



Council of the
European Union

Brussels, 23 February 2024
(OR. en)

6977/24

**Interinstitutional File:
2023/0093(COD)**

**COPEN 98
JAI 328
CODEC 599**

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	16881/23
No. Cion doc.:	8231/23 + ADD 1 + ADD 2 + ADD 3
Subject:	Proposal for a Regulation of the European Parliament and of the Council on the transfer of proceedings in criminal matters - Four column table setting out the positions of the three institutions

Delegations will find attached the four-column table as it was agreed to use at the (first) trilogue on the above-mentioned file on 8 February 2024.

This information is provided in accordance with point 1 f) of note 9493/20 on ‘Strengthening legislative transparency’.

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the transfer of proceedings in criminal matters

2023/0093(COD)

[Version for Trilogue on February 8, 2024]

02-02-2024 at 13h22

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Formula				
1	2023/0093 (COD)	2023/0093 (COD)	2023/0093 (COD)	
Proposal Title				
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the transfer of proceedings in criminal matters	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the transfer of proceedings in criminal matters	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the transfer of proceedings in criminal matters	
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(1)(b) and (d) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(1)(b) and (d) 82(1), second subparagraph, points (b) and (d) , thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(1)(b) and (d) thereof,	
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C , , p. .</u>	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C , , p. .</u>	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C , , p. .</u>	
Citation 5				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
8	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure ¹ , 1. Position of the European Parliament of ... [(OJ ...)/(not yet published in the Official Journal)] and decision of the Council of ...	Acting in accordance with the ordinary legislative procedure,	
Formula				
9	Whereas:	Whereas:	Whereas:	
Recital 1				
10	(1) The Union has set itself the objective of maintaining and developing an area of freedom, security and justice.	(1) The Union has set itself the objective of maintaining and developing an area of freedom, security and justice.	(1) The Union has set itself the objective of maintaining and developing an area of freedom, security and justice.	
Recital 2				
11	(2) The Hague Programme for strengthening freedom, security and justice in the European Union ¹ requires Member States to consider possibilities of concentrating the prosecution in cross-border multilateral cases in one Member State, with a view to increasing the efficiency of prosecutions while	(2) The Hague Programme for strengthening freedom, security and justice in the European Union ¹ requires Member States to consider possibilities of concentrating the prosecution in cross-border multilateral cases in one Member State, with a view to increasing the efficiency of prosecutions while	(2) The Hague Programme for strengthening freedom, security and justice in the European Union ¹ requires Member States to consider possibilities of concentrating the prosecution in cross-border multilateral cases in one Member State, with a view to increasing the efficiency of prosecutions while	

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	<p>guaranteeing the proper administration of justice.</p> <p>1. OJ C 53, 3.3.2005, p. 1.</p>	<p>guaranteeing the proper administration of justice.</p> <p>1. OJ C 53, 3.3.2005, p. 1.</p>	<p>guaranteeing the proper administration of justice.</p> <p>1. OJ C 53, 3.3.2005, p. 1.</p>	
Recital 3				
12	<p>(3) The Programme of measures to implement the principle of mutual recognition of decisions in criminal matters¹ calls for an instrument enabling criminal proceedings to be transferred to other Member States.</p> <p>1. OJ C 12, 15.1.2001, p. 10.</p>	<p>(3) The Programme of measures to implement the principle of mutual recognition of decisions in criminal matters¹ calls for an instrument enabling criminal proceedings to be transferred to other Member States.</p> <p>1. OJ C 12, 15.1.2001, p. 10.</p>	<p>(3) The Programme of measures to implement the principle of mutual recognition of decisions in criminal matters¹ calls for an instrument enabling criminal proceedings to be transferred to other Member States.</p> <p>1. OJ C 12, 15.1.2001, p. 10.</p>	
Recital 4				
13	<p>(4) Further development of judicial cooperation between Member States is needed to increase the efficient and proper administration of criminal justice within the common area of freedom, security and justice and to ensure that the best-placed Member State investigates or prosecutes a criminal offence. In particular, common rules for the Member States regarding the transfer of criminal proceedings could help to</p>	<p>(4) Further development of judicial cooperation between Member States is needed to increase the efficient and proper administration of criminal justice within the common area of freedom, security and justice and to ensure that the best-placed Member State investigates or prosecutes a criminal offence. In particular, common rules for the Member States regarding the transfer of criminal proceedings could help to</p>	<p>(4) Further development of judicial cooperation between Member States is needed to increase the efficient and proper administration of criminal justice within the common area of freedom, security and justice and to ensure that the best-placed Member State investigates or prosecutes a criminal offence. In particular, common rules for the Member States regarding the transfer of criminal proceedings could help to</p>	

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	<p>prevent unnecessary parallel criminal proceedings in different Member States concerning the same facts and the same person, that could result in an infringement of the <i>ne bis in idem</i> principle. They could also reduce the number of multiple criminal proceedings in respect of the same facts or in respect of the same person being conducted in different Member States. They also aim to ensure that a transfer of criminal proceedings can take place, when the surrender of a person for criminal prosecution under a European Arrest Warrant¹ is delayed or refused for reasons such as those that parallel criminal proceedings for the same criminal offence are ongoing in the other Member State, in order to enable the person being prosecuted to avoid impunity.</p> <p><small>1. Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA) (OJ L 190, 18.7.2002, p. 1).</small></p>	<p>prevent unnecessary parallel criminal proceedings in different Member States concerning the same facts and the same person, that could result in an infringement of the <i>ne bis in idem</i> principle. They Such common rules could also reduce the number of multiple criminal proceedings in respect of the same facts or in respect of the same person being conducted in different Member States. They also aim to ensure that a transfer of criminal proceedings can take place, when the surrender of a person for criminal prosecution under a European Arrest Warrant, pursuant to Council Framework Decision 2002/584/JHA¹,⁺ is delayed or refused for reasons such as those that parallel criminal proceedings for the same criminal offence are ongoing in the other Member State, in order to enable the person being prosecuted to avoid impunity.</p> <p><small>1. Council Framework Decision Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA) (OJ L 190, 18.7.2002, p. 1).</small></p>	<p>prevent unnecessary parallel criminal proceedings in different Member States concerning the same facts and the same person, that could result in an infringement of the <i>ne bis in idem</i> principle. They could also reduce the number of multiple criminal proceedings in respect of the same facts or in respect of the same person being conducted in different Member States. They also aim to ensure that a transfer of criminal proceedings can take place, when the surrender of a person for criminal prosecution under a European Arrest Warrant¹ is delayed or refused for reasons such as those that parallel criminal proceedings for the same criminal offence are ongoing in the other Member State, in order to enable the person being prosecuted to avoid impunity.</p> <p><small>1. Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA) (OJ L 190, 18.7.2002, p. 1).</small></p>	

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Recital 5				
14	(5) Common rules on the transfer of criminal proceedings are also essential in order to efficiently fight cross-border crime. This is especially important for crimes perpetrated by organised criminal groups, such as drug trafficking, migrant smuggling, trafficking in human beings, firearms trafficking, environmental crime, cybercrime or money laundering. Prosecuting organised criminal groups that are active in multiple Member States can create great difficulties for the authorities involved. The transfer of criminal proceedings is an important tool which would reinforce the fight against organised criminal groups that are active in the Member States across the EU.	(5) Common rules on the transfer of criminal proceedings are also essential in order to efficiently fight cross-border crime. This is especially important for crimes perpetrated by organised criminal groups, such as drug trafficking, migrant smuggling, trafficking in human beings, firearms trafficking, environmental crime, cybercrime or money laundering. Prosecuting organised criminal groups that are active in multiple Member States can create great difficulties for the authorities involved. The transfer of criminal proceedings is an important tool which would reinforce the fight against organised criminal groups that are active in the Member States across the EU Union .	(5) Common rules on the transfer of criminal proceedings are also essential in order to efficiently fight cross-border crime. This is especially important for crimes perpetrated by organised criminal groups, such as drug trafficking, migrant smuggling, trafficking in human beings, firearms trafficking, environmental crime, cybercrime or money laundering. Prosecuting organised criminal groups that are active in multiple Member States can create great difficulties for the authorities involved. The transfer of criminal proceedings is an important tool which would reinforce the fight against organised criminal groups that are active in the Member States across the EU.	
Recital 6				
15	(6) In order to ensure the effective cooperation between the requesting and requested authorities in relation to the transfer of criminal proceedings, such rules should be established by a legally binding	(6) In order to ensure the effective cooperation between the requesting and requested authorities in relation to the transfer of criminal proceedings, such rules should be established by a legally binding	(6) In order to ensure the effective cooperation between the requesting and requested authorities in relation to the transfer of criminal proceedings, such rules should be established by a legally binding	

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	and directly applicable act of the Union.	and directly applicable act of the Union.	and directly applicable act of the Union.	
Recital 7				
16	(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.	(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.	(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.	
Recital 8				
17	(8) The Council Framework	(8) The Council Framework	(8) The Council Framework	

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	<p>Decision 2009/948/JHA¹ aims to prevent situations where the same person is subject to parallel criminal proceedings in different Member States in respect of the same facts, which might lead to the final disposal of those proceedings in two or more Member States. It therefore establishes a procedure for direct consultations between competent authorities of the Member States concerned with the aim of achieving a consensus on any effective solution aimed at avoiding the adverse consequences arising from such parallel proceedings and avoiding waste of time and resources of the competent authorities concerned. When the competent authorities of the Member States concerned decide, following consultations in accordance with that Framework Decision, to concentrate proceedings in one Member State through the transfer of criminal proceedings, this Regulation should be used for such a transfer.</p> <p><small>1. Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings (OJ L 328, 15.12.2009, p. 42).</small></p>	<p>Decision 2009/948/JHA¹ aims to prevent preventing situations where the same person is subject to parallel criminal proceedings in different Member States in respect of the same facts, which might lead to the final disposal of those proceedings in two or more Member States. It therefore establishes a procedure for direct consultations between competent authorities of the Member States concerned with the aim of achieving a consensus on any effective solution aimed at avoiding the adverse consequences arising from such parallel proceedings and avoiding waste the loss of time and resources of the competent authorities concerned. When Where the competent authorities of the Member States concerned decide, following consultations in accordance with that Framework Decision, to concentrate proceedings in one Member State through the transfer of criminal proceedings, this Regulation should be used for such a transfer.</p> <p><small>1. Council Framework Decision 2009/948/JHA of 30 November 2009 on</small></p>	<p>Decision 2009/948/JHA¹ aims to prevent situations where the same person is subject to parallel criminal proceedings in different Member States in respect of the same facts, which might lead to the final disposal of those proceedings in two or more Member States. It therefore establishes a procedure for direct consultations between competent authorities of the Member States concerned with the aim of achieving a consensus on any effective solution aimed at avoiding the adverse consequences arising from such parallel proceedings and avoiding waste of time and resources of the competent authorities concerned. When the competent authorities of the Member States concerned decide, following consultations in accordance with that Framework Decision, to concentrate proceedings in one Member State through the transfer of criminal proceedings, this Regulation should be used for such a transfer.</p> <p><small>1. Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings (OJ L 328, 15.12.2009, p. 42).</small></p>	

