

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

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

2009/0802(CNS) - 06/04/2009

The Council reached agreement on a **general approach** for a draft framework decision on prevention and settlement of conflicts of jurisdiction in criminal proceedings.

The agreement on the general approach (agreement awaiting the opinion of the European Parliament) followed a debate focusing on outstanding issues such as:

- the role of Eurojust in dealing with cases where the competent authorities could not reach a consensus;
- the interaction with rules of European Community competition law, and the implementation period for the new legislation.

In line with the ministerial discussions on 27 February 2009, the **scope of the instrument has been restricted** to situations where the same person(s) is (are) subject to parallel criminal proceedings in different member states in respect of the same facts, which might lead to an infringement of the "*ne bis in idem*" principle.

The framework decision contains the following measures:

- a procedure for establishing contact between the competent authorities of Member States, with a view to confirming the existence of parallel criminal proceedings in respect of the same facts involving the same person(s);
- rules on the exchange of information, through direct consultations, between the competent authorities of two or more Member States conducting such parallel criminal proceedings(s), with a view to reaching a consensus on any effective solution aimed at avoiding the adverse consequences arising therefrom.

The framework decision does not affect any right of individuals to argue that they should be prosecuted in their own or in another jurisdiction, if such a right exists under national law.