



**2023/0093(COD)**

8.11.2023

# **AMENDMENTS**

## **35 - 161**

**Draft report**

**Assita Kanko**

(PE753.778v01-00)

The transfer of proceedings in criminal matters

Proposal for a regulation

(COM(2023)0185 – C9-0128/2023 – 2023/0093(COD))



**Amendment 35**  
**Evin Incir**

**Proposal for a regulation**  
**Recital 7**

*Text proposed by the Commission*

(7) This Regulation should apply to all requests issued within the framework of criminal proceedings. ***Criminal proceedings is an autonomous concept of Union law interpreted by the Court of Justice of the European Union, notwithstanding the case law of the European Court of Human Rights, starting from the time when persons are informed by the competent authorities of a Member State that they are suspected or accused of having committed a criminal offence until the conclusion of those proceedings, to be understood as the final determination of the question whether the suspect or accused person has committed the criminal offence, including, where applicable, sentencing and the resolution of any appeal.***

*Amendment*

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

Or. en

**Amendment 36**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Recital 7**

*Text proposed by the Commission*

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*informed by the competent authorities of a Member State that they are suspected or accused of having committed a criminal offence until the conclusion of those proceedings, to be understood as the final determination of the question whether the suspect or accused person has committed the criminal offence, including, where applicable, sentencing and the resolution of any appeal.*

Or. en

**Amendment 37**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

(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 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 is sought, whenever that Member State is considered as being the best placed one to prosecute.

*Amendment*

(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 suspect or the 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 is sought, whenever that Member State is considered as being the best placed one to prosecute.

Or. en

**Amendment 38**  
**Saskia Bricmont**

**Proposal for a regulation**

## Recital 17

### *Text proposed by the Commission*

(17) Such jurisdiction should be established 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.*** 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 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.

### *Amendment*

(17) Such jurisdiction should be established ***based on specific grounds mentioned in this Regulation. A 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 ***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 of the Treaty on European Union and the Charter.*** It 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 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.

Or. en

**Amendment 39**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

(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 waive its jurisdiction in the prosecution of the person concerned for the criminal offence for which the transfer is sought. On this basis, the competent authorities of the requesting State should ***be able to*** 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. Such a waiver of jurisdiction 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.

*Amendment*

(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 waive its jurisdiction in the prosecution of the person concerned for the criminal offence for which the transfer is sought. On this basis, the competent authorities of the requesting State should 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. Such a waiver of jurisdiction 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.

Or. en

**Amendment 40**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Recital 21**

*Text proposed by the Commission*

(21) Member States should ensure that, when applying this Regulation, the needs of vulnerable persons are taken into account. According to the Commission Recommendation (2013/C 378/02)<sup>60</sup>,

*Amendment*

(21) Member States should ensure that, when applying this Regulation, the needs of vulnerable persons are taken into account. According to the Commission Recommendation (2013/C 378/02)<sup>60</sup>,

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.

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. ***The immigration or residence status of the suspects or accused persons, and whether they are able to understand the language of the proceeding in the requesting or requested Member State should be taken into account in the assessment of their vulnerability.***

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<sup>60</sup> Commission Recommendation of 27 November 2013 on procedural safeguards for vulnerable persons suspected or accused in criminal proceedings (2013/C 378/02) (OJ C 378, 24.12.2013, p. 8).

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<sup>60</sup> Commission Recommendation of 27 November 2013 on procedural safeguards for vulnerable persons suspected or accused in criminal proceedings (2013/C 378/02) (OJ C 378, 24.12.2013, p. 8).

Or. en

## **Amendment 41** **Karolin Braunsberger-Reinhold**

### **Proposal for a regulation** **Recital 23**

#### *Text proposed by the Commission*

(23) This Regulation ***should*** not impose any obligation to request a transfer of criminal proceedings. When assessing whether a request for transfer of criminal proceedings should be issued, the requesting authority ***should*** examine whether such a transfer is necessary and appropriate. This 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.

#### *Amendment*

(23) This Regulation ***shall*** not impose any obligation to request a transfer of criminal proceedings. When assessing whether a request for transfer of criminal proceedings should be issued, the requesting authority ***shall*** examine whether such a transfer is necessary and appropriate. This assessment ***shall*** 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.

Or. en

**Amendment 42**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

(25) Where the suspect or accused person 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 the majority of victims are nationals or residents in the requested State, a transfer can be justified to allow victims to easily participate in the 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.***

*Amendment*

(25) Where the suspect or accused person 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 the majority of victims are nationals or residents in the requested State, a transfer can be justified to allow victims to easily participate in the criminal proceedings and to be effectively examined as witnesses during the proceedings.

Or. en

**Amendment 43**  
**Evin Incir**

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

(25) Where the suspect or accused person 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)

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(25) Where the suspect or accused person 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 the *majority of* victims are nationals or residents in the requested State, a transfer can be justified to allow victims to easily participate in the 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.

2016/343. Similarly, where the *victim or* victims are nationals or residents in the requested State, a transfer can be justified to allow victims to easily participate in the 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.

Or. en

#### **Amendment 44** **Saskia Bricmont**

#### **Proposal for a regulation** **Recital 27**

##### *Text proposed by the Commission*

(27) A transfer of criminal proceedings may also be justified when criminal proceedings are ongoing in the requested State in respect of 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 or related facts against other persons, e.g. in cases of prosecution of cross-border criminal organisations, where different co-accused 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

##### *Amendment*

(27) A transfer of criminal proceedings may also be justified when criminal proceedings are ongoing in the requested State in respect of 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 or related facts against other persons, e.g. in cases of prosecution of cross-border criminal organisations, where different co-accused 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 this 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.

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 this 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. ***Moreover, the requesting authorities should give due consideration to whether the transfer of criminal proceedings could facilitate the achievement of restorative justice objectives.***

Or. en

#### **Amendment 45** **Saskia Bricmont**

#### **Proposal for a regulation** **Recital 29**

##### *Text proposed by the Commission*

(29) Suspects or accused persons or victims should have the ***possibility*** to request for the criminal proceedings concerning them to be transferred to another Member State. These requests should not ***however*** impose any obligation on the requesting or requested authority to request or transfer criminal proceedings. If the authorities become aware of parallel criminal proceedings on the basis of a request of transfer submitted by the suspect or accused person, or the victim, or a lawyer on their behalf, then they are under the obligation to consult each other in accordance with the Framework Decision 2009/948/JHA.

##### *Amendment*

(29) Suspects or accused persons or victims should have the ***right*** to request for the criminal proceedings concerning them to be transferred to another Member State. These requests should not impose any obligation on the requesting or requested authority to request or transfer criminal proceedings. ***These requests should however be duly assessed by the competent authorities, who shall issue a reasoned decision and inform the applicants and any other affected parties thereof.*** If the authorities become aware of parallel criminal proceedings on the basis of a request of transfer submitted by the suspect or accused person, or the victim, or a lawyer on their behalf, then they are under the obligation to consult each other in accordance with the Framework Decision 2009/948/JHA.

**Amendment 46**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Recital 29**

*Text proposed by the Commission*

(29) Suspects or accused persons or victims should have the possibility to **request** for the criminal proceedings concerning them to be transferred to another Member State. These **requests should** not however impose any obligation on the requesting or requested authority to request or transfer criminal proceedings. If the authorities become aware of parallel criminal proceedings on the basis of a **request** of transfer submitted by the suspect or accused person, or the victim, or a lawyer on their behalf, then they are under the obligation to consult each other in accordance with the Framework Decision 2009/948/JHA.

*Amendment*

(29) Suspects or accused persons or victims should have the possibility to **propose** for the criminal proceedings concerning them to be transferred to another Member State. These **proposals shall** not however impose any obligation on the requesting or requested authority to request or transfer criminal proceedings. If the authorities become aware of parallel criminal proceedings on the basis of a **proposal** of transfer submitted by the suspect or accused person, or the victim, or a lawyer on their behalf, then they are under the obligation to consult each other in accordance with the Framework Decision 2009/948/JHA.