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		prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings (OJ L 328, 15.12.2009, p. 42).		
Recital 9				
18	<p>(9) Other legal instruments in the area of criminal matters, particularly those related to specific crime types, such as the Directive (EU) 2017/541 of the European Parliament and of the Council¹, Council Framework Decision 2002/475/JHA² and Council Framework Decision 2008/841/JHA³, include provisions referring to the factors to be taken into account with the aim of centralising proceedings in a single Member State when more than one Member State can validly prosecute on the basis of the same facts. Where the competent authorities of the Member States concerned decide, following cooperation in line with those legal acts, to centralise criminal proceedings in a single Member State through the transfer of criminal proceedings, this Regulation should be used for such a transfer.</p> <p>_____</p>	<p>(9) Other legal instruments acts in the area of criminal matters, particularly those related to specific crime types, such as the Directive (EU) 2017/541 of the European Parliament and of the Council¹, and Council Framework Decision 2002/475/JHA Decisions 2002/475/JHA² and Council Framework Decision 2008/841/JHA 2008/841/JHA³, include provisions referring to the factors to be taken into account with the aim of centralising proceedings in a single Member State when more than one Member State can validly prosecute on the basis of the same facts. Where the competent authorities of the Member States concerned decide, following cooperation in line accordance with those legal acts, to centralise criminal proceedings in a single Member State through the transfer of criminal proceedings, this Regulation should be used for such a transfer.</p> <p>_____</p>	<p>(9) Other legal instruments in the area of criminal matters, particularly those related to specific crime types, such as the Directive (EU) 2017/541 of the European Parliament and of the Council¹, Council Framework Decision 2002/475/JHA² and Council Framework Decision 2008/841/JHA³, include provisions referring to the factors to be taken into account with the aim of centralising proceedings in a single Member State when more than one Member State can validly prosecute on the basis of the same facts. Where the competent authorities of the Member States concerned decide, following cooperation in line with those legal acts, to centralise criminal proceedings in a single Member State through the transfer of criminal proceedings, this Regulation should be used for such a transfer.</p> <p>_____</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>1. Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).</p> <p>2. Council Framework Decision of 13 June 2002 on combating terrorism (2002/475/JHA) (OJ L 164, 22.6.2002, p.3).</p> <p>3. Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (OJ L 300, 11.11.2008, p. 42).</p>	<p>1. Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).</p> <p>2. Council Framework DecisionDecision 2002/475/JHA of 13 June 2002 on combating terrorism (2002/475/JHA) (OJ L 164, 22.6.2002, p.3). 3).</p> <p>3. Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (OJ L 300, 11.11.2008, p. 42).</p>	<p>1. Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).</p> <p>2. Council Framework Decision of 13 June 2002 on combating terrorism (2002/475/JHA) (OJ L 164, 22.6.2002, p.3).</p> <p>3. Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (OJ L 300, 11.11.2008, p. 42).</p>	
Recital 10				
19	<p>(10) Several Union legal acts have been adopted on the application of the principle of mutual recognition to judgments in criminal matters for enforcement of sentences in other Member States, in particular Council Framework Decisions 2005/214/JHA¹, 2008/909/JHA² and 2008/947/JHA³. This Regulation should supplement the provisions of those Framework Decisions and should be interpreted as not affecting their application.</p> <p>1. Council Framework Decision 2005/214/JHA of 24 February 2005 on the</p>	<p>(10) Several Union legal acts have been adopted on the application of the principle of mutual recognition to judgments in criminal matters for enforcement of sentences in other Member States, in particular Council Framework Decisions 2005/214/JHA¹, 2008/909/JHA² and 2008/947/JHA³. This Regulation should supplement the provisions of those Framework Decisions and should be interpreted as not affecting their application.</p> <p>1. Council Framework Decision 2005/214/JHA of 24 February 2005 on the</p>	<p>(10) Several Union legal acts have been adopted on the application of the principle of mutual recognition to judgments in criminal matters for enforcement of sentences in other Member States, in particular Council Framework Decisions 2005/214/JHA¹, 2008/909/JHA² and 2008/947/JHA³. This Regulation should supplement the provisions of those Framework Decisions and should be interpreted as not affecting their application.</p> <p>1. Council Framework Decision 2005/214/JHA of 24 February 2005 on the</p>	

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	<p>application of the principle of mutual recognition to financial penalties (OJ L 76, 22.3.2005, p. 16).</p> <p>2. Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union (OJ L 327, 5.12.2008, p. 27).</p> <p>3. Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions (OJ L 337, 16.12.2008, p. 102).</p>	<p>application of the principle of mutual recognition to financial penalties (OJ L 76, 22.3.2005, p. 16).</p> <p>2. Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union (OJ L 327, 5.12.2008, p. 27).</p> <p>3. Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions (OJ L 337, 16.12.2008, p. 102).</p>	<p>application of the principle of mutual recognition to financial penalties (OJ L 76, 22.3.2005, p. 16).</p> <p>2. Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union (OJ L 327, 5.12.2008, p. 27).</p> <p>3. Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions (OJ L 337, 16.12.2008, p. 102).</p>	
Recital 11				
20	(11) This Regulation does not affect spontaneous exchanges of information regulated by other acts of Union law.	(11) This Regulation does not affect spontaneous exchanges of information regulated by other acts of Union law legal acts.	(11) This Regulation does not affect spontaneous exchanges of information regulated by other acts of Union law.	
Recital 12				
21	(12) This Regulation does not apply to decisions to reallocate, merge or split cases on which the European Public Prosecutor's Office has exercised its competence in accordance with	(12) This Regulation does should not apply to decisions to reallocate, merge or split cases on which the European Public Prosecutor's Office has exercised its competence in accordance with	(12) This Regulation does not apply to decisions to reallocate, merge or split cases on which the European Public Prosecutor's Office has exercised its competence in accordance with	

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	<p>Council Regulation (EU) 2017/1939¹.</p> <p>1. Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).</p>	<p>Council Regulation (EU) 2017/1939¹.</p> <p>1. Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).</p>	<p>Council Regulation (EU) 2017/1939¹.</p> <p>1. Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).</p>	
Recital 13				
22	<p>(13) For the purpose of this Regulation, Member States should designate the competent authorities in a way that promotes the principle of direct contact between those authorities.</p>	<p>(13) For the purpose of this Regulation, Member States should designate the competent authorities in a way that promotes the principle of direct contact between those authorities.</p>	<p>(13) For the purpose of this Regulation, Member States should designate the competent authorities in a way that promotes the principle of direct contact between those authorities.</p>	
Recital 14				
23	<p>(14) With a view to the administrative transmission and reception of requests for transfer of criminal proceedings, as well as for other official correspondence relating to such requests, Member States could designate one or more central authorities where necessary due to the structure of their internal legal systems. Such central authorities could also provide administrative support, have coordinating and assisting roles,</p>	<p>(14) With a view Member States could designate one or more central authorities where necessary due to the structure of their internal legal systems for the administrative transmission and reception of requests for the transfer of criminal proceedings, as well as for other official correspondence relating to such requests, Member States could designate one or more central authorities where necessary due to</p>	<p>(14) With a view to the administrative transmission and reception of requests for transfer of criminal proceedings, as well as for other official correspondence relating to such requests, Member States could designate one or more central authorities where necessary due to the structure of their internal legal systems. Such central authorities could also provide administrative support, have coordinating and assisting roles,</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	thus facilitating and promoting the acceptance of requests for transfers of criminal proceedings.	the structure of their internal legal systems. Such central authorities could also provide administrative support, and have coordinating and assisting roles, thus facilitating and promoting the acceptance of requests for transfer transfer of criminal proceedings.	thus facilitating and promoting the acceptance of requests for transfers of criminal proceedings.	
Recital 15				
24	<p>(15) Some Union legal acts already require Member States to take necessary measures to establish jurisdiction over specific criminal offences, such as those related to terrorist activities¹ or to the counterfeiting of the euro² in cases where the surrender of a person is refused.</p> <p>1. Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6). 2. Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA (OJ L 151, 21.5.2014, p. 1).</p>	<p>(15) Some Union legal acts already require Member States to take necessary measures to establish jurisdiction over specific criminal offences, such as those related to terrorist activities⁺ pursuant to Directive (EU) 2017/541 or to the counterfeiting of the euro² pursuant to Directive 2014/62/EU of the European Parliament and of the Council¹ in cases where the surrender of a person is refused.</p> <p>1. Directive (EU) 2017/5412014/62/EU of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amendingMay 2014 on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision</p>	<p>(15) Some Union legal acts already require Member States to take necessary measures to establish jurisdiction over specific criminal offences, such as those related to terrorist activities¹ or to the counterfeiting of the euro² in cases where the surrender of a person is refused.</p> <p>1. Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6). 2. Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA (OJ L 151, 21.5.2014, p. 1).</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<p>2005/671/JHA (OJ L 88, 31.3.2017, p. 6)n 2000/383/JHA (OJ L 151, 21.5.2014, p. 1).</p> <p>2. Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA (OJ L 151, 21.5.2014, p. 1).</p>		
Recital 16				
25	<p>(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.</p>	<p>(16) This Regulation provides for 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 best placed to prosecute the criminal offence in question. The rules on jurisdiction provided for in this Regulation should not prevent Member</p>	<p>(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 <u>and the effective protection of fundamental rights of the suspect or accused persons, as well as of the victims, as enshrined in Union law</u>, 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</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		States from adopting national measures to ensure that they can exercise jurisdiction in the specific cases provided for in this Regulation the best placed one to prosecute.	prosecute.	
Recital 17				
26	(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	(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	(17) Such <u>In addition to the jurisdiction which is already determined by the national law of the requested State,</u> jurisdiction should be established <u>based on specific grounds mentioned in this Regulation whenever that Member State is considered as being the best placed one to prosecute. The requested State should have jurisdiction</u> 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. <u>For example, Article 4(7) of Framework Decision 2002/584/JHA can be applied in situations where offences are</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>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.</p>	<p>or accused person in respect of other facts so that all the criminality of such person could be judged in one single criminal proceeding, or when criminal proceedings are ongoing in that State against other persons in respect of the same, partially the same or related facts, which might in particular be relevant for concentrating the investigation and prosecution of a criminal organisation in one Member State. In both cases, the suspect or accused person in the criminal proceedings being transferred should be a national of or a resident in the requested State.</p>	<p><u><i>committed in the territory of a requested State or in a third country by third country nationals</i></u> <u><i>This is particularly important as regards serious crimes violating fundamental values of the international community, such as war crimes or genocide, where a risk of impunity might arise due to a European arrest warrant being refused.</i></u> 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</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			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.	
Recital 18				
27	(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	(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 be able to waive proceedings for the prosecution of the person concerned for the criminal offence for which the transfer is sought. On this basis, This Regulation should therefore allow the competent authorities of the requesting State should be able to to waive, suspend or discontinue the criminal proceedings brought before them in favour of the	(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	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	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.	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 This should be without prejudice to the provisions on the effects of the transfer of criminal proceedings in the requesting State laid down in this Regulation.	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.	
Recital 19				
28	(19) This Regulation respects the fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union (the ‘Charter’) and the European Convention for the Protection of Human Rights and Fundamental Freedoms.	(19) This Regulation respects the fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union (the ‘Charter’) and the European Convention for the Protection of Human Rights and Fundamental Freedoms.	(19) This Regulation respects the fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union (the ‘Charter’) and the European Convention for the Protection of Human Rights and Fundamental Freedoms.	
Recital 20				
29	(20) This Regulation does not affect procedural rights as enshrined in Union law, such as the Charter, the procedural rights directives 2010/64/EU ¹ , 2012/13/EU ² , 2013/48/EU ³ , (EU) 2016/343 ⁴ , (EU) 2016/800 ⁵ and	(20) This Regulation does not affect procedural rights as enshrined in Union law, such as the Charter, the procedural rights the Charter or in other Union legal acts, such as Directives 2010/64/EU ¹ , 2012/13/EU ² ,	(20) This Regulation does not affect procedural rights as enshrined in Union law, such as the Charter, the procedural rights directives 2010/64/EU ⁵⁴ , 2012/13/EU ⁵⁵ , 2013/48/EU ^{3, 56} , (EU) 2016/343⁵⁷ , (EU) 2016/800⁵⁸	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>(EU) 2016/1919⁶.</p> <p>1. Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280, 26.10.2010, p. 1).</p> <p>2. Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1).</p> <p>3. Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ L 294, 6.11.2013, p. 1).</p> <p>4. Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ L 65, 11.3.2016, p. 1).</p> <p>5. Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1).</p> <p>6. Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ L</p>	<p>2013/48/EU³, (EU) 2016/343⁴, (EU) 2016/800⁵ and (EU) 2016/1919 of the European Parliament and of the Council⁶, for the Member States bound by them⁶. In particular, the requesting authority should ensure that these rights, as provided for under Union and national law, are respected when requesting a transfer of criminal proceedings under this Regulation.</p> <p>1. -Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280, 26.10.2010, p. 1).</p> <p>2. -Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1).</p> <p>3. -Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ L 294, 6.11.2013, p. 1).</p> <p>4. -Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of</p>	<p><i>and (EU) 2016/1919⁵⁹. The requesting authority should ensure that the procedural rights under Union and national law are respected when requesting a transfer of criminal proceedings under this Regulation.</i></p> <p>⁵⁴ <i>Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280, 26.10.2010, p. 1).</i></p> <p>⁵⁵ <i>Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1).</i></p> <p>⁵⁶ <i>Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ L</i></p>	

