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Subject:	Proposal for a Regulation of the European Parliament and of the Council on the transfer of proceedings in criminal matters - Letter sent to the European Parliament

At its meeting on 20 March 2024, the Permanent Representatives Committee (Part 1)

(a) confirmed the agreement on the final compromise text of the above-mentioned draft Regulation, as it was reached between the negotiating parties on 6 March 2024 and during a subsequent informal technical meeting, as set out in 7529/24; and

(b) authorised the Presidency to send the habitual offer letter to the European Parliament.

The letter together with its annex, as it was sent to the European Parliament, is set out in the Annex.

Council of the European Union

SGS 24 / 001592

Brussels, 20/03/2024

Mr Juan Fernando LÓPEZ AGUILAR
Chair of the Committee on Civil Liberties, Justice and Home Affairs
European Parliament
Bât. Altiero Spinelli – 14G305
Rue Wiertz 60
B-1047 BRUSSELS

Subject: Proposal for a Regulation of the European Parliament and of the Council on the transfer of proceedings in criminal matters

Dear Mr LÓPEZ AGUILAR,

Following the informal negotiations on this proposal between the representatives of the three institutions, today the Permanent Representatives Committee agreed with the final compromise text.

I am therefore now in a position to inform you that, should the European Parliament adopt its position at first reading, in accordance with Article 294(3) TFEU, in the exact form of the text set out in the Annex to this letter (subject to revision by the lawyer-linguists of the two institutions), the Council, in accordance with Article 294(4) TFEU, will approve the European Parliament's position and the act shall be adopted in the wording which corresponds to the position of the European Parliament.

On behalf of the Council, I also wish to thank you for your close cooperation which should enable us to reach agreement on this file at first reading.

Yours sincerely

Pierre CARTUYVELS
Chairman of the
Permanent Representatives Committee

Copy:
- Mr Didier REYNDERS, Commissioner for Justice
- Ms Assita KANKO, European Parliament rapporteur

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DRAFT

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the transfer of proceedings in criminal matters

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(1)(b) and (d) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[1],

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) The Union has set itself the objective of maintaining and developing an area of freedom, security and justice.

[1] OJ C , , p. .

(2) The Hague Programme for strengthening freedom, security and justice in the European Union[2] requires Member States to consider possibilities of concentrating the prosecution in cross-border multilateral cases in one Member State, with a view to increasing the efficiency of prosecutions while guaranteeing the proper administration of justice.

(3) The Programme of measures to implement the principle of mutual recognition of decisions in criminal matters[3] calls for an instrument enabling criminal proceedings to be transferred to other Member States.

(4) Further development of judicial cooperation between Member States is needed to increase the efficient and proper administration of criminal justice within the common area of freedom, security and justice and to ensure that the best-placed Member State investigates or prosecutes a criminal offence. In particular, common rules for Member States regarding the transfer of criminal proceedings could help to prevent unnecessary parallel criminal proceedings in different Member States concerning the same facts and the same person, that could result in an infringement of the ***ne bis in idem*** principle. ***Such common rules*** could also reduce the number of multiple criminal proceedings in respect of the same facts or in respect of the same person being conducted in different Member States. They also aim to ensure that a transfer of criminal proceedings can take place, when the surrender of a person for criminal prosecution under a European Arrest Warrant***, pursuant to Council Framework Decision 2002/584/JHA[4],*** is delayed or refused for reasons such as those that parallel criminal proceedings for the same criminal offence are ongoing in the other Member State, in order to enable the person being prosecuted to avoid impunity.

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2 OJ C 53, 3.3.2005, p. 1.

3 OJ C 12, 15.1.2001, p. 10.

4 ***Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States ▌ (OJ L 190, 18.7.2002, p. 1).***

(5) Common rules on the transfer of criminal proceedings are also essential in order to efficiently fight cross-border crime. This is especially important for crimes perpetrated by organised criminal groups, such as drug trafficking, migrant smuggling, trafficking in human beings, firearms trafficking, environmental crime, cybercrime or money laundering. Prosecuting organised criminal groups that are active in multiple Member States can create great difficulties for the authorities involved. The transfer of criminal proceedings is an important tool which would reinforce the fight against organised criminal groups that are active in the Member States across the ***Union***.

(6) In order to ensure the effective cooperation between the requesting and requested authorities in relation to the transfer of criminal proceedings, such rules should be established by a legally binding and directly applicable act of the Union.

(7) This Regulation should apply to all requests issued within the framework of criminal proceedings. ▌

(8) ▌ Council Framework Decision 2009/948/JHA[5] aims ***at preventing*** situations where the same person is subject to parallel criminal proceedings in different Member States in respect of the same facts, which might lead to the final disposal of those proceedings in two or more Member States. It therefore establishes a procedure for direct consultations between competent authorities of the Member States concerned with the aim of achieving a consensus on any effective solution aimed at avoiding adverse consequences arising from such parallel proceedings and ***the loss*** of time and resources of the competent authorities concerned. ***Where*** the competent authorities of the Member States concerned decide, following consultations in accordance with that Framework Decision, to concentrate proceedings in one Member State through the transfer of criminal proceedings, this Regulation should be used for such a transfer.

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[5] Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings (OJ L 328, 15.12.2009, p. 42).

(9) Other legal ***acts*** in the area of criminal matters, particularly those related to specific crime types, such as Directive (EU) 2017/541 of the European Parliament and of the Council[6] ***and*** Council Framework ***Decisions 2002/475/JHA***[7] and ***2008/841/JHA***[8], include provisions referring to the factors to be taken into account with the aim of centralising proceedings in a single Member State when more than one Member State can validly prosecute on the basis of the same facts. Where the competent authorities of the Member States concerned decide, following cooperation in ***accordance*** with those legal acts, to centralise criminal proceedings in a single Member State through the transfer of criminal proceedings, this Regulation should be used for such a transfer.

(10) Several Union legal acts have been adopted on the application of the principle of mutual recognition to judgments in criminal matters for enforcement of sentences in other Member States, in particular Council Framework Decisions 2005/214/JHA[9], 2008/909/JHA[10] and 2008/947/JHA[11]. This Regulation should supplement the provisions of those Framework Decisions and should be interpreted as not affecting their application.

(11) This Regulation does not affect spontaneous exchanges of information regulated by other ▌ Union ***legal acts***.

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6 Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).

7 Council Framework ***Decision 2002/475/JHA*** of 13 June 2002 on combating terrorism (▌ OJ L 164, 22.6.2002, p***. 3)***.

8 Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (OJ L 300, 11.11.2008, p. 42).

9 Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties (OJ L 76, 22.3.2005, p. 16).

10 Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union (OJ L 327, 5.12.2008, p. 27).

11 Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions (OJ L 337, 16.12.2008, p. 102).

(12) This Regulation ***should*** not apply to decisions to reallocate, merge or split cases on which the European Public Prosecutor's Office has exercised its competence in accordance with Council Regulation (EU) 2017/1939[12].

(13) For the purpose of this Regulation, Member States should designate the competent authorities in a way that promotes the principle of direct contact between those authorities.

(13a) Where the structure of the internal legal systems of Member States with common law traditions does not allow for their courts and prosecutors to take measures ancillary to the decision to accept or refuse a transfer of criminal proceedings, for the purpose of this Regulation and in the interest of facilitating its effective application across the EU, such ancillary measures may be taken by another authority, with competence to take measures in criminal proceedings. The involvement of such a competent authority shall not prejudice in any way the decision, taken exclusively by a judge, a court, an investigating judge or a public prosecutor, on whether to accept or refuse a transfer of criminal proceedings, which must, by necessity, include its assessment of the grounds for refusal under Article 13. The involvement of any other competent authority is solely intended to facilitate such judicial decision-making and the effective operation of this Regulation.

(14) ***Member States could designate one or more central authorities where necessary due*** to the ***structure of their internal legal systems for the*** administrative transmission and reception of requests for ***the*** transfer of criminal proceedings, as well as for other official correspondence relating to such requests ▌. Such central authorities could also provide administrative support ***and*** have coordinating and assisting roles, thus facilitating and promoting the acceptance of requests for ***transfer*** of criminal proceedings.

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12 Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

(15) Some Union legal acts already require Member States to take necessary measures to establish jurisdiction over specific criminal offences, such as those related to terrorist activities ***pursuant to Directive (EU) 2017/541*** or to the counterfeiting of the euro ***pursuant to Directive 2014/62/EU of the European Parliament and of the Council***[13] in cases where the surrender of a person is refused.

(16) This Regulation provides jurisdiction in specific cases, in order to ensure that, for criminal proceedings to be transferred in accordance with this Regulation, wherever the interests of efficient and proper administration of justice ***and the effective protection of fundamental rights of the suspects or accused persons, as well as of the victims, as enshrined in Union law,*** so require, the requested State can exercise jurisdiction for the criminal offences to which the law of the requesting State is applicable. The requested State should have jurisdiction to try the criminal offences for which the transfer ***of criminal proceedings*** is sought, whenever that Member State is considered as being ▌ best placed ***to prosecute the criminal offence in question. The rules on jurisdiction provided for in this Regulation should not prevent Member States from adopting national measures to ensure that they can exercise jurisdiction in the specific cases provided for in this Regulation***.

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[13] ***Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA (OJ L 151, 21.5.2014, p. 1).***

(17) ***In addition to the jurisdiction which is already provided for by the national law of the requested State, jurisdiction should be established based on specific grounds mentioned in this Regulation whenever that Member State is considered as being the best placed one to prosecute. The requested State should have jurisdiction in situations where 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 the requested State and is a national of or a resident in that State, where such refusal is based on specific grounds mentioned in this Regulation. For example, jurisdiction should be established when surrender is refused on the basis of Article 4(7)(b) of Framework Decision 2002/584/JHA, which applies in situations where offences have been committed outside the territory of the issuing Member State and the law of the executing Member State does not allow prosecution for the same offences when committed outside its territory. This can be applied in situations where an offence is committed in the territory of another Member State or of a third country by nationals of other Member States or third country nationals, and the suspect or accused person is a resident in the requested State. This is particularly important as regards serious crimes violating fundamental values of the international community, such as war crimes or genocide, where a risk of impunity might arise due to a European arrest warrant being refused on the basis of Article 4(7)(b) of Framework Decision 2002/584/JHA. A requested State should also have jurisdiction when the criminal offence produces its effects or causes damages mainly in the requested State. Damage should be taken into account whenever it is one of the constituent elements of the criminal offence, in accordance with the law of the requested State. The requested State should also have jurisdiction when criminal proceedings are already ongoing in that State against the same suspect or accused person in respect of other facts so that all the criminality of such person could be judged in one single criminal proceeding, or when criminal proceedings are ongoing in that State against other persons in respect of the same, partially the same or related facts, which might in particular be relevant for concentrating the investigation and prosecution of a criminal organisation in one Member State. In both cases, the suspect or accused person in the criminal proceedings being transferred should be a national of or a resident in the requested State.***

(18) In order to fulfil the purpose of this Regulation and to prevent conflicts of jurisdiction, having specific regard to those Member States which have their legal systems – or the prosecution of certain criminal offences – based on mandatory prosecution, the requesting State, when requesting a transfer of criminal proceedings, should ***be able to waive proceedings for*** the prosecution of the person concerned for the criminal offence for which the transfer is sought. ***This Regulation should therefore allow*** the competent authorities of the requesting State ***to waive, suspend or*** discontinue the criminal proceedings brought before them in favour of the Member State identified as being in a better position to prosecute, even where, in accordance with national law, they would be under a duty to prosecute. ***This*** should be without prejudice to the provisions on the effects of the transfer of criminal proceedings in the requesting State laid down in this Regulation.

