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CORRIGENDUM TO THE NOTE

from : Presidency

to : Council

No. prev. doc. : 15895/09 COPEN 226

Subject : **Draft [...] on Transfer of proceedings in criminal matters**

On page 5 of the document, in the Annex I, Article 5 should read as follows:

Article 5

Jurisdiction

- 1 For the purpose of applying this [...], a Member State shall ensure that it has jurisdiction to prosecute, under its national law, any offence to which the law of another Member State is applicable in at least the following situations:
- (a) most of the effects of the offence or a substantial part of the damage caused by the offence was sustained in the territory of that Member State;
 - (b) the suspected or accused person is a national of or ordinarily resident in that Member State;
 - (c) there are ongoing proceedings against the suspected or accused person in that Member State;

- (d) there are ongoing proceedings in respect of the same or related facts involving other persons, in particular in respect of the same criminal organisation, in that Member State.
- (e) the victim is a national of or ordinarily resident in that Member State.

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