**Amendment 47**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Recital 30**

*Text proposed by the Commission*

(30) The requesting authority should inform as soon as possible the suspect or accused person of the intended transfer and should provide for the possibility for such person to express their opinion orally or in writing, in accordance with applicable national law, to enable the authorities to take into account their legitimate interests before issuing a request for transfer. **When**

*Amendment*

(30) The requesting authority should inform as soon as possible the suspect or accused person of the intended transfer and should provide for the possibility for such person to express their opinion orally or in writing **prior to the intended transfer**, in accordance with applicable national law, to enable the authorities to take into account their legitimate interests before issuing a

*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, e.g. 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 the suspect or accused person despite its reasonable efforts being made, the obligation to inform such person should apply from the moment these circumstances change.

request for transfer. *Member States should provide that the right to information of suspect or accused person includes the right of access to the file as well as any other procedural rights which are necessary to effectively exercise their right to be heard. Upon the assessment of the legitimate interest of the suspect or accused person to be informed about the intended transfer, the requesting authority may decide to exceptionally and temporarily postpone the right to be informed of the requested transfer, where necessary to avert serious adverse consequences for the life, liberty or physical integrity of a person, or* to ensure confidentiality of an investigation *e.g. when* 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 the suspect or accused person despite its reasonable efforts being made, the obligation to inform such person should apply from the moment these circumstances change.

Or. en

**Amendment 48**  
**Evin Incir**

**Proposal for a regulation**  
**Recital 30**

*Text proposed by the Commission*

(30) The requesting authority should inform as soon as possible the suspect or accused person of the intended transfer and should provide for the possibility for such person to express their opinion orally or in writing, in accordance with applicable national law, to enable the authorities to take into account their legitimate interests

*Amendment*

(30) The requesting authority should inform as soon as possible the suspect or accused person of the intended transfer and should provide for the possibility for such person to express their opinion orally or in writing, in accordance with applicable national law, to enable the authorities to take into account their legitimate interests

before issuing a request for transfer. 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, e.g. 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 the suspect or accused person despite its reasonable efforts being made, the obligation to inform such person should apply from the moment these circumstances change.

before issuing a request for transfer. 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, e.g. 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 the suspect or accused person despite its reasonable efforts being made, the *requesting authority may seek the assistance of the requested authority in carrying out this task. Where the requesting authority cannot locate the suspect or accused person despite its reasonable efforts being made, the* obligation to inform such person should apply from the moment these circumstances change.

Or. en

## **Amendment 49** **Karolin Braunsberger-Reinhold**

### **Proposal for a regulation** **Recital 30**

#### *Text proposed by the Commission*

(30) The requesting authority should inform as soon as possible the suspect or accused person of the intended transfer and should provide for the possibility for such person to express their opinion orally or in writing, in accordance with applicable national law, to enable the authorities to *take into account* their legitimate interests before issuing a request for transfer. When assessing the legitimate interest of the suspect or accused person to be informed

#### *Amendment*

(30) The requesting authority should inform as soon as possible the suspect or accused person of the intended transfer and should provide for the possibility for such person to express their opinion orally or in writing, in accordance with applicable national law, to enable the authorities to *register* their legitimate interests before issuing a request for transfer. 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, e.g. 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 the suspect or accused person ***despite its reasonable efforts being made***, the obligation to inform such person should apply from the moment these circumstances change.

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, e.g. 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 the suspect or accused person, the obligation to inform such person should apply from the moment these circumstances change.

Or. en

## Amendment 50

Evin Incir

### Proposal for a regulation

#### Recital 31

*Text proposed by the Commission*

(31) The rights of victims set out in Directive 2012/29/EU of the European Parliament and of the Council<sup>63</sup> should be taken into account in 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.

*Amendment*

(31) The rights of victims set out in Directive 2012/29/EU of the European Parliament and of the Council<sup>63</sup> should be taken into account in applying this Regulation. ***In exceptional cases, for example due to the high number of victims involved in a case, where it is difficult to inform and consult certain victims on the intention to issue a request for transfer of proceedings, it should be possible to provide information to the victims through the press, through an official website of the competent authority or through a similar communication channel, as set out in Directive 2012/29/EU.*** 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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<sup>63</sup> 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).

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<sup>63</sup> 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).

Or. en

## **Amendment 51** **Karolin Braunsberger-Reinhold**

### **Proposal for a regulation** **Recital 34**

#### *Text proposed by the Commission*

(34) The requested State should ensure access to effective legal remedies for suspects and accused persons, as well as for victims, against the decision to accept the transfer of criminal proceedings in line 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.

#### *Amendment*

(34) The requested State should ensure access to effective legal remedies for suspects and accused persons, as well as for victims, against the decision to accept the transfer of criminal proceedings in line 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. ***The grounds for refusal in Article 13 may serve as an additional basis for assessment in order to ascertain whether a legal remedy should be pursued. Where discretion is granted under Article 13(2)(b), the competent authority in the requested state should be empowered to verify whether the authority in the requested state has made manifest errors in the exercise of that discretion.***

Or. en

## **Amendment 52** **Saskia Bricmont**

**Proposal for a regulation**  
**Recital 34**

*Text proposed by the Commission*

(34) The requested State should ensure access to effective legal remedies for suspects and accused persons, as well as for victims, against the decision to accept the transfer of criminal proceedings in line 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.

*Amendment*

(34) ***The requesting and*** the requested State should ensure access to effective legal remedies for suspects and accused persons, as well as for victims, against the decision to ***request***, accept ***or refuse*** the transfer of criminal proceedings in line 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.

Or. en

**Amendment 53**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Recital 34 a (new)**

*Text proposed by the Commission*

*Amendment*

***(34 a) Member States shall provide that suspects, accused persons and victims have the right of access to the file as well as any other procedural rights which are necessary to effectively exercise their right to an effective remedy. The access to the file shall be limited to the documents related to the transfer of criminal proceedings and in order to exercise their right to an effective remedy.***

Or. en

**Amendment 54**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Recital 36**



*Text proposed by the Commission*

(36) The requesting authority should consult with the requested authority prior to issuing a request for 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, as well as if the requested authority is likely to invoke one of the grounds for refusal under this Regulation.

*Amendment*

(36) The requesting authority should consult with the requested authority prior to issuing a request for 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, ***if it would not unduly undermine the effective protection of fundamental rights of suspects, accused persons, or victims*** as well as if the requested authority is likely to invoke one of the grounds for refusal under this Regulation.

Or. en

**Amendment 55**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Recital 38**

*Text proposed by the Commission*

(38) Until the requested authority has not taken a decision to accept 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.

*Amendment*

(38) Until the requested authority has not taken a decision to accept 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. ***The decision to withdraw the request should be justified in written and the justification should be shared with the suspect or accused persons, and with the victims.***

Or. en

**Amendment 56**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**

## Recital 39

### *Text proposed by the Commission*

(39) The requested authority should inform the requesting authority of its reasoned decision on whether to accept 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 this period, for instance if it considers that additional information is necessary, it may only be extended for further 30 days to avoid excessive delays.

### *Amendment*

(39) The requested authority should inform the requesting authority of its reasoned decision on whether to accept 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 this period, for instance if it considers that additional information is necessary, it may only be extended for further 30 days to avoid excessive delays. ***In some cases the requested authority might not be known to the requesting authority or the requested authority might not have competence to take a decision under Article 12. Ultimately, the competent authority in the requested Member State shall issue an acknowledgement of receipt of the request.***

Or. en

## Amendment 57

**Karolin Braunsberger-Reinhold**

### **Proposal for a regulation**

#### **Recital 40**

### *Text proposed by the Commission*

(40) Transfer of a criminal proceeding 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

### *Amendment*

(40) Transfer of a criminal proceeding 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. 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 an immunity or privilege in accordance with the law of the requested State, e.g. 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 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 certificate for a request for transfer is incomplete or was incorrectly completed by the requesting authority, thus not enabling the requested authority to have the necessary information to assess the request for transfer of criminal proceedings.

when the requested State does not have jurisdiction over that criminal offence, unless it exercises jurisdiction provided under this Regulation. Furthermore, the transfer of criminal proceedings should not be accepted in case of other impediments to prosecution in the requested State. The requested authority *shall* also be able to refuse a transfer of criminal proceedings, if the suspect or accused person benefits from an immunity or privilege in accordance with the law of the requested State, e.g. 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 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 certificate for a request for transfer is incomplete or was incorrectly completed by the requesting authority, thus not enabling the requested authority to have the necessary information to assess the request for transfer of criminal proceedings.