(19) This Regulation respects the fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union (the 'Charter') and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

(20) This Regulation does not affect procedural rights as enshrined in ***the Charter or in other Union legal acts, such as*** Directives 2010/64/EU[14], 2012/13/EU[15], 2013/48/EU[16], (EU) 2016/343[17], (EU) 2016/800[18] and (EU) 2016/1919 ***of the European Parliament and of the Council[19], for the Member States bound by them***. ***In particular, the requesting authority should ensure that these rights, as provided for under Union and national law, are respected when requesting a transfer of criminal proceedings under this Regulation.***

(21) Member States should ensure that, when applying this Regulation, the needs of vulnerable persons are taken into account. According to the Commission Recommendation ***of 27 November 2013 on procedural safeguards for vulnerable persons suspected or accused in criminal proceedings*** [20], vulnerable suspects or accused persons should be understood to mean all suspects or accused persons who are not able to understand or effectively participate in criminal proceedings due to their age, their mental or physical condition or any disabilities they may have.

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14 ▌ Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280, 26.10.2010, p. 1).

15 ▌ Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1).

16 ▌ Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ L 294, 6.11.2013, p. 1).

17 ▌ Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ L 65, 11.3.2016, p. 1).

18 ▌ Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1).

19 ▌ ***Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ L 297, 4.11.2016, p. 1).***

20 ▌ OJ C 378, 24.12.2013, p. ***8***.

(22) Similarly, Member States should ensure that, when applying this Regulation, the procedural rights of suspects and accused persons subject to pre-trial detention are taken into account***, considering, where appropriate,*** Commission Recommendation ***(EU) 2023/681[21].***

(23) ***A requesting authority should be able to request a transfer of criminal proceedings either on its own initiative, or following consultations with a requested authority, a proposal from a suspect or accused person, or a proposal from a victim.*** This Regulation should not impose any obligation to request ***or*** transfer criminal proceedings. When assessing whether a request for ***the*** transfer of criminal proceedings should be issued, the requesting authority should examine whether such a transfer ***would serve the objective of an efficient and proper administration of justice, including whether it is proportionate*** and appropriate ***for the purpose of the proceedings concerned. That*** assessment should be carried out on a case-by-case basis in order to identify the Member State that is best placed to prosecute the criminal offence in question.

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[21] Commission Recommendation (EU) 2023/681 of 8 December 2022 on procedural rights of suspects and accused persons subject to pre-trial detention and on material detention conditions (OJ L 86, 24.3.2023, p. 44).

(24) When assessing whether a request for transfer of criminal proceedings is justified, the requesting authority should have regard to several criteria, the priority and weight of which should be based on the facts and merits of each individual case. All the relevant factors should be considered in the best ***interests*** of justice. For instance, where the criminal offence has been committed ***in whole*** or in part ***on*** the territory of the requested State, or most of the effects or damage caused by the criminal offence***, when those effects or damage qualify as part of the constituent elements of the criminal offence, occurred on the*** territory of the requested State, that State may be considered ***to be*** in a better position to prosecute, given that the evidence to be collected, such as testimony from witnesses, and victims, or experts' opinions, are in the requested State and can thus be more easily gathered, if the criminal proceedings were transferred. Additionally, the initiation of subsequent proceedings for damages in the requested State would be facilitated if the underlying proceedings establishing ▌ criminal responsibility were also held in the same Member State. Similarly, if most of the evidence ***is*** located in the requested State, a transfer of criminal ***proceedings*** might ease the collection and subsequent admissibility of the evidence gathered in accordance with the law of the requested State.

(25) Where the suspect or accused person ***or, if there are more suspects or accused persons, one or more of them,*** is a national of the requested State or a resident in that State, a transfer of criminal proceedings might be justified for the purpose of ensuring the right of the suspect or accused person to be present at trial, in accordance with Directive (EU) 2016/343. Similarly, where ***one or more*** victims are nationals or residents in the requested State, a transfer can be justified to allow victims to easily participate in criminal proceedings and to be effectively examined as witnesses during the proceedings. In cases where the surrender of a suspect or accused person for whom a European Arrest Warrant was issued is refused in the requested State on the grounds specified in this Regulation, a transfer may also be justified when that person is present in the requested State while not being a national of or a resident in that State.

(26) It is for the requesting authority to assess on the basis of material before it, whether there are reasonable grounds to believe that the suspect, accused person or the victim resides in the requested State. Where only limited information is available, such an assessment ***should*** be the object of consultations between the requesting and requested authorities ***in order to confirm residence of the suspect, accused person or a victim in the requested State. When considering such consultations,*** various objective circumstances that could indicate that the person concerned has established the habitual centre of his or her interests in a particular Member State or has the intention to do so, can be of relevance. Reasonable grounds to believe that a person resides in the requested State could exist, in particular, where a person is registered as a resident in the requested State, by holding an identity card, a residence permit, or ***by*** registration in an official residence register. Where that person is not registered in the requested State, residence could be indicated by the fact that a person manifested the intention to settle in that Member State or has acquired, following a stable period of presence in that Member State, certain connections with that Member State which are of a similar degree as those resulting from establishing a formal residence in that Member State. In order to determine whether, in a specific situation, there are sufficient connections between the person concerned and the requested State giving rise to reasonable grounds to believe that the person concerned resides in that State, it is necessary to take into account various objective factors characterising the situation of that person, which include, in particular, the length, nature and conditions of their presence in the requested State or the family or economic connections which that person has with the requested State. A registered vehicle, ▌ a bank account, the fact that the person's stay in the requested State was uninterrupted or other objective factors may be of relevance ***for determining*** that there are reasonable grounds to believe that the person concerned resides in the requested State. A short visit, a holiday stay, including in a holiday home, or a similar stay in the requested State without any further substantial link should not be enough to establish residence in that Member State. ▌

(27) A transfer of criminal proceedings may also be justified when criminal proceedings are ongoing in the requested State in respect of the same***, partially the same*** or other facts against the suspect or accused person, or when criminal proceedings are ongoing in the requested State in respect of the same***, partially the same*** or related facts against other persons, e.g. in cases of prosecution of cross-border criminal organisations, where different co-accused ***persons*** might be prosecuted in different Member States. Moreover, if the suspect or accused person is serving or is to serve a sentence involving deprivation of liberty in the requested State for another criminal offence, a transfer of criminal proceedings may be justified to ensure the right of the convicted person to be present at the trial for which transfer of criminal proceedings is sought, while serving the sentence in the requested State. Moreover, the requesting authorities should give due consideration to whether the transfer of criminal proceedings could enhance the aim of social rehabilitation of the person concerned in case the sentence were to be enforced in the requested State***.*** ***For that*** purpose, the person's attachment to the requested State, whether they consider it the place of family, linguistic, cultural, social or economic and any other links to the requested State should be taken into account. ***Additionally, competent authorities often reach agreements on the concentration of proceedings based on the identification of the best-placed jurisdiction. Such agreements could be reached in coordination meetings of the European Union Agency for Criminal Justice Cooperation (Eurojust), established by Regulation (EU) 2018/1727 of the European Parliament and of the Council[22], in bilateral or multilateral meetings without the intervention of Eurojust or following consultations under Framework Decision 2009/948/JHA.***

[22] ***Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA (OJ L 295, 21.11.2018, p. 138).***

(28) When requesting a transfer of criminal proceedings, the requesting authority should take into account possibilities of obtaining evidence from other Member States through existing instruments of mutual recognition of judicial decisions, such as***, for the Member States bound by it,*** Directive 2014/41/EU of the European Parliament and of the Council[23], and mutual legal assistance, before considering transfer of criminal proceedings on the sole ground that most of the evidence is located in the requested State.

(29) Suspects or accused persons or victims should have the possibility to ***propose that*** criminal proceedings concerning them ▌ be transferred to another Member State. ***Such a proposal can be presented either to the competent authorities of the requesting State or of the requested State when they consider that there are reasons for which a transfer is justified in the interests of justice. Proposals for transfer of criminal proceedings could be presented in the requesting State by suspects or accused persons, or victims. This may be justified, for instance, when they are aware that there are ongoing criminal proceedings in the requested State in respect of the same, partially the same or other facts against the same suspects or accused persons or in respect of the same, partially the same or related facts against other persons. Proposals for transfer could be presented by suspects, accused persons or victims in the requested State, for instance where they reside or are nationals of that State, or are aware of proceedings having been opened in respect of the same, partially the same, or other facts concerning the same suspects or accused persons. While such proposals*** should ***be considered and recorded, they should not*** impose any obligation on the requesting or requested authority to request or transfer criminal proceedings ***or to engage in consultations with the authority of another Member State for this purpose***. If the authorities become aware of parallel criminal proceedings on the basis of a ***proposal for*** transfer submitted by the suspect or accused person, or the victim, or a lawyer on their behalf, ▌ they are under the obligation to consult each other in accordance with the Framework Decision 2009/948/JHA. ▌

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23 Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1).

