

# Commission Proposal for a Regulation on the Transfer of Criminal Proceedings



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## News

**Thomas Wahl**

On 5 April 2023, the [Commission presented a proposal](#) for a Regulation on the transfer of proceedings in criminal matters between Member States ([COM \(2023\) 185 final](#)). The aim of the proposal is to generate more efficient criminal proceedings as well as better administration of justice within the EU. Up to now, there has been no uniform regulation under European law, so that a variety of problems arose, such as the constellation of parallel criminal proceedings in several Member States. The Commission expects that the new EU instrument will prevent the duplication of criminal proceedings as well as avoid impunity in case where surrender under a European Arrest Warrant is refused.

The Commission's proposal lays down common conditions for the transfer of criminal proceedings initiated in one EU Member State and to be transferred to another. It will, *inter alia*, be ensured that criminal proceedings are conducted in the best-placed Member State, for example, in the State where the major part of the crime occurred.

The proposal comprises five chapters with a total of 34 articles, which, in addition to general provisions, include the following:

- Common criteria for the transfer of proceedings as well as grounds for refusal to transfer;
- Time limits for deciding on the transfer of proceedings and costs of transfer;
- Obligations regarding the protection of the rights of suspects and accused persons as well as victims, possibilities of appeal against decisions to transfer;
- Effects of the transfer in the requesting and requested State;
- Admissible means of (in particular electronic) communication between the authorities involved;
- Final provisions, including provisions on statistics and the relationship with other international agreements/arrangements.

The Commission's proposal will now be discussed by the Council and the European Parliament before it can be finally negotiated in the trilogue.

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