Or. en

## **Amendment 58** **Saskia Bricmont**

### **Proposal for a regulation** **Recital 43**

#### *Text proposed by the Commission*

(43) The acceptance of 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 be without prejudice to investigations or other procedural measures which may be necessary to***

#### *Amendment*

(43) The acceptance of 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. The requesting ***States should no longer prosecute the suspected person for the offence in respect of which the***

*execute decisions based on mutual recognition instruments or to comply with requests for mutual legal assistance linked to the proceedings subject to the transfer. 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 suspended at length, 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.*

*transfer of proceedings have been accepted or enforce a judgment which has been pronounced previously in that State against the suspect of accused for that offence.*

Or. en

**Amendment 59**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Recital 43 a (new)**

*Text proposed by the Commission*

*Amendment*

*(43 a) Once a transfer of proceedings has been granted and in order to facilitate an efficient process of the transfer the requesting and requested authorities may 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.*

Or. en

**Amendment 60**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Recital 46**

*Text proposed by the Commission*

**(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, i.e. whenever that decision does not definitely bar further prosecution under the law of the requested State and therefore does not prevent 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.**

*Amendment*

**deleted**

Or. en

**Amendment 61**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Recital 50**

*Text proposed by the Commission*

**(50) The use of a standardised certificate 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 also reduces translation costs and contributes to higher quality of requests.**

*Amendment*

**(50) The use of a standardised certificate translated in all official Union languages *shall* 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 also reduces translation costs and contributes to higher quality of requests.**

**Amendment 62**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Recital 55**

*Text proposed by the Commission*

(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 Regulations (EU) 2018/1725<sup>69</sup> **and (EU) 2016/679**<sup>70</sup> of the European Parliament and of the Council and Directive (EU) 2016/680 of the European Parliament and of the Council<sup>71</sup>, 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.

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<sup>69</sup> 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,

*Amendment*

(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 Regulations (EU) 2018/1725<sup>69</sup> of the European Parliament and of the Council and Directive (EU) 2016/680 of the European Parliament and of the Council<sup>71</sup>, 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.

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<sup>69</sup> 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).

***<sup>70</sup> Regulation (EU) 2016/679 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 and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).***

<sup>71</sup> 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).

21.11.2018, p. 39).

<sup>71</sup> 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).

Or. en

### **Amendment 63** **Saskia Bricmont**

#### **Proposal for a regulation** **Recital 58**

##### *Text proposed by the Commission*

(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 line with Article 8 and Article 10(a) of the 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)

##### *Amendment*

(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 line with Article 8 and Article 10(a) of the Directive (EU) 2016/680. However, as regards any other aspect, such as the time period for the retention of personal data ***transmitted*** by the requesting authority ***and the requested authority under this Regulation, and*** the processing of personal data by the requesting and requested authorities ***and by their central authorities, where involved,***

2016/680. The requesting and requested authority should be considered as controllers with respect of the processing of the personal data under that Directive. The central authorities 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 of the European Parliament and of the Council should apply in the context of this Regulation without prejudice to the specific data protection rules of the Regulation (EU) 2018/1727 of the European Parliament and of the Council<sup>73</sup>.

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 of the processing of the personal data under that Directive. The central authorities provide administrative support to the requesting and requested authorities and, to the extent they are *competent authorities* processing personal data *under this Regulation*, they should be considered as *controllers*. As regards the processing of personal data by Eurojust, Regulation (EU) 2018/1725 of the European Parliament and of the Council should apply in the context of this Regulation without prejudice to the specific data protection rules of the Regulation (EU) 2018/1727 of the European Parliament and of the Council<sup>73</sup>.

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<sup>73</sup> 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, PE/37/2018/REV/1 (OJ L 295, 21.11.2018, p. 138).

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<sup>73</sup> 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, PE/37/2018/REV/1 (OJ L 295, 21.11.2018, p. 138).

Or. en

## **Amendment 64** **Karolin Braunsberger-Reinhold**

### **Proposal for a regulation** **Article 1 – paragraph 2**

*Text proposed by the Commission*

2. This Regulation shall apply in all cases of transfer of criminal proceedings in the Union from the time where a person has been identified as a suspect.

*Amendment*

2. This Regulation shall apply in all cases of transfer of criminal proceedings in the Union *at the latest* from the time where a person has been identified as a suspect.

Or. en



**Amendment 65**  
**Evin Incir**

**Proposal for a regulation**  
**Article 1 – paragraph 2**

*Text proposed by the Commission*

2. This Regulation shall apply in all cases of transfer of criminal proceedings *in* the Union ***from the time where a person has been identified as a suspect.***

*Amendment*

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

Or. en

**Amendment 66**  
**Morten Petersen**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 3 – point a**

*Text proposed by the Commission*

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

*Amendment*

(a) a judge, court, investigating judge, ***suspect, accused, the legal advisor of a suspect or accused person,*** or public prosecutor competent in the case concerned; or

Or. en

*Justification*

*The definition of “requesting authority” should be expanded to include a reference to suspects and accused people or their legal advisors as per the rights conferred under Article 5(3).*

**Amendment 67**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 6**

*Text proposed by the Commission*

*Amendment*

(6) ‘victim’ means a victim as defined in Article 2(1), point (a), of Directive 2012/29/EU.

(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.***

Or. en

**Amendment 68**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 6**

*Text proposed by the Commission*

(6) ‘victim’ means a victim as defined in Article 2(1), point (a), of Directive 2012/29/EU.

*Amendment*

(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.***

Or. en

**Amendment 69**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point b**

*Text proposed by the Commission*

***(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***

*Amendment*

***deleted***

*would, in the particular circumstances of the case, entail a manifest breach of a relevant fundamental right as set out in Article 6 of the Treaty on European Union and the Charter;*

Or. en

**Amendment 70**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

*(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 or resident of the requested State;* *deleted*

Or. en

**Amendment 71**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 72**

**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**

**Article 4**

*Text proposed by the Commission*

*Amendment*

**Article 4**

**deleted**

***Waiver, suspension or discontinuation of criminal proceedings***

***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 against a suspect or accused person, in order to allow for the transfer of criminal proceedings in respect of that criminal offence to the requested State.***

Or. en

**Amendment 73**

**Morten Petersen**

**Proposal for a regulation**

**Article 4 – paragraph 1 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

***In the case of a revival of a suspended proceeding, that proceeding must be subject to judicial review in order to ensure that there is an independent assessment of whether a violation of the ne bis in idem principle arises.***

Or. en

*Justification*

*The article must ensure that the ne bis in idem principle is not violated.*

**Amendment 74**

**Saskia Bricmont**

**Proposal for a regulation**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

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 would be better served by conducting the relevant criminal proceedings in another Member State.

*Amendment*

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 **and the protection of fundamental rights of the suspect or the accused persons, as well as of the victims, as enshrined in Union and national law**, would be better served by conducting the relevant criminal proceedings in another Member State.

Or. en

**Amendment 75**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 5 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) the suspect or accused person is present in the requested State and that State refuses to surrender this person to the requesting State either on the basis of Article 4(2) of the Framework Decision 2002/584/JHA, or of Article 4(3) thereof 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 on the basis of Article 4(7) of that Framework Decision;

*Amendment*

(c) the suspect or accused person is present in the requested State and that State refuses to surrender this person to the requesting State either on the basis of Article 4(2) of the Framework Decision 2002/584/JHA, or of Article 4(3) thereof 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 on the basis of Article 4(7)(a) of that Framework Decision;

Or. en

**Amendment 76**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**

## Article 5 – paragraph 2 – point i

*Text proposed by the Commission*

*Amendment*

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

**deleted**

Or. en

### **Amendment 77** **Saskia Bricmont**

#### **Proposal for a regulation** **Article 5 – paragraph 2 – point j**

*Text proposed by the Commission*

*Amendment*

**(j) the majority of victims are nationals of or residents in the requested State.**

**(j) *the victim or* the majority of victims are nationals of or residents in the requested State.**

Or. en

### **Amendment 78** **Karolin Braunsberger-Reinhold**

#### **Proposal for a regulation** **Article 5 – paragraph 2 – point j a (new)**

*Text proposed by the Commission*

*Amendment*

**(j a) *the consultations of Member States' competent authorities under Framework Decision 2009/958/JHA on the prevention of conflicts of jurisdiction have resulted in an agreement on the concentration of the parallel proceedings in one Member State.***

Or. en

**Amendment 79**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 5 – paragraph 2 – point j a (new)**

*Text proposed by the Commission*

*Amendment*

***(j a) whether the transfer of proceedings would contribute to the achievement of restorative justice objectives.***

Or. en

**Amendment 80**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 5 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

***3. The suspect or accused person, or the majority of victims, or a lawyer on their behalf, may also request the competent authorities of the requesting State or of the requested State to initiate a procedure for transferring criminal proceedings under this Regulation. Requests made under this paragraph shall not create an obligation for the requesting or the requested State to request or transfer criminal proceedings to the requested State.***

***deleted***

Or. en

**Amendment 81**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 5 – paragraph 3**

*Text proposed by the Commission*

3. The suspect or accused person, or the majority of victims, or a lawyer on their behalf, **may also** request the competent authorities of the requesting State or of the requested State to initiate a procedure for transferring criminal proceedings under this Regulation. Requests made under this paragraph shall not create an obligation for the requesting or the requested State to request or transfer criminal proceedings to the requested State.

