

# Report on Follow-Up to Eurojust's Written Recommendations on Jurisdiction



## News

**Cornelia Riehle**

On 29 September 2021, Eurojust published a [report](#) analysing national authorities' compliance with Eurojust's written recommendations. They address which State is best placed to prosecute, what the challenges to jurisdiction at the national level are, and corresponding judicial cooperation needs. Eurojust's written recommendations (or requests) are issued by National Members to assist national authorities when jurisdictional issues arise between two or more Member States.

A look back at the written recommendation issued by Eurojust between 2016 and 2019 shows that the national authorities transferred/accepted a transfer of the case, fully in line with the solution suggested by Eurojust, in all cases except one. In conclusion, the requests are an effective tool by which to address jurisdictional issues in transnational criminal proceedings. They can especially prevent duplication of work or risks of infringements of the *ne bis in idem* principle and they ensure a more effective prosecutorial strategy.

Furthermore, the analysis indicates that Eurojust's assistance is frequently required in relation to follow-up issues, in particular concerning the practical and timely execution of a transfer of proceedings.

The report also revealed, however, that National Members did not use Eurojust written (joint) recommendations on which State is best placed very often in the given period. The report describes the hope that new powers (as conferred under the new Eurojust Regulation in 2019) in conjunction with the autonomous initiative assigned to the National Members will result in wider recourse to this tool in the future.

### AUTHOR

**Cornelia Riehle**

Deputy Head of Section  
Academy of European Law

ISSN: 1862-6947

<https://eucrim.eu>



## About eucrim

eucrim is the leading journal which regularly informs about current developments in European criminal and "criministrative" law.

All news items are freely accessible at: <https://eucrim.eu/news/>

Stay informed by emailing to [eucrim-subscribe@csl.mpg.de](mailto:eucrim-subscribe@csl.mpg.de) to receive alerts for new releases of issues.

The project is co-financed by the Union Anti-Fraud Programme (UAFP), managed by the European Anti-Fraud Office (OLAF).



**Co-funded by  
the European Union**