

**Finnish Association of Translators and Interpreters
Translation Industry Professionals KAJ**

**Transposition of Directive 2010/64/EU in Finland
In reply to EULITA's request for comments**

The status of implementation of the Court Interpreting Directive in Finland

Due to implementation of Directive 2010/64/EU of the European Parliament and of the Council, some changes had to be made to the Criminal Procedure Act as well as some other laws in Finland (Government Proposal 63/2013). In addition, a completely new Act on the Register of Court Interpreters entered into force (Government Proposal 39/2015).

As far as interpreting is concerned, criminal proceedings in Finland were seen to meet the requirements of the Directive even before it entered into force because Finnish law already included provisions on the suspect's and the defendant's right to interpreting services both during the criminal investigation and the trial. Interpreting-related amendments to the law include clearer provisions on the cost-free nature of the interpretation of communication between the defendant and his or her counsel regardless of the defendant's financial status, and provisions on the right to interpreting services for parties using sign language or for parties with hearing or speech impediments. For translations, implementation of the Directive improved the suspect's or the defendant's right to receive translations of documents or essential parts of documents at different stages of criminal proceedings. All in all, it can be concluded that provisions for criminal proceedings relating to the linguistic rights of the suspect or the defendant meet the requirements of the Directive.

The most significant changes made in Finland as a result of the Directive include creation of the Register of Court Interpreters and entry into force of the Act on the Register of Court Interpreters which led to the launch of a qualification for court interpreters as well as education and training for court interpreters. The Register of Authorised Translators set up in Finland decades ago for other purposes was seen to meet the Directive's requirements concerning a register of qualified translators.

The most significant shortcoming related to implementation of the Directive in Finland is that the purpose of the directive on the use of qualified translators and interpreters at various stages of criminal proceedings and in the execution of the European arrest warrant is not being fulfilled. The Directive aims to make the registers of qualified court interpreters and legal translators directly available to legal counsel and relevant authorities. In Finland, these registers are public but, as can be seen from the provisions concerning the qualifications of interpreters and translators below, the law does not force the authorities to use the interpreters and translators included on the registers.

Criminal Investigation Act, Chapter 4, Section 12: The working language of the criminal investigation

/--/ A person who has the skills required for the task, is honest and is otherwise suitable for the task may serve as interpreter. The criminal investigation authority shall appoint a new interpreter if legal safeguards for the party require this. The criminal investigation authority may appoint a new interpreter for the task also for another weighty reason.

Criminal Procedure Act, Chapter 6 a, Section 6

A person who has the skills required for the task, is honest and is otherwise suitable for the task may serve as an interpreter or a translator.

The court shall appoint a new interpreter or translator if the legal safeguards of the party require this.

As the law does not oblige authorities to use registered translators and interpreters, the authorities do not know the registers very well. If qualified and registered interpreters and translators are not used, achieving the purpose of the Directive – fairness of the proceedings and legal safeguards of parties – may be endangered.

Authorities mainly allocate the required translation and interpreting services to the suppliers named in their framework agreements. However, it is important to recognise that the registers of qualified and independent interpreters and translators required by the Directive are intended for the direct use of the authorities and not for commercial operators. The formation of an additional commercial link or links between the authorities and registered translators and court interpreters is in conflict with the purpose of the Directive, and from the perspective of legal certainty or the quality of court interpreting, there are no grounds for the existence of such a link.

The Finnish Association of Translators and Interpreters and Translation Industry Professionals KAJ hope that EULITA continues working towards a situation where authorities in the EU would be obligated to use qualified translators and interpreters as intended in the Directive. The undersigned organisations are also in favour of a system that allows the registers of court interpreters and legal translators of the Member States to be combined, so that using a qualified interpreter or translator from another country would also be possible. The challenge, however, may be that degrees are taken at a national level.

Kristiina Antinjuntti
Executive Director
Finnish Association of Translators
and Interpreters

Hanna Gorschnik
Executive Director
Translation Industry Professionals KAJ