*Amendment*

3. The suspect or accused person, **the victim** or the majority of victims, or a lawyer on their behalf, **shall have the right to** request the competent authorities of the requesting State or of the requested State to initiate a procedure for transferring criminal proceedings under this Regulation. Requests made under this paragraph shall not create an obligation for the requesting or the requested State to request or transfer criminal proceedings to the requested State.

Or. en

**Amendment 82**

**Evin Incir**

**Proposal for a regulation**

**Article 5 – paragraph 3**

*Text proposed by the Commission*

3. The suspect or accused person, or **the majority of** victims, or a lawyer on their behalf, may also request the competent authorities of the requesting State or of the requested State to initiate a procedure for transferring criminal proceedings under this Regulation. Requests made under this paragraph shall not create an obligation for the requesting or the requested State to request or transfer criminal proceedings to the requested State.

*Amendment*

3. The suspect or accused person, or **one or more** victims, or a lawyer on their behalf, may also request the competent authorities of the requesting State or of the requested State to initiate a procedure for transferring criminal proceedings under this Regulation. Requests made under this paragraph shall not create an obligation for the requesting or the requested State to request or transfer criminal proceedings to the requested State.

Or. en

**Amendment 83**

**Saskia Bricmont**

**Proposal for a regulation**

**Article 5 – paragraph 3 a (new)**



**3 a.** *The authority requesting a transfer under paragraph 1 or dealing with the request under paragraph 3 shall issue a reasoned decision and inform the applicants and any other affected parties thereof.*

Or. en

**Amendment 84**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 6 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Before a request for transfer of criminal proceedings is issued, the requesting authority shall, in accordance with applicable national law, give due consideration to the legitimate interests of the suspect or accused person ***and ensure that their procedural rights under Union and national law are respected.***

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

Or. en

**Amendment 85**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 6 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Provided that it would not undermine the confidentiality of an investigation, the suspect or accused person ***shall***, in accordance with applicable national law, be informed of the intended transfer of criminal proceedings, in a language which they understand, and ***shall*** be given an opportunity to state their

2. Provided that it would not undermine the confidentiality of an investigation ***or otherwise prejudice the investigation***, the suspect or accused person, ***who has already been notified of the accusation, may***, in accordance with applicable national law, be informed of the intended transfer of criminal proceedings,

opinion orally or in writing, unless that person cannot be located *despite reasonable efforts being made* by the requesting authority. Where the requesting authority considers it necessary in view of the suspect's or accused person's age or their physical or mental condition, the opportunity to state their opinion *shall* be given to their legal representative. *Where the request for transfer of criminal proceedings follows a request from the suspect or accused person under Article 5(3), such a consultation with the suspect or accused person who made the request is not required.*

in a language which they understand, and *may* be given an opportunity to state their opinion orally or in writing, unless that person cannot be located by the requesting authority. Where the requesting authority considers it necessary in view of the suspect's or accused person's age or their physical or mental condition, the opportunity to state their opinion *may* be given to their legal representative.

Or. en

## **Amendment 86** **Evin Incir**

### **Proposal for a regulation** **Article 6 – paragraph 2**

#### *Text proposed by the Commission*

2. Provided that it would not undermine the confidentiality of an investigation, the suspect or accused person shall, in accordance with applicable national law, be informed of the intended transfer of criminal proceedings, in a language which they understand, and shall be given an opportunity to state their opinion orally or in writing, unless that person cannot be located despite reasonable efforts being made by the requesting authority. Where the requesting authority considers it necessary in view of the suspect's or accused person's age or their physical or mental condition, the opportunity to state their opinion shall be given to their legal representative. Where the request for transfer of criminal proceedings follows a request from the suspect or accused person under Article 5(3), such a consultation with the suspect or accused person who made the request is

#### *Amendment*

2. Provided that it would not undermine the confidentiality of an investigation, the suspect or accused person shall, *where appropriate*, in accordance with applicable national law, be informed of the intended transfer of criminal proceedings, in a language which they understand, and shall be given an opportunity to state their opinion orally or in writing, unless that person cannot be located despite reasonable efforts being made by the requesting authority. Where the requesting authority considers it necessary in view of the suspect's or accused person's age or their physical or mental condition, the opportunity to state their opinion shall be given to their legal representative. Where the request for transfer of criminal proceedings follows a request from the suspect or accused person under Article 5(3), such a consultation with the suspect or accused person who made

not required.

the request is not required.

Or. en

**Amendment 87**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 6 – paragraph 2**

*Text proposed by the Commission*

2. ***Provided that it would not undermine the confidentiality of an investigation***, the suspect or accused person shall, in accordance with applicable national law, be informed of the intended transfer of criminal proceedings, in a language which they understand, and shall be given an opportunity to state their opinion orally or in writing, unless that person cannot be located despite reasonable efforts being made by the requesting authority. Where the requesting authority considers it necessary in view of the suspect's or accused person's age or their physical or mental condition, the opportunity to state their opinion shall be given to their legal representative. Where the request for transfer of criminal proceedings follows a request from the suspect or accused person under Article 5(3), such a consultation with the suspect or accused person who made the request is not required.

*Amendment*

2. The suspect or accused person shall, in accordance with applicable national law, be informed of the intended transfer of criminal proceedings, in a language which they understand, and shall be given an opportunity to state their opinion orally or in writing ***prior to the intended transfer***, unless that person cannot be located despite reasonable efforts being made by the requesting authority. Where the requesting authority considers it necessary in view of the suspect's or accused person's age or their physical or mental condition, the opportunity to state their opinion shall be given to their legal representative ***prior to the intended transfer***. Where the request for transfer of criminal proceedings follows a request from the suspect or accused person under Article 5(3), such a consultation with the suspect or accused person who made the request is not required.

Or. en

**Amendment 88**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 6 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. The opinion referred to in paragraph 2 of the suspect or accused person shall be ***taken into account*** by the requesting authority when deciding whether to request the transfer of criminal proceedings.

3. The opinion referred to in paragraph 2 of the suspect or accused person shall be ***registered*** by the requesting authority when deciding whether to request the transfer of criminal proceedings.

Or. en

**Amendment 89**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 6 – paragraph 4**

*Text proposed by the Commission*

4. Where the requested authority has taken a decision in accordance with Article 12(1), the requesting authority shall, provided that it would not undermine the confidentiality of an investigation, immediately inform the suspect or accused person, in a language which they understand, about the issuing of the request for transfer of criminal proceedings and the subsequent acceptance or refusal of the transfer by the requested authority, unless that person cannot be located ***despite reasonable efforts being made*** by the requesting authority. If the requested authority has taken a decision to accept the transfer of criminal proceedings, the suspect or accused person shall also be informed about their right to a legal remedy in the requested State, including about the time limits for such a remedy.