(30) The requesting authority should inform as soon as possible the suspect or accused person of the intended ***request for*** transfer ***of criminal proceedings*** and should provide for the possibility for such person to express their opinion***, including on issues of restorative justice***, in accordance with applicable national law, to enable the authorities to take into account their legitimate interests before issuing a request for transfer. ***Such information should be provided in writing. The information may also be provided orally on condition that the fact that the information has been provided is noted in accordance with the recording procedure under national law. The information may be provided using standard forms. Where the requesting authority considers it necessary, for example in view of the age, physical or mental condition of the suspect or accused person concerned, the opportunity to state their opinion should be given to their legal representative, where available.*** When assessing the legitimate interest of the suspect or accused person to be informed about the intended transfer, the requesting authority should take into account the need to ensure confidentiality of an investigation and the risk of prejudicing criminal proceedings against that person, ***for example*** whenever it is necessary to safeguard an important public interest, such as in cases where such information could prejudice ongoing covert investigations or seriously harm the national security of the Member State in which the criminal proceedings are instituted. Where the requesting authority cannot locate ***or reach*** the suspect or accused person despite ▌ reasonable efforts being made, the obligation to inform such person should apply from the moment ***that the suspect or accused person could be located or reached***.

(31) The rights of victims set out in Directive 2012/29/EU of the European Parliament and of the Council[24]***, including the right to information,*** should be taken into account ***when*** applying this Regulation. This Regulation should not be interpreted as preventing Member States from granting victims more extensive rights under national law than those laid down in Union law.

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24 Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14.11.2012, p. 57).

(32) When taking a decision on the transfer of criminal proceedings, the requesting authority should have due regard to the legitimate interests of victims, including their protection ***and restorative justice considerations***, and assess whether the transfer of criminal proceedings might be detrimental for ***victims*** to effectively exercise their rights in the criminal ***proceedings*** concerned. This encompasses, for example, the possibility and arrangements available for victims to testify during trial in the requested State if ***that is*** not the Member State where they reside. Furthermore, consideration should be given to the possibility for victims to obtain and provide evidence, for instance from witnesses and experts, to claim compensation or to benefit from witnesses' protection ***or restorative justice*** programmes in the requested State. The victims' rights to compensation should not be prejudiced by the transfer of criminal proceedings. This Regulation is not to affect rules on compensation and ***the*** restitution of property to victims in national proceedings.

(33) Whenever there is a need to ensure that the protection provided to the victim in the requesting State is continued in the requested State, competent authorities in the requesting State should consider the issuance of a European protection order in ***accordance*** with Regulation (EU) No 606/2013 of the European Parliament and of the Council[25] or***, for the Member States bound by it,*** Directive 2011/99/EU of the European Parliament and of the Council[26].

[25] Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters (OJ L 181, 29.6.2013, p. 4).

[26] Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order (OJ L 338, 21.12.2011, p. 2).

(33a) ***Once the requesting authority intends to request a transfer of criminal proceedings, it should as soon as possible inform the victims who reside or, in case of legal persons, which are established in the requesting State provided they receive information on the criminal proceedings in accordance with Article 6(1) of Directive 2012/29/EU, as implemented in national law, or, in case of legal persons, who requested to receive information in accordance with national law. The requesting authority should provide for the possibility for such persons to express their opinion, in accordance with applicable national law, to enable the authorities to take into account their legitimate interests before issuing a request for transfer. Such information should be provided in writing. The information may also be provided orally on condition that the fact that the information has been provided is noted in accordance with the recording procedure under national law. The information may be provided using standard forms or, in case of exceptionally large numbers of victims to be informed, via other means of general information to the public, such as in specific online publication instruments available to judicial authorities under national law. Where the requesting authority considers it necessary, for example in view of the age, physical or mental condition of the victim concerned, the opportunity to state their opinion should be given to their legal representative, where available. When assessing the legitimate interest of victims to be informed about the intended request for transfer, the requesting authority should take into account the need to ensure confidentiality of an investigation and the risk of prejudicing the criminal investigations, for instance in cases where such information could prejudice ongoing covert investigations or seriously harm the national security of the requesting State.***

(34) *(Moved to 42a)*

(34a) Standard forms can also be used in order to facilitate the possibility for the requesting authority to seek the assistance of the requested authority in order to inform the suspect or accused person, as well as in certain situations provided for under this Regulation, where the requesting and requested authorities can assist each other in informing suspects or accused persons, or victims, about the decision to accept or refuse the transfer of criminal proceedings. The possibility to use such standard forms should not preclude the possibility of direct notifications to suspects, accused persons or victims by the requesting or the requested authority.

(35) The proper application of this Regulation presupposes communication between the requesting and requested authorities involved, which should be encouraged to consult each other whenever it is appropriate to facilitate the smooth and efficient application of this Regulation, either directly or, where appropriate, via ▌Eurojust▌.

(36) The requesting authority should consult with the requested authority prior to issuing a request for ***the*** transfer of criminal proceedings when this is necessary, in particular, in order to determine if the transfer of criminal proceedings would serve the interests of efficient and proper administration of justice***, including whether it is proportionate and appropriate for the purpose of the proceedings concerned***, as well as if the requested authority is likely to invoke one of the grounds for refusal under this Regulation.

(37) When transmitting a request for ***the*** transfer of criminal proceedings, the requesting authority should provide accurate and clear information on the circumstances and conditions underlying the request, as well as any other supporting documentation, with a view to enabling the requested authority to take an informed decision on the transfer of criminal proceedings. ***The completed request form and, with a view to reducing translation costs and time, at least the essential parts of any written supporting documentation or information accompanying the request for the transfer of criminal proceedings, should be translated by the requesting authority into an official language of the requested State or any other accepted language in accordance with this Regulation. The essential parts of the documents concerned are meant to be those extracts that appear necessary for the requested authority to take an informed decision on the request for the transfer of criminal proceedings.***

(38) ***As long as*** the requested authority has not taken a decision to accept ***or refuse*** a transfer of criminal proceedings, the requesting authority should be able to withdraw the request, for instance when it becomes aware of further elements due to which the transfer no longer appears justified. ***Information about the withdrawal of the request to transfer the criminal proceedings should be provided immediately to the requested authority and should be communicated without undue delay to the suspects or accused persons and the victims, as relevant.***

(39) The requested authority should inform the requesting authority of its decision on whether to accept ***or refuse*** the transfer of criminal proceedings without delay and no later than 60 days after the receipt of the request for transfer of criminal proceedings. In specific cases, when it is not feasible for the requested authority to comply with ***that time limit***, for instance if it considers that additional information is necessary, it may only be extended ***by a*** further 30 days to avoid excessive ***delays. When accepting the transfer of criminal proceedings, the requested authority should take a duly reasoned decision. In cases where the requested authority refuses a transfer request it should inform the requesting authority of the reasons of refusal. For this purpose, it is sufficient that the requested authority provides succinct information as to the relevant ground or grounds for refusal***.

(39a) Where the requested authority has accepted the transfer of criminal proceedings, the requesting authority should without undue delay forward originals or certified copies of all documents of the case file, or at least the relevant parts thereof, accompanied by their translation. Once the national proceedings are discontinued, the requesting authority should transmit any remaining relevant parts of the case file in original or certified copy, including relevant physical evidence, such as objects of offence or blood or DNA samples, to the requested authority without undue delay. Original documentation should only be transmitted if requested by the requested authority, for instance where there is a need to examine a document for forensic purposes. Additionally, the original documents of the case file and the physical evidence, when they are no longer needed in the requested State, should, upon request of the requesting authority, be returned to the requesting State, for example when such originals or physical evidence are needed for the purposes of another criminal investigation. Where the requesting State, when asked 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 needed or at the end of the proceedings, the requested State should be able to decide, in accordance with its national law, on the remaining evidence, including whether to preserve or destroy such evidence. The requesting and requested authorities may enter into consultations to determine the relevant parts of the case file to be forwarded and translated.

(39b) Once a request for transfer of criminal proceedings has been accepted, and in order to facilitate an efficient transfer, the requesting and requested authorities should be able to consult each other to determine the necessary documents or parts of such documents to be forwarded, as well as to be translated, where necessary. However, the decision to only send parts of the documents should be balanced and based on a careful consideration of the documents in question so as to not prejudice the fairness of the proceedings.

(40) ***Transfer of criminal proceedings should not be refused on grounds other than those provided for in this Regulation. To be able to accept the transfer of criminal proceedings, prosecution of the facts underlying the criminal proceedings that are subject to the transfer should be possible in the requested State. The requested authority should not accept the transfer of criminal proceedings when the conduct for which transfer is sought is not a criminal offence in the requested State, or when the requested State does not have jurisdiction over that criminal offence, unless it exercises jurisdiction provided under this Regulation. The requested authority should also not accept the transfer of criminal proceedings if the conditions for prosecuting the criminal offence in the requested State are not fulfilled. This could be the case, for example, if a complaint by the victim, which is necessary for prosecuting the criminal offence in the requested State, has not been filed in time, or where, because of death or insanity of the suspect or accused person, prosecution has become impossible pursuant to the law of the requested State. Furthermore, the transfer of criminal proceedings should not be accepted in case of other impediments to prosecution in the requested State. The requested authority should also be able to refuse a transfer of criminal proceedings, if the suspect or accused person benefits from a~~n~~ privilege or immunity in accordance with the law of the requested State, for example in relation to certain categories of persons (such as diplomats) or specifically protected relationships (such as lawyer-client privilege), or if the requested authority believes that such transfer is not justified by the interests of an efficient and proper administration of justice, for instance because none of the criteria for requesting a transfer of criminal proceedings are met, or if the request form certificate for a request for transfer is incomplete or manifestly incorrect and has not been completed or corrected by the requesting authority, thus not enabling the requested authority to have the necessary information to assess the request for transfer of criminal proceedings. The requested authority should also be able to refuse the request if the conduct is not an offence at the place where it was committed, and the requested State has no original jurisdiction to investigate and prosecute such offence. This ground for refusal takes into account the principle of territoriality which means that the requested State should be able not to accept the transfer of criminal proceedings in cases where the alleged criminal offence, which is committed outside the territory of the requesting State, is not an offence at the place where it was committed, and the law of the requested Member State does not authorise the prosecution of such offences where committed outside its territory. For the purposes of this Regulation, 'original jurisdiction' means jurisdiction which is already provided for by national law, and which does not derive from this Regulation.***

(41) The principle of ***ne bis in idem***, as set out in Articles 54 to 58 of the Convention implementing the Schengen Agreement ***of 14 June 1985***[27] and in Article 50 of the Charter, and as interpreted by the Court of Justice of the European Union, is a basic fundamental principle of criminal law, according to which a defendant should not be tried or punished again in criminal proceedings for the criminal offence for which he or she has already been finally acquitted or convicted. Therefore, the requested authority should refuse the transfer of criminal proceedings, if taking them over would be contrary to that principle.

