This text is meant purely as a documentation tool and has no legal effect. The Union's institutions do not assume any liability for its contents. The authentic versions of the relevant acts, including their preambles, are those published in the Official Journal of the European Union and available in EUR-Lex. Those official texts are directly accessible through the links embedded in this document

►B REGULATION (EU) 2024/3011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 27 November 2024

on the transfer of proceedings in criminal matters

(OJ L 3011, 18.12.2024, p. 1)

Corrected by:

►C1 Corrigendum, OJ L 90860, 31.10.2025, p. 1 (2024/3011)

▼B

REGULATION (EU) 2024/3011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 27 November 2024

on the transfer of proceedings in criminal matters

CHAPTER 1

GENERAL PROVISIONS

Article 1

Subject matter

1. This Regulation lays down rules on the transfer of criminal proceedings between the Member States with a view to improving the efficient and proper administration of justice within the common area of freedom, security and justice.

2. This Regulation applies in all cases of transfer of criminal proceedings conducted in Member States.

3. This Regulation shall not have the effect of modifying the obligation to respect the fundamental rights and legal principles as enshrined in Article 6 of the Treaty on European Union (TEU).

Article 2

Definitions

For the purposes of this Regulation, the following definitions apply:

(1) ‘requesting State’ means a Member State in which criminal proceedings are being conducted and in which a request for the transfer of those proceedings to another Member State is issued, or which has initiated or received a request for consultations concerning a possible transfer of criminal proceedings;

(2) ‘requested State’ means a Member State to which a request for the transfer of criminal proceedings is transmitted for the purpose of taking over those proceedings, or which has received a request for or has initiated consultations concerning a possible transfer of criminal proceedings;

(3) ‘requesting authority’ means:

(a) a judge, court, investigating judge or public prosecutor in the requesting State competent in the case concerned; or

(b) any other competent authority which is designated as such by the requesting State and which, in the case concerned, is acting in its capacity as an investigating authority in criminal proceedings with competence to request the transfer of criminal proceedings in accordance with national law. In addition, before the request for the transfer of criminal proceedings is transmitted to the requested authority, it shall be validated by a judge, court, investigating judge or public prosecutor in the requesting State after examining its conformity with the conditions for issuing such a request under this Regulation. Where the request for the transfer of criminal proceedings has been validated by a judge, court, investigating judge or public prosecutor in the requesting State, that authority may also be regarded as a requesting authority for the purposes of transmitting the request;

▼B

(4) ‘requested authority’ means a judge, court, investigating judge or public prosecutor competent to take a decision on whether to accept or refuse the transfer of criminal proceedings in accordance with Article 11(1) and to take, where the legal system of the requested State so allows, subsequent measures in accordance with this Regulation or any measure as provided for in its national law.

Without prejudice to the requirement that a decision on whether to accept or refuse a transfer of criminal proceedings in accordance with Article 11(1) must be taken exclusively by a judge, court, investigating judge or public prosecutor, on the basis of its assessment of the grounds for refusal under Article 12, the requested State may, due to the structure of its internal legal system stemming from a common law legal tradition, where its national legal system does not allow for its courts or public prosecutors to take measures other than the decision on whether to accept or refuse the transfer of criminal proceedings in accordance with Article 11(1), provide that another authority, competent to take measures in criminal proceedings under its national law, take measures for the sole purpose of facilitating such judicial decision-making. Such other competent authority may also take subsequent measures for the purposes of this Regulation;

(5) ‘decentralised IT system’ means a decentralised IT system as defined in Article 2, point (3), of Regulation (EU) 2023/2844;

(6) ‘victim’ means a victim as defined in Article 2(1), point (a), of Directive 2012/29/EU, or a legal person, as defined by national law, that has suffered harm or economic loss as a direct result of a criminal offence that is the subject of criminal proceedings to which this Regulation applies.

Article 3

Jurisdiction

1. To the extent that jurisdiction is not already provided for by the national law of the requested State, for the purposes of this Regulation the requested State shall have jurisdiction over any criminal offence to which the national law of the requesting State is applicable in situations where:

(a) the requested State refuses to surrender a suspect or accused person who is present in and is a national of or a resident in the requested State, on the basis of Article 4, point (7)(b), of Framework Decision 2002/584/JHA;

(b) the requested State refuses to surrender a suspect or accused person for whom a European arrest warrant has been issued and who is present in and is a national of or a resident in the requested State, if, in exceptional situations, it finds that there are substantial grounds to believe, on the basis of specific and objective evidence, that the surrender would, in the particular circumstances of the case, entail a manifest breach of a relevant fundamental right as enshrined in Article 6 TEU and the Charter of Fundamental Rights of the European Union (the ‘Charter’);

▼B

(c) most of the effects of the criminal offence or a substantial part of the damage forming part of the constituent elements of the criminal offence occurred on the territory of the requested State;

(d) there are ongoing criminal proceedings in the requested State against the suspect or accused person in respect of other facts and the suspect or accused person is a national of or a resident in the requested State; or

(e) there are ongoing criminal proceedings in the requested State in respect of the same, partially the same or related facts against other persons and the suspect or accused person in the criminal proceedings to be transferred is a national of or a resident in the requested State.

2. Where jurisdiction is established by the requested State exclusively on the basis of paragraph 1, that jurisdiction shall only be exercised pursuant to a request for the transfer of criminal proceedings under this Regulation.

Article 4

Waiver, suspension or discontinuation of criminal proceedings by the requesting State

Any Member State having jurisdiction under its national law to prosecute a criminal offence may, for the purposes of applying this Regulation, waive, suspend or discontinue criminal proceedings in order to allow for the transfer of criminal proceedings in respect of that criminal offence to the requested State.

CHAPTER 2

TRANSFER OF CRIMINAL PROCEEDINGS

Article 5

Criteria for requesting the transfer of criminal proceedings

1. A request for the transfer of criminal proceedings may be issued only where the requesting authority considers that the objective of efficient and proper administration of justice, including proportionality, would be better served by conducting the relevant criminal proceedings in another Member State.

2. The requesting authority shall take into account in particular the following criteria when considering whether to request the transfer of criminal proceedings:

(a) the criminal offence has been committed in whole or in part on the territory of the requested State, or most of the effects of the criminal offence or a substantial part of the damage forming part of the constituent elements of the criminal offence occurred on the territory of the requested State;

▼B

(b) one or more suspects or accused persons are nationals of or residents in the requested State;

(c) one or more suspects or accused persons are present in the requested State and that State refuses to surrender those persons to the requesting State on the basis of:

(i) Article 4, point (2), of Framework Decision 2002/584/JHA;

(ii) Article 4, point (3), of Framework Decision 2002/584/JHA where such refusal is not based on a final judgment passed upon that person in respect of the same criminal offence which prevents further criminal proceedings; or

(iii) Article 4, point (7), of Framework Decision 2002/584/JHA;

(d) one or more suspects or accused persons for whom a European arrest warrant has been issued are present in the requested State and that State refuses to surrender those persons, if it finds that, in exceptional situations, there are substantial grounds to believe, on the basis of specific and objective evidence, that the surrender would, in the particular circumstances of the case, entail a manifest breach of a relevant fundamental right as enshrined in Article 6 TEU and the Charter;

(e) most of the evidence relevant to the investigation is located in, or the majority of the relevant witnesses are residents in, the requested State;

(f) there are ongoing criminal proceedings in the requested State in respect of the same, partially the same or other facts against the suspect or accused person;

(g) there are ongoing criminal proceedings in the requested State in respect of the same, partially the same or related facts against other persons;

(h) one or more suspects or accused persons are serving or are to serve a sentence involving deprivation of liberty in the requested State;

(i) the enforcement of the sentence in the requested State is likely to improve the prospects of social rehabilitation of the person sentenced or there are other reasons why enforcement of the sentence in the requested State would be more appropriate;

(j) one or more victims are nationals of or residents in the requested State;

(k) the competent authorities of the Member States have reached consensus, under Framework Decision 2009/948/JHA or otherwise, on the concentration of the criminal proceedings in one Member State.

For the purposes of the first subparagraph, point (j), the requesting authority shall take due account of child victims and other vulnerable persons.

▼B

3. A suspect, accused person or victim may, in accordance with procedures under national law, propose to the competent authorities of the requesting State or of the requested State that criminal proceedings be transferred in accordance with this Regulation. Such proposals shall be considered and recorded in accordance with the recording procedure under the national law of the Member State concerned. If the proposal is made to the competent authority of the requested State, the requested authority may consult the requesting authority. Proposals made under this paragraph shall not create an obligation for the requesting State to request the transfer of or to transfer criminal proceedings to the requested State, or for the requesting authority or requested authority to consult each other.

Article 6

The rights of the suspect or accused person

1. Before a request for the transfer of criminal proceedings is issued, the requesting authority shall, in accordance with applicable national law, give due consideration to the legitimate interests of the suspect or accused person, including aspects related to restorative justice.