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	<p>297, 4.11.2016, p. 1).</p>	<p>innocence and of the right to be present at the trial in criminal proceedings (OJ L 65, 11.3.2016, p. 1). 5. -Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1). 6. -Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ L 297, 4.11.2016, p. 1).</p>	<p><u>294, 6.11.2013, p. 1).</u> ⁵⁷ <u>Directive (EU) 2016/343⁴, - of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ L 65, 11.3.2016, p. 1).</u> ⁵⁸ <u>Directive (EU) 2016/800⁵ -and of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1).</u> ⁵⁹ <u>Directive (EU) 2016/1919⁶ of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ L 297, 4.11.2016, p. 1).</u></p> <p>1. Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280, 26.10.2010, p. 1). 2. Directive 2012/13/EU of the European Parliament and of the Council of 22 May</p>	

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			<p><i>2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1).</i></p> <p><i>3. Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ L 294, 6.11.2013, p. 1).</i></p> <p><i>4. Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ L 65, 11.3.2016, p. 1).</i></p> <p><i>5. Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1).</i></p> <p><i>6. Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ L 297, 4.11.2016, p. 1).</i></p>	
Recital 21				
30	(21) Member States should ensure that, when applying this Regulation, the needs of vulnerable	(21) Member States should ensure that, when applying this Regulation, the needs of vulnerable	(21) Member States should ensure that, when applying this Regulation, the needs of vulnerable	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>persons are taken into account. According to the Commission Recommendation (2013/C 378/02)¹, 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.</p> <p>¹ 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).</p>	<p>persons are taken into account. According to the Commission Recommendation (2013/C 378/02) of 27 November 2013 on procedural safeguards for vulnerable persons suspected or accused in criminal proceedings¹, 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.</p> <p>1. 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). 8.</p>	<p>persons are taken into account. According to the Commission Recommendation (2013/C 378/02)¹, 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.</p> <p>¹ 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).</p>	
Recital 22				
31	<p>(22) Similarly, Member States should ensure that, when applying this Regulation, the procedural rights of suspects and accused persons subject to pre-trial detention are taken into account in accordance with the Commission Recommendation C(2022) 8987</p>	<p>(22) Similarly, Member States should ensure that, when applying this Regulation, the procedural rights of suspects and accused persons subject to pre-trial detention are taken into account, considering, where appropriate, in accordance with the</p>	<p>(22) Similarly, Member States should ensure that, when applying this Regulation, the procedural rights of suspects and accused persons subject to pre-trial detention are taken into account in accordance with the Commission Recommendation C(2022) 8987</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>final¹.</p> <p>1. Commission Recommendation of 8 December 2022 on procedural rights of suspects and accused persons subject to pre-trial detention and on material detention conditions (C(2022) 8987 final).</p>	<p>Commission Recommendation C(2022) 8987 final¹:(EU) 2023/681¹.</p> <p>1. Commission Recommendation (EU) 2023/681 of 8 December 2022 on procedural rights of suspects and accused persons subject to pre-trial detention and on material detention conditions (C(2022) 8987 finalOJ L 86, 24.3.2023, p. 44).</p>	<p>final¹.</p> <p>1. Commission Recommendation of 8 December 2022 on procedural rights of suspects and accused persons subject to pre-trial detention and on material detention conditions (C(2022) 8987 final).</p>	
Recital 23				
32	<p>(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.</p>	<p>(23) A requesting authority should be able to request a transfer of criminal proceedings either on its own initiative, or following consultations with a requested authority, a proposal from a suspect or accused person, or a proposal from a victim. This Regulation should not impose any obligation to request a or transfer of criminal proceedings. When assessing whether a request for the transfer of criminal proceedings should be issued, the requesting authority should examine whether such a transfer would serve the objective of an efficient and proper administration of justice, including whether it is proportionateis necessary and</p>	<p>(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, <u>appropriate, as well as proportionate. Consequently, the requesting authority should, prior to issuing a request for a transfer, undertake an examination of the case to clarify the relevant facts and identify pertinent evidence in order to ascertain the necessity, appropriateness and proportionality of a transfer</u>and appropriate. This assessment should be carried out on a case-by-case basis in order to identify the</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		appropriate for the purpose of the proceedings concerned. That- 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.	Member State that is best placed to prosecute the criminal offence in question, <u>taking into account all the relevant criteria specified in this Regulation on the basis of the investigative efforts undertaken in the requesting state prior to the issuance of the request for a transfer.</u>	
Recital 24				
33	(24) When assessing whether a request for transfer of criminal proceedings is justified, the requesting authority should have regard to several criteria, the priority and weight of which should be based on the facts and merits of each individual case. All the relevant factors should be considered in the best interest of justice. For instance, where the criminal offence has been committed wholly or in part in the territory of the requested State, or most of the effects or damage caused by the criminal offence were sustained in the territory of the requested State, that State may be considered in a better position to prosecute, given that the evidence to be collected, such as testimony	(24) When assessing whether a request for transfer of criminal proceedings is justified, the requesting authority should have regard to several criteria, the priority and weight of which should be based on the facts and merits of each individual case. All the relevant factors should be considered in the best interest interests of justice. For instance, where the criminal offence has been committed wholly in whole or in part in on the territory of the requested State, or most of the effects or damage caused by the criminal offence, when those effects or damage qualify as part of the constituent elements of the criminal offence, occurred on the were sustained	(24) When assessing whether a request for transfer of criminal proceedings is justified, the requesting authority should have regard to several criteria, the priority and weight of which should be based on the facts and merits of each individual case. All the relevant factors should be considered in the best interest of justice. For instance, where the criminal offence has been committed wholly or in part in the territory of the requested State, or most of the effects or damage caused by the criminal offence were sustained in the territory of the requested State, that State may be considered in a better position to prosecute, given that the evidence to be collected, such as testimony	