*Amendment*

4. Where the requested authority has taken a decision in accordance with Article 12(1), the requesting authority shall, provided that it would not undermine the confidentiality of an ***investigation or otherwise prejudice the*** investigation, immediately inform the suspect or accused person, in a language which they understand, about the issuing of the request for transfer of criminal proceedings and the subsequent acceptance or refusal of the transfer by the requested authority, unless that person cannot be located by the requesting authority. If the requested authority has taken a decision to accept the transfer of criminal proceedings, the suspect or accused person shall also be informed about their right to a legal remedy in the requested State, including about the time limits for such a remedy. ***Where appropriate, the requesting authority may seek the assistance of the requested authority in carrying out this task.***

Or. en

**Amendment 90**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 6 – paragraph 4**

*Text proposed by the Commission*

4. Where the requested authority has taken a decision in accordance with Article 12(1), the requesting authority shall, ***provided that it would not undermine the confidentiality of an investigation,*** immediately inform the suspect or accused person, in a language which they understand, about the issuing of the request for transfer of criminal proceedings and the subsequent acceptance or refusal of the transfer by the requested authority, unless that person cannot be located despite reasonable efforts being made by the requesting authority. If the requested authority has taken a decision to accept the transfer of criminal proceedings, the suspect or accused person shall also be informed about their right to a legal remedy in the requested State, including about the time limits for such a remedy.

*Amendment*

4. Where the requested authority has taken a decision in accordance with Article 12(1), the requesting authority shall immediately inform the suspect or accused person, in a language which they understand, about the issuing of the request for transfer of criminal proceedings and the subsequent acceptance or refusal of the transfer by the requested authority, unless that person cannot be located despite reasonable efforts being made by the requesting authority. If the requested authority has taken a decision to accept the transfer of criminal proceedings, the suspect or accused person shall also be informed about their right to a legal remedy in the requested State, including about the time limits for such a remedy.

Or. en

**Amendment 91**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 6 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4 a. Member States shall provide that the right to information set out in paragraphs 2 and 4 includes the right of suspects and accused persons to access the case file as well as any other procedural rights which are necessary to effectively exercise their right to be heard.***

Or. en

**Amendment 92**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 6 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

**4 b. Member States may exceptionally and temporarily postpone the information set out in paragraphs 2 and 4 during the investigation stage where justified in the light of the particular circumstances of the case, where necessary to:**

**(a) avert serious adverse consequences for the life, liberty or physical integrity of a person;**

**(b) prevent a situation where the confidentiality of an investigation would be undermined.**

**As soon as it is no longer necessary to postpone informing the suspect of accused in order to protect ongoing investigations, the information referred to in paragraphs 2 and 4 shall be provided.**

Or. en

**Amendment 93**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Before a request for transfer of criminal proceedings is made, the requesting authority shall, in accordance with applicable national law, give due consideration to the legitimate interests of the victim ***and ensure that their rights under Union and national law are respected.***

1. Before a request for transfer of criminal proceedings is made, the requesting authority shall, in accordance with applicable national law ***and*** give due consideration to the legitimate interests of the victim.

Or. en

**Amendment 94**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 7 – paragraph 2**

*Text proposed by the Commission*

2. ***Provided that it would not undermine the confidentiality of an investigation, and*** where the victim resides in the requesting State, they shall, in accordance with applicable national law, be informed of the intended transfer of criminal proceedings, in a language which they understand, and shall be given an opportunity to state their opinion orally or in writing. Where the requesting authority considers it necessary in view of the victim's age or his or her physical or mental condition, that opportunity shall be given to victim's legal representative.

*Amendment*

2. Where the victim resides in the requesting State, they shall, in accordance with applicable national law, be informed of the intended transfer of criminal proceedings, in a language which they understand, and shall be given an opportunity to state their opinion orally or in writing ***unless that person cannot be located despite reasonable efforts being made by the requesting authority.*** ***Member States shall provide that the right to information of victims includes the right of access to the file as well as any other procedural rights which are necessary to effectively exercise their right to be heard.*** Where the requesting authority considers it necessary in view of the victim's age or his or her physical or mental condition, that opportunity shall be given to victim's legal representative.

Or. en

**Amendment 95**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 7 – paragraph 2**

*Text proposed by the Commission*

2. Provided that it would not undermine the confidentiality of an investigation, ***and where the victim resides*** in the requesting State, ***they shall***, in accordance with applicable national law, be informed of the intended transfer of criminal proceedings, in a language which

*Amendment*

2. Provided that it would not undermine the confidentiality of an investigation ***or otherwise prejudice the investigation, victims residing*** in the requesting State ***who have requested to receive information in accordance with Directive 2012/29/EU, may***, in accordance

they understand, and **shall** be given an opportunity to state their opinion orally or in writing. Where the requesting authority considers it necessary in view of the victim's age or his or her physical or mental condition, that opportunity **shall** be given to victim's legal representative.

with applicable national law, be informed of the intended transfer of criminal proceedings, in a language which they understand, and **may** be given an opportunity to state their opinion orally or in writing. Where the requesting authority considers it necessary in view of the victim's age or his or her physical or mental condition, that opportunity **may** be given to victim's legal representative.

Or. en

**Amendment 96**  
**Evin Incir**

**Proposal for a regulation**  
**Article 7 – paragraph 2**

*Text proposed by the Commission*

2. Provided that it would not undermine the confidentiality of an investigation, and where the victim resides in the requesting State, they shall, in accordance with applicable national law, be informed of the intended transfer of criminal proceedings, in a language which they understand, and shall be given an opportunity to state their opinion orally or in writing. Where the requesting authority considers it necessary in view of the victim's age or his or her physical or mental condition, that opportunity shall be given to victim's legal representative.

*Amendment*

2. Provided that it would not undermine the confidentiality of an investigation, and where the victim resides in the requesting State, they shall, **where appropriate**, in accordance with applicable national law, be informed of the intended transfer of criminal proceedings, in a language which they understand, and shall be given an opportunity to state their opinion orally or in writing. Where the requesting authority considers it necessary in view of the victim's age or his or her physical or mental condition, that opportunity shall be given to victim's legal representative.

Or. en

**Amendment 97**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 7 – paragraph 3**



*Text proposed by the Commission*

3. The opinion referred to in paragraph 2 of the victim shall be ***taken into account*** by the requesting authority when deciding whether to request the transfer of criminal proceedings.

*Amendment*

3. The opinion referred to in paragraph 2 of the victim shall be ***registered*** by the requesting authority when deciding whether to request the transfer of criminal proceedings.

Or. en

**Amendment 98**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 7 – paragraph 4**

*Text proposed by the Commission*

4. Where the requested authority has taken a decision in accordance with Article 12(1), the requesting authority shall, provided that it would not undermine the confidentiality of an investigation, immediately inform the victim residing in the requesting State, in a language which they understand, about the issuing of the request for transfer of criminal proceedings and the subsequent acceptance or refusal of the transfer by the requested authority. If the requested authority has accepted the transfer of criminal proceedings, the victim shall also be informed about their right to a legal remedy available in the requested State, including about the time limits for such a remedy.

*Amendment*

4. Where the requested authority has taken a decision in accordance with Article 12(1), the requesting authority shall, provided that it would not undermine the confidentiality of an investigation ***or otherwise prejudice the investigation***, immediately inform the victim ***or victims*** residing in the requesting State, ***who have requested to receive information in accordance with Directive 2012/29/EU***, in a language which they understand, about the issuing of the request for transfer of criminal proceedings and the subsequent acceptance or refusal of the transfer by the requested authority. If the requested authority has accepted the transfer of criminal proceedings, the victim shall also be informed about their right to a legal remedy available in the requested State, including about the time limits for such a remedy. ***Where appropriate, the requesting authority may seek the assistance of the requested authority in carrying out this task.***

Or. en

**Amendment 99**

Saskia Bricmont

**Proposal for a regulation**  
**Article 7 – paragraph 4**

*Text proposed by the Commission*

4. Where the requested authority has taken a decision in accordance with Article 12(1), the requesting authority shall, ***provided that it would not undermine the confidentiality of an investigation,*** immediately inform the victim residing in the requesting State, in a language which they understand, about the issuing of the request for transfer of criminal proceedings and the subsequent acceptance or refusal of the transfer by the requested authority. If the requested authority has accepted the transfer of criminal proceedings, the victim shall also be informed about their right to a legal remedy available in the requested State, including about the time limits for such a remedy.

*Amendment*

4. Where the requested authority has taken a decision in accordance with Article 12(1), the requesting authority shall immediately inform the victim residing in the requesting State, in a language which they understand, about the issuing of the request for transfer of criminal proceedings and the subsequent acceptance or refusal of the transfer by the requested authority ***unless that person cannot be located despite reasonable efforts being made by the requesting authority. Member States shall provide that the right to information of victims includes the right of access to the file as well as any other procedural rights which are necessary to effectively exercise their right to be heard.*** If the requested authority has accepted the transfer of criminal proceedings, the victim shall also be informed about their right to a legal remedy available in the requested State, including about the time limits for such a remedy.