2. The rights set out in paragraphs 3, 4 and 6 of this Article and in Articles 15 and 17 shall apply to suspects or accused persons in criminal proceedings from the time they are made aware by the competent authorities of a Member State, by official notification or otherwise, that they are suspected or accused of having committed a criminal offence, and irrespective of whether they are deprived of liberty.

3. The requesting authority shall, prior to issuing a request for the transfer of criminal proceedings:

(a) inform the suspect or accused person, in accordance with applicable national law and in a language which the suspect or accused person understands, of its intention to issue a request for the transfer of criminal proceedings; and

(b) provide the suspect or accused person with an opportunity to state an opinion on such transfer, including on aspects related to restorative justice.

The requesting authority shall not be required to fulfil the obligations laid down in the first subparagraph of this paragraph where:

(a) the fulfilment of those obligations would undermine the confidentiality of an investigation or otherwise prejudice the investigation;

(b) the suspect or accused person cannot be located or reached despite reasonable efforts being made by the requesting authority; or

(c) the request for the transfer of criminal proceedings follows a proposal from the suspect or accused person under Article 5(3).

▼B

4. Where the suspect or accused person decides to state an opinion as referred to in paragraph 3, first subparagraph, point (b), the suspect or accused person shall deliver that opinion no later than ten days after having been informed of the intention to issue a request for transfer and provided with the opportunity to state an opinion under paragraph 3. That opinion shall be recorded and shall be taken into account by the requesting authority when deciding whether to request the transfer of criminal proceedings. Such recording shall be carried out in accordance with the recording procedure under the national law of the requesting State.

5. In cases where the suspect or accused person is present in the requested State, the requesting authority may, for the purposes of paragraph 3, transmit the completed version of the form set out in Annex II to the requested authority. In such cases, the obligations under paragraphs 3 and 4 shall apply *mutatis mutandis* to the requested authority, who shall inform the requesting authority accordingly. If that suspect or accused person states an opinion, the requested authority shall transmit it to the requesting authority.

6. Where the requesting authority issues a request for the transfer of criminal proceedings and the suspect or accused person has been informed in accordance with paragraph 3, it shall inform the suspect or accused person, without undue delay in a language which the suspect or accused person understands, that the request has been issued.

7. In cases where the suspect or accused person is present in the requested State, the requesting authority may, for the purposes of paragraph 6, transmit the completed version of the form set out in Annex III to the requested authority. In such cases, the obligations under paragraph 6 shall apply *mutatis mutandis* to the requested authority, which shall inform the requesting authority accordingly.

Article 7

The rights of the victim

1. Before a request for the transfer of criminal proceedings is issued, the requesting authority shall, in accordance with applicable national law, give due consideration to the legitimate interests of the victim, including aspects related to restorative justice.

2. Where the victim is a natural person who resides in the requesting State and receives the information about the criminal proceedings in accordance with Article 6(1) of Directive 2012/29/EU, as implemented in national law, or is a legal person that is established in the requesting State and receives such information in accordance with national law, the requesting authority shall, prior to issuing a request for the transfer of criminal proceedings:

(a) inform the victim, in accordance with applicable national law and in a language which the victim understands, of its intention to issue a request for the transfer of criminal proceedings; and

▼B

(b) provide the victim with an opportunity to state an opinion on such transfer, including on aspects related to restorative justice.

The requesting authority shall not be required to fulfil the obligations laid down in the first subparagraph of this paragraph where:

(a) the fulfilment of those obligations would undermine the confidentiality of an investigation or otherwise prejudice the investigation; or

(b) the request for the transfer of criminal proceedings follows a proposal from the victim under Article 5(3).

3. Where the victim decides to state an opinion as referred to in paragraph 2, first subparagraph, point (b), the victim shall deliver that opinion no later than ten days after having been informed of the intention to issue a request for transfer and provided with the opportunity to state an opinion under paragraph 2. That opinion shall be recorded and shall be taken into account by the requesting authority when deciding whether to request the transfer of criminal proceedings. Such recording shall be carried out in accordance with the recording procedure under the national law of the requesting State.

4. Where the requesting authority issues a request for the transfer of criminal proceedings and the victim has been informed in accordance with paragraph 2, it shall inform the victim, without undue delay in a language which the victim understands, that the request has been issued.

Article 8

Procedure for requesting the transfer of criminal proceedings

1. The request for the transfer of criminal proceedings shall be drawn up by the requesting authority using the request form set out in Annex I. The requesting authority shall sign the request form and shall certify its content as being accurate and correct.

2. The request for the transfer of criminal proceedings shall be duly substantiated and shall, in particular, contain the following information:

(a) information about the requesting authority;

(b) a description of the criminal offence which is the subject of the criminal proceedings, and the applicable provisions of the criminal law of the requesting State;

(c) the reasons why the transfer of criminal proceedings is necessary and appropriate and in particular which of the criteria under Article 5(2) are applicable;

(d) the necessary information available on the suspect or accused person and the victim;

(e) an assessment of the impact of the transfer of criminal proceedings on the rights of the suspect or accused person and the victim, on the basis of information available to the requesting authority including, where applicable, the opinion of the persons concerned, obtained in accordance with Article 6(3) and (4) or Article 7(2) and (3), or the proposals made under Article 5(3);

▼B

(f) information on procedural acts or measures with a bearing on the criminal proceedings that have been undertaken in the requesting State, including any ongoing temporary coercive measures and the time-limit for the application of such measures;

(g) any applicable specific conditions for the processing of personal data pursuant to Article 9(3) of Directive (EU) 2016/680.

3. Where the suspect or accused person has stated an opinion under Article 6(3) and (4) or where the victim has stated an opinion under Article 7(2) and (3), that opinion shall be forwarded to the requested authority together with the request for the transfer of criminal proceedings. If the opinion of the suspect, accused person or victim was stated orally, the requesting authority shall ensure that the written record of such statement is available to the requested authority.

4. Where necessary, the request for the transfer of criminal proceedings shall be accompanied by any additional relevant information and documents.

5. The completed request form as referred to in paragraph 1 of this Article, as well as the essential parts of any other written information accompanying the request for the transfer of criminal proceedings, shall be translated into an official language of the requested State or any other language accepted by the requested State in accordance with Article 32(1), point (d).

6. The requesting authority shall transmit the request for the transfer of criminal proceedings directly to the requested authority or, where applicable, with the involvement of the central authority referred to in Article 20. The requesting authority and requested authority shall carry out all other official communication directly or, where applicable, with the involvement of the central authority referred to in Article 20.

7. Where the requested authority is not known to the requesting authority, the requesting authority shall make all necessary inquiries, including through the contact points of the European Judicial Network as provided for by Council Decision 2008/976/JHA ([1]), in order to determine which authority is competent in the requested State for taking the decision under Article 11(1).

8. Without undue delay and in any event within 7 days of receipt of a request form as referred to in paragraph 1 of this Article, the requested authority shall send to the requesting authority an acknowledgement of receipt. That obligation applies both to the central authority referred to in Article 20, where applicable, and to the requested authority which receives the request for the transfer of criminal proceedings from the central authority.

([1]) Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348, 24.12.2008, p. 130).

▼B

9. Where the authority in the requested State which received the request for the transfer of criminal proceedings has no competence to take a decision under Article 11(1), it shall without undue delay transmit the request to the competent requested authority in the same Member State and shall inform the requesting authority accordingly.

Article 9

Information to be provided by the requesting authority after the transmission of the request

1. The requesting authority shall inform the requested authority without undue delay of any procedural acts or measures with a bearing on the criminal proceedings that have been undertaken in the requesting State after the transmission of the request for the transfer of criminal proceedings, and shall provide all relevant documents.

2. The information referred to in paragraph 1 and the essential parts of the relevant documents provided in accordance with that paragraph shall be translated by the requesting authority into an official language of the requested State or any other language accepted by the requested State in accordance with Article 32(1), point (d).

Article 10

Withdrawal of the request

1. The requesting authority may withdraw the request for the transfer of criminal proceedings at any time before receiving the decision of the requested authority to accept or refuse the transfer of criminal proceedings in accordance with Article 11(1). In such cases, the requesting authority shall immediately inform the requested authority accordingly.

2. The requesting authority shall inform the suspect or accused person that has been informed in accordance with Article 6(3) and the victim that has been informed in accordance with Article 7(2) about the withdrawal of the request for the transfer of criminal proceedings, and shall do so in a language which they understand.

3. In cases where the suspect or accused person is present in the requested State, the requesting authority may, for the purpose of providing the information referred to in paragraph 2, transmit the completed version of the form set out in Annex VI to the requested authority. In such cases, the requested authority shall provide that information to the suspect or accused person and inform the requesting authority accordingly.

4. Where the requesting authority has informed the requested authority, in accordance with paragraph 1, of the withdrawal of the request for the transfer of criminal proceedings, the criminal proceedings shall remain with the requesting authority.

▼B

Article 11

Decision of the requested authority

1. The requested authority shall take a decision on whether to accept or refuse the transfer of criminal proceedings in whole or in part, and shall decide, in accordance with its national law, on the measures to be taken. A decision to accept the transfer of criminal proceedings shall be duly reasoned.