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	<p>from witnesses, and victims, or experts' opinions, are in the requested State and can thus be more easily gathered, if the criminal proceedings were transferred. Additionally, the initiation of subsequent proceedings for damages in the requested State would be facilitated if the underlying proceedings establishing the criminal responsibility were also held in the same Member State. Similarly, if most of the evidence are located in the requested State, a transfer of criminal proceeding might ease the collection and subsequent admissibility of the evidence gathered in accordance with the law of the requested State.</p>	<p>in the territory of the requested State, that State may be considered to be in a better position to prosecute, given that the evidence to be collected, such as testimony from witnesses, and victims, or experts' opinions, are in the requested State and can thus be more easily gathered, if the criminal proceedings were transferred. Additionally, the initiation of subsequent proceedings for damages in the requested State would be facilitated if the underlying proceedings establishing the criminal responsibility were also held in the same Member State. Similarly, if most of the evidence are is located in the requested State, a transfer of criminal proceedingproceedings might ease the collection and subsequent admissibility of the evidence gathered in accordance with the law of the requested State.</p>	<p>from witnesses, and victims, or experts' opinions, are in the requested State and can thus be more easily gathered, if the criminal proceedings were transferred. Additionally, the initiation of subsequent proceedings for damages in the requested State would be facilitated if the underlying proceedings establishing the criminal responsibility were also held in the same Member State. Similarly, if most of the evidence are located in the requested State, a transfer of criminal proceeding might ease the collection and subsequent admissibility of the evidence gathered in accordance with the law of the requested State.</p>	
Recital 25				
34	<p>(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</p>	<p>(25) Where the suspect or accused person or, if there are more suspects or accused persons, one or more of them, is a national of the requested State or a resident in</p>	<p>(25) Where the suspectsuspects or accused person is apersons are nationals of the requested State or aresidents in that State, a</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>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.</p>	<p>that State, a transfer of criminal proceedings might be justified for the purpose of ensuring the right of the suspect or accused person to be present at trial, in accordance with Directive (EU) 2016/343. Similarly, where one or more 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.</p>	<p>transfer of criminal proceedings might be justified for the purpose of ensuring the right of the suspect<u>suspects</u> or accused person<u>persons</u> to be present at trial, in accordance with Directive (EU) 2016/343. Similarly, where the majority of<u>victim or</u> 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.</p>	
Recital 26				
35	<p>(26) It is for the requesting authority to assess on the basis of material before it, whether there are reasonable grounds to believe that the suspect, accused person or</p>	<p>(26) It is for the requesting authority to assess on the basis of material before it, whether there are reasonable grounds to believe that the suspect, accused person or</p>	<p>(26) It is for the requesting authority to assess on the basis of material before it, whether there are reasonable grounds to believe that the suspect, accused person or</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>the victim resides in the requested State. Where only limited information is available, such an assessment could also be the object of consultations between the requesting and requested authorities. Various objective circumstances that could indicate that the person concerned has established the habitual centre of his or her interests in a particular Member State or has the intention to do so, can be of relevance. Reasonable grounds to believe that a person resides in the requested State could exist, in particular, where a person is registered as a resident in the requested State, by holding an identity card, a residence permit, or a registration in an official residence register. Where that person is not registered in the requested State, residence could be indicated by the fact that a person manifested the intention to settle in that Member State or has acquired, following a stable period of presence in that Member State, certain connections with that Member State which are of a similar degree as those resulting from establishing a formal residence in that Member State. In</p>	<p>the victim resides in the requested State. Where only limited information is available, such an assessment could also should be the object of consultations between the requesting and requested authorities in order to confirm residence of the suspect, accused person or a victim in the requested State. When considering such consultations, - various objective circumstances that could indicate that the person concerned has established the habitual centre of his or her interests in a particular Member State or has the intention to do so, can be of relevance. Reasonable grounds to believe that a person resides in the requested State could exist, in particular, where a person is registered as a resident in the requested State, by holding an identity card, a residence permit, or aby registration in an official residence register. Where that person is not registered in the requested State, residence could be indicated by the fact that a person manifested the intention to settle in that Member State or has acquired, following a stable period of presence in that Member State,</p>	<p>the victim resides in the requested State. Where only limited information is available, such an assessment could also be the object of consultations between the requesting and requested authorities. Various objective circumstances that could indicate that the person concerned has established the habitual centre of his or her interests in a particular Member State or has the intention to do so, can be of relevance. Reasonable grounds to believe that a person resides in the requested State could exist, in particular, where a person is registered as a resident in the requested State, by holding an identity card, a residence permit, or a registration in an official residence register. Where that person is not registered in the requested State, residence could be indicated by the fact that a person manifested the intention to settle in that Member State or has acquired, following a stable period of presence in that Member State, certain connections with that Member State which are of a similar degree as those resulting from establishing a formal residence in that Member State. In</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>order to determine whether, in a specific situation, there are sufficient connections between the person concerned and the requested State giving rise to reasonable grounds to believe that the person concerned resides in that State, it is necessary to take into account various objective factors characterising the situation of that person, which include, in particular, the length, nature and conditions of their presence in the requested State or the family or economic connections which that person has with the requested State. A registered vehicle, the registration of a telephone number, a bank account, the fact that the person's stay in the requested State was uninterrupted or other objective factors may be of relevance to determine that there are reasonable grounds to believe that the person concerned resides in the requested State. A short visit, a holiday stay, including in a holiday home, or a similar stay in the requested State without any further substantial link should not be enough to establish residence in that Member State. On the other hand, an uninterrupted stay of at</p>	<p>certain connections with that Member State which are of a similar degree as those resulting from establishing a formal residence in that Member State. In order to determine whether, in a specific situation, there are sufficient connections between the person concerned and the requested State giving rise to reasonable grounds to believe that the person concerned resides in that State, it is necessary to take into account various objective factors characterising the situation of that person, which include, in particular, the length, nature and conditions of their presence in the requested State or the family or economic connections which that person has with the requested State. A registered vehicle, the registration of a telephone number, a bank account, the fact that the person's stay in the requested State was uninterrupted or other objective factors may be of relevance to determine for determining that there are reasonable grounds to believe that the person concerned resides in the requested State. A short visit, a holiday stay, including in a holiday</p>	<p>order to determine whether, in a specific situation, there are sufficient connections between the person concerned and the requested State giving rise to reasonable grounds to believe that the person concerned resides in that State, it is necessary to take into account various objective factors characterising the situation of that person, which include, in particular, the length, nature and conditions of their presence in the requested State or the family or economic connections which that person has with the requested State. A registered vehicle, the registration of a telephone number, a bank account, the fact that the person's stay in the requested State was uninterrupted or other objective factors may be of relevance to determine that there are reasonable grounds to believe that the person concerned resides in the requested State. A short visit, a holiday stay, including in a holiday home, or a similar stay in the requested State without any further substantial link should not be enough to establish residence in that Member State. On the other hand, an uninterrupted stay of at</p>	

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	least three months should in most cases be regarded as sufficient to establish residence.	home, or a similar stay in the requested State without any further substantial link should not be enough to establish residence in that Member State. On the other hand, an uninterrupted stay of at least three months should in most cases be regarded as sufficient to establish residence.	least three months should in most cases be regarded as sufficient to establish residence.	
Recital 27				
36	(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	(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, partially the same or related facts against other persons, e.g. in cases of prosecution of cross-border criminal organisations, where different co-accused persons might be prosecuted in different Member States. Moreover, if the suspect or accused person is serving or is to serve a sentence involving deprivation of liberty in the requested State for another criminal offence, a transfer	(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	

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	<p>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.</p>	<p>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. For that purpose, the person’s attachment to the requested State, whether they consider it the place of family, linguistic, cultural, social or economic and any other links to the requested State should be taken into account. Additionally, competent authorities often reach agreements on the concentration of proceedings based on the identification of the best-placed jurisdiction. Such agreements could be reached in coordination meetings of the European Union Agency for Criminal Justice Cooperation (Eurojust), established by Regulation (EU) 2018/1727 of the</p>	<p>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.</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<p>European Parliament and of the Council¹, in bilateral or multilateral meetings without the intervention of Eurojust or following consultations under Framework Decision 2009/948/JHA.</p> <p>1. Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA (OJ L 295, 21.11.2018, p. 138).</p>		
Recital 28				
37	<p>(28) When requesting a transfer of criminal proceedings, the requesting authority should take into account possibilities of obtaining evidence from other Member States through existing instruments of mutual recognition of judicial decisions, such as the Directive 2014/41/EU of the European Parliament and of the Council¹, and mutual legal assistance, where applicable, before considering transfer of criminal proceedings on the sole ground that most of the evidence is</p>	<p>(28) When requesting a transfer of criminal proceedings, the requesting authority should take into account possibilities of obtaining evidence from other Member States through existing instruments of mutual recognition of judicial decisions, such as, for the Member States bound by it, the Directive 2014/41/EU of the European Parliament and of the Council¹, and mutual legal assistance, where applicable, before considering transfer of criminal proceedings on the sole</p>	<p>(28) When requesting a transfer of criminal proceedings, the requesting authority should take into account possibilities of obtaining evidence from other Member States through existing instruments of mutual recognition of judicial decisions, such as the Directive 2014/41/EU of the European Parliament and of the Council¹, and mutual legal assistance, where applicable, before considering transfer of criminal proceedings on the sole ground that most of the evidence is</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>located in the requested State.</p> <p>1. Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1).</p>	<p>ground that most of the evidence is located in the requested State.</p> <p>1. Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1).</p>	<p>located in the requested State.</p> <p>1. Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1).</p>	
Recital 29				
38	<p>(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.</p>	<p>(29) Suspects or accused persons or victims should have the possibility to request for the propose that criminal proceedings concerning them to be transferred to another Member State. These requests Such a proposal 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 proposal for 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.</p>	<p>(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; <u>thus, if the requesting authority decides to transfer the criminal proceedings following a request made by suspects or accused persons or victims, the decision on the request for transfer should be taken by the competent authorities of the requested State. A negative opinion of the suspect or accused person or of the victim with regards to the transfer of criminal proceedings should not prevent</u></p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<p><u>such transfer if the requested authority decides to accept the transfer in accordance with Article 12.</u> 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.</p>	
Recital 30				
39	<p>(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</p>	<p>(30) The requesting authority should inform as soon as possible the suspect or accused person of the intended request for transfer of criminal proceedings and should provide for the possibility for such person to express their opinion 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. Such information should be provided in writing. The information may also be provided orally on condition that the fact that the information has</p>	<p>(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 <u>and register</u> 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 account₂ the need</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>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.</p>	<p>been provided is noted in accordance with the recording procedure under national law. The information may be provided using standard forms. Where the requesting authority considers it necessary, for example in view of the age, physical or mental condition of the suspect or accused person concerned, the opportunity to state their opinion should be given to their legal representative, where available. When assessing the legitimate interest of the suspect or accused person to be informed about the intended transfer, the requesting authority should take into account the need to ensure confidentiality of an investigation and the risk of prejudicing criminal proceedings against that person, e.g. for example whenever it is necessary to safeguard an important public interest, such as in cases where such information could prejudice ongoing covert investigations or seriously harm the national security of the Member State in which the criminal proceedings are instituted. Where the requesting authority cannot locate or reach the suspect</p>	<p>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. <u>Based on those elements and where appropriate, there might be situations where the suspect or accused person is not informed about the intended transfer, for example where there is the need to protect a witness or a victim before protection measures are be adopted in the requesting State, or where it would prejudice another investigation that is intrinsically linked to the criminal proceeding being transferred. The suspect or accused person or the lawyer acting on behalf of that person should also be kept informed of substantial developments in relation to such request for transfer, provided that it would not undermine the confidentiality of the investigation or otherwise</u></p>	