Or. en

**Amendment 100**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 7 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4 a. Member States may exceptionally and temporarily postpone the information set out in paragraphs 2 and 4 during the investigation stage where justified in the light of the particular circumstances of the case where necessary to:***

*(a) avert serious adverse consequences for the life, liberty or physical integrity of a person;*

*(b) prevent a situation where the confidentiality of an investigation would be undermined.*

*As soon as it is no longer necessary to postpone informing the victim in order to protect ongoing investigations, the information referred to in paragraphs 2 and 4 shall be provided.*

Or. en

**Amendment 101**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 7 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

*4 a. In exceptional cases, for example due to the high number of victims involved in a case, it should be possible to provide information under paragraph 2 and 4 through the press, through an official website of the competent authority or through a similar communication channel.*

Or. en

**Amendment 102**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 8 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Suspects, accused persons, and victims shall have the right to effective legal remedies in the requested State against a decision to accept the transfer of

1. Suspects, accused persons, and victims shall have the right to effective legal remedies in the **requesting and** requested State against a decision to

criminal proceedings.

*request, to accept or to refuse* the transfer of criminal proceedings.

Or. en

### **Amendment 103**

**Karolin Braunsberger-Reinhold**

#### **Proposal for a regulation**

#### **Article 8 – paragraph 2**

*Text proposed by the Commission*

2. The right to a legal remedy shall be exercised before a court in the requested State in accordance with its law.

*Amendment*

2. The right to a legal remedy shall be exercised before a court in the requested State in accordance with its law. ***The court shall examine the legality of the decision to accept the transfer of criminal proceedings in the light of the relevant articles in this Regulation and, where possible, shall take its decision on the legal remedy within 60 days.***

Or. en

### **Amendment 104**

**Morten Petersen**

#### **Proposal for a regulation**

#### **Article 8 – paragraph 2**

*Text proposed by the Commission*

2. The right to a legal remedy shall be exercised before a court in the requested State in accordance with its law.

*Amendment*

2. The right to a legal remedy shall be exercised before a court in the requested State in accordance with its law ***and may also be exercised before the Court of Justice of the European Union.***

Or. en

*Justification*

*There should be a possibility of legal remedy through Article 267 TFEU and as such not only national courts*

**Amendment 105**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 8 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

2. The right to a legal remedy shall be exercised before a **competent** court in the **requesting or** requested State in accordance with **the applicable national law**.

Or. en

**Amendment 106**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 8 – paragraph 3**

*Text proposed by the Commission*

3. The time limit for seeking a legal remedy shall be no longer than **20** days from the date of receipt of information about the **decision** referred to in Article **12(1)**.

*Amendment*

3. The time limit for seeking a legal remedy shall be no longer than **30 working** days from the date of receipt of information about the **request issued pursuant to Article 5(1), and about the decisions** referred to in Article **5(3a) and 12(1)**.

Or. en

**Amendment 107**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 8 – paragraph 3**

*Text proposed by the Commission*

3. The time limit for seeking a legal remedy shall be no longer than **20** days from the date of receipt of information

*Amendment*

3. The time limit for seeking a legal remedy shall be no longer than **14** days from the date of receipt of information

about the decision referred to in Article 12(1).

about the decision referred to in Article 12(1).

Or. en

**Amendment 108**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 8 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. Where the request for transfer of criminal proceedings is issued after the suspect's or accused person's indictment, the invocation of a legal remedy against a decision to accept the transfer of criminal proceedings, shall have suspensive effect.**

**deleted**

Or. en

**Amendment 109**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 8 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. Where the request for transfer of criminal proceedings is issued after the suspect's or accused person's indictment, the invocation of a legal remedy against a decision to accept the transfer of criminal proceedings, shall have suspensive effect.**

**4. The invocation of a legal remedy against a decision *to request or* to accept the transfer of criminal proceedings, shall have suspensive effect.**

Or. en

**Amendment 110**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 8 – paragraph 5**

*Text proposed by the Commission*

5. The requested authority shall inform the requesting authority about the legal remedies sought under this Article.

*Amendment*

5. The requested authority shall inform the requesting authority about the legal remedies sought under this Article ***and about their final outcome without undue delay.***

Or. en

**Amendment 111**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 8 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5 a. The requesting and the requested authority shall inform each other accordingly about the legal remedies sought under this Article and about their final outcome within five working days from the moment when the decision on the legal remedies is taken.***

Or. en

**Amendment 112**  
**Evin Incir**

**Proposal for a regulation**  
**Article 9 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***7 a. The requested authority shall as soon as possible acknowledge the receipt of the request.***

Or. en

**Amendment 113**

**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**

**Article 9 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**8 a. The competent authority in the requested Member State shall issue an acknowledgement of receipt of the request.**

Or. en

**Amendment 114**

**Morten Petersen**

**Proposal for a regulation**

**Article 10 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**The suspect or accused person and their legal advisors shall be kept informed of developments in relation to any request, provided that it would not undermine the confidentiality of an investigation.**

Or. en

*Justification*

*Suspect or accused person should have the right to be informed if it doesn't undermine the confidentiality of an investigation.*

**Amendment 115**

**Saskia Bricmont**

**Proposal for a regulation**

**Article 11 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

The requesting authority may withdraw the request for transfer of criminal proceedings at any time before receiving the requested authority's decision to accept the transfer of

The requesting authority may withdraw the request for transfer of criminal proceedings at any time before receiving the requested authority's decision to accept the transfer of



criminal proceedings in accordance with Article 12.

criminal proceedings in accordance with Article 12. ***The requesting authority shall justify the withdrawal decision in written and provide a short explanation to the suspect or accused person and the victim.***

Or. en

**Amendment 116**  
**Morten Petersen**

**Proposal for a regulation**  
**Article 11 – paragraph 1 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

***A decision to withdraw the request by a requesting authority should be amenable to judicial review.***

Or. en

*Justification*

*Such a decision could have adverse consequences on rights of the suspect and as such judicial review should be a possibility.*

**Amendment 117**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 12 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The requested authority shall take a reasoned decision on whether to accept the transfer of criminal proceedings and shall decide, in accordance with its national law, what measures to take thereon.

1. The requested authority shall take a reasoned decision on whether to accept the transfer of criminal proceedings and shall decide, in accordance with its national law, what measures to take thereon. ***It shall inform the requesting authority of its reasoned decision in accordance with the time limits of Article 14.***

Or. en

**Amendment 118**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 12 – paragraph 5**

*Text proposed by the Commission*

5. When the requested authority has accepted the transfer of criminal proceedings, the requesting authority shall without 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). ***Where necessary, the requesting and requested authorities may consult each other in order to determine the necessary documents or parts of such documents to be forwarded, as well as to be translated.***

*Amendment*

5. When the requested authority has accepted the transfer of criminal proceedings, the requesting authority shall without delay forward the original or a certified copy of the case file, 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).

Or. en

**Amendment 119**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 12 – paragraph 5**

*Text proposed by the Commission*

5. When the requested authority has accepted the transfer of criminal proceedings, the requesting authority shall without 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). Where necessary, the requesting and requested authorities may consult each

*Amendment*

5. When the requested authority has accepted the transfer of criminal proceedings, ***and only after the decision on the legal remedy has been taken***, the requesting authority shall without 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). Where necessary, the

other in order to determine the necessary documents or parts of such documents to be forwarded, as well as to be translated.

requesting and requested authorities may consult each other in order to determine the necessary documents or parts of such documents to be forwarded, as well as to be translated.

Or. en

#### **Amendment 120**

**Karolin Braunsberger-Reinhold**

#### **Proposal for a regulation**

#### **Article 13 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

#### **Amendment 121**

**Saskia Bricmont**

#### **Proposal for a regulation**

#### **Article 13 – paragraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

(f) if the requested State does not have jurisdiction over the criminal offence.  
***Such jurisdiction could also derive from Article 3.***

(f) if the requested State does not have jurisdiction over the criminal offence.