2. The requested authority shall communicate the decision referred to in paragraph 1 of this Article to the requesting authority, in accordance with the time-limits set out in Article 13.

3. If the requested authority considers the information communicated by the requesting authority to be insufficient to allow it to decide whether to accept or refuse the transfer of criminal proceedings, it may request additional information as it deems necessary. The requesting authority shall provide the requested additional information without undue delay, if available, accompanied by a translation into an official language of the requested State or any other language accepted by the requested State in accordance with Article 32(1), point (d).

4. If the requested authority decides to refuse the transfer of criminal proceedings in accordance with Article 12, it shall inform the requesting authority of the reasons for such refusal.

5. Where the requesting authority has received the reasoned decision to accept the transfer of criminal proceedings pursuant to paragraph 1 of this Article, the requesting authority shall without undue delay forward to the requested authority the original or a certified copy of the case file or relevant parts thereof, accompanied by their translation into an official language of the requested State or any other language accepted by the requested State in accordance with Article 32(1), point (d).

6. If the criminal proceedings are discontinued in accordance with Article 21, the requesting authority shall without undue delay transmit any remaining relevant parts of the case file, in original or certified copy, including relevant physical evidence, to the requested authority. In the event that a certified copy of the case file has already been provided to the requested authority, the requesting authority shall, upon request of the requested authority, transmit the original documents of the case file. The requesting State may require that the original documents of the case file or physical evidence be returned to it when those documents or that evidence is no longer required in the requested State or at the end of the proceedings in the requested State. Where the requesting State, if asked to do so by the requested State, has indicated that it does not intend to recover the original documents of the case file or the physical evidence when it is no longer required or at the end of the proceedings, the requested State may determine, in accordance with its national law, how to deal with the remaining evidence, including whether to preserve or destroy such evidence.

▼B

7. For the purposes of paragraphs 5 and 6, the requesting authority and requested authority may consult each other in order to determine the relevant parts of the case file to be forwarded and translated.

Article 12

Grounds for refusal

1. The requested authority shall refuse the transfer of criminal proceedings, in whole or in part, where criminal proceedings under the national law of the requested State cannot be brought or pursued in relation to the facts underlying the request for the transfer of criminal proceedings if one or more of the following grounds apply:

(a) the conduct in connection with which the request was made does not constitute a criminal offence under the national law of the requested State;

(b) taking over criminal proceedings would be contrary to the principle of ne bis in idem;

(c) the suspect or accused person cannot be held criminally liable for the criminal offence due to that suspect or accused person's age;

(d) the criminal prosecution is statute-barred in accordance with the national law of the requested State;

(e) the conditions for prosecuting the criminal offence in the requested State are not fulfilled;

(f) the criminal offence is covered by amnesty in accordance with the national law of the requested State;

(g) the requested State does not have jurisdiction over the criminal offence in accordance with national law or jurisdiction on the basis of Article 3.

2. The requested authority may refuse the transfer of criminal proceedings, in whole or in part, if one or more of the following grounds apply:

(a) privilege or immunity under the national law of the requested State makes it impossible to take action;

(b) the requested authority considers that the transfer of criminal proceedings is not in the interests of efficient and proper administration of justice;

(c) the criminal offence has not been committed either in whole or in part on the territory of the requested State, most of the effects or a substantial part of the damage forming part of the constituent elements of the criminal offence did not occur on the territory of that State, and the suspect or accused person is not a national of or a resident in that State;

(d) the request form as referred to in Article 8(1) is incomplete or manifestly incorrect and has not been completed or corrected following consultation referred to in paragraph 3 of this Article;

▼B

(e) the conduct in connection with which the request was made is not a criminal offence at the place where it was committed, and the requested State has no original jurisdiction under its national law to prosecute the criminal offence.

3. Where any of the grounds referred to in paragraphs 1 and 2 apply, before deciding to refuse the transfer of criminal proceedings, either in whole or in part, the requested authority shall, where appropriate, consult the requesting authority and, where necessary, request that the requesting authority provide any necessary information without undue delay.

4. Where the ground referred to in paragraph 2, point (a), applies, and where the power to waive the privilege or immunity lies with an authority of the requested State, the requested authority shall request that that authority exercise that power without undue delay. Where power to waive the privilege or immunity lies with an authority of another State or international organisation, the requesting authority shall request that that authority or international organisation exercise that power.

Article 13

Time-limits

1. The requested authority shall communicate to the requesting authority its decision on whether to accept or refuse the transfer of criminal proceedings without undue delay and in any event no later than 60 days after the receipt of the request for the transfer of criminal proceedings by the competent requested authority.

2. If in a specific case the requested authority cannot meet the time-limit set out in paragraph 1, it shall without undue delay inform the requesting authority accordingly, giving reasons for the delay. In such cases, the time-limit set out in paragraph 1 may be extended by a maximum of 30 days.

3. Where there is privilege or immunity under the national law of the requested State, the time-limit set out in paragraph 1 shall commence only from the day on which the requested authority is informed of the fact that the privilege or immunity has been waived.

Article 14

Consultations between the requesting authority and requested authority

1. Where necessary and without prejudice to Article 11(3), (5), (6) and (7), Article 13(3) and Article 19(2), the requesting authority and requested authority shall consult each other without undue delay to ensure the efficient application of this Regulation.

2. Consultations between the requesting authority and requested authority may also take place before the request for the transfer of criminal proceedings is issued, in particular with a view to determining whether the transfer would serve the interests of efficient and proper

▼B

administration of justice, including whether it is proportionate. In order to propose that criminal proceedings from the requesting State be transferred, the requested authority may also consult the requesting authority as to whether it would be possible to issue a request for the transfer of criminal proceedings.

3. Where the requesting authority consults the requested authority prior to making a request for the transfer of criminal proceedings, it shall make information regarding the criminal proceedings available to the requested authority, unless to do so would undermine the confidentiality of an investigation or otherwise prejudice the investigation.

4. Where authorities receive requests for consultations under this Article, they shall answer them without undue delay.

Article 15

Information to be provided to the suspect and accused person about the decision to accept or refuse the transfer

1. Where the requested authority has taken a decision in accordance with Article 11(1) to accept the transfer of criminal proceedings, the requested authority shall, without undue delay, in a language which the suspect or accused person understands:

(a) inform the suspect or accused person about the decision to accept the transfer of criminal proceedings;

(b) provide the suspect or accused person with a copy of the reasoned decision to accept the transfer of criminal proceedings; and

(c) inform the suspect or accused person about the right to an effective legal remedy in the requested State, including the time-limits for such a remedy.

Where appropriate, the requested authority may seek the assistance of the requesting authority in order to carry out the tasks referred to in this paragraph.

2. In cases where the suspect or accused person is present in the requesting State, the requested authority may, for the purposes of paragraph 1, transmit the completed version of the form set out in Annex IV to the requesting authority. In such cases, the obligations under paragraph 1 shall apply *mutatis mutandis* to the requesting authority, which shall inform the requested authority accordingly.

3. Where the requested authority has taken a decision in accordance with Article 11(1) to refuse the transfer of criminal proceedings, the requesting authority shall inform the suspect or accused person, without undue delay in a language which the suspect or accused person understands, about the decision to refuse the transfer.

Where appropriate, the requesting authority may seek the assistance of the requested authority in order to carry out the tasks referred to in this paragraph.

▼B

4. In cases where the suspect or accused person is present in the requested State, the requesting authority may, for the purposes of paragraph 3, transmit the completed version of the form set out in Annex IV to the requested authority. In such cases, the obligation under paragraph 3 shall apply *mutatis mutandis* to the requested authority, which shall inform the requesting authority accordingly.

5. The requested authority shall not be required to fulfil the obligations laid down in paragraph 1 and the requesting authority shall not be required to fulfil the obligations laid down in paragraph 3 where:

(a) the fulfilment of those obligations would undermine the confidentiality of an investigation or otherwise prejudice the investigation; or

(b) the suspect or accused person cannot be located or reached despite reasonable efforts being made by the requested authority or the requesting authority, respectively.

Article 16

Information to be provided to the victim about the decision to accept or refuse the transfer

▼C1

1. Where the requested authority has taken a decision in accordance with Article 11(1) of this Regulation to accept the transfer of criminal proceedings, and the victim is a natural person who resides in the requesting State and receives the information about the criminal proceedings in accordance with Article 6(1) of Directive 2012/29/EU, as implemented in national law, or is a legal person that is established in the requesting State and receives such information in accordance with national law, the requested authority shall, without undue delay, in a language which the victim understands:

(a) inform the victim about the decision to accept the transfer by the requested authority;

(b) provide the victim with a copy of the reasoned decision to accept the transfer of criminal proceedings; and

(c) inform the victim about the right to an effective legal remedy in the requested State, including the time-limits for such a remedy.

▼B

Where appropriate, the requested authority may seek the assistance of the requesting authority in order to carry out the tasks referred to in this paragraph.

2. In cases where the victim is present in the requesting State, the requested authority may, for the purposes of paragraph 1, transmit the completed version of the form set out in Annex V to the requesting authority. In such cases, the obligations under paragraph 1 shall apply *mutatis mutandis* to the requesting authority, which shall inform the requested authority accordingly.