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		or accused person despite its reasonable efforts being made, the obligation to inform such person should apply from the moment these circumstances change that the suspect or accused person could be located or reached.	<u><i>prejudice the investigation. Where the requesting authority cannot locate or reach the suspect or accused person despite its reasonable efforts being made, the requesting authority should be able to seek the assistance of the requested authority to carry out this task.</i></u> 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.	
Recital 31				
40	(31) The rights of victims set out in Directive 2012/29/EU of the European Parliament and of the Council ¹ 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. ¹ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum	(31) The rights of victims set out in Directive 2012/29/EU of the European Parliament and of the Council ¹ should be taken into account in when applying this Regulation. This Regulation should not be interpreted as preventing Member States from granting victims more extensive rights under national law than those laid down in Union law. ¹ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum	(31) The rights of victims set out in Directive 2012/29/EU of the European Parliament and of the Council ⁴⁶³ <u><i>including the right to information,</i></u> should be taken into account in applying this Regulation. <u><i>In exceptional cases, for example due to the high number of victims involved in a case, it should be possible to provide information to victims through the press, through an official website of the competent authority or through a similar communication channel, in line</i></u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	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).	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).	<p><u>with Directive 2012/29/EU.</u> 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.</p> <p>⁶³ <u>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).</u></p> <p><i>f. 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).</i></p>	
	Recital 32			
41	(32) When taking a decision on the transfer of criminal proceedings, the requesting authority should have due regard to the legitimate interests of victims, including their protection, and	(32) When taking a decision on the transfer of criminal proceedings, the requesting authority should have due regard to the legitimate interests of victims, including their protection, and	(32) When taking a decision on the transfer of criminal proceedings, the requesting authority should have due regard to the legitimate interests of victims, including their protection, and	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>assess whether the transfer of criminal proceedings might be detrimental for the victim to effectively exercise their rights in the criminal proceeding concerned. This encompasses, for example, the possibility and arrangements available for victims to testify during trial in the requested State if it's not the Member State where they reside. Furthermore, consideration should be given to the possibility for victims to obtain and provide evidence, for instance from witnesses and experts, to claim compensation or to benefit from witnesses' protection programmes in the requested State. The victims' rights to compensation should not be prejudiced by the transfer of criminal proceedings. This Regulation is not to affect rules on compensation and restitution of property to victims in national proceedings.</p>	<p>assess whether the transfer of criminal proceedings might be detrimental for the victim victims to effectively exercise their rights in the criminal proceeding proceedings concerned. This encompasses, for example, the possibility and arrangements available for victims to testify during trial in the requested State if it's that is not the Member State where they reside. Furthermore, consideration should be given to the possibility for victims to obtain and provide evidence, for instance from witnesses and experts, to claim compensation or to benefit from witnesses² protection programmes in the requested State. The victims' rights to compensation should not be prejudiced by the transfer of criminal proceedings. This Regulation is not to affect rules on compensation and the restitution of property to victims in national proceedings.</p>	<p>assess whether the transfer of criminal proceedings might be detrimental for the victim to effectively exercise their rights in the criminal proceeding concerned. This encompasses, for example, the possibility and arrangements available for victims to testify during trial in the requested State if it's not the Member State where they reside. Furthermore, consideration should be given to the possibility for victims to obtain and provide evidence, for instance from witnesses and experts, to claim compensation or to benefit from witnesses' protection programmes in the requested State. The victims' rights to compensation should not be prejudiced by the transfer of criminal proceedings. This Regulation is not to affect rules on compensation and restitution of property to victims in national proceedings.</p>	
Recital 33				
42	(33) Whenever there is a need to ensure that the protection provided to the victim in the requesting State	(33) Whenever there is a need to ensure that the protection provided to the victim in the requesting State	(33) Whenever there is a need to ensure that the protection provided to the victim in the requesting State	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>is continued in the requested State, competent authorities in the requesting State should consider the issuance of a European protection order in line with Regulation (EU) No 606/2013 of the European Parliament and of the Council¹ or the Directive 2011/99/EU of the European Parliament and of the Council².</p> <p>1. Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters (OJ L 181, 29.6.2013, p. 4). 2. Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order (OJ L 338, 21.12.2011, p. 2).</p>	<p>is continued in the requested State, competent authorities in the requesting State should consider the issuance of a European protection order in line accordance with Regulation (EU) No 606/2013 of the European Parliament and of the Council¹ or, for the Member States bound by it, the Directive 2011/99/EU of the European Parliament and of the Council².</p> <p>1. Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters (OJ L 181, 29.6.2013, p. 4). 2. Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order (OJ L 338, 21.12.2011, p. 2).</p>	<p>is continued in the requested State, competent authorities in the requesting State should consider the issuance of a European protection order in line with Regulation (EU) No 606/2013 of the European Parliament and of the Council¹ or the Directive 2011/99/EU of the European Parliament and of the Council².</p> <p>1. Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters (OJ L 181, 29.6.2013, p. 4). 2. Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order (OJ L 338, 21.12.2011, p. 2).</p>	
Recital 33a				
42a		<p>(33a) Once the requesting authority intends to request a transfer of criminal proceedings, it should as soon as possible inform the victims who reside or, in case of legal persons, which are established in the requesting State and who have requested to receive information on the</p>		

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		<p>criminal proceedings in accordance with Article 6(1) of Directive 2012/29/EU or, in case of legal persons, who requested to receive information in accordance with national law, and should provide for the possibility for such persons to express their opinion, in accordance with applicable national law, to enable the authorities to take into account their legitimate interests before issuing a request for transfer. Such information should be provided in writing. The information may also be provided orally on condition that the fact that the information has been provided is noted in accordance with the recording procedure under national law. The information may be provided using standard forms or, in case of exceptionally large numbers of victims to be informed, via other means of general information to the public, such as in specific online publication instruments available to judicial authorities under national law. Where the requesting authority considers it</p>		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<p>necessary, for example in view of the age, physical or mental condition of the victim concerned, the opportunity to state their opinion should be given to their legal representative, where available. When assessing the legitimate interest of victims to be informed about the intended request for transfer, the requesting authority should take into account the need to ensure confidentiality of an investigation and the risk of prejudicing the criminal proceedings, for instance 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.</p>		
Recital 33b				
42b		<p>(33b) Standard forms can also be used in order to facilitate the possibility for the requesting authority to seek the assistance of the requested authority in order to inform the suspect or accused person, as well as in</p>		

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		certain situations provided for under this Regulation where the requesting and requested authorities can assist each other in informing suspects or accused persons, or victims. The possibility to use such standard forms should not preclude the possibility of direct notifications to suspects, accused persons or victims by the requesting authority or the requested authority.		
Recital 34				
43	(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.	(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 accordance with Article 47 of the Charter and the procedures applicable under national law, whenever their rights are adversely affected in the application of this Regulation. Review of the decision concerning the transfer of proceedings should be based exclusively on the criteria foreseen in the grounds for refusal mentioned in this	(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.	

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		<p>Regulation. The assessment of whether the criminal proceedings should be transferred should involve a consideration of all circumstances which are relevant for the examination of those criteria. That assessment could often involve not only balancing the interests or rights of individuals whose rights may be affected, but also a consideration of the specificities and practical aspects of the operation of the criminal justice system.</p> <p>Moved to row 51a [43 - 51a]</p>		
Recital 34a				
43a			<p><u><i>(34a) Member States should 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 exercise their right to an effective remedy. Access to the file should be limited to the documents related to the transfer of criminal proceedings and in order to exercise their right to an effective remedy.</i></u></p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Recital 35				
44	(35) The proper application of this Regulation presupposes communication between the requesting and requested authorities involved, which should be encouraged to consult each other whenever it is appropriate to facilitate the smooth and efficient application of this Regulation, either directly or, where appropriate, via European Union Agency for Criminal Justice Cooperation (Eurojust).	(35) The proper application of this Regulation presupposes communication between the requesting and requested authorities involved, which should be encouraged to consult each other whenever it is appropriate to facilitate the smooth and efficient application of this Regulation, either directly or, where appropriate, via European Union Agency for Criminal Justice Cooperation (Eurojust).	(35) The proper application of this Regulation presupposes communication between the requesting and requested authorities involved, which should be encouraged to consult each other whenever it is appropriate to facilitate the smooth and efficient application of this Regulation, either directly or, where appropriate, via European Union Agency for Criminal Justice Cooperation (Eurojust).	
Recital 36				
45	(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.	(36) The requesting authority should consult with the requested authority prior to issuing a request for the transfer of criminal proceedings when this is necessary, in particular, in order to determine if the transfer of criminal proceedings would serve the interests of efficient and proper administration of justice, including whether it is proportionate and appropriate for the purpose of the proceedings concerned , as	(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.	

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

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		meant to be those extracts that appear necessary for the requested authority to take an informed decision on the request for the transfer of criminal proceedings.		
Recital 38				
47	(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.	(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.	(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. <u><i>The decision to withdraw the request should be justified in writing and be shared with the suspect or accused persons and the victims.</i></u>	
Recital 39				
48	(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	(39) The requested authority should inform the requesting authority of its reasoned decision on whether to accept or refuse the transfer of criminal proceedings without delay and no later than 60 days after the receipt of the request	(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	

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	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.	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 by a further 30 days to avoid excessive delays.	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.	
Recital 39a				
48a		(39a) Where the requested authority has accepted the transfer of criminal proceedings, the requesting authority should without undue delay forward originals or certified copies of all documents of the case file, accompanied by their translation, or at least the relevant parts thereof. Upon request of the requested authority, transmission of relevant physical evidence, such as objects of offence or blood or DNA samples, to the requested authority should be provided without undue delay, if not sent once the request has been accepted, once the national proceedings are discontinued.		

