

# Prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings.

## Framework Decision. Initiative Czech Republic, Poland, Slovenia, Slovakia and Sweden

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The Council held a **policy debate** on key elements of a Draft Framework decision on prevention and settlement of conflicts of jurisdiction in criminal proceedings, with a view to providing political guidance for carrying out further work.

EU delegations acknowledged the merit of this joint initiative put forward by the Czech Republic, Poland, Slovenia, Slovakia and Sweden last January.

The debate focused, in particular, on:

- the objectives and scope of the future instrument,
- the nature of the competent authorities which would be able to act under the Framework decision,
- the communication procedures.

A broad consensus has emerged on the advisability of **restricting the scope of the instrument** to situations where the same person(s) is (are) subject to parallel criminal proceedings in different Member States, which might lead to the double final disposal of those proceedings (the "*ne bis in idem*" legal principle).

In a common area of freedom, security and justice it is necessary to ensure that national authorities are made aware, at an early stage, of facts of a case which fall within the jurisdiction of two or more Member States and that agreement is reached to concentrate, as far as possible, criminal proceedings for such facts in a single jurisdiction.

In order to achieve these principles, the following measures are proposed:

- avoiding, as early in the proceedings as possible, situations where the same person is subject to parallel criminal proceedings in different Member States;
- ensuring that there is sufficient exchange of information between Member States, from an early stage, about ongoing proceedings which are significantly linked to another jurisdiction;
- putting in place transparent rules and common criteria which will be applied when Member States are seeking agreement on the best placed jurisdiction;
- making it possible for the national authorities concerned to enter into direct consultations with each other in order to quickly reach an agreement.