▼B

3. Where the requested authority has taken a decision in accordance with Article 11(1) of this Regulation to refuse the transfer of criminal proceedings, and the victim is a natural person who resides in the requesting State and receives the information about the criminal proceedings in accordance with Article 6(1) of Directive 2012/29/EU, as implemented in national law, or is a legal person that is established in the requesting State and receives such information in accordance with national law, the requesting authority shall, without undue delay, inform the victim in a language which the victim understands, about the decision to refuse the transfer.

4. The requested authority shall not be required to fulfil the obligations laid down in paragraph 1 and the requesting authority shall not be required to fulfil the obligations laid down in paragraph 3 where:

(a) the fulfilment of those obligations would undermine the confidentiality of an investigation or otherwise prejudice the investigation; or

(b) the victim cannot be located or reached despite reasonable efforts being made by the requested authority or the requesting authority, respectively.

Article 17

Right to an effective legal remedy

1. Suspects, accused persons and victims shall have the right to an effective legal remedy in the requested State against a decision to accept the transfer of criminal proceedings. That right shall be exercised before a court or tribunal in the requested State in accordance with its national law.

2. If a legal remedy is sought against a decision to accept the transfer of criminal proceedings, the decision shall be examined in accordance with national law on the basis of the criteria provided for in Article 12(1) and (2). Insofar as discretion was exercised, the review shall be limited to assessing whether the requested authority has manifestly exceeded the limits of its discretion.

The time-limit for seeking an effective legal remedy shall be no longer than 15 days from the date of receipt of the reasoned decision to accept the transfer of criminal proceedings.

Where the request for the transfer of criminal proceedings is issued after the criminal investigation has been completed, and the suspect or accused person has been charged or indicted, the invocation of a legal remedy against a decision to accept the transfer of criminal proceedings shall have suspensive effect. Such suspensive effect shall not affect the possibility for the requested State to maintain provisional measures necessary to prevent the suspect or accused person from absconding, or to preserve evidence, instrumentalities of a criminal offence or the proceeds of crime.

The final decision on the legal remedy shall be taken without undue delay and, where possible, within 60 days.

▼B

The requested authority shall inform the requesting authority about the final outcome of the legal remedy sought. Where the final outcome of the legal remedy is that the decision to accept the transfer of criminal proceedings is overturned, the criminal proceedings shall revert to the requesting authority.

This paragraph shall be without prejudice to any further legal remedies that are available in accordance with national law.

3. The requested State shall ensure that suspects, accused persons and victims have the right of access to all documents related to the transfer of criminal proceedings that formed the basis for the decision to accept a transfer of criminal proceedings under this Regulation and that are necessary to effectively exercise their right to a legal remedy. The right of access to such documents shall be exercised in accordance with procedures under the national law of the requested State. Such access may be limited, subject to national law, where it would undermine the confidentiality of an investigation or otherwise prejudice the investigation or harm the safety of persons.

Article 18

Cooperation with Eurojust and the European Judicial Network

The requesting authority and requested authority may, at any stage of the procedure for a transfer of criminal proceedings, request the assistance of Eurojust or the European Judicial Network in accordance with their respective competences. In particular Eurojust may, where appropriate, facilitate consultations referred to in Article 11(3), (5), (6) and (7), Article 12(3), Article 14, Article 19(2) and Article 21(3).

Article 19

Costs of transfers of criminal proceedings

1. Each Member State shall bear its own costs of transfers of criminal proceedings resulting from the application of this Regulation.

2. Where the translation of the case file and other relevant documents under Article 11(3), (5), (6) and (7) would entail large or exceptional costs, the requesting authority may submit a proposal to the requested authority that the costs be shared. Such proposal shall be accompanied by a detailed breakdown of the costs incurred by the requesting authority. Following such a proposal, the requesting authority and the requested authority shall consult each other.

Article 20

Designation of central authorities

Each Member State may designate one or more central authorities responsible for the administrative transmission and receipt of requests for the transfer of criminal proceedings, as well as for other official correspondence relating to such requests.

▼B

CHAPTER 3

EFFECTS OF THE TRANSFER OF CRIMINAL PROCEEDINGS

Article 21

Effects in the requesting State

1. Upon receipt of the reasoned decision to accept the transfer of criminal proceedings in accordance with Article 11(1), or of the final decision on a legal remedy under Article 17, the criminal proceedings shall be suspended or discontinued in the requesting State in accordance with national law, unless the outcome of the legal remedy is that the case is to revert to the requesting State, or the requesting authority has already suspended or discontinued those criminal proceedings under Article 4.

2. Notwithstanding paragraph 1, the criminal proceedings in the requesting State may remain open in order to allow the requesting authority to:

(a) undertake necessary urgent investigative or other procedural measures, including measures to prevent the suspect or accused person from absconding or freezing measures;

(b) maintain previously adopted investigative or other procedural measures, including measures to prevent the suspect or accused person from absconding, that are necessary in order to execute a decision on the basis of Framework Decision 2002/584/JHA, another mutual recognition instrument or a request for mutual legal assistance.

3. Following a decision by the requested authority to accept the transfer of criminal proceedings, the requesting authority and the requested authority shall cooperate, to the greatest extent possible and in accordance with their national law, especially where the national law of the requested State requires certain formalities and procedures to be observed, in particular concerning the admissibility of evidence. The requesting authority and the requested authority shall also cooperate on provisional measures taken before transfer and under paragraph 2.

4. Where the execution of the measures taken under paragraph 2 has been finalised, or where the requested authority has taken the necessary investigative or other procedural measures, and the measures undertaken by the requesting authority under paragraph 2 are no longer necessary, the criminal proceedings in the requesting state shall be suspended or discontinued.

5. The requesting authority may continue or reopen criminal proceedings if the requested authority informs it of its decision to discontinue criminal proceedings related to the facts underlying the criminal proceedings for which the transfer was accepted, unless that decision, under the national law of the requested State, definitively bars further prosecution and was taken after a determination had been made on the merits of the case, therefore precluding further criminal proceedings, in respect of the same acts, in the requested State.

▼B

6. Paragraph 5 shall not affect the right of victims to initiate or to request the reopening of criminal proceedings against the suspect or accused person in the requesting State, where the national law of that State so provides, unless the decision by the requested authority to discontinue criminal proceedings, under the national law of the requested State, definitively bars further prosecution and was taken after a determination had been made on the merits of the case, therefore precluding further criminal proceedings, in respect of the same acts, in the requested State.

Article 22

Effects in the requested State

1. The transferred criminal proceedings shall be governed by the national law of the requested State.

2. Provided that it is not contrary to the fundamental principles of law of the requested State, any act carried out for the purposes of the criminal proceedings or preparatory inquiries performed by competent authorities in the requesting State shall have the same validity in the requested State as if it had been validly performed by competent authorities in the requested State.

Without prejudice to Article 12(1), point (d), any act validly performed in the requesting State that interrupts or suspends the period of limitation shall have the same effect of interruption or suspension of the period of limitation in the requested State provided that such act would have that effect under its national law.

3. Member States may provide in their national law that, in cases where jurisdiction is based on Article 3, and where they act as requested State and the suspect or accused person is present in that State, a competent authority in the requested State may, once it has received the request for the transfer of criminal proceedings and any additional information in accordance with this Regulation, and before the decision to accept the transfer is made, take, upon assessment, the necessary measures, in accordance with its national law, to arrest the suspect or accused person, or to ensure that the suspect or accused person remains on its territory, or take other necessary provisional measures such as freezing measures.

4. The decision to place the suspect or accused person in detention in accordance with paragraph 3 shall be taken by the same authority that would be competent to take such measures in a similar domestic case, and shall be subject to safeguards applicable to such measures under national law, including judicial oversight and the time-limits for pre-trial detention.

5. Evidence transferred by the requesting authority shall not be denied admission in criminal proceedings in the requested State only on the ground that the evidence was gathered in another Member State. The evidence gathered in the requesting State may be used in criminal

▼B

proceedings in the requested State, provided that the admissibility of such evidence is in accordance with the national law of the requested State, including its fundamental principles of law. The power of the trial court to freely assess the evidence shall not be affected by this Regulation.

6. Where a custodial sentence or detention order is issued in the requested State, that State shall deduct from the total period of detention to be served all periods of detention spent in the requesting State that were imposed in the context of the transferred criminal proceedings. To that end, the requesting authority shall transmit to the requested authority all information concerning the period of detention spent by the suspect or accused person in the requesting State.

7. Where in both the requesting State and the requested State, criminal proceedings can only be initiated following a complaint, a complaint brought in the requesting State shall also have validity in the requested State.

8. The sentence applicable to the criminal offence shall be that provided for in the national law of the requested State unless that law provides otherwise. Where the criminal offence was committed on the territory of the requesting State, the requested authority may take into consideration, in accordance with applicable national law, the maximum sentence under the national law of the requesting State, where to do so would be to the benefit of the accused person. Where jurisdiction is exclusively based on Article 3, the sentence imposed in the requested State shall not be more severe than the maximum sentence under the national law of the requesting State.