(41a) When examining whether to accept or reject a request for the transfer of criminal proceedings, the requested authority should assess whether such a transfer would serve the objective of an efficient and proper administration of justice. That assessment should be carried out on a case-by-case basis in order to identify the Member State that is best placed to prosecute the criminal offence in question. The requested authority should enjoy broad margin of discretion for the purpose of that assessment. Such assessment should be limited to the relevant circumstances of the case, including whether there is a prima facie indication that 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, which are or is part of the constituent elements of the offence, did not occur on the territory of that State, and the suspect or accused person is not a national of or resident in that State. Personal, material or family situation of a victim, witness or other individual concerned should not be decisive in itself on the assessment of whether the transfer of criminal proceedings would serve the objective of an efficient and proper administration of justice.

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[27] Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19).

(42) Before deciding ***to refuse*** a request for ***the*** transfer of criminal proceedings on the basis of any ground for refusal, the requested authority should consult***, where appropriate,*** the requesting authority in order to obtain any necessary additional information.

(***42a***) The requested State should ensure access to ***an*** effective legal ***remedy*** for suspects and accused persons, as well as for victims, against the decision to accept the transfer of criminal proceedings in ***accordance*** with Article 47 of the Charter and the procedures applicable under national law, whenever their rights are adversely affected in the application of this Regulation. ***Review of the decision concerning the transfer of criminal proceedings should be based exclusively on the criteria foreseen in the grounds for refusal mentioned in this Regulation. The assessment of whether the criminal proceedings should be transferred should involve a consideration of all circumstances which are relevant for the examination of those criteria. That assessment could often involve not only balancing the interests or rights of individuals whose rights may be affected, but also a consideration of the specificities and practical aspects of the operation of the criminal justice system. Such legal remedy should be without prejudice to other legal remedies under national law.***

(42aa) The requested authority should have broad discretion in assessing whether the transfer of proceedings is in the interests of efficient and proper administration of justice, and whether a request for transfer should be refused on any of the optional grounds for refusal set out in this Regulation. The examination of the exercise of such discretion should be limited to reviewing whether the requested authority, when taking the decision to accept the request for transfer of proceedings, has manifestly exceeded the limits of its discretion.

(42b) The outcome of the legal remedy could be that the decision to accept the transfer of criminal proceedings is upheld or overturned in whole or in part. In principle, in case of a successful remedy, the criminal proceedings will revert to the requesting State. However, in some situations the court can also decide, in accordance with its national law, that the decision to accept the transfer of criminal proceedings can be upheld provided that certain conditions or additional formalities are complied with, e.g., the condition that some missing elements of the request form are completed, or that additional measures are taken for the execution of the transfer, for instance, continuing witness protection.

(42c) In any case, the legal remedy under this Regulation should not entail any review of the merits of the case, such as whether the evidence is sufficient to justify opening or continuing an investigation, whether the facts of the case or the subjective aspects, such as intention or serious negligence, are established to the applicable standards, or concerning the probative value or the probative force of already collected evidence or the credibility of statements.

(42d) With a view to guaranteeing that the right to a legal remedy can be exercised effectively, the requested State should ensure that suspects, accused persons, and victims have the right of access to all documents related to the transfer of criminal proceeding that formed the basis for the decision to accept a transfer under this Regulation, and that are necessary to effectively challenge the decision accepting the transfer. The right of access to such documents should be exercised in accordance with procedures in the law of the requested State and might be limited, where it would undermine the confidentiality of an investigation, or otherwise prejudice the investigation or harm the safety of persons. Any refusal of such access must be weighed against the rights of the concerned persons, taking into account the different stages of the criminal proceedings. Restrictions on such access should be interpreted strictly and in accordance with the principle of the right to a fair trial under the Charter.

(42e) ***The time limit for the suspect, the accused person or the victim seeking an effective legal remedy should not be longer than 15 days from the date of receipt by the person concerned of the reasoned decision to accept the transfer. The situations where the suspect, accused person or victim is not identified at the time of the transfer of ~~the~~ criminal proceedings, and where for that reason the reasoned decision could not be communicated to such person at that time, should be subject to national law.***

(43) The acceptance of ***the*** transfer of criminal proceedings by the requested authority should result in the suspension or discontinuation of criminal proceedings in the requesting State to avoid duplication of measures in the requesting and requested State. This should ***however*** be without prejudice to ***necessary investigative*** or other procedural measures***, including necessary urgent measures,*** which ***the requesting State may need to undertake after the receipt of notification of the acceptance by the requested authority, where the efficient and proper administration of justice so requires*** The notion of 'investigative or other procedural measures' should be interpreted broadly, as including not only any measure for the purpose of gathering evidence, but also any procedural act imposing pre-trial detention or any other interim measure. To avoid abusive challenges and ensure that the criminal proceedings are not ***prolonged*** at length ***in the requesting State***, ***once the undertaken investigative or procedural measures are finalised or no longer necessary, the criminal proceedings in the requesting State should be discontinued.*** If a legal remedy with a suspensive effect has been invoked in the requested State the criminal proceedings should not be suspended nor discontinued in the requesting State until a decision on the remedy has been taken in the requested State.

(43a) *(moved to 39b)*

(44) ***In cases where jurisdiction for the criminal proceedings is derived exclusively on the basis of this Regulation, Member States should be able to provide under their national law a legal basis for the provisional arrest of the suspect or accused person staying in the requested State or for the adoption of other provisional measures by the competent authority of such State, when a request for transfer has been received and pending the decision on the acceptance or refusal. Such provisional arrest or other provisional measures can only be taken in accordance with national law, and only where necessary. Such provisional measures should be subject to the same procedural safeguards applicable to the same measures under national law, including judicial oversight. Moreover, such provisional measures should be taken following a proper assessment on the basis of the information available to the requested authority.*** This Regulation should ***however*** not constitute a legal basis for arresting persons with a view to their physical transfer to the requested State in order for the latter to bring criminal proceedings against that person.

(45) ***A competent authority of*** the requested ***State*** should inform the requesting authority in writing of any decision delivered at the end of the criminal proceedings in the requested State. Framework Decision 2009/948/JHA imposes a similar obligation where an agreement was reached on the concentration of proceedings in one Member State. Where the requested authority decides to discontinue criminal proceedings related to the facts underlying the request for transfer, it should also include the reasons for such discontinuation. ***At least the essential parts of such information and of the final written decision delivered in the requested State, should be translated by the requested authority into an official language of the requesting State or any other accepted language in accordance with this Regulation. The essential parts of the information and the decision are meant to be those extracts that appear necessary for the requesting authority to have knowledge of their general content.***

(46) If the requested authority decides to discontinue criminal proceedings related to the facts underlying the request for transfer, the requesting authority may continue or reopen criminal proceedings whenever this would not entail a violation of the ***ne bis in idem*** principle, ***as interpreted by the Court of Justice,*** i.e. whenever that decision does not definitely bar further prosecution under the law of the requested State and ***was not given after a determination has been made on the merits of the case,*** therefore ▌ not prevent***ing*** further proceedings, in respect of the same acts, in that State. Victims should have the possibility to initiate or to request reopening of the criminal proceedings in the requesting State in accordance with the national law of that State, provided that this would not entail a violation of the ***ne bis in idem*** principle.

(47) Once criminal proceedings are transferred in accordance with this Regulation, the requested authority should apply its relevant national law and procedures. Nothing in this Regulation should be interpreted as interfering with any prosecutorial discretion provided for in national law.

(47a) Nothing in this Regulation should be interpreted as affecting the duration of the period of limitation in the requested State, as provided for in the national law of that State.

(47aa) With the aim of giving full effect to the transfer of criminal proceedings, evidence transferred by the requesting authority should not be denied admission in the corresponding criminal proceedings in the requested State on the basis of the mere consideration that the evidence was gathered in another Member State. The competent court in the requested State should maintain its judicial discretion in assessing such evidence in accordance with national law, while suspects and accused persons should maintain their rights to challenge the admissibility of such evidence in accordance with their rights of defence under the Charter. In line with those principles, and in respecting the different legal systems and traditions of the Member States as provided for in Article 67(1) TFEU, nothing in this Regulation may be interpreted as prohibiting the courts from applying the fundamental principles of national law on fairness of the procedure that they apply in their national systems, including in common law systems.

(48) The requested State should apply its national law to determine the sentence applicable to the criminal offence in question. In cases where the criminal offence has been perpetrated ***on*** the territory of the requesting State, the requested authorities may take into consideration in the determination of the sentence the maximum penalty envisaged in the law of the requesting State, whenever this is to the benefit of the accused person, and in accordance with the law of the requested State. This should be taken into account in situations where the transfer of criminal proceedings would lead to the application in the requested State of a higher sentence than the maximum sentence provided for in the requesting State for the same criminal offence, with a view to ***ensuring*** a degree of legal certainty and foreseeability of the applicable law for the suspects or accused persons concerned. The maximum sentence envisaged in the law of the requesting State should always be taken into account where jurisdiction of the requested State is based exclusively on this Regulation.

(49) ***Each Member State should bear its own costs of transfers of criminal proceedings, including those related to the exercise of procedural rights to which the suspect or the accused person is entitled to in each of the Member States concerned, in accordance with the applicable Union and national law.*** Member States should not be able to claim from each other compensation for costs resulting from the application of this Regulation. However, when the requesting State has incurred large or exceptional costs, ***in particular*** related to the translation of the documents in the case file to be transferred to the requested State, a proposal by the requesting authority to share the costs should be considered by the requested authority. ***In such cases, the requesting and requested authorities should consult each other in order to reach an agreement on the sharing of costs. Ideally such consultations should take place before the request for transfer is issued. If no agreement can be reached before the decision to accept the transfer of criminal proceedings is adopted, the requesting authority may decide to withdraw the request in accordance with this Regulation or maintain the request and bear the part of the costs deemed exceptionally high.***

(50) The use of a standardised ***request form*** translated in all official Union languages would facilitate cooperation and the exchange of information between the requesting and requested authorities, allowing them to take a decision on the request for transfer more quickly and effectively. It ***would also reduce*** translation costs and ***contribute to a*** higher quality of requests.

(51) The ***request form*** should only include personal data necessary to facilitate the requested authority's decision on the request. The ***request form*** should contain an indication of the categories of personal data, such as whether the related person is ***a*** suspect, ***an*** accused ***person or a*** victim, as well as the specific fields for each of ***those*** categories.