Or. en

#### **Amendment 122**

**Karolin Braunsberger-Reinhold**

#### **Proposal for a regulation**

#### **Article 13 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

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

***deleted***

Or. en

**Amendment 123  
Saskia Bricmont**

**Proposal for a regulation  
Article 13 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

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

**(b) the requested authority considers that the transfer of criminal proceedings is not in the interest of an efficient and proper administration of justice *and the protection of fundamental rights of the suspect or the accused persons, as well as of the victims, as enshrined in Union and national law;***

Or. en

**Amendment 124  
Karolin Braunsberger-Reinhold**

**Proposal for a regulation  
Article 13 – paragraph 2 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(d a) the action underlying the proceedings is not a punishable offence where the action took place and hence there is no jurisdiction under the law of the requested state.***

Or. en

**Amendment 125**

**Evin Incir**

**Proposal for a regulation  
Article 13 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2 a. the alleged offence is not an offence at the place where it was committed and the requested state has no jurisdiction according to its national law to prosecute the offence.**

Or. en

**Amendment 126  
Morten Petersen**

**Proposal for a regulation  
Article 13 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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 consult the requesting authority and, where necessary, shall request it to provide any necessary information without delay.

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 consult the requesting authority and, where necessary, shall request it to provide any necessary information without delay. **Moreover, the suspect or accused person and their legal advisors shall be kept informed of developments in relation to any request, provided that it would not undermine the confidentiality of an investigation**

Or. en

*Justification*

*Suspect or accused person should have the right to be informed if it doesn't undermine the confidentiality of an investigation.*

**Amendment 127  
Morten Petersen**

**Proposal for a regulation**  
**Article 13 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4 a. Any decision to refuse a transfer shall be amenable to judicial review in both national courts and the CJEU.**

Or. en

*Justification*

*Such a decision could have adverse consequences on rights of the suspect and as such judicial review should be a possibility.*

**Amendment 128**  
**Evin Incir**

**Proposal for a regulation**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

1. The requested authority shall communicate to the requesting authority its decision whether to accept the transfer of criminal proceedings without delay and in any case no later than **30 days, and in urgent cases no later than 7 days**, after the receipt of the request for transfer of criminal proceedings by the competent requested authority.

Or. en

**Amendment 129**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The requested authority shall communicate to the requesting authority its

1. The requested authority shall communicate to the requesting authority its

decision whether to accept the transfer of criminal proceedings without delay and in any case no later than 60 days after the receipt of the request for transfer of criminal proceedings by the competent requested authority.

decision whether to accept the transfer of criminal proceedings without delay and in any case no later than 60 **working** days after the receipt of the request for transfer of criminal proceedings by the competent requested authority.

Or. en

**Amendment 130**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 14 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. When suspects, accused persons, and victims exercise their right to effective legal remedies in the requesting and requested State against a decision to request, to accept, or to refuse the transfer of criminal proceedings, the requesting or requested authorities shall decide within 60 working days whether to request, to accept, or to refuse the transfer of criminal proceedings without delay, and notify such decision to the suspect or accused person and the victim.***

Or. en

**Amendment 131**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 14 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Where in a specific case the requested authority cannot meet the time limit set out in paragraph 1, it shall immediately inform the requesting authority thereof, giving reasons for the delay. In such a case, the time limit set out

2. Where in a specific case the requested authority cannot meet the time limit set out in paragraph 1, it shall immediately 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.

in paragraph 1 may be extended by a maximum of 30 *working* days.

Or. en

**Amendment 132**  
**Evin Incir**

**Proposal for a regulation**  
**Article 14 – paragraph 2**

*Text proposed by the Commission*

2. Where in a specific case the requested authority cannot meet the time limit set out in paragraph 1, it shall immediately 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.

*Amendment*

2. Where in a specific case the requested authority cannot meet the time limit set out in paragraph 1, it shall immediately 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 **15** days.

Or. en

**Amendment 133**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 15 – paragraph 2**

*Text proposed by the Commission*

2. Consultations *may* also take place before the request for transfer of criminal proceedings is issued, in particular with a view to determining whether the transfer would serve the interests of efficient and proper administration of justice. In order to propose the transfer of criminal proceedings from the requesting State, the requested authority *may* also consult with the requesting authority about the possibility of issuing a request for transfer of criminal proceedings.

*Amendment*

2. Consultations *shall* also take place before the request for transfer of criminal proceedings is issued, in particular with a view to determining whether the transfer would serve the interests of efficient and proper administration of justice. In order to propose the transfer of criminal proceedings from the requesting State, the requested authority *shall* also consult with the requesting authority about the possibility of issuing a request for transfer of criminal proceedings.

Or. en



**Amendment 134**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 15 – paragraph 4**

*Text proposed by the Commission*

4. Requests for consultations shall be answered without delay.

*Amendment*

4. Requests for consultations shall be answered without **undue** delay.

Or. en

**Amendment 135**  
**Morten Petersen**

**Proposal for a regulation**  
**Article 15 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4 a. The suspect or accused person and their legal advisors shall be kept informed of consultations in relation to any request, provided that it would not undermine the confidentiality of an investigation.**

Or. en

*Justification*

*Suspect or accused person should have the right to be informed if it doesn't undermine the confidentiality of an investigation.*

**Amendment 136**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 16 – paragraph 1**

*Text proposed by the Commission*

The requesting and requested authorities may, at any stage of the procedure, request the assistance of Eurojust or the European

*Amendment*

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)**, 13(3), 15 **and 17(2)**.

Judicial Network in accordance with their respective competences. In particular, where appropriate, Eurojust may facilitate consultations referred to in Articles **9(7)**, **12(2) and 12(5)**, 13(3), 15, **17(2) and 19**.

Or. en

**Amendment 137**  
**Morten Petersen**

**Proposal for a regulation**  
**Article 17 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

1. Each Member State shall bear its own costs of transfers of criminal proceedings resulting from the application of this Regulation. ***Including but not limited to the legal aid that a suspect or accused person has the right to in each Member State.***

Or. en

*Justification*

*It is important to clarify that the cost arising from legal aid rights in each member state is borne by the respective Member States.*

**Amendment 138**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 19 – paragraph 1**

*Text proposed by the Commission*

1. At the latest upon receipt of the notification of the acceptance by the requested authority of a transfer of criminal proceedings, those criminal proceedings shall be ***suspended or*** discontinued in the requesting State in accordance with national law, unless a legal remedy under

*Amendment*

1. At the latest upon receipt of the notification of the acceptance by the requested authority of a transfer of criminal proceedings, those criminal proceedings shall be discontinued in the requesting State in accordance with national law, unless a legal remedy under Article 8 has

Article 8 has been invoked with suspensive effect and until such time when the final decision on the legal remedy is taken.

been invoked with suspensive effect and until such time when the final decision on the legal remedy is taken.

Or. en

**Amendment 139**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 19 – paragraph 2 – point b**

*Text proposed by the Commission*

(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 based on Framework Decision 2002/584/JHA or another mutual recognition instrument or a request for mutual legal assistance.

*Amendment*

(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 based on Framework Decision 2002/584/JHA or another mutual recognition instrument or a request for mutual legal assistance. ***These measures may also be maintained if the mutual recognition request has not yet been issued, under the condition that it is likely to be issued without undue delay once the request for transfer has been accepted.***

Or. en

**Amendment 140**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 19 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(b a) coordinate as soon as possible with the requested authority and with the involvement of Eurojust on maintaining provisional measures already taken in the requesting Member State.***

Or. en

**Amendment 141**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 19 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2 a. When a final decision on the request and the acceptance of the transfer has been issued, the requesting state can no longer prosecute the suspected person for the offence in respect of which the transfer of proceedings have been requested or enforce a judgment which has been pronounced previously in that State against the suspect of accused for that offence.***

Or. en

**Amendment 142**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 19 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

***3. 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 request for transfer of criminal proceedings, unless that decision, under the national law of the requested State, definitively bars further prosecution and therefore prevents further criminal proceedings, in respect of the same acts, in the requested State.***

*deleted*

Or. en

**Amendment 143**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 19 – paragraph 3**

*Text proposed by the Commission*

3. 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 request for transfer of criminal proceedings, unless that decision, under the national law of the requested State, definitively bars further prosecution and therefore *prevents* further criminal proceedings, in respect of the same acts, in the requested State.

*Amendment*

3. 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 request for transfer of criminal proceedings, unless that decision, under the national law of the requested State, definitively bars further prosecution and ***has been given following a determination of the merits of the case***, therefore ***preventing*** further criminal proceedings, in respect of the same acts, in the requested State.

