

# German Bar Association Welcomes Proposal for Transfer of Criminal Proceedings But Sees Improvements



## News

**Thomas Wahl**

There are first reactions to the Commission's proposal of April 2023 for a regulation on the transfer of proceedings in criminal matters (→ [eucrim 1/2023, 40](#)). In a [statement of 12 June 2023](#), the German Bar Association welcomes the draft regulation in principle. However, it still calls for numerous improvements. For example, the defence's welcoming right to request a transfer risks running out of steam if the authorities are under no obligation whatsoever to decide on such a request and to consider the arguments contained therein. In principle, it is also to be welcomed that, according to the draft, the interests of accused persons are to be taken into account – but there is a lack of a precise formulation of how this interest must be taken into account. Furthermore, there is a lack of enforcement mechanisms and an obligation on the part of the authority to document the extent to which the interests of the accused or suspects have been taken into account in its decision. In the view of the German Bar Association, it is also worthy of criticism that legal remedies are only provided against the acceptance of the transfer, but not against its rejection.

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