(52) In order to effectively address a possible need for improvement regarding the ***request form*** to be used to request ***the*** transfer of criminal proceedings ***or other forms***, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union ***(TFEU)*** should be delegated to the Commission to amend the Annex to this Regulation. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[28]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

[28] OJ L 123, 12.5.2016, p. 13.

(53) In order to ensure swift, direct, interoperable, reliable and secure exchange of case-related data, communication under this Regulation between the requesting and requested authorities and with the involvement of central authorities, where a Member State has designated a central authority, as well as with Eurojust, should as a rule be carried out through the decentralised IT system within the meaning of Regulation (EU) ***2023/2844 of the European Parliament and of the Council***[29]. In particular, the decentralised IT system should, as a rule, be used for the exchange of the ***request form*** and of any other relevant information and documents, and all other communication between the authorities under this Regulation. In cases where one or more of the exceptions mentioned in the Regulation (EU) ***2023/2844*** apply, in particular, where the use of the decentralised IT system is not possible or appropriate, other means of communication may be used as specified in that Regulation.

(54) Member States could use a software developed by the Commission (***'***reference implementation software***'***) instead of a national IT system. ***The*** reference implementation software should be based on a modular setup, meaning that the software is packaged and delivered separately from the e-CODEX components needed to connect it to the decentralised IT system. ***That*** setup should enable Member States to reuse or enhance their existing national judicial communication infrastructures for the purpose of cross-border use.

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[29] ***Regulation (EU) 2023/2844 of the European Parliament and of the Council of 13 December 2023 on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L, 2023/2844, 27.12.2023, ELI: http://data.europa.eu/eli/reg/2023/2844/oj)***

(55) The Commission should be responsible for the creation, maintenance and development of this reference implementation software. The Commission should design, develop and maintain the reference implementation software in a way that allows the controllers to ensure compliance with the data protection requirements and principles laid down in Regulation ▌(EU) 2018/1725 ▌of the European Parliament and of the Council[30] and Directive (EU) 2016/680 of the European Parliament and of the Council[31], in particular the obligations of data protection by design and by default as well as high level of cybersecurity. The reference implementation software should also include appropriate technical measures and enable the organisational measures necessary for ensuring an appropriate level of security and interoperability, taking into account that special categories of data may also be exchanged. The Commission does not process personal data in the context of creation, maintenance and development of this reference implementation software.

(56) The reference implementation software developed by the Commission as a back-end system should programmatically collect the statistical data necessary for monitoring purposes and such data should be transmitted to the Commission. Where Member States choose to use a national IT system instead of the reference implementation software developed by the Commission, such a system could be equipped to programmatically collect those data and, in that case, those data should be transmitted to the Commission. The e-CODEX connector could also be equipped with a feature allowing retrieval of relevant statistical data.

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30 ***Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).***

31 ***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).***

(57) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to establish a decentralised IT system. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[31].

(58) This Regulation should create the legal basis for the exchange of the personal data between the Member States for the purposes of the transfer of criminal proceedings in ***accordance*** with Article 8 and Article ***10, point (a), of*** Directive (EU) 2016/680. However, as regards any other aspect, such as the time period for the retention of personal data received by the requesting authority, the processing of personal data by the requesting and requested authorities should be subject to the national laws of Member States adopted pursuant to the Directive (EU) 2016/680. The requesting and requested authority should be considered as controllers with respect ***to*** the processing of ▌ personal data under that Directive. The central authorities ***could*** provide administrative support to the requesting and requested authorities and, to the extent they are processing personal data on behalf of those controllers, they should be considered as processors of the respective controller. As regards the processing of personal data by Eurojust, Regulation (EU) 2018/1725 ▌ should apply in the context of this Regulation without prejudice to the specific data protection rules of ▌ Regulation (EU) 2018/1727***. Nothing in this Regulation should be interpreted as further extending access rights to other Union information systems under the Union legal acts establishing those systems***.

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[31] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

(59) Since the objective of this Regulation, namely the transfer of criminal proceedings, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and its effects, be better achieved at Union level, the Union may adopt measures**,** in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union ***(TEU)***. In accordance with the principle of proportionality ▌ as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

(60) ▌ In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the ***TEU and to the TFEU***, Ireland has notified ▌ , by letter ***received on 19 July 2023***, ***of*** its wish to take part in the adoption and application of this Regulation.

(61) In accordance with Articles 1 and 2 of the Protocol No 22 on the position of Denmark, annexed to the ***TEU*** and to the ***TFEU***, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

(62) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) ***2018/1725*** and delivered an opinion on ***22 May 2023***,

HAVE ADOPTED THIS REGULATION:

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 shall apply in all cases of transfer of criminal proceedings ***that are being conducted in Member States of the Union***.

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 ***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 ***these*** proceedings ***to another Member State*** is issued***, or which has initiated consultations concerning a possible transfer or which has received a consultation request under Articles 5(3) or 15(2)***;

(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 of criminal proceedings ***or which has received a request for consultations concerning a possible transfer or has initiated consultations pursuant to Articles 5(3) or 15(2)***;

(3) ‘requesting authority’ means:

(a) a judge, court, investigating judge or public prosecutor 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, a court, an investigating judge or a 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 transfer of criminal proceedings has been validated by a judge, a court, an investigating judge or a public prosecutor, that authority may also be regarded as a requesting authority for the purposes of transmitting the request;

(4) ‘requested authority’ means a judge, a court, an investigating judge or a public prosecutor having ***the*** competence to take a decision on whether to accept ***or refuse*** transfer of criminal proceedings in accordance with Article ***12(1)*** and to take***, where the legal system of the requested State 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 under Article 12(1) must be taken exclusively by a judge, a court, an investigating judge or a public prosecutor, on the basis of its assessment of the grounds for refusal under Article 13, 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 prosecutor to take measures other than the decision on whether to accept or refuse a transfer of criminal proceedings on the basis of Article 12(1), provide that another authority, with competence to take measures in criminal proceedings under its national law, takes 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 an IT system as defined in Article 2, point (4**3**), of Regulation (EU) ***2023/2844*** [Digitalisation Regulation];

(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 object 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 law of the requesting State is applicable ▌ in situations where:

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

(c) most of the effects of the criminal offence or a substantial part of the damage, which ***are or*** is 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 resident ***in*** the requested State;

(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 resident ***in*** the requested State.

2. The jurisdiction established by the requested State exclusively by virtue of paragraph 1 may be exercised only pursuant to a request for 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 a transfer of criminal proceedings

1. A request for transfer of criminal proceedings may only be issued where the requesting authority deems that the objective of an 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***, which are or is part of the constituent elements of*** the criminal offence occurred ***on*** the territory of the requested State;

   (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 judgement passed upon this 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 are*** present in the requested State and that State refuses to surrender ***those persons*** for whom a European arrest warrant has been issued, if it finds that there are, in exceptional situations, substantial grounds to believe, on the basis of specific and objective evidence, that surrender would, in the particular circumstances of the case, entail a manifest breach of a relevant fundamental right as set out 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 ***resident 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 for a more appropriate enforcement of the sentence in the requested State;

(j) ***one or more*** victims are nationals of or residents in the requested State. ***Due account shall be taken of child victims and other vulnerable groups;***

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

3. The suspect or accused person, or ***a victim, may, in accordance with procedures in national law, propose*** the competent authorities of the requesting State or of the requested State ***that criminal proceedings be transferred under the conditions of*** this Regulation. ***Such proposals shall be considered and recorded using the recording procedure in accordance with the law of the Member State concerned. If the proposal is made to the competent authority in 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 or transfer criminal proceedings to the requested State***, or for the requesting or requested authority to engage in consultations with each other***.

Article 6

The rights of the suspect or accused person

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

1a. The rights set out in paragraphs 2 and 3 of this Article and in Articles 15a and 15c apply to suspects or accused persons in criminal proceedings from the time when 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.

2. Provided that it would not undermine the confidentiality of an investigation ***or otherwise prejudice the investigation, the requesting authority shall inform the suspect or accused person*** of the intended ***request for*** transfer of criminal proceedings, in ***accordance with the applicable national law and in*** a language which they understand, and shall ***provide them with*** an opportunity to state their opinion ***on the transfer, including on aspects related to restorative justice, prior to the request, unless that*** person ***cannot be located or reached despite reasonable efforts being made by the requesting authority***. Where the request for ***the*** transfer of criminal proceedings follows a ***proposal*** from the suspect or accused person under Article 5(3), such ***information to*** the suspect or accused person who made the ***proposal*** is not required.

3. ***Where the suspect or accused person decides to state an*** opinion ***as*** referred to in paragraph 2***, it shall be delivered no later than ten days after*** the suspect or accused person ***has been informed of the intended transfer and given the opportunity to state their opinion. Such opinion*** shall be taken into account ***and recorded*** by the requesting authority when deciding whether to request the transfer of criminal proceedings. ***The opinion shall be recorded using the recording procedure in accordance with the law of the requesting State.***

3a. ***If the suspect or accused person is in the requested State, the requesting authority may, for the purpose of providing the information and seeking their opinion in accordance with paragraphs 2 and 3, transmit the form set out in Annex II, completed with the relevant information, to the requested authority. In such cases, the requested authority shall provide the information to and seek the opinion of the suspect or accused person in accordance with paragraphs 2 and 3. The requested authority shall inform the requesting authority accordingly and transmit to that authority the opinion of the suspect or accused person.***

4. Where the ***suspect or accused person has been informed about the intended transfer*** in accordance with ***paragraph 2***, the requesting authority shall ***also*** inform ***them without undue delay***, in a language which they understand, about the issuing of the request for transfer of criminal proceedings ▌.

4a. ***If the suspect or accused person is in the requested State, the requesting authority may, for the purpose of providing the information referred to in paragraph 4, transmit the completed form set out in Annex III 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.***

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 restorative justice considerations.***

2. Provided that it would not undermine the confidentiality of an investigation ***or otherwise prejudice the investigation, the requesting authority shall inform*** the victim ***who*** resides ***or, in case of a legal person, is established*** in the requesting State ***and who receives the information specified in Article 6(1) of Directive 2012/29/EU, as implemented in*** national law, ***or, in case of a legal person, in accordance with national law,*** of the intended ***request for*** transfer of criminal proceedings, in ***accordance with the applicable national law, in*** a language which they understand, and shall ***provide them with*** an opportunity to state their opinion***, including on aspects related to restorative justice, prior to the request***. Where the ***request for the transfer of criminal proceedings follows a proposal from a*** victim ***in accordance with Article 5(3) of this Regulation, the requesting authority is not required to provide the above information to such victim***. ▌

3. ***Where the victim decides to state an*** opinion ***as*** referred to in paragraph 2***, it shall be delivered no later than ten days after the victim has been informed*** of the ***intended transfer and given the opportunity to state their opinion. Such opinion*** shall be taken into account ***and recorded*** by the requesting authority when deciding whether to request the transfer of criminal proceedings. ***The opinion shall be recorded using the recording procedure in accordance with the law of the requesting State.***

4. Where the ***victim has been informed about the intended transfer*** in accordance with ***paragraph 2***, the requesting authority shall ***without undue delay*** inform ***that*** victim ▌, in a language which they understand, about the issuing of the request for transfer of criminal proceedings ▌.