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		<p>Original documentation should only be transmitted if requested by the requested authority in case there is a need to examine a document, for instance, for forensic purposes. Additionally, the originals and the physical evidence, when they are no longer needed in the requested State, should upon request of the requesting authority be returned to the requesting State, for example when such originals or physical evidence are needed for the purposes of another criminal investigation.</p>		
Recital 40				
49	<p>(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</p>	<p>(40) Transfer of a criminal proceedingproceedings 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</p>	<p>(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</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>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</p>	<p>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 requested authority should also not accept the transfer of criminal proceedings should not be accepted in case of other impediments to if the conditions for prosecuting the criminal offence in the requested State are not fulfilled. This could be the case, for example, if a complaint by the victim, which is necessary for prosecuting the criminal offence in the requested State, has not been filed in time, or where, because of death or insanity of the suspect or accused person, prosecution has become impossible pursuant to the law of the requested State.- 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 immunity or privilege in accordance with the law of the requested State, e.g. for example in relation to certain</p>	<p>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 request form for transfer is incomplete or was incorrectly completed by the requesting authority, thus not enabling the requested authority to</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>have the necessary information to assess the request for transfer of criminal proceedings.</p>	<p>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 request form for transfer is incomplete or was incorrectly manifestly incorrect and has not been completed or corrected by the requesting authority, thus not enabling the requested authority to have the necessary information to assess the request for transfer of criminal proceedings. The requested authority should also be able to refuse the request if the conduct is not an offence at the place where it was committed and the requested State has no original jurisdiction to investigate and prosecute such offence. For the purposes of this Regulation, ‘original jurisdiction’ means jurisdiction which is already provided for by national law, and which does not derive from this</p>	<p>have the necessary information to assess the request for transfer of criminal proceedings. <u><i>It is possible that the grounds for refusal provided for in this Regulation serve as an additional basis for assessment in order to ascertain whether a legal remedy should be pursued. Where discretion is granted under the optional grounds for refusal provided for in this Regulation, the court competent for the legal remedy 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.</i></u></p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		Regulation.		
Recital 41				
50	<p>(41) The principle of <i>ne bis in idem</i>, as set out in Articles 54 to 58 of the Convention implementing the Schengen Agreement¹ and in Article 50 of the Charter, and as interpreted by the Court of Justice of the European Union, is a basic fundamental principle of criminal law, according to which a defendant should not be tried or punished again in criminal proceedings for the criminal offence for which he or she has already been finally acquitted or convicted. Therefore, the requested authority should refuse the transfer of criminal proceedings, if taking them over would be contrary to that principle.</p> <p>¹ Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19).</p>	<p>(41) The principle of <i>ne bis in idem</i>, as set out in Articles 54 to 58 of the Convention implementing the Schengen Agreement of 14 June 1985¹ and in Article 50 of the Charter, and as interpreted by the Court of Justice of the European Union, is a basic fundamental principle of criminal law, according to which a defendant should not be tried or punished again in criminal proceedings for the criminal offence for which he or she has already been finally acquitted or convicted. Therefore, the requested authority should refuse the transfer of criminal proceedings, if taking them over would be contrary to that principle.</p> <p>¹ Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19).</p>	<p>(41) The principle of <i>ne bis in idem</i>, as set out in Articles 54 to 58 of the Convention implementing the Schengen Agreement¹ and in Article 50 of the Charter, and as interpreted by the Court of Justice of the European Union, is a basic fundamental principle of criminal law, according to which a defendant should not be tried or punished again in criminal proceedings for the criminal offence for which he or she has already been finally acquitted or convicted. Therefore, the requested authority should refuse the transfer of criminal proceedings, if taking them over would be contrary to that principle.</p> <p>¹ Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19).</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Recital 41a				
50a		<p>(41a) When assessing whether to accept or reject a request for the transfer of criminal proceedings, the requested authority should examine whether such a transfer would serve the objective of an efficient and proper administration of justice. That assessment should be carried out on a case-by-case basis in order to identify the Member State that is best placed to prosecute the criminal offence in question. The requested authority should enjoy broad margin of discretion for the purpose of that assessment. When assessing whether the transfer of proceedings is or not in the interest of an efficient and proper administration of justice, such assessment should be limited to the relevant circumstances of the case, including whether there is a prima facie indication that the criminal offence has not been committed either in whole or in part on the territory of the requested State, most of the effects or a substantial part of the damage, which are or is part</p>		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		of the constituent elements of the offence caused by the criminal offence, did not occur on the territory of that State, and the suspect or accused person is not a national of or resident in that State. Personal, material or family situation of a victim, witness or other individual concerned should not be decisive in itself on the assessment of whether the transfer of criminal proceedings would serve the objective of an efficient and proper administration of justice.		
Recital 42				
51	(42) Before deciding not to accept a request for transfer of criminal proceedings on the basis of any ground for refusal, the requested authority should consult the requesting authority in order to obtain any necessary additional information.	(42) Before deciding not to accept to refuse a request for the transfer of criminal proceedings on the basis of any ground for refusal, the requested authority should consult the requesting authority in order to obtain any necessary additional information.	(42) Before deciding not to accept a request for transfer of criminal proceedings on the basis of any ground for refusal, the requested authority should consult the requesting authority in order to obtain any necessary additional information.	
Recital 42a				
51a	(34) The requested State should ensure access to effective legal remedies for suspects and accused	(34) (3442a) The requested State should ensure access to effective legal remedies for suspects and		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>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.</p> <p>Moved reference text</p>	<p>accused persons, as well as for victims, against the decision to accept the transfer of criminal proceedings in line accordance with Article 47 of the Charter and the procedures applicable under national law, whenever their rights are adversely affected in the application of this Regulation.</p> <p>Review of the decision concerning the transfer of proceedings should be based exclusively on the criteria foreseen in the grounds for refusal mentioned in this Regulation. The assessment of whether the criminal proceedings should be transferred should involve a consideration of all circumstances which are relevant for the examination of those criteria. That assessment could often involve not only balancing the interests or rights of individuals whose rights may be affected, but also a consideration of the specificities and practical aspects of the operation of the criminal justice system.</p> <p>Moved from row 43 [43 - 51a]</p>		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Recital 42b				
51b		<p>(42b) The requested authority should have broad discretion in assessing whether the transfer of proceedings is in the interests of efficient and proper administration of justice, and whether a request for transfer should be refused on any of the optional grounds for refusal set out in this Regulation. The examination of the exercise of such discretion should be limited to reviewing whether the requested authority, when taking the decision to accept the request for transfer of proceedings, has manifestly exceeded the limits of its discretion.</p>		
Recital 42c				
51c		<p>(42c) In any case, the legal remedy under this Regulation should not entail any review of the merits of the case, such as whether the evidence is sufficient to justify opening or continuing an investigation, whether the facts of the case or the subjective aspects, such as intention or</p>		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		serious negligence, are established to the applicable standards, or concerning the probative value or the probative force of already collected evidence or the credibility of statements.		
Recital 43				
52	(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 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	(43) The acceptance of the transfer of criminal proceedings by the requested authority should result in the suspension or discontinuation of criminal proceedings in the requesting State to avoid duplication of measures in the requesting and requested State. This should however be without prejudice to investigations necessary/urgent investigative or other procedural measures which may be necessary to 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 requesting State may need to undertake after the receipt of notification of the acceptance by the requested authority, where the efficient and	(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 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	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	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.	proper administration of justice so requires The notion of ‘investigative or other procedural measures’ should be interpreted broadly, as including not only any measure for the purpose of gathering evidence, but also any procedural act imposing pre-trial detention or any other interim measure. To avoid abusive challenges and ensure that the criminal proceedings are not suspended continued/prolonged at length in the requesting State, once the undertaken investigative or procedural measures expire, the criminal proceedings in the requesting State should be discontinued. If a legal remedy with a suspensive effect has been invoked in the requested State the criminal proceedings should not be suspended nor discontinued in the requesting State until a decision on the remedy has been taken in the requested State.	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 <u>granted under national law</u> 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.	
Recital 43a				
52a			<u>(43a) Once a transfer of proceedings has been granted and in order to facilitate an efficient</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<p><u>process of the transfer the requesting and requested authorities should be able to consult each other to determine the necessary documents or parts of such documents to be forwarded, as well as to be translated, where necessary. However, the decision to only send parts of the documents should be balanced and based on a careful consideration of the documents in question so as to not prejudice the fairness of the proceedings.</u></p>	
Recital 44				
53	<p>(44) This Regulation should not constitute a legal basis for arresting persons with a view to their physical transfer to the requested State in order for the latter to bring criminal proceedings against that person.</p>	<p>(44) This Regulation should not constitute a legal basis for arresting persons with a view to their physical transfer to the requested State in order for the latter to bring criminal proceedings against that person. However, Member States should be able to provide that this Regulation constitutes a legal basis for a decision on provisional arrest of the suspect or accused person staying in the requested State or for the adoption of other provisional measures by the competent authority of such State, when a</p>	<p>(44) This Regulation should not constitute a legal basis for arresting persons with a view to their physical transfer to the requested State in order for the latter to bring criminal proceedings against that person.</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		request for transfer has been received pending the decision on the acceptance or refusal.		
Recital 45				
54	(45) The requested authority should inform the requesting authority in writing of any decision delivered at the end of the criminal proceedings in the requested State. Framework Decision 2009/948/JHA imposes a similar obligation where an agreement was reached on the concentration of proceedings in one Member State. Where the requested authority decides to discontinue criminal proceedings related to the facts underlying the request for transfer, it should also include the reasons for such discontinuation.	(45) A competent authority of the requested authority State should inform the requesting authority in writing of any decision delivered at the end of the criminal proceedings in the requested State. Framework Decision 2009/948/JHA imposes a similar obligation where an agreement was reached on the concentration of proceedings in one Member State. Where the requested authority decides to discontinue criminal proceedings related to the facts underlying the request for transfer, it should also include the reasons for such discontinuation. At least the essential parts of such information and of the final written decision delivered in the requested State, should be translated by the requested authority into an official language of the requesting State or any other accepted language in accordance with this Regulation. The essential parts of	(45) The requested authority should inform the requesting authority in writing of any decision delivered at the end of the criminal proceedings in the requested State. Framework Decision 2009/948/JHA imposes a similar obligation where an agreement was reached on the concentration of proceedings in one Member State. Where the requested authority decides to discontinue criminal proceedings related to the facts underlying the request for transfer, it should also include the reasons for such discontinuation.	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		the information and the decision are meant to be those extracts that appear necessary for the requesting authority to have knowledge of their general content.		
Recital 46				
55	(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.	(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 <i>ne bis in idem</i> 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 <i>ne bis in idem</i> principle.	(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.	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Recital 47				
56	(47) Once criminal proceedings are transferred in accordance with this Regulation, the requested authority should apply its relevant national law and procedures. Nothing in this Regulation should be interpreted as interfering with any prosecutorial discretion provided for in national law.	(47) Once criminal proceedings are transferred in accordance with this Regulation, the requested authority should apply its relevant national law and procedures. Nothing in this Regulation should be interpreted as interfering with any prosecutorial discretion provided for in national law.	(47) Once criminal proceedings are transferred in accordance with this Regulation, the requested authority should apply its relevant national law and procedures. Nothing in this Regulation should be interpreted as interfering with any prosecutorial discretion provided for in national law.	
Recital 47a				
56a		(47a) Nothing in this Regulation should be interpreted as affecting the duration of the period of limitation in the requested State, as provided for in the national law of that State.		
Recital 48				
57	(48) The requested State should apply its national law to determine the sentence applicable to the criminal offence in question. In cases where the criminal offence has been perpetrated in the territory of the requesting State, the	(48) The requested State should apply its national law to determine the sentence applicable to the criminal offence in question. In cases where the criminal offence has been perpetrated in on the territory of the requesting State, the	(48) The requested State should apply its national law to determine the sentence applicable to the criminal offence in question. In cases where the criminal offence has been perpetrated in the territory of the requesting State, the	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	requested authorities may take into consideration in the determination of the sentence the maximum penalty envisaged in the law of the requesting State, whenever this is to the benefit of the accused person, and in accordance with the law of the requested State. This should be taken into account in situations where the transfer of criminal proceedings would lead to the application in the requested State of a higher sentence than the maximum sentence provided for in the requesting State for the same criminal offence, with a view to ensure a degree of legal certainty and foreseeability of the applicable law for the suspects or accused persons concerned. The maximum sentence envisaged in the law of the requesting State should always be taken into account where jurisdiction of the requested State is based exclusively on this Regulation.	requested authorities may take into consideration in the determination of the sentence the maximum penalty envisaged in the law of the requesting State, whenever this is to the benefit of the accused person, and in accordance with the law of the requested State. This should be taken into account in situations where the transfer of criminal proceedings would lead to the application in the requested State of a higher sentence than the maximum sentence provided for in the requesting State for the same criminal offence, with a view to ensure ensuring a degree of legal certainty and foreseeability of the applicable law for the suspects or accused persons concerned. The maximum sentence envisaged in the law of the requesting State should always be taken into account where jurisdiction of the requested State is based exclusively on this Regulation.	requested authorities may take into consideration in the determination of the sentence the maximum penalty envisaged in the law of the requesting State, whenever this is to the benefit of the accused person, and in accordance with the law of the requested State. This should be taken into account in situations where the transfer of criminal proceedings would lead to the application in the requested State of a higher sentence than the maximum sentence provided for in the requesting State for the same criminal offence, with a view to ensure a degree of legal certainty and foreseeability of the applicable law for the suspects or accused persons concerned. The maximum sentence envisaged in the law of the requesting State should always be taken into account where jurisdiction of the requested State is based exclusively on this Regulation.	
Recital 49				
58	(49) Member States should not be able to claim from each other compensation for costs resulting from the application of this	(49) Member States should not be able to claim from each other compensation for costs resulting from the application of this	(49) <i><u>Each Member State should bear its own costs of transfers of criminal proceedings, including those related to the exercise of</u></i>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Regulation. However, when the requesting State has incurred large or exceptional costs, related to the translation of the documents in the case file to be transferred to the requested State, a proposal by the requesting authority to share the costs should be considered by the requested authority.	Regulation. However, when the requesting State has incurred large or exceptional costs, in particular related to the translation of the documents in the case file to be transferred to the requested State, a proposal by the requesting authority to share the costs should be considered by the requested authority. In such cases, the requesting and requested authorities should consult each other in order to reach an agreement on the sharing of costs. Ideally such consultations should take place before the request for transfer is issued. If no agreement can be reached before the decision to accept the transfer of proceedings is adopted, the requesting authority may decide to withdraw the request in accordance with this Regulation or maintain the request and bear the part of the costs deemed exceptionally high.	<u>procedural rights to which the suspect or the accused person is entitled to in each of the Member States concerned, in accordance with the applicable Union and national law.</u> Member States should not be able to claim from each other compensation for costs resulting from the application of this Regulation. However, when the requesting State has incurred large or exceptional costs, related to the translation of the documents in the case file to be transferred to the requested State, a proposal by the requesting authority to share the costs should be considered by the requested authority.	