Article 23

Information to be provided by the requested authority

The requested authority or, where applicable, another competent authority shall provide the requesting authority with information on the discontinuation of criminal proceedings or on any decision taken at the end of the criminal proceedings, including information as to whether that decision, under the national law of the requested State, definitively bars further prosecution and was taken after a determination had been made on the merits of the case thereby precluding further criminal proceedings, in respect of the same acts, in that State. That authority shall also provide information on the final execution of the sentence imposed or other information of substantial value. It shall forward a copy of the final written decision taken at the end of the criminal proceedings to the requesting authority.

At least the essential parts of the information and of the final decision referred to in the first paragraph of this Article shall be translated into an official language of the requesting State or any other language accepted by the requesting State in accordance with Article 32(1), point (d).

▼B

CHAPTER 4

MEANS OF COMMUNICATION

Article 24

Means of communication

1. Communication under this Regulation, including the exchange of the request form and other forms set out in the Annexes to this Regulation, the decision referred to in Article 11(1) of this Regulation and other documents referred to in Article 11(5) thereof, between the requesting authority and requested authority and with the involvement of central authorities, where a Member State has designated a central authority in accordance with Article 20 of this Regulation, as well as with Eurojust, shall be carried out in accordance with Article 3 of Regulation (EU) 2023/2844.

2. Article 7(1) and (2) and Articles 8 and 14 of Regulation (EU) 2023/2844 setting out rules on electronic signatures and electronic seals, legal effects of electronic documents and the protection of information transmitted shall apply to the communication transmitted through the decentralised IT system.

3. Consultations under Article 11(7) and Article 14 between the requesting authority and the requested authority and with the involvement of central authorities, where a Member State has designated a central authority in accordance with Article 20, as well as with Eurojust, may be carried out using any appropriate means of communication, including through the decentralised IT system.

Article 25

Establishment of a decentralised IT system

1. By 8 January 2027, the Commission shall adopt implementing acts to establish the decentralised IT system for the purposes of this Regulation, setting out the following:

(a) the technical specifications for the methods of communication by electronic means for the purposes of the decentralised IT system;

(b) the technical specifications for communication protocols;

(c) the information security objectives and relevant technical measures ensuring minimum information security standards and a high level of cybersecurity for the processing and communication of information within the decentralised IT system;

(d) the minimum availability objectives and possible related technical requirements for the services provided by the decentralised IT system;

(e) digital procedural standards as defined in Article 3, point (9), of Regulation (EU) 2022/850.

▼B

2. The implementing acts referred to in paragraph 1 of this Article shall be adopted in accordance with the examination procedure referred to in Article 31(2).

Article 26

Reference implementation software

1. The Commission shall be responsible for the creation, accessibility, maintenance and development of reference implementation software which Member States may choose to apply as their back-end system instead of a national IT system. The creation, maintenance and development of the reference implementation software shall be financed from the general budget of the Union.

2. Eurojust shall be able to make use of the reference implementation software referred to in paragraph 1.

3. The Commission shall provide, maintain and support the reference implementation software on a free-of-charge basis.

4. The reference implementation software shall offer a common interface for communication with other national IT systems.

Article 27

Costs of the decentralised IT system

1. Each Member State or entity operating an authorised e-CODEX access point as defined in Article 3, point (4), of Regulation (EU) 2022/850 shall bear the costs of the installation, operation and maintenance of the access points of the decentralised IT system for which they are responsible.

2. Each Member State or entity operating an authorised e-CODEX access point as defined in Article 3, point (4), of Regulation (EU) 2022/850 shall bear the costs of establishing and adjusting its relevant national or, where applicable, other IT systems to make them interoperable with the access points, and shall bear the costs of administering, operating and maintaining those systems.

3. Eurojust shall bear the costs of the installation, operation and maintenance of the components of the decentralised IT system under its responsibility.

4. Eurojust shall bear the costs of establishing and adjusting its case-management system to make it interoperable with the access points, and shall bear the costs of administering, operating and maintaining that system.

Article 28

Statistics

1. Member States shall regularly collect comprehensive statistics in order for the Commission to monitor the application of this Regulation. The competent authorities of the Member States shall maintain those statistics and shall transmit them to the Commission on an annual basis. The competent authorities of the Member States may process personal data necessary for the production of those statistics.

▼B

2. The statistics referred to in paragraph 1 shall include:

(a) the number of requests for the transfer of criminal proceedings issued, including the criteria for requesting the transfer, by the requesting State;

(b) the number of accepted and refused transfers of criminal proceedings, including the grounds for refusal, by the requested State;

(c) the length of time taken by the requested State to transmit information on the decision whether to accept or refuse the transfer of criminal proceedings.

3. The statistics referred to in paragraph 1 shall also include, if available at a central level in the Member State concerned:

(a) the number of investigations and prosecutions that were not pursued following the acceptance of a transfer of criminal proceedings;

(b) the number of cases in which legal remedies were sought against decisions to accept the transfer of criminal proceedings, specifying whether each case was brought by a suspect, accused person or victim, and the number of successfully challenged decisions;

(c) as of four years from the date of entry into force of the implementing acts referred to in Article 25(1), the costs incurred under Article 27(2).

4. The reference implementation software referred to in Article 26 and, where equipped to do so, the national back-end systems shall programmatically collect the data referred to in paragraph 2 of this Article, and transmit them to the Commission on an annual basis.

5. The statistics referred to in paragraphs 2 and 3 shall be transmitted from 1 February 2028.

6. The statistics referred to in paragraph 2 of this Article shall be collected through the decentralised IT system established in accordance with Article 25, within two years from the date of entry into force of the implementing acts referred to in that Article. For as long as the decentralised IT system is not operational and for that reason the statistics referred to in paragraph 2 of this Article are not collected automatically, those statistics shall only be transmitted if they are available at a central level in the Member State concerned.

Article 29

Amendments to the request form and other forms

The Commission is empowered to adopt delegated acts in accordance with Article 30 to amend the Annexes by updating or making technical changes to the request form and other forms. Such amendments shall be in accordance with this Regulation and shall not affect it.

▼B

Article 30

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 29 shall be conferred on the Commission for an indeterminate period of time from 1 February 2027.

3. The delegation of power referred to in Article 29 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 29 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 31

Committee procedure

1. For the purposes of Article 25 of this Regulation, the Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 32

Notifications

1. By 1 February 2027 each Member State shall notify the Commission of the following:

(a) the authorities which, in accordance with its national law, are competent in accordance with Article 2, point (3), to issue or validate requests for the transfer of criminal proceedings, and those competent in accordance with Article 2, point (4), to take decisions regarding such requests;

▼B

(b) information regarding the other authorities referred to in Article 2, point (4), second paragraph, if the Member State makes use of the possibility provided for under that paragraph;

(c) information regarding the designated central authority or authorities, if the Member State makes use of the possibility provided for under Article 20;

(d) languages accepted for requests for the transfer of criminal proceedings, for the submission of supporting information and for any communication between authorities, when acting as requesting State and when acting as requested State.

2. Each Member State shall communicate to the Commission any updates to the information notified under paragraph 1.

The Commission shall ensure that the information received under paragraph 1 is kept up-to-date and made publicly available on the unrestricted area of the website of the European Judicial Network.

Article 33

Relationship with international agreements and arrangements

1. Without prejudice to their application between Member States and third countries, this Regulation replaces, within its scope of application, as from 1 February 2027, the corresponding provisions of the European Convention on the Transfer of Proceedings in Criminal Matters of 15 May 1972 and the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959, applicable between the Member States bound by this Regulation.

▼C1

2. In addition to this Regulation, Member States may conclude or continue to apply bilateral or multilateral agreements or arrangements with other Member States from 1 February 2027 only insofar as such agreements or arrangements make it possible to further strengthen the aims of this Regulation and contribute to simplifying or further facilitating the procedures for transferring criminal proceedings and provided that the level of safeguards set out in this Regulation is respected.

▼B

3. Member States shall notify the Council and the Commission by 1 February 2027 of the agreements and arrangements referred to in paragraph 2 which they intend to continue to apply. Member States shall also notify the Commission within three months of the signing of any new agreement or arrangement referred to in paragraph 2.

Article 34

Reporting

By 1 February 2033, the Commission shall submit a report to the European Parliament, to the Council and to the European Economic and Social Committee on the application of this Regulation, supported by information supplied by the Member States in accordance with Article 28(1) and collected by the Commission.

▼B

Article 35

Transitional provisions

This Regulation shall apply to requests for the transfer of criminal proceedings transmitted from 1 February 2027. Requests for the transfer of criminal proceedings received before 1 February 2027 shall continue to be governed by existing instruments relating to the transfer of criminal proceedings.

Until such time as Article 24 becomes applicable pursuant to Article 36, third paragraph, communication between requesting authorities and requested authorities and, where applicable, with the involvement of central authorities, as well as with Eurojust, under this Regulation shall take place by any appropriate alternative means, taking into account the need to ensure a swift, secure and reliable exchange of information.