Or. en

**Amendment 144**  
**Morten Petersen**

**Proposal for a regulation**  
**Article 19 – paragraph 3**

*Text proposed by the Commission*

3. 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 request for transfer of criminal proceedings, unless that decision, under the national law of the requested State, definitively bars further prosecution and therefore prevents further criminal proceedings, in respect of the same acts, in the requested State.

*Amendment*

3. The requesting authority may reopen criminal proceedings, if the requested authority informs it of its decision to discontinue criminal proceedings related to the facts underlying the request for transfer of criminal proceedings, unless that decision, under the national law of the requested State, definitively bars further prosecution and therefore prevents further criminal proceedings, in respect of the same acts, in the requested State.

Or. en

*Justification*

*If the proceedings shall suspended or discontinued in the requesting State in accordance with paragraph 1 the word continue should be omitted from this paragraph*

**Amendment 145**  
**Morten Petersen**

**Proposal for a regulation**  
**Article 19 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3 a. Any decision to reopen a case shall be amenable to judicial review in both national courts and the CJEU.***

Or. en

*Justification*

*Such a decision could have adverse consequences on rights of the suspect and as such judicial review should be a possibility. Furthermore, it would help ensure the legal principle of ne bis in idem.*

**Amendment 146**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 19 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

***4. Paragraph 3 shall not affect to the right of victims to initiate or to request reopening of criminal proceedings against the suspect or accused person in the requesting State, when 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 therefore prevents further criminal proceedings, in respect of the same acts, in that State.*** ***deleted***

Or. en

**Amendment 147**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 19 – paragraph 4**

*Text proposed by the Commission*

4. Paragraph 3 shall not affect to the right of victims to initiate or to request reopening of criminal proceedings against the suspect or accused person in the requesting State, when 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 therefore prevents further criminal proceedings, in respect of the same acts, in that State.

*Amendment*

4. Paragraph 3 shall not affect to the right of victims to initiate or to request reopening of criminal proceedings against the suspect or accused person in the requesting State, when 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 ***has been given following a determination of the merits of the case, therefore preventing*** therefore prevents further criminal proceedings, in respect of the same acts, in that State.

Or. en

**Amendment 148**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 20 – paragraph 2**

*Text proposed by the Commission*

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 or any act interrupting or suspending the period of limitation shall have the same validity in the requested State ***as if it had been validly performed by its own authorities.***

*Amendment*

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 or any act interrupting or suspending the period of limitation shall have the same validity in the requested State ***only if such act qualifies as an act interrupting or suspending the period of limitation under national law.***

**Amendment 149**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 20 – paragraph 3**

*Text proposed by the Commission*

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 not contrary to the fundamental principles of law of the requested State.

*Amendment*

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 ***and admissible*** in the requesting State may be used in criminal proceedings in the requested State, provided that the admissibility of such evidence is not contrary to the fundamental principles of law of the requested State. ***Member States shall ensure that there are effective remedies in place to assess the admissibility of evidence. The requested State shall take into account a successful remedy in respect of the gathering, admissibility or transmission of the evidence in the State where the evidence was gathered.***

Or. en

**Amendment 150**  
**Morten Petersen**

**Proposal for a regulation**  
**Article 20 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

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



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 not contrary to the fundamental principles of law of the requested State.

Member State. The evidence gathered in the requesting State ***according to the lex loci*** may be used in criminal proceedings in the requested State, provided that the admissibility of such evidence is not contrary to the fundamental principles of law of the requested State. ***Member States shall ensure that there are effective remedies in place to assess the admissibility of evidence. The requested State shall take into account a successful remedy against the production or transmission of the evidence in the State where the evidence was gathered.***

Or. en

#### *Justification*

*Requesting State has been added to address the risk of forum shopping.*

#### **Amendment 151 Karolin Braunsberger-Reinhold**

#### **Proposal for a regulation Article 20 – paragraph 3**

##### *Text proposed by the Commission*

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 not contrary to the fundamental principles of law of the requested State.***

##### *Amendment*

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 ***free judicial appraisal of evidence should be maintained.***

Or. en

#### **Amendment 152 Saskia Bricmont**

**Proposal for a regulation**  
**Article 20 – paragraph 4**

*Text proposed by the Commission*

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.

*Amendment*

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. ***Equally, where the person is subject to detention pending proceedings in the requested state, all periods of detention spent in the requesting State should be taken into account in order to determine any maximum deadlines applicable to such provisory detention, and in order to assess the proportionality of that measure in the requesting state.***

Or. en

**Amendment 153**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 20 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

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.

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. ***The competent authority in the requested state may however decide that all or part of the credit shall be omitted if it is not justified in the light of the conduct of the convicted person following the offence.***

Or. en

**Amendment 154**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 20 – paragraph 6**

*Text proposed by the Commission*

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, when the criminal offence has been perpetrated in the territory of the requesting State. Where the 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.***

*Amendment*

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.

Or. en

**Amendment 155**  
**Morten Petersen**

**Proposal for a regulation**  
**Article 21 – paragraph 1**

*Text proposed by the Commission*

The requested authority shall inform the requesting authority of the discontinuation of criminal proceedings or of 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 therefore prevents further criminal proceedings, in respect of the same acts, in that State or of other information of substantial value. It shall forward a copy of the written decision delivered at the end of the criminal proceedings to the requesting authority.

*Amendment*

The requested authority shall inform the requesting authority **and the suspect or accused person and their legal advisors** of the discontinuation of criminal proceedings or of 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 therefore prevents further criminal proceedings, in respect of the same acts, in that State or of other information of substantial value. It shall forward a copy of the written decision delivered at the end of the criminal proceedings to the requesting authority **and the suspect or accused person and their legal advisors**.

Or. en

*Justification*

*Suspect or accused person should have the right to be informed.*

**Amendment 156**

**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**

**Article 21 – paragraph 1**

*Text proposed by the Commission*

The requested **authority** shall inform the requesting authority of the discontinuation of criminal proceedings or of 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 therefore prevents further criminal proceedings, in respect of the same acts, in that State or of other information of substantial value. It shall forward a copy of the written decision delivered at the end of the criminal

*Amendment*

**The competent authority in** the requested **Member State** shall inform the requesting authority of the discontinuation of criminal proceedings or of 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 therefore prevents further criminal proceedings, in respect of the same acts, in that State or of other information of substantial value. It shall forward a copy of the written decision delivered at the end of

proceedings to the requesting authority.

the criminal proceedings to the requesting authority.

Or. en

#### **Amendment 157**

**Karolin Braunsberger-Reinhold**

#### **Proposal for a regulation**

#### **Article 27 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. ***Member States shall regularly collect comprehensive*** statistics for the purpose of monitoring the application of this Regulation by the Commission. ***Authorities 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. Those statistics ***shall include***:

*Amendment*

1. Statistics for the purpose of monitoring the application of this Regulation by the Commission shall ***be collected at regular intervals. Such statistics should be collected through the decentralised IT system provided by the Regulation and only if they are available at a central level in the Member State concerned.*** Personal data necessary for the production of the statistics ***may be processed.*** Those statistics ***are***:

Or. en

#### **Amendment 158**

**Karolin Braunsberger-Reinhold**

#### **Proposal for a regulation**

#### **Article 27 – paragraph 1 – point c**

*Text proposed by the Commission*

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

*Amendment*

***deleted***

Or. en

#### **Amendment 159**

**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 27 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

**(e) 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;**

**deleted**

Or. en

**Amendment 160**  
**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 27 – paragraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

**(f) 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).**

**deleted**

Or. en

**Amendment 161**  
**Morten Petersen**

**Proposal for a regulation**  
**Article 30 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The Commission shall make the information received under paragraph 1 publicly available, either on a dedicated website or on the website of the European Judicial Network created by the Council Decision 2008/976/JHA<sup>76</sup>.

2. The Commission shall make the information received under paragraph 1 publicly available **and up-to-date**, either on a dedicated website or on **the unrestricted area of** the website of the European Judicial Network created by the Council Decision 2008/976/JHA<sup>76</sup>.

<sup>76</sup> Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348, 24.12.2008, p. 130).

<sup>76</sup> Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348, 24.12.2008, p. 130).

Or. en

*Justification*

*The information that is to be collated is potentially of significance to the suspects and their legal advisors. As such, to ensure equality of arms the text should be amended to include that the information should be available to them as well and kept up-to-date.*