Recital 50				
59	(50) The use of a standardised certificate translated in all official Union languages would facilitate cooperation and the exchange of	(50) The use of a standardised certificate request form translated in all official Union languages would facilitate cooperation and	(50) The use of a standardised certificate <u>request form</u> translated in all official Union languages would <u>should</u> facilitate cooperation	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	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.	the exchange of information between the requesting and requested authorities, allowing them to take a decision on the request for transfer more quickly and effectively. It would also reduce also reduces translation costs and contributes to contribute to a higher quality of requests.	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.	
Recital 51				
60	(51) The certificate should only include personal data necessary to facilitate the requested authority's decision on the request. The certificate should contain an indication of the categories of personal data, such as whether the related person is suspect, accused or victim, as well as the specific fields for each of these categories.	(51) The certificate request form should only include personal data necessary to facilitate the requested authority's decision on the request. The certificate request form should contain an indication of the categories of personal data, such as whether the related person is a suspect, an accused person or a or -victim, as well as the specific fields for each of these those categories.	(51) The certificate request form should only include personal data necessary to facilitate the requested authority's decision on the request. The certificate request form should contain an indication of the categories of personal data, such as whether the related person is suspect, accused or victim, as well as the specific fields for each of these categories.	
Recital 52				
61	(52) In order to effectively address a possible need for improvement regarding the certificate to be used to request transfer of criminal proceedings, the power to adopt	(52) In order to effectively address a possible need for improvement regarding the certificate request form to be used to request the transfer of criminal proceedings,	(52) In order to effectively address a possible need for improvement regarding the certificate request form to be used to request transfer of criminal proceedings, the power	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to amend the Annex to this Regulation. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>¹. OJ L 123, 12.5.2016, p. 13.</p>	<p>the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) should be delegated to the Commission to amend the Annex to this Regulation. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>¹. OJ L 123, 12.5.2016, p. 13.</p>	<p>to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to amend the Annex to this Regulation. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁴⁶⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>⁶⁷ OJ L 123, 12.5.2016, p. 13.</p> <p>¹. OJ L 123, 12.5.2016, p. 13.</p>	
	Recital 53			
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	<p>(53) In order to ensure swift, direct, interoperable, reliable and secure exchange of case-related data, communication under this Regulation between the requesting and requested authorities and with the involvement of central authorities, where a Member State has designated a central authority, as well as with Eurojust, should as a rule be carried out through the decentralised IT system within the meaning of Regulation (EU) .../...[Digitalisation Regulation]¹. In particular, the decentralised IT system should, as a rule, be used for the exchange of the certificate and of any other relevant information and documents, and all other communication between the authorities under this Regulation. In cases where one or more of the exceptions mentioned in the Regulation (EU) .../.... [Digitalisation Regulation] apply, in particular, where the use of the decentralised IT system is not possible or appropriate, other means of communication may be used as specified in that Regulation.</p> <p>¹ Regulation (EU) [...] of the European Parliament and of the Council on the</p>	<p>(53) In order to ensure the swift, direct, interoperable, reliable and secure exchange of case-related data, communication under this Regulation between the requesting and requested authorities and with the involvement of central authorities, where a Member State has designated a central authority, as well as with Eurojust, should as a rule be carried out through the decentralised IT system within the meaning of Regulation (EU) .../...[Digitalisation Regulation]¹. In particular, the decentralised IT system should, as a rule, be used for the exchange of the certificate request form and of any other relevant information and documents, and all other communication between the authorities under this Regulation. In cases where one or more of the exceptions mentioned in the Regulation (EU) .../.... [Digitalisation Regulation] apply, in particular, where the use of the decentralised IT system is not possible or appropriate, other means of communication may be used as specified in that Regulation.</p> <p>¹ Regulation (EU) [...] of the European</p>	<p>(53) In order to ensure swift, direct, interoperable, reliable and secure exchange of case-related data, communication under this Regulation between the requesting and requested authorities and with the involvement of central authorities, where a Member State has designated a central authority, as well as with Eurojust, should as a rule be carried out through the decentralised IT system within the meaning of Regulation (EU) .../...[Digitalisation Regulation]¹ 2023/2844 of the European Parliament and of the Council⁸. In particular, the decentralised IT system should, as a rule, be used for the exchange of the certificate request form and of any other relevant information and documents, and all other communication between the authorities under this Regulation. In cases where one or more of the exceptions mentioned in the Regulation (EU) .../.... [Digitalisation Regulation]¹ 2023/2844 apply, in particular, where the use of the decentralised IT system is not possible or appropriate, other means of communication may be</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).	Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).	used as specified in that Regulation. <u>68 Regulation (EU) 2023/2844 of the European Parliament and of the Council of 13 December 2023 on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L, 2023/2844, 27.12.2023, ELI: http://data.europa.eu/eli/reg/2023/2844/oj).</u> <i>1. Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation (OJ L ...).</i>	
Recital 54				
63	(54) Member States could use a software developed by the Commission (reference implementation software) instead of a national IT system. This reference implementation software should be based on a modular setup, meaning that the software is	(54) Member States could use a software developed by the Commission ('reference implementation software') instead of a national IT system. This The reference implementation software should be based on a modular setup, meaning that the software is	(54) Member States could use a software developed by the Commission (reference implementation software) instead of a national IT system. This reference implementation software should be based on a modular setup, meaning that the software is	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	packaged and delivered separately from the e-CODEX components needed to connect it to the decentralised IT system. This setup should enable Member States to reuse or enhance their existing national judicial communication infrastructures for the purpose of cross-border use.	packaged and delivered separately from the e-CODEX components needed to connect it to the decentralised IT system. This That setup should enable Member States to reuse or enhance their existing national judicial communication infrastructures for the purpose of cross-border use.	packaged and delivered separately from the e-CODEX components needed to connect it to the decentralised IT system. This setup should enable Member States to reuse or enhance their existing national judicial communication infrastructures for the purpose of cross-border use.	
Recital 55				
64	(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 ¹ and (EU) 2016/679 ² of the European Parliament and of the Council and Directive (EU) 2016/680 of the European Parliament and of the Council ³ , in particular the obligations of data protection by design and by default as well as high level of cybersecurity. The reference implementation software	(55) The Commission should be responsible for the creation, maintenance and development of this the 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 ¹ and (EU) 2016/679 ² of the European Parliament and of the Council and Directive (EU) 2016/680- of the European Parliament and of the Council ³ , in particular the obligations of data protection by design and by default as well as high level of cybersecurity. The reference implementation software	(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 Regulation (EU) 2018/1725 ¹ and (EU) 2016/679² of the European Parliament and of the Council ⁶⁹ and Directive (EU) 2016/680 of the European Parliament and of the Council ^{3,71} , in particular the obligations of data protection by design and by default as well as high level of cybersecurity. The reference	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>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.</p> <p>1. 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).</p> <p>2. 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).</p> <p>3. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of</p>	<p>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 doesshould not process personal data in the context of creation, maintenance and development of thisthe reference implementation software.</p> <p>1. 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).</p> <p>2. 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).</p> <p>3. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of</p>	<p>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.</p> <p><u>69 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).</u></p> <p><u>71 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</u></p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>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).</p>	<p>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).</p>	<p><u><i>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).</i></u></p> <p><i>1. 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).</i></p> <p><i>2. 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).</i></p> <p><i>3. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing</i></p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<i>Council Framework Decision 2008/977/JHA (OJ L 119, 1.5.2016, p. 89).</i>	
Recital 56				
65	(56) The reference implementation software developed by the Commission as a back-end system should programmatically collect the statistical data necessary for monitoring purposes and such data should be transmitted to the Commission. Where Member States choose to use a national IT system instead of the reference implementation software developed by the Commission, such a system could be equipped to programmatically collect those data and, in that case, those data should be transmitted to the Commission. The e-CODEX connector could also be equipped with a feature allowing retrieval of relevant statistical data.	(56) The reference implementation software developed by the Commission as a back-end system should programmatically collect the statistical data necessary for monitoring purposes and such data should be transmitted to the Commission. Where Member States choose to use a national IT system instead of the reference implementation software developed by the Commission, such a system could be equipped to programmatically collect those data and, in that case, those data should be transmitted to the Commission. The e-CODEX connector could also be equipped with a feature allowing retrieval of relevant statistical data.	(56) The reference implementation software developed by the Commission as a back-end system should programmatically collect the statistical data necessary for monitoring purposes and such data should be transmitted to the Commission. Where Member States choose to use a national IT system instead of the reference implementation software developed by the Commission, such a system could be equipped to programmatically collect those data and, in that case, those data should be transmitted to the Commission. The e-CODEX connector could also be equipped with a feature allowing retrieval of relevant statistical data.	
Recital 57				
66	(57) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the	(57) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the	(57) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>Commission to establish a decentralised IT system. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>	<p>Commission to establish a decentralised IT system. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>	<p>Commission to establish a decentralised IT system. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>	
Recital 58				
67	<p>(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</p>	<p>(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 lineaccordance with Article 8 and Article 10(a) of the10, point (a), of Directive (EU) 2016/680. However, as regards any other aspect, such as the time period for the retention of personal data received by the requesting authority, the processing of personal data by the requesting and requested authorities should be subject to the national laws of</p>	<p>(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</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>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 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 Council¹.</p> <p>¹. 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).</p>	<p>Member States adopted pursuant to the Directive (EU) 2016/680. The requesting and requested authority should be considered as controllers with respect of to the processing of the personal data under that Directive. The central authorities could provide administrative support to the requesting and requested authorities and, to the extent they are processing personal data on behalf of those controllers, they should be considered as processors of the respective controller. As regards the processing of personal data by Eurojust, Regulation (EU) 2018/1725 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 Council¹.</p> <p>¹. 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).</p>	<p>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 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 Council¹.</p> <p>¹. 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).</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Recital 59				
68	(59) Since the objective of this Regulation, namely the transfer of criminal proceedings, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and its effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	(59) Since the objective of this Regulation, namely the transfer of criminal proceedings, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and its effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU) . In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	(59) Since the objective of this Regulation, namely the transfer of criminal proceedings, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and its effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	
Recital 60				
69	(60) [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Ireland has notified [, by letter of ...] its wish to take part in the adoption and	(60) In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union TEU and to the TFEU , Ireland has notified [, by letter of ...] received on 19 July	(60) [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Ireland has notified [, by letter of ...] its wish to take part in the adoption and	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	application of this Regulation.] OR [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.]	2023,] of its wish to take part in the adoption and application of this Regulation.] OR [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.]¹ <u>1. 12049/23.</u>	application of this Regulation.] OR [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.]	
Recital 61				
70	(61) In accordance with Articles 1 and 2 of the Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	(61) In accordance with Articles 1 and 2 of the Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union TEU and to the Treaty on the Functioning of the European Union TFEU , Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	(61) In accordance with Articles 1 and 2 of the Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	
Recital 62				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
71	<p>(62) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) No 2018/1725 of the European Parliament and of the Council¹ and delivered an opinion on [...],</p> <p>1. 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).</p>	<p>(62) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) No 2018/1725 of the European Parliament and of the Council¹2018/1725 and delivered an opinion on 22 May 2023 [...],</p> <p>1. 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).</p>	<p>(62) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) No 2018/1725 of the European Parliament and of the Council¹ and delivered an opinion on [...],</p> <p>1. 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).</p>	
Formula				
72	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	
Chapter 1				
73	Chapter 1 General provisions	Chapter 1 General provisions GENERAL PROVISIONS	Chapter 1 General provisions	
Article 1				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
74	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter	
Article 1(1)				
75	1. This Regulation lays down rules on the transfer of criminal proceedings between the Member States with a view to improving the efficient and proper administration of justice within the common area of freedom, security and justice.	1. This Regulation lays down rules on the transfer of criminal proceedings between the Member States with a view to improving the efficient and proper administration of justice within the common area of freedom, security and justice.	1. This Regulation lays down rules on the transfer of criminal proceedings between the Member States with a view to improving the efficient and proper administration of justice within the common area of freedom, security and justice.	
Article 1(2)				
76	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.	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 that are being conducted in Member States of the Union .	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 that are being conducted in Member States of the Union.	
Article 1(3)				
77	3. This Regulation shall not have the effect of modifying the obligation to respect the fundamental rights and legal principles as enshrined in Article 6	3. This Regulation shall not have the effect of modifying the obligation to respect the fundamental rights and legal principles as enshrined in Article 6	3. This Regulation shall not have the effect of modifying the obligation to respect the fundamental rights and legal principles as enshrined in Article 6	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	of the Treaty of the European Union.	of the Treaty of the European Union TEU.	of the Treaty of the European Union.	
Article 2				
G	78	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions
Article 2, first paragraph				
G	79	For the purposes of this Regulation, the following definitions shall apply:	For the purposes of this Regulation, the following definitions shall apply:	For the purposes of this Regulation, the following definitions shall apply:
Article 2, first paragraph, point (1)				
Y	80	(1) 'requesting State' means a Member State in which a request for transfer of criminal proceedings is issued;	(1) 'requesting State' means a Member State in which criminal proceedings are being conducted and in which a request for transfer of criminal these proceedings to another Member State is issued, or which has initiated consultations concerning a possible transfer or which has received a consultation request under Articles 5(3) or 15(2);	(1) 'requesting State' means a Member State in which a request for transfer of criminal proceedings is issued;
Article 2, first paragraph, point (2)				
Y	81			