Article 36

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 February 2027.

However, Article 24 shall apply from the first day of the month following the period of two years from the date of entry into force of the implementing acts referred to in Article 25.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

▼B

ANNEX I

REQUEST FORM FOR THE TRANSFER OF CRIMINAL PROCEEDINGS

As referred to in Article 8(1) of Regulation (EU) 2024/3011

The purpose of this request form is to: ☐ Consult on a possible transfer of criminal proceedings ☐ Request a transfer of criminal proceedings

SECTION A: Authorities involved Requesting State: …… Requesting authority: …… Requested State: …… Requested authority: …… Authority in the requested State that has been consulted prior to this request (if applicable): ……

▼B

SECTION B: Identity of the suspect or accused person

1. Identification of the suspect or accused person

☐ The suspect or accused person is not yet identified

☐ The suspect or accused person is identified

If the suspect or accused person has already been identified:

State all information, as far as known, regarding the identity of the suspect or accused person. If more than one person is concerned, please provide the information for each person[1].

(i) For natural person(s):

Last name: .....

First name(s): .....

Other relevant name(s), if applicable: .....

Aliases, if applicable: .....

Sex: .....

Nationality: .....

Identity number or social security number, if available: .....

Type and number of the identity document(s) (e.g. ID card, passport), if available:

.....

Date of birth: .....

Place of birth: .....

Residence and/or known address (if address is not known, state the last known address):

.....

Workplace (including contact details):

Other contact details (email, phone No): .....

Language(s) which the person understands: .....

Other relevant information: .....

Please describe the current position of the person concerned as regards the proceedings:

☐ Suspect

☐ Accused person

☐ The suspect or accused person has been made aware by the competent authorities that that person is suspected or accused of having committed a criminal offence.

☐ The suspect or accused person has not been made aware by the competent authorities that that person is suspected or accused of having committed a criminal offence.

☐ An indictment has been issued against the suspect or accused person in the relevant criminal proceedings.

☐ The suspect or accused person has been deprived of personal liberty for the purpose of the relevant criminal proceedings for the following period: from …… to …… (format: dd-mm-yyyy).

---

[1] A drop-down menu allowing different entries for each of the suspects/accused persons could be envisaged in the electronic request form.

▼B

(ii) For legal person(s):

Name: .....
Form of legal person: .....
Shortened name, commonly used name or trading name, if applicable:
.....
Address of the registered seat/office: .....
Registration number: .....
Address of the legal person: .....
Other contact details (email, phone No): .....
Name of the legal person's representative: .....
Other relevant information: .....
Please describe the current position of the legal person concerned as regards the proceedings:

☐ Suspect

☐ Accused person

☐ The legal person concerned has been made aware by the competent authorities that it is suspected or accused of having committed a criminal offence.

☐ The legal person concerned has not been made aware by the competent authorities that it is suspected or accused of having committed a criminal offence.

☐ An indictment has been issued against the legal person concerned in the relevant criminal proceedings.

2. Opinion of the suspect(s) or accused person(s):

☐ The suspect or accused person proposed initiating the procedure for transferring criminal proceedings.

☐ The suspect or accused person was informed of the intention to issue a request for transfer.

☐ The suspect or accused person was not informed of the intention to issue a request for transfer/the opinion of the suspect or accused person was not sought because:

- ☐ it would have undermined the confidentiality of an investigation or otherwise prejudiced the investigation;
- ☐ the person could not be located or reached despite reasonable efforts.

☐ The suspect or accused person stated an opinion on the intention to issue a request for transfer. The opinion is attached to this request. Please see attachment.

.....
.....

☐ The suspect or accused person did not state an opinion on the intention to issue a request for transfer.

▼B

SECTION C: Identity of the victim(s)[2]

1. State all information, as far as known, regarding the identity of the victim. If more than one person is concerned, please provide the information for each person.

(i) For natural person(s)

Last name: .....
First name(s): .....
Sex: .....
Nationality: .....
Identity number or social security number, if available: .....
Type and number of the identity document(s) (e.g. ID card, passport), if available:
.....
Date of birth: .....
Place of birth: .....
Residence and/or known address (if address is not known, state the last known address):
.....
Other contact details (email, phone No): .....
Language(s) which the person understands: .....
Other relevant information: .....

(ii) For legal person(s):

Name: .....
Form of legal person: .....
Shortened name, commonly used name or trading name, if applicable:
.....
Address of the registered seat/office: .....
Registration number: .....
Address of the legal person: .....
Other contact details (email, phone No): .....
Name of the legal person's representative: .....
Other relevant information: .....

2. Opinion of the victim(s)

☐ One or more of the victims proposed initiating the procedure for transferring criminal proceedings.

☐ One or more of the victims who reside or that are established in the requesting State and who receive information on the criminal proceedings in accordance with Article 6(1) of Directive 2012/29/EU or, in the case of a legal person, that receive such information in accordance with national law, were informed of the intention to issue a request for transfer.

☐ One or more of the victims who reside or that are established in the requesting State and who receive information on the criminal proceedings in accordance with Article 6(1) of Directive 2012/29/EU or, in the case of a legal person, that receive such information in accordance with national law, were not informed of the intention to issue a request for transfer because it would have undermined the confidentiality of an investigation or otherwise prejudiced the investigation.

☐ One or more of the victims stated an opinion on the intention to issue a request for transfer. The opinion is attached to this request. Please see attachment.

.....
.....

☐ None of the victims stated an opinion on the intention to issue a request for transfer.

---

[2] A drop-down menu could be envisaged in case more than one victim is concerned.

▼B

SECTION D: Summary of the facts and their legal qualification

1. Description of the conduct giving rise to the criminal offence(s) for which the request is made and a summary of underlying facts:

.....

.....

2. Stage of the proceedings reached:

☐ investigation/prosecution;

☐ trial.

2.1. Please provide further details on the current status of the investigation/prosecution or trial:

.....

.....

3. Nature and legal classification of the criminal offence(s) for which the request is made, including information about the maximum sentence for the relevant criminal offence(s) and the relevant legal provisions relating to penalties:

.....

.....

4. Information about any act interrupting or suspending the period of limitation regarding the criminal offence(s) for which the request is made:

.....

.....

SECTION E: Information on the procedure in the requesting State

1. All investigative or other procedural measures undertaken by the requesting State (please describe):

(i) measures to prevent the suspect or accused person from absconding or other preventive measures:

.....

.....

(ii) freezing measures:

.....

.....

(iii) investigative measures:

.....

.....

2. Information on evidence collected

The following materials and documents have been collected in the course of the criminal proceedings in the requesting State (please describe):

.....

.....

▼B

SECTION F: Reasons for the request

1. Reasons for the request, including a justification as to why the transfer is necessary and appropriate, and an assessment of the impact of the transfer on the rights of the suspect(s) or accused person(s) and victim(s):

.....

.....

.....

.....

2. Criteria for requesting the transfer of criminal proceedings:

☐ the criminal offence has been committed in whole or in part on the territory of the requested State, or most of the effects of the criminal offence or a substantial part of the damage forming part of the constituent elements of the criminal offence occurred on the territory of the requested State;

☐ one or more suspects or accused persons are nationals of or residents in the requested State;

☐ one or more suspects or accused persons are present in the requested State and that State refuses to surrender those persons to the requesting State on the basis of: (i) Article 4, point (2), of Framework Decision 2002/584/JHA; (ii) Article 4, point (3), of Framework Decision 2002/584/JHA where such refusal is not based on a final judgment passed upon that person in respect of the same criminal offence which prevents further criminal proceedings; or (iii) Article 4, point (7), of Framework Decision 2002/584/JHA;

☐ one or more suspects or accused persons for whom a European arrest warrant has been issued are present in the requested State and that State refuses to surrender those persons, if it finds that, in exceptional situations, there are substantial grounds to believe, on the basis of specific and objective evidence, that the surrender would, in the particular circumstances of the case, entail a manifest breach of a relevant fundamental right as enshrined in Article 6 of the Treaty on European Union and the Charter of Fundamental Rights of the European Union;

☐ most of the evidence relevant to the investigation is located in, or the majority of the relevant witnesses are residents in, the requested State;

☐ there are ongoing criminal proceedings in the requested State in respect of the same, partially the same or other facts against the suspect or accused person;

☐ there are ongoing criminal proceedings in the requested State in respect of the same, partially the same or related facts against other persons;

☐ one or more suspects or accused persons are serving or are to serve a sentence involving deprivation of liberty in the requested State;

☐ the enforcement of the sentence in the requested State is likely to improve the prospects of social rehabilitation of the person sentenced or there are other reasons why enforcement of the sentence in the requested State would be more appropriate;

☐ one or more victims are nationals of or residents in the requested State;

☐ the competent authorities of Member States have reached consensus, under Framework Decision 2009/948/JHA or otherwise, on the concentration of the criminal proceedings in one Member State;

☐ other reasons (please specify):

.....

.....