Article 9

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 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(2) and (3) or 7(2) and (3), or the presentation of proposals under Article 5(3)***;

(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 measure and the time limit for the application of such measure(s)***;

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

3. Where the suspect or accused person has given their opinion under Article 6(2) ***and (3)*** or ***where*** the victim has given their opinion under Article 7(2) ***and (3)***, that opinion shall be forwarded to the requested authority together with the request for 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*** referred to in paragraph 1***, 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 that the requested State will accept in accordance with Article 30(1), point (c).

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 18. The requesting and requested authorities shall carry out all other official communication directly or, where applicable, with the involvement of a central authority referred to in Article 18.

7. Where the requested authority is not known to the requesting authority, the latter shall make all necessary inquiries, including through the contact points of the European Judicial Network ***as provided for by Council Decision 2008/976/JHA***[33], in order to determine which authority is competent ***in the requested State*** for taking the decision under Article 12***(1)***.

7a. Without undue delay after receipt of a request form, and in any event within seven days of receipt, the requested authority shall send to the requesting authority an acknowledgement of receipt. This obligation applies both to the central authority referred to in Article 18, where applicable, and to the requested authority which receives the request for transfer of criminal proceedings from the central authority.

8. Where the authority in the requested State which received the request has no competence to take a decision under Article 12, 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 10

Information to be given by the requesting authority ***after the transmission of the request***

1. The requesting authority shall inform the requested authority of any procedural acts or measures with a bearing on the criminal proceedings that ***were*** undertaken in the requesting State after the transmission of the request without undue delay. ***When communicating that information to the requested authority, the requesting authority shall include*** all relevant documents.

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

2. Such information and the essential parts of the relevant accompanying documents, referred to in the first paragraph, shall be translated by the requesting authority into an official language of the requested State or any other language that the requested State will accept in accordance with Article 30(1), point (c).

Article 11

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 12**(1)**. ***In such an event, the requesting authority shall immediately inform the requested authority thereof.***

1a. The requesting authority shall also inform the suspect and accused person that has been informed in accordance with Article 6(2) and the victim that has been informed in accordance with Article 7(2) about the withdrawal of the request for transfer of criminal proceedings in a language which they understand.

1b. If the suspect or accused person is in the requested State, the requesting authority may, for the purpose of providing the information referred to in paragraph 1a, transmit the completed form set out in Annex VI to the requested authority. In such cases, the requested authority shall provide the information to the suspect or accused person and inform the requesting authority accordingly.

2. 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.

Article 12

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.***

1a. The requested authority shall communicate the decision to the requesting authority, in accordance with the time-limits under Article 14.

2. 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, together with a translation into an official language of the requested State or any other language that the requested State will accept in accordance with Article 30(1) point (c).***

3. If the requested authority decides to refuse the transfer of criminal proceedings in accordance with Article 13, ***the requested authority*** shall inform the requesting authority of the reasons for such refusal. ▌

4. *(deleted)*

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 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 that the requested State will accept in accordance with Article 30(1), point (c). ▌

5a. Once the national criminal proceedings are discontinued in accordance with Article 19, the requesting authority shall transmit any remaining relevant parts of the case file, in original or certified copy, including relevant physical evidence, to the requested authority without undue delay. In case a certified copy of the case file has already been provided, the requesting authority shall, upon request of the requested authority, transmit the original documents. The requesting State may require that the original case file or physical evidence be returned to the requesting State once it is no longer required in the requested State or at the end of the proceedings in the requested State. Where the requesting State, when asked to do so by the requested State, has indicated that it does not intend to recover the file or the physical evidence when it is no longer needed or at the end of the proceedings, the requested State may decide, in accordance with its national law, on the remaining evidence, including whether to preserve or destroy such evidence.

5b. For the purposes of applying paragraphs 5 and 5a, the requesting and requested authorities may consult each other in order to determine the relevant parts of the case file to be forwarded, as well as to be translated.

Article 13

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 in one or more of the following situations:

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

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

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

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

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

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

(f) if the requested State ***has neither*** jurisdiction over the criminal offence ***in accordance with national law, nor*** 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 exist:

(a) there is ***privilege or immunity*** under the law of the requested State which makes it impossible to take action;

(b) the requested authority considers that the transfer of criminal proceedings is not in the ***interests of the*** 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***, which are or is part of the constituent elements of the*** offence***,*** did not occur ***on*** the territory of that State, and the suspect or accused person is not a national of or resident in that State;

(d) the ***request form*** referred to in Article 9(1) is incomplete or manifestly incorrect and has not been completed or corrected following the consultation referred to in paragraph 3 ***of this Article;***

(da) 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 offence.

3. In any of the situations referred to in paragraphs 1 and 2, 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, shall request ***that it provides*** any necessary information without ***undue*** delay.

4. In the situation referred to in paragraph 2, point (a), 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 privilege or immunity lies with an authority of another State or international organisation, the requesting authority shall request that ***that authority*** exercise that power.

Article 14

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 case no later than 60 days after the receipt of the request for ***the*** transfer of criminal proceedings by the competent requested authority.

2. Where 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 thereof, giving reasons for the delay. In such a case, 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 law of the requested State, the time limit referred to in paragraph 1 shall not ***commence*** unless, and ▌ from the day ***on which*** the requested authority is informed of the fact that the privilege or immunity has been waived.

Article 15

Consultations between the requesting and requested authorities

1. Where necessary and without prejudice to ***Article 12(2), (5), (5a) and (5b), Article*** 13(3) and ***Article*** 17(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 and requested authorities*** 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 ***the*** efficient and proper 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 it would undermine the confidentiality of an investigation or otherwise prejudice the investigation***.

4. Requests for consultations***, which are made under this Article,*** shall be answered without ***undue*** delay.

Article 15a

Information to be provided to the suspect and accused person

1. Where the requested authority has taken a decision in accordance with Article 12(1) ***to accept the transfer of criminal proceedings, the requested*** authority shall, provided that it would not undermine the confidentiality of an investigation ***or otherwise prejudice the investigation***, ▌ inform the suspect or accused person ***without undue delay***, in a language which ***that suspect or accused person understands, about the*** acceptance ▌ of the transfer by the requested authority, unless that person cannot be located ***or reached*** despite reasonable efforts being made by the ***requested*** authority. ▌ The requested authority ***shall provide the suspect or accused person with a copy of the reasoned decision accepting*** the transfer of ***criminal proceedings and inform*** the suspect or accused person ▌ about their 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. If the suspect or accused person is in the requesting State, the requested authority may, when applying paragraph 1 of this Article, transmit the completed form set out in Annex IV to the requesting authority. In such cases, the requesting authority shall provide the information to the suspect or accused person and inform the requested authority accordingly.

3. Where the requested authority has taken a decision in accordance with Article 12(1) to refuse the transfer of criminal proceedings, the requesting authority shall, provided that it would not undermine the confidentiality of an investigation or otherwise prejudice the investigation, inform the suspect or accused person, without undue delay, in a language which they understands, about the decision for refusal of the transfer by the requested authority, unless that person cannot be located or reached, despite reasonable efforts being made by the requesting authority. 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.

4. If the suspect or accused person is in the requested State, the requesting authority may, when applying paragraph 3 of this Article, transmit the completed form set out in Annex IV to the requested authority. In such cases, the requested authority shall provide the information to the suspect or accused person and inform the requesting authority accordingly.

Article 15b

Information to be provided to the victim

1. Where the requested authority has taken a ***reasoned*** decision in accordance with Article 12(1) ***to accept the transfer of criminal proceedings, and*** provided that would not undermine the confidentiality of an investigation ***or otherwise prejudice the investigation, the requested authority shall, without undue delay,*** inform the victim ***who resides, or, in the case of a legal person, is established*** in the requesting State, ***and who receives the information on the criminal proceedings in accordance with Article 6(1) of Directive 2012/29/EU, as implemented by national law, or, in the case of a legal person, in accordance with national law, in a language which they understand, about the acceptance*** of the transfer by the requested authority***, unless that victim cannot be located or reached, despite reasonable efforts being made by the requested authority. The requested authority*** shall also ***inform the victims*** about their right to ***an effective*** legal remedy ▌ in the requested State, including ***regarding*** 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.***

1a. If the victim is in the requesting State, the requested authority may, when applying paragraph 1 of this Article, transmit the completed form set out in Annex V to the requesting authority. In such cases, the requesting authority shall provide the information to the victim and inform the requested authority accordingly.

2. Where the requested authority has taken a decision in accordance with Article 12(1) to refuse the transfer of criminal proceedings, the requesting authority shall, provided that it would not undermine the confidentiality of an investigation or otherwise prejudice the investigation, inform without undue delay the victim who resides or, in case of a legal person, is established in the requesting Member State and who receives information on the criminal proceedings in accordance with Article 6(1) of Directive 2012/29/EU or, in case of a legal person, in accordance with national law, in a language which they understand, about the refusal of the transfer by the requested authority unless that victim cannot be located or reached despite reasonable efforts being made by the requesting authority.

Article 15c

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.

2. The right to ***an effective*** legal remedy shall be exercised before a court ***or tribunal*** in the requested State in accordance with its ***national law.***

3. The decision to accept the transfer of criminal proceedings shall be examined in accordance with national law on the basis of the criteria provided for in Article 13(1) and (2). In so far 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 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 proceeds of crime.***

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

The requested authority shall inform the requesting authority about the ***final outcome of the remedy*** sought***. In case the outcome of the legal remedy is that the decision accepting the transfer of criminal proceedings is overturned, the criminal proceedings will revert to the requesting authority***.

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

4. 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 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 in the 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 16

Cooperation with Eurojust and the European Judicial Network

The requesting and requested authorities may, at any stage of the procedure, request the assistance of Eurojust or the European Judicial Network in accordance with their respective competences. In particular, where appropriate, Eurojust may facilitate consultations referred to in Articles ***12(2), 12(5), (5a) and (5b)***, 13(3), 15**,** 17(2) ***and 19(3).***

Article 17

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 ***12(2), (5), (5a) and (5b)*** 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 with each other. ▌

Article 18

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.

