokuratura Rejonowa Łódź-Bałuty, para. 36.

⁵² C-338/20 Prokuratura Rejonowa Łódź-Bałuty, para. 39.

⁵³ C-338/20 Prokuratura Rejonowa Łódź-Bałuty, para. 44.

⁵⁴ C-278/16 Sleutjes, paras. 30-31.

⁵⁵ C-278/16 Sleutjes, para. 33.

⁵⁶ C-278/16 Sleutjes, para. 34.

5. Comments

In conclusion, the EJC's rulings may provide several points of clarifications for national criminal procedures. As far as essential documents are concerned, translation shall be provided not only for those documents which are a decision depriving a person of their liberty, any charge or indictment and any judgement in the meaning of the final adjudication of a case, but also those decisions that establish obligations and informs the suspect, the accused or the convicted person in the criminal procedure including but not limited to the DIR. In addition, the ECJ emphasized in its case *C-242/22 PPU TL* that any decision which may lead to the deprivation of liberty shall also be considered an essential document which is subject to translation.⁵⁷

Moreover, in connection with the penalty order, the ECJ clarified that a final decision is subject to translation even though it is formally not a judgement. Despite the difference on the formal level, in terms of substance, they shall be considered a final judgement, as they adjudicate the guilt of the concerned person. Last, but not least the ECJ set out an important safeguard relating to the extent of translation in the second case, *C-338/20 Prokuratura Rejonowa Łódź-Bałuty*, Building on ECtHR case law, the Luxembourg Court held that the translation of a final judgement shall include at least the facts on which the notified decision is based, the offence committed, the penalty imposed, the legal remedies available against that decision, the time limit laid down for that purpose and the identification of the body before which the appeal must be lodged so that the fairness of the procedure is guaranteed. This is particularly important due to Article 3(4) of Directive 2010/64/EU as it allows for not translating parts of the essential documents which are not necessary for the purposes of enabling suspected or accused persons to have knowledge of the case against them.⁵⁸ This type of negative approach towards defining parts that are not essential may have led to misinterpretations which can be avoided now, as there is a list which identifies parts of documents which must be translated.

Apart from identifying the most important characteristics of an essential document, the ECJ also gave an interpretation of the principle of procedural autonomy and its limitations in case *C-242/22 PPU TL* where even though the Portuguese legal regime for legal remedies was sufficiently equivalent to the legal remedies provided for suspects or accused persons of similar domestic cases, it did not meet the requirements of the principle of effectiveness, as in the underlying case, the concerned person was not notified of their right to interpretation and translation which made it impossible to plead for their provision. This shows that even though directives may not regulate the procedural aspects of certain provisions they lay down, Member States still have to implement them in a manner that guarantees that individuals can effectively exercise the rights derived from them.

Finally, the ECJ referred to the ECHR and the case law of the ECtHR multiple times in its judgements which reiterates the overarching motive of the Directive and the will of the legislator to directly apply standards of the Convention and the Strasbourg Court. It is a clear indication for criminal judicial authorities of the Member States that they need to consider these standards when proceeding in different cases as there is a direct connection between those and the EU directives harmonizing criminal procedure law of the Member States.

To sum up, all the above cases demonstrated that the minimum harmonization technique of the Directive and the relatively big extent of procedural autonomy provided for Member States in implementing it makes it difficult to create a unified approach towards translation and interpretation in the criminal procedure. Even though these cases concerned the legal systems of individual Member States, the reasoning behind the decisions of the ECJ can easily be applied in other Member States as well. This shows the importance of the ECJ's preliminary ruling procedure which slowly but surely extends the standards that must be applied in the criminal procedure in order to make it more protective of fundamental rights.

⁵⁷ *C-242/22 PPU TL*, para. 67.

⁵⁸ M. Fingas, *The Right to Interpretation and Translation in Criminal Proceedings – Challenges and Difficulties Stemming from the Implementation of Directive 2010/64/EU*, *European Criminal Law Review*, Vol. 9, No. 2, p. 180.