▼B

SECTION G: Additional information and requests (if applicable)
1. If relevant, provide information related to an earlier European arrest warrant, European Investigation Order or another request for assistance: .....
.....
2. Other additional information, if relevant: .....
.....
.....
3. Indicate any specific conditions for the processing of the transmitted personal data with which the requested authority must comply (Article 9(3) of Directive (EU) 2016/680 of the European Parliament and of the Council[3]): .....
.....
.....
4. List of enclosures: .....
.....
.....

SECTION H: Details of the authority that issued the request and, where applicable, the designated central authority
1. Name of authority that issued the request: .....
Name of representative/contact point: .....
File No: .....
Address: .....
Phone No: (country code) (area/city code) .....
Email: .....
Language(s) in which it is possible to communicate with the requesting authority:
.....
2. If different from above, the contact details of the person(s) to contact for additional information or to make practical arrangements for the transfer of evidence:
Name/Title/Organisation: .....
Address: .....
Email: .....
Phone No: .....
3. Central authority, if applicable
Name/Title/Organisation: .....
Address: .....
Email: .....
Phone No: .....
4. Language(s) in which it is possible to communicate with the central authority:
.....
Electronic signature:[4]

---

[3] Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

[4] In accordance with Article 7 of Regulation (EU) 2023/2844.

▼B

SECTION I: Details of the judicial authority of the requesting State which validated the request (if applicable)
1. Name of the validating authority: .....
Name of representative/contact point: .....
File No: .....
Address: .....
Phone No: (country code) (area/city code) .....
Email: .....
Language(s) in which it is possible to communicate with the validating authority:
.....
2. Please indicate if the main contact point for the requested State should be the:
☐ requesting authority
☐ validating authority
Electronic signature:

▼B

ANNEX II

Form referred to in Article 6(5) of Regulation (EU) 2024/3011

The purpose of this form is to seek your assistance in providing information to and seeking the opinion of the suspect/accused person as regards the intention to issue a request for the transfer of criminal proceedings. Please return Part B of this form when completed.

Part A

I. Competent authorities

Requesting State:

.....

Requesting authority:

.....

Case number in the requesting State:

.....

Requested State:

.....

Requested authority:

.....

Information on corresponding/parallel criminal proceedings in the requested State, if available:

.....

Authority in the requested State that has been consulted prior to the receipt of this request for assistance (if applicable):

.....

▼B

II. Identity of the suspect/accused person(s)

(i) For natural person(s):

Last name: .....

First name(s): .....

Other relevant name(s), if applicable: .....

Aliases, if applicable: .....

Sex: .....

Nationality: .....

Identity number or social security number, if available: .....

Type and number of the identity document(s) (e.g. ID card, passport), if available:

.....

Date of birth: .....

Place of birth: .....

Residence and/or known address (if address is not known, state the last known address):

.....

Workplace (including contact details), if available: .....

Other contact details (email, phone No), if available: .....

Language(s) which the person understands, if available: .....

Other relevant information, if available: .....

(ii) For a legal representative (if applicable; where it is considered necessary in view of the age or the physical or mental condition of the suspect or accused person):

Last name: .....

First name(s): .....

Other relevant name(s), if applicable: .....

Nationality: .....

Identity number or social security number, if available: .....

Type and number of the identity document(s) (e.g. ID card, passport), if available:

.....

Date of birth: .....

Place of birth: .....

Residence and/or known address (if address is not known, state the last known address):

.....

Contact details (email, phone No), if available: .....

Language(s) which the person understands, if available: .....

Other relevant information, if available: .....

▼B

(iii) For legal person(s):

Name: .....

Form of legal person: .....

Shortened name, commonly used name or trading name, if applicable:

.....

Address of the registered seat/office:

.....

Registration number: .....

Address of the legal person:

.....

Other contact details (email, phone No), if available:

.....

Name of the legal person's representative:

.....

Other relevant information, if available:

.....

Electronic signature:

▼B

Part B

Form for the provision of information to, and for seeking the opinion of, the suspect/accused person on the intention to issue a request for the transfer of criminal proceedings[1]

A) Information to be provided to the suspect/accused person (to be completed by the requesting authority)

The …….. [requesting authority] of …….. [requesting State][2] hereby informs you, …… [suspect/accused person], of the intention to issue a request for the transfer of criminal proceedings initiated against you, with reference number …….., to …… [requested State], in accordance with Article 6 of Regulation (EU) 2024/3011 of the European Parliament and of the Council on the transfer of proceedings in criminal matters.

Information on the criminal proceedings to be transferred

Description of the conduct and facts underlying the criminal offence(s) for which it is intended to issue the request for the transfer of criminal proceedings and their legal classification:

……
……
……
……
……

---

1 To be provided to the suspect/accused person in a language which the person understands.

2 A drop-down menu allowing for the selection of the relevant Member State could be envisaged in the electronic form.

▼B

B) Opinion of the suspect/accused person on the intention to issue a request for the transfer of criminal proceedings (to be completed by the requested authority)

1. You are hereby invited, if you so wish, to state your opinion on the intention of the …….. [requesting authority] of…… [requesting State][3] to issue a request for the transfer of criminal proceedings initiated against you to …… [requested State][4].

My opinion on the transfer of criminal proceedings is:

☐ **Positive**

☐ **Negative**

Add reasons, if you so wish:

……

……

2. If applicable: The information on the intention to issue a request for the transfer of criminal proceedings and the opinion of the suspect/accused person may also be provided orally and noted in accordance with the recording procedure of the national law of the requested State.

☐ The suspect/accused person provided his/her opinion orally. The transcript of the recording is attached and forwarded to the requesting authority together with this form.

Your opinion will be taken into consideration by ……..…….. (requesting authority) when deciding on whether to request the transfer of criminal proceedings.

Signature of the suspect/accused person:

Signature of the requested authority:

---

[3] A drop-down menu allowing for the selection of the relevant Member State could be envisaged in the electronic form.

[4] Idem.

▼B

ANNEX III

Form referred to in Article 6(7) of Regulation (EU) 2024/3011

The purpose of this form is to seek your assistance in providing information to the suspect/accused person on the issuance of the request for the transfer of criminal proceedings.

Part A

I. Competent authorities

Requesting State:

.....

Requesting authority:

.....

Case number in the requesting State:

.....

Requested State:

.....

Requested authority:

.....

Information on corresponding/parallel criminal proceedings in the requested State, if available:

.....

Authority in the requested State that has been consulted prior to the receipt of this request for assistance (if applicable):

.....

▼B

II. Identity of the suspect/accused person(s)

(i) For natural person(s):

Last name: .....

First name(s): .....

Other relevant name(s), if applicable: .....

Aliases, if applicable: .....

Sex: .....

Nationality: .....

Identity number or social security number, if available: .....

Type and number of the identity document(s) (e.g. ID card, passport), if available:

.....

Date of birth: .....

Place of birth: .....

Residence and/or known address (if address is not known, state the last known address):

.....

Workplace (including contact details), if available: .....

Other contact details (email, phone No), if available: .....

Language(s) which the person understands, if available: .....

Other relevant information, if available: .....

(ii) For a legal representative (if applicable; where it is considered necessary in view of the age or the physical or mental condition of the suspect or accused person):

Last name: .....

First name(s): .....

Other relevant name(s), if applicable: .....

Nationality: .....

Identity number or social security number, if available: .....

Type and number of the identity document(s) (e.g. ID card, passport), if available:

.....

Date of birth: .....

Place of birth: .....

Residence and/or known address (if address is not known, state the last known address):

.....

Contact details (email, phone No), if available: .....

Language(s) which the person understands, if available: .....

Other relevant information, if available: .....

▼B

(iii) For legal person(s):

Name: .....

Form of legal person: .....

Shortened name, commonly used name or trading name, if applicable:

.....

Address of the registered seat/office:

.....

Registration number: .....

Address of the legal person:

.....

Other contact details (email, phone No), if available:

.....

Name of the legal person's representative:

.....

Other relevant information, if available:

.....

Electronic signature:

▼B

Part B

Form for the provision of information to the suspect/accused person on the issuance of the request for the transfer of criminal proceedings[1]

Information to be provided to the suspect/accused person (to be completed by the requesting authority)

In accordance with Article 6(7) of Regulation (EU) 2024/3011 of the European Parliament and of the Council on the transfer of proceedings in criminal matters, the …….. [requesting authority] of …….. [requesting State][2] hereby informs you, ……. [suspect/accused person], that a request for the transfer of criminal proceedings initiated against you, with reference number ……, to …… [requested State][3] was issued on…… [date].

Information on the criminal proceedings to be transferred

▶(1) Description of the conduct and facts underlying the criminal offence(s) for which the request for the transfer of criminal proceedings was issued and their legal classification: ◀

……
……
……
……
……

1 To be provided to the suspect/accused person in a language which the person understands.

2 A drop-down menu allowing for the selection of the relevant Member State could be envisaged in the electronic form.

3 Idem.

▶(1) C1

▼B

ANNEX IV

Form referred to in Article 15(2) and (4) of Regulation (EU) 2024/3011

The purpose of this form is to seek your assistance in providing information to the suspect/accused person after a decision on the request for the transfer of criminal proceedings has been taken.