CHAPTER 3
EFFECTS OF THE TRANSFER OF CRIMINAL PROCEEDINGS

Article 19

Effects in the requesting State

1. ***Upon receipt of the reasoned decision to accept the transfer of criminal proceedings in accordance with Article 12(1a), or of the final decision on a legal remedy invoked under Article 15c***, those 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 must revert to the requesting State, or the requesting authority has already done so 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 necessary investigative or other procedural measures, including measures to prevent the suspect or accused person from absconding, previously adopted that are necessary in order to execute a decision ▌ on ***the basis of*** Framework Decision 2002/584/JHA or 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 laws, in particular where the law of the requested State requires observation of certain formalities and procedures, notably concerning the admissibility of evidence. The requesting authority and the requested authority shall also cooperate, on the provisional measures taken before transfer and under paragraph 2(a) and (b) of this Article.***

4. ***Where the execution of the measures taken under paragraph 2(a) and (b) 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(a) and (b) 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 given after a determination has been made on the merits of the case,*** therefore ***preventing*** further criminal proceedings ▌ in respect of the same acts ▌ in the requested State.

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 given after a determination has been made on the merits of the case,*** therefore ***preventing*** further criminal proceedings, in respect of the same acts, in ***the requested*** State.

Article 20

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 its own authorities. Without prejudice to Article 13(1), point (d),*** any act ***that interrupts or suspends*** the period of limitation ***when it has been validly performed in the requesting State*** shall have the same ***effects*** in the requested State ***if such act also interrupts or suspends the period of limitation under the law of the requested State***.

2a. 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 in that State, a competent authority in the requested State may, once it has received the transfer request 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 in its territory, or take other necessary provisional measures such as freezing, pending a decision to accept the transfer of criminal proceedings.

2b. The decision to put the suspect or accused person in detention shall be taken in accordance with paragraph 2a by the same authority that would be competent to take this measure 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.

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

4. Provided that a custodial sentence or detention order is issued in the requested State, the latter shall deduct all periods of detention spent in the requesting State, which were imposed in the context of the transferred criminal proceedings, from the total period of detention to be served in the requested State as a result of a custodial sentence or detention order being issued. 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.

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

6. The sentence applicable to the criminal offence shall be the one prescribed by the law of the requested State unless that law provides otherwise. The requested authority may take into consideration, in accordance with the applicable national law, the maximum sentence set out in the law of the requesting State, ***where*** the criminal offence ***was*** perpetrated ***on*** the territory of the requesting State***, and*** where ***this is 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 set out in the law of the requesting State.

Article 21

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 ▌ any decision delivered at the end of the criminal proceedings, including whether that decision, under the national law of the requested State, definitively bars further prosecution ***and*** **was** ***given after a determination has been made on the merits of the case*** therefore prevent***ing*** further criminal proceedings, in respect of the same acts, in that State***, as well as 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 delivered at the end of the criminal proceedings to the requesting authority.

The information and the final decision shall be provided, together with a translation of at least the essential parts thereof, into an official language of the requesting State or any other language that the requesting State will accept in accordance with Article 30(1), point (c).

CHAPTER 4
MEANS OF COMMUNICATION

Article 22

Means of communication

1. Communication under this Regulation, including the exchange of **the** ***request form and other forms*** set out in the Annex***es***, the decision referred to in Article 12(1) and other documents referred to in Article 12(5), between the requesting and requested authorities and with the involvement of central authorities, where a Member State has designated a central authority in accordance with Article 18, 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 ***12(5b)*** and Article 15 between the requesting authority and the requested authority and with the involvement of the central authority(ies), where a Member State has designated a central authority in accordance with Article 18, as well as with Eurojust may be carried out using any appropriate means of communication, including through the decentralised IT system.

Article 23

Establishment of a decentralised IT system

1. ***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 ***of the European Parliament and of the Council***[34].

2. The implementing acts referred to in paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article ***29a(2)***.

3. The implementing acts referred to in paragraph 1 shall be adopted by [***two years after the entry into force of this Regulation***].

---

[34] ***Regulation (EU) 2022/850 of the European Parliament and of the Council of 30 May 2022 on a computerised system for the cross-border electronic exchange of data in the area of judicial cooperation in civil and criminal matters (e-CODEX system), and amending Regulation (EU) 2018/1726 (OJ L 150, 1.6.2022, p. 1).***

Article 24

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 also 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***.

3a. The reference implementation software shall offer a common interface for communication with other national IT systems.

Article 25

Costs of the decentralised IT system

1. Each Member State ***or entity operating an authorised e-CODEX access point as defined in Article 3(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(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 this system.

Article 27

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 send them to the Commission each year. They may process personal data necessary for the production of the statistics. ▌

1a. 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 to transmit information on the decision whether to accept or refuse the*** transfer of criminal proceedings;

1b. 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 legal remedies sought against the decisions to accept the transfer of criminal proceedings, including whether by a suspect, accused person or a victim, and the number of successfully challenged decisions;

(c) as of four years after the date of entry into force of the implementing acts referred to in Article 23(1), the costs incurred under Article 25(2).

2. The reference implementation software and, where equipped to do so, the national back-end system shall programmatically collect the data referred to in paragraph ***1a*** and transmit them to the Commission on an annual basis.

2a. The statistics referred to in paragraph 1a and 1b of this Article shall be transmitted as of one year after the date of application of the Regulation.

2b. The statistics referred to in paragraph 1a shall be collected through the decentralised IT system established in accordance with Article 23 of this Regulation, within two years after the adoption of the implementing acts referred to in that Article. As long as the decentralised IT system is not yet operational and for that reason the statistics referred to in paragraph 1a are not collected automatically, these statistics must only be transmitted if available at a central level in the Member State concerned.

Article 28

Amendments to the *request form and other forms*

The Commission is empowered to adopt delegated acts in accordance with Article 29 concerning the amendment of the ***Annexes*** in order to update or make technical changes to ***the request form and other forms. Such amendments shall be in accordance with this Regulation and shall not affect it***.

Article 29

Exercise of 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 28 shall be conferred ***on the Commission*** for an indeterminate period of time from [***date of application of this Regulation***].

3. The delegation of powers referred to in Article 28 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 ***on*** 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 28 shall enter into force only if no objection has been expressed either by the European Parliament or 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 29a

Committee procedure

▌ ***For the purpose of Article 23,*** the Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 ▌.

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

Article 30

Notifications

1. By [date of application of this Regulation ▌] each Member State shall notify the Commission of the following:

   (a) the authorities which, in accordance with ***their*** national law, are competent in accordance with Article 2, points (3) and (4), to issue and/or validate and execute requests for transfer of criminal proceedings;

   (aa) information regarding the other authorities, if the Member State makes use of the possibility provided under Article 2(4) second paragraph;

   (b) the information regarding the designated central authority or authorities, if the Member State wishes to make use of the possibility provided under Article 18;

   (c) languages accepted for ▌ requests to transfer criminal proceedings***, for the submission of*** supporting information ***and for any communication between authorities, when acting as requesting and requested States***.

2. ***Each Member State shall notify the Commission any updates of the information provided under paragraph 1.***

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

Article 31

Relationship with international agreements and arrangements

1. Without prejudice to their application between Member States and third States, this Regulation replaces, ***within its scope of application,*** as from [***date of application of this Regulation***], 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.

2. In addition to this Regulation, Member States may conclude or continue to apply bilateral or multilateral agreements or arrangements with other Member States after the entry into force of this Regulation 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.

3. Member States shall notify the Council and the Commission by [***date of application of this Regulation***] of the agreements and arrangements referred to in paragraph 2 which they wish 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 32

Reporting

By ***[six*** years from ▌ the date of application of this Regulation], 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 27(1) and collected by the Commission.

Article 33

Transitional provisions

This Regulation shall apply to requests transmitted on or after [date of application of this Regulation]. Requests for the transfer of criminal proceedings received before [date of application of this Regulation] shall continue to be governed by existing instruments relating to the transfer of criminal proceedings.

Before the obligation referred to in Article 22(1) becomes applicable, communication between requesting 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 34

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 [***the first day of the month following the period of two years after the date of entry into force of this Regulation***].

The obligation for competent authorities to use the decentralised IT system for communication under this Regulation shall apply from the first day of the month following the period of two years after adoption of the implementing acts referred to in Article 23.

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

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*

ANNEX I

REQUEST FORM FOR THE TRANSFER OF CRIMINAL PROCEEDINGS

As referred to in Article 9(1) of Regulation (EU) 2024/…[+]

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):
……

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

In case 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. [32]

(i) In case of 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) (ID card, passport), if available:
.....
Date of birth: .....
Place of birth:.....

[+] OJ: Please insert in the text the number of this Regulation.

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

Residence and/or known address; if address not known, state the last known address:
.....
Workplace (including contact details):……
Other contact details (email, phone No): …….
Language(s) that the person understands:…….
Other relevant information: ……
Please describe the position the concerned person currently holds in the proceedings:

☐ Suspect

☐ Accused person

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

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

☐ An indictment was 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 these criminal proceedings in the following period: …….. until …….(dd-mm-yyyy)

(ii) In the case of legal person(s):

Name: .....
Form of legal person: .....
Shortened name, commonly used name or trading name, if applicable:
.....
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 position the concerned person currently holds in the proceedings:

☐ Suspect

☐ Accused person

☐ The concerned person has been made aware by the competent authorities that they are suspected or accused of having committed a criminal offence;

☐ The concerned person has not been made aware by the competent authorities that they are suspected or accused of having committed a criminal offence;

☐ An indictment was issued against the concerned person in the relevant criminal proceedings.

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

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

☐ The suspect or accused person was informed of the intended transfer.

☐ The suspect or accused person was not informed of the intended transfer/the opinion of the suspect or accused person was not sought because:

☐ it would have undermined the confidentiality or otherwise prejudiced the investigation;

☐ the person could not be located or reached despite reasonable efforts;

☐ The suspect or accused person presented an opinion on the intended transfer. The opinion is attached to this request. Please, see attachment.

……

……..

☐ The suspect or accused person did not present an opinion on the intended transfer.

Section C: Identity of the victim(s) [33]

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) In case of 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) (ID card, passport), if available:
.....
Date of birth: .....
Place of birth: .....
Residence and/or known address; if address not known, state the last known address:
.....
Other contact details (email, phone No): …….
Language(s) which the person understands:…….
Other relevant information: ……

(ii) In the case of legal person(s):

Name: .....
Form of legal person: .....
Shortened name, commonly used name or trading name, if applicable:
.....
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 to initiate the procedure for transferring criminal proceedings.

