Criminal justice: ne bis in idem principle or prohibition of double jeopardy

2003/0811(CNS) - 19/07/2004

The Council took note of the current situation in relation to negotiations on the ne bis in idem proposal. The Council highlights the importance of the ne bis in idem principle as presently enshrined in the Schengen acquis.

The Council stressed that further work should continue on ne bis in idem in particular in the light of the publication of the Commission's Communication on Conflicts of Jurisdiction in order to ensure that proven added value could be achieved. The Council instructed the Article 36 Committee to keep the position in this respect under review, in particular following publication of the Commission's Communication and any relevant developments in the case law of the European Court of Justice.