Part A

I. Competent authorities

Requesting State:

.....

Requesting authority:

.....

Case number in the requesting State:

.....

Requested State:

.....

Requested authority:

.....

Case number in the requested State, if available:

.....

▼B

II. Identity of the suspect/accused person(s)

(i) For natural person(s):

Last name: .....

First name(s): .....

Other relevant name(s), if applicable: .....

Aliases, if applicable: .....

Sex: .....

Nationality: .....

Identity number or social security number, if available: .....

Type and number of the identity document(s) (e.g. ID card, passport), if available:

.....

Date of birth: .....

Place of birth: .....

Residence and/or known address (if address is not known, state the last known address):

.....

Workplace (including contact details), if available: .....

Other contact details (email, phone No), if available: .....

Language(s) which the person understands, if available: .....

Other relevant information, if available: .....

(ii) For legal person(s):

Name: .....

Form of legal person: .....

Shortened name, commonly used name or trading name, if applicable:

.....

Address of the registered seat/office:

.....

Registration number: .....

Address of the legal person:

.....

Other contact details (email, phone No), if available:

.....

Name of the legal person's representative:

.....

Other relevant information, if available:

.....

Electronic signature:

▼B

Part B

Form for the provision of information to the suspect/accused person after a decision on the request for the transfer of criminal proceedings has been taken[1]

A request for the transfer of criminal proceedings initiated against you, ……. [suspect/accused person], with reference number ……., to …… [requested State][2] was issued on …… [date] by ……. [requesting authority] of …… [requesting State].

1. Information on the criminal proceedings to be transferred

Description of the conduct and facts underlying the criminal offence(s) for which the request for the transfer of criminal proceedings was issued and their legal classification:

.....

.....

2. Information about the acceptance/refusal of the transfer of criminal proceedings

You are hereby informed that, in accordance with Article 11(1) of Regulation (EU) 2024/3011 of the European Parliament and of the Council on the transfer of proceedings in criminal matters, the ……. [requested authority] of ……. [requested State][3] on …….. [date] has:

☐ **accepted** such a transfer of criminal proceedings by way of the reasoned decision attached to this form;

☐ **refused** such a transfer of criminal proceedings.

You are hereby also informed that, in the case of acceptance of the transfer of criminal proceedings, you have the right to an effective legal remedy in …….. [requested State][4] against that decision. You can exercise this right within…… [number of] days from receipt of the reasoned decision to accept the transfer of criminal proceedings attached to this form, by applying for a legal remedy before…….. [competent authority in the requested State].

Details of the competent authority in the requested State to which you can apply for a legal remedy to challenge the decision to accept the transfer of criminal proceedings, if applicable:

Name of the authority: .....

File No: .....

Address: .....

Phone No: (country code) (area/city code) .....

Email: .....

---

1 To be provided to the suspect/accused person in a language which the person understands.

2 A drop-down menu allowing for the selection of the relevant Member State could be envisaged in the electronic form.

3 Idem.

4 Idem.

▼B

ANNEX V

Form referred to in Article 16(2) of Regulation (EU) 2024/3011

The purpose of this form is to seek your assistance in providing information to the victim(s) after a decision on the request for the transfer of criminal proceedings has been taken.

Part A

I. Competent authorities

Requesting State:

.....

Requesting authority:

.....

Case number in the requesting State:

.....

Requested State:

.....

Requested authority:

.....

Case number in the requested State, if available:

.....

▼B

II. Identity of the victim(s)

(i) For natural person(s):

Last name: .....

First name(s): .....

Other relevant name(s), if applicable: .....

Aliases, if applicable: .....

Sex: .....

Nationality: .....

Identity number or social security number, if available: .....

Type and number of the identity document(s) (e.g. ID card, passport), if available:

.....

Date of birth: .....

Place of birth: .....

Residence and/or known address (if address is not known, state the last known address):

.....

Workplace (including contact details), if available: .....

Other contact details (email, phone No), if available: .....

Language(s) which the person understands, if available: .....

Other relevant information, if available: .....

(ii) For legal person(s):

Name: .....

Form of legal person: .....

Shortened name, commonly used name or trading name, if applicable:

.....

Address of the registered seat/office:

.....

Registration number: .....

Address of the legal person:

.....

Other contact details (email, phone No), if available:

.....

Name of the legal person's representative:

.....

Other relevant information, if available:

.....

Electronic signature:

▼B

Part B

Form for the provision of information to the victim(s) after a decision on the request for the transfer of criminal proceedings has been taken[1]

A request for the transfer of criminal proceedings against …… [suspect/accused person], with reference number ……, to …… [requested State][2] was issued on…… [date] by ……. [requesting authority] of …… [requesting State].

1. Information on the criminal proceedings to be transferred

Description of the conduct and facts underlying the criminal offence(s) for which the request for the transfer of criminal proceedings was issued and their legal classification:

.....

.....

2. Information about the acceptance/refusal of the transfer of criminal proceedings

You are hereby informed that, in accordance with Article 11(1) of Regulation (EU) 2024/3011 of the European Parliament and of the Council on the transfer of proceedings in criminal matters, the…… [requested authority] of ……. [requested State][3] on…….. [date] has:

☐ **accepted** such a transfer of criminal proceedings, by way of the reasoned decision attached to this form;

☐ **refused** such a transfer of criminal proceedings.

You are hereby also informed that, in the case of acceptance of the transfer of criminal proceedings, you have the right to an effective legal remedy in…….. [requested State][4] against that decision. You can exercise this right within…… [number of] days from receipt of the reasoned decision to accept the transfer of criminal proceedings attached to this form, by applying for a legal remedy before…….. [competent authority in the requested State].

Details of the competent authority in the requested State to which you can apply for a legal remedy to challenge the decision to accept the transfer of criminal proceedings, if applicable:

Name of the authority: .....

File No: .....

Address: .....

Phone No: (country code) (area/city code) .....

Email: .....

---

1 To be provided to the victim(s) in a language which the person understands.

2 A drop-down menu allowing for the selection of the relevant Member State could be envisaged in the electronic form.

3 Idem.

4 Idem.

▼B

ANNEX VI

Form referred to in Article 10(3) of Regulation (EU) 2024/3011

The purpose of this form is to seek your assistance in providing information to the suspect/accused person on the withdrawal of the request for the transfer of criminal proceedings.

Part A

I. Competent authorities

Requesting State:

.....

Requesting authority:

.....

Case number in the requesting State:

.....

Requested State:

.....

Requested authority:

.....

Information on corresponding/parallel criminal proceedings in the requested State, if available:

.....

Authority in the requested State that has been consulted prior to the receipt of this request for assistance (if applicable):

.....

▼B

II. Identity of the suspect/accused person(s)

(i) For natural person(s):

Last name: .....

First name(s): .....

Other relevant name(s), if applicable: .....

Aliases, if applicable: .....

Sex: .....

Nationality: .....

Identity number or social security number, if available: .....

Type and number of the identity document(s) (e.g. ID card, passport), if available:

.....

Date of birth: .....

Place of birth: .....

Residence and/or known address (if address is not known, state the last known address):

.....

Workplace (including contact details), if available: .....

Other contact details (email, phone No), if available: .....

Language(s) which the person understands, if available: .....

Other relevant information, if available: .....

(ii) For a legal representative (if applicable; where it is considered necessary in view of the age or the *physical* or mental condition of the suspect or accused person):

Last name: .....

First name(s): .....

Other relevant name(s), if applicable: .....

Nationality: .....

Identity number or social security number, if available: .....

Type and number of the identity document(s) (e.g. ID card, passport), if available:

.....

Date of birth: .....

Place of birth: .....

Residence and/or known address (if address is not known, state the last known address):

.....

Contact details (email, phone No), if available: .....

Language(s) which the person understands, if available: .....

Other relevant information, if available: .....

▼B

(iii) For legal person(s):

Name: .....

Form of legal person: .....

Shortened name, commonly used name or trading name, if applicable:

.....

Address of the registered seat/office:

.....

Registration number: .....

Address of the legal person:

.....

Other contact details (email, phone No), if available:

.....

Name of the legal person's representative:

.....

Other relevant information, if available:

.....

Electronic signature:

▼B

Part B

Form for the provision of information to the suspect/accused person on the withdrawal of the request for the transfer of criminal proceedings[1]

Information to be provided to the suspect/accused person (to be completed by the requesting authority)

The …….. [requesting authority] of …….. [requesting State][2] hereby informs you, ……. [suspect/accused person], that the request for the transfer of criminal proceedings initiated against you, with reference number ……, to …… [requested State][3], issued on…… [date] was withdrawn in accordance with Article 10 of Regulation (EU) 2024/3011 of the European Parliament and of the Council on the transfer of proceedings in criminal matters.

Information on the relevant criminal proceedings

Description of the conduct and facts underlying the criminal offence(s) for which criminal proceedings have been initiated against you and their legal classification:

……
……
……
……
……

---

1 To be provided to the suspect/accused person in a language which the person understands.

2 A drop-down menu allowing for the selection of the relevant Member State could be envisaged in the electronic form.

3 Idem.