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

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

☐ One or more of the victims, who reside or are established in the requesting State and who requested to receive information on the criminal proceedings in accordance with Article 6(1) of Directive 2012/29/EU, or, in case of a legal person, in accordance with national law, were not informed of the intended transfer because:

☐ it would have undermined the confidentiality or otherwise prejudiced the investigation

☐ one or more of the victims presented an opinion on the intended transfer. The opinion is attached to this request. Please see attachment:

……

……

☐ None of the victims presented an opinion on the intended transfer.

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 has reached:

☐ investigation/prosecution

☐ trial

2.1. Please provide further specifications as to the advancement 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 penalty for the relevant criminal offence(s) in the requesting State and the relevant provisions relating to penalties:

.....

4. Information about any act interrupting or suspending the period of limitation:

….....

…….

Section E: Information on the procedure in the requesting State

1. All investigative measures or other procedural acts undertaken by the requesting State:

A) measures to prevent the suspect or accused person from absconding or other preventive measures (please describe):.....

……

B) freezing orders: ……..

.....

.....

C) investigative measures (please describe): ……

……

……

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):

……

……
……

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 impacts of the transfer on the rights of 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, which are or is 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 either 1) Article 4, point (2) of Framework Decision 2002/584/JHA, 2) Article 4, point (3) of Framework Decision 2002/584/JHA where such refusal is not based on a final judgement passed upon this person in respect of the same criminal offence which prevents further criminal proceedings, or 3) Article 4, point (7) of Framework Decision 2002/584/JHA;

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

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

☐ there are ongoing criminal proceedings in the requested State in respect of 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 ~~for~~ of social rehabilitation of the person sentenced or there are other reasons for a more appropriate enforcement of the sentence in the requested State;

☐ one or more victims are nationals of or residents in the requested State. Due account shall be taken of child victims.

☐ the competent authorities of Member States have reached consensus on the concentration of the proceedings in one Member State

☐ other reasons (please specify):……
……
……

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, where relevant: ……..
……
……
3. Indicate any specific conditions of processing of the transmitted personal data with which the requested authority must comply with (Article 9(3) of Directive (EU) 2016/680 on the protection of natural persons with regard to the processing of personal data): …….
……
……
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: .....
Tel. No: (country code) (area/city code).....
E-mail address:.....
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: .....
E-mail address: .....
Contact Phone No: ……

3. Central authority, if applicable
Name/Title/Organisation:.....
Address: .....
E-mail address: .....
Contact Phone No: ……

4. Language(s) in which it is possible to communicate with the requesting authority:
.....

Electronic signature: [34]

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

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: .....
Tel. No: (country code) (area/city code) .....
E-mail address:.....
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:

ANNEX II

Form referred to in Article 6(3a) of Regulation (EU) 2024/…[+]

The purpose of this form is to seek your assistance to provide information to and seek the opinion of the suspect/accused person on the intended request for transfer of criminal proceedings. Please, return the form when completed.

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):

……..……

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

(i) In case of 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) (ID card, passport), if available:

.....

Date of birth: .....

Place of birth: .....

[+] OJ: Please insert in the text the number of this Regulation.

Residence and/or known address; if address not known, state the last known address:

.....

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

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

Language(s) that the person understands, if available……..

Other relevant information, if available: ……

(ii) In case of a legal representative (if applicable; where it is considered necessary in view of the age, 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) (ID card, passport), if available: ……

Date of birth: ……

Place of birth: ……

Residence and/or known address; if address not known, state the last known address: ……

……...

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

Language(s) that the person understands, if available: ……

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

(iii) In case of legal person(s):

Name: .....

Form of legal person: .....

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

.....

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:

Form for the provision of information to and seeking the opinion of the suspect/accused person on the intended request for transfer of criminal proceedings [35]

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

The ……..[requesting authority] of …….. [requesting State] [36] hereby informs you, ……. [suspect/accused person], of the intention to issue a request for transfer of criminal proceedings initiated against you, with reference number…….., to ……[requested State], in accordance with Article 6 of Regulation (EU) 2024/…[+] 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 transfer of criminal proceedings and their legal classification:

.....
.....
.....
.....

[35] To be provided to the suspect/accused person in a language which the person understands.

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

[+] OJ: Please insert in the text the number of this Regulation.

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

1. You are hereby invited, if you so wish, to present your opinion on the intention of the …….. [requesting authority] of…….[requesting State] [37] to issue a request for transfer of criminal proceedings initiated against you to ……[requested State] [38].

My opinion on the transfer of the criminal proceedings is:

☐ Positive

☐ Negative

Add reasons, if you so wish:

……
……...

2. If applicable: The information on the intended request for 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.

Signature of the suspect/accused person:

Signature of the requested authority:

---

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

[38] Idem.

ANNEX III

Form referred to in Article 6(4a) of Regulation (EU) 2024/…+

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

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):
……...……

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

(i) In case of 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) (ID card, passport), if available:
.....
Date of birth: .....
Place of birth: .....
Residence and/or known address; if address not known, state the last known address:
.....
Workplace (including contact details), if available: ……
Other contact details (email, phone No), if available: ……
Language(s) that the person understands, if available……..
Other relevant information, if available: ……

(ii) In case of a legal representative (if applicable; where it is considered necessary in view of the age, 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) (ID card, passport), if available: ……

Date of birth: ……

Place of birth: ……

Residence and/or known address; if address not known, state the last known address: ……

……...

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

Language(s) that the person understands, if available: ……

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

(iii) In case of legal person(s):

Name: .....

Form of legal person: .....

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

.....

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:

Form for the provision of information to the suspect/accused person on the issuance of the request for transfer of criminal proceedings[39]

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

In accordance with Article 6(4a) of Regulation (EU) 2024/…+ of the European Parliament and of the Council on the transfer of proceedings in criminal matters, the ……. [requesting] of …….. [requesting] [40] hereby informs you, …….. [suspect/accused person], that a request for the transfer of the criminal proceedings initiated against you, with reference number ……, to ……[requested State][41] was issued on……[date].

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 transfer of criminal proceedings and their legal classification:

.....
.....
.....
.....

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

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

41 Idem.

ANNEX IV

Form referred to in Article 15a(2) and (4) of Regulation (EU) 2024/…[+]

The purpose of this form is to seek your assistance to provide information to the suspect/accused person after a decision on the request for transfer of criminal proceedings has been taken. Please, return the form when completed.

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: .....

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

(i) In case of 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) (ID card, passport), if available:
.....
Date of birth: .....
Place of birth: .....
Residence and/or known address; if address not known, state the last known address:
.....
Workplace (including contact details), if available: ……
Other contact details (email, phone No), if available: …….

[+] OJ: Please insert in the text the number of this Regulation.

Language(s) that the person understands), if available: ……
Other relevant information, if available: …….

(ii) In case of legal person(s):
Name: .....
Form of legal person: .....
Shortened name, commonly used name or trading name, if applicable:
.....
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:

Form for the provision of information to the suspect/accused person after a decision on the request for transfer of criminal proceedings has been taken[42]

A request for the transfer of the criminal proceedings initiated against you, ……. [suspect/accused person], with reference number ……, to ……[requested State][43] 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 transfer of criminal proceedings was issued and their legal classification:

……..

……..

[42] To be provided to the suspect/accused person in a language which the person understands.

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

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

You are hereby informed that, in accordance with Article 12(1) of Regulation (EU) 2024/…[+] of the European Parliament and of the Council on the transfer of proceedings in criminal matters, the……. [requested authority] of ……. [requested State] [44] 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 case of acceptance of the transfer of criminal proceedings, you have the right to an effective legal remedy in…….. [requested State] [45] 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].

[44] Idem.

[45] Idem.

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

Name of the authority: ……..……..……..

File No: ……

Address: .....

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

E-mail address:

ANNEX V

Form referred to in Article 15b(1a) of Regulation (EU) 2024/…[+]

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

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: .....

II. Identity of the victim(s)

(i) In case of natural person(s)
Last name: .....
First name(s): .....
Other relevant name(s), if applicable: .....
Sex: .....
Nationality: .....
Identity number or social security number, if available: .....
Type and number of the identity document(s) (ID card, passport), if available:
.....
Date of birth: .....
Place of birth: .....
Residence and/or known address; if address not known, state the last known address:
.....
Other contact details (email, phone No), if available:
…….

[+] OJ: Please insert in the text the number of this Regulation.

Language(s) that the person understands, if available: ……
Other relevant information, if available: …….

(ii) In case of legal person(s):
Name: .....
Form of legal person: .....
Shortened name, commonly used name or trading name, if applicable:
.....
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:

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

A request for the transfer of the 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 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 12 of Regulation (EU) 2024/…[+] 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.

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.

You are hereby also informed that, in cases 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 where you can apply for a legal remedy to challenge the decision to accept the transfer of criminal proceedings:

Name of the authority: ……..……..……..

File No: ……

Address: .....

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

E-mail address:

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[4] Idem.

ANNEX VI

Form referred to in Article 11(1b) of Regulation (EU) 2024/…+

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

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):
……...……

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

(i) In case of 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) (ID card, passport), if available:
.....
Date of birth: .....
Place of birth: .....
Residence and/or known address; if address not known, state the last known address:
.....
Workplace (including contact details), if available: ……
Other contact details (email, phone No), if available: ……
Language(s) that the person understands, if available……..

Other relevant information, if available: ……

(ii) In case of a legal representative (if applicable; where it is considered necessary in view of the age, 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) (ID card, passport), if available: ……

Date of birth: ……

Place of birth: ……

Residence and/or known address; if address not known, state the last known address: ……

……...

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

Language(s) that the person understands, if available: ……

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

(iii) In case of legal person(s):

Name: .....

Form of legal person: .....

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

.....

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:

Form for the provision of information to the suspect/accused person on the withdrawal of the request for transfer of criminal proceedings [50]

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

The …….. [requesting authority] of …….. [requesting State] [51] hereby informs you, ……. [suspect/accused person], that the request for the transfer of the criminal proceedings initiated against you, with reference number ……., to ……[requested State][52]**,** issued on……[date] was withdrawn in accordance with Article 11of Regulation (EU) 2024/…+ 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:

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.....
.....
.....

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[50] To be provided to the suspect/accused person in a language which the person understands.

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

[52] Idem.