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	(2) ‘requested State’ means a Member State to which a request for transfer of criminal proceedings is transmitted for the purpose of taking over of criminal proceedings;	(2) ‘requested State’ means a Member State to which a request for the transfer of criminal proceedings is transmitted for the purpose of taking over of criminal proceedings or which has received a request for consultations concerning a possible transfer or has initiated consultations pursuant to Articles 5(3) or 15(2);	(2) ‘requested State’ means a Member State to which a request for transfer of criminal proceedings is transmitted for the purpose of taking over of criminal proceedings;	
Article 2, first paragraph, point (3)				
82	(3) ‘requesting authority’ means:	(3) ‘requesting authority’ means:	(3) ‘requesting authority’ means:	
Article 2, first paragraph, point (3)(a)				
83	(a) a judge, court, investigating judge or public prosecutor competent in the case concerned; or	(a) a judge, court, investigating judge or public prosecutor competent in the case concerned; or	(a) a judge, court, investigating judge or public prosecutor competent in the case concerned; or	
Article 2, first paragraph, point (3)(b)				
84	(b) any other competent authority which is designated as such by the requesting State and which, in the case concerned, is acting in its capacity as an investigating authority in criminal proceedings	(b) any other competent authority which is designated as such by the requesting State and which, in the case concerned, is acting in its capacity as an investigating authority in criminal proceedings	(b) any other competent authority which is designated as such by the requesting State and which, in the case concerned, is acting in its capacity as an investigating authority in criminal proceedings	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	with competence to request the transfer of criminal proceedings in accordance with national law. In addition, before the request for transfer of criminal proceedings is transmitted to the requested authority, it shall be validated by a judge, a court, an investigating judge or a public prosecutor in the requesting State after examining its conformity with the conditions for issuing such a request under this Regulation. Where the request for transfer of criminal proceedings has been validated by a judge, a court, an investigating judge or a public prosecutor, that authority may also be regarded as a requesting authority for the purposes of transmitting the request;	with competence to request the transfer of criminal proceedings in accordance with national law. In addition, before the request for the transfer of criminal proceedings is transmitted to the requested authority, it shall be validated by a judge, a court, an investigating judge or a public prosecutor in the requesting State after examining its conformity with the conditions for issuing such a request under this Regulation. Where the request for transfer of criminal proceedings has been validated by a judge, a court, an investigating judge or a public prosecutor, that authority may also be regarded as a requesting authority for the purposes of transmitting the request;	with competence to request the transfer of criminal proceedings in accordance with national law. In addition, before the request for transfer of criminal proceedings is transmitted to the requested authority, it shall be validated by a judge, a court, an investigating judge or a public prosecutor in the requesting State after examining its conformity with the conditions for issuing such a request under this Regulation. Where the request for transfer of criminal proceedings has been validated by a judge, a court, an investigating judge or a public prosecutor, that authority may also be regarded as a requesting authority for the purposes of transmitting the request;	
Article 2, first paragraph, point (4)				
85	(4) ‘requested authority’ means a judge, a court, an investigating judge or a public prosecutor having competence to take a decision on whether to accept transfer of criminal proceedings in accordance with Article 12 and to take any measure as provided for in its national law;	(4) ‘requested authority’ means a judge, a court, an investigating judge or a public prosecutor having the competence to take a decision on whether to accept or refuse transfer of criminal proceedings in accordance with Article 12 12(1) and to take, where the legal system of the requested State	(4) ‘requested authority’ means a judge, a court, an investigating judge or a public prosecutor having competence to take a decision on whether to accept transfer of criminal proceedings in accordance with Article 12 and to take any measure as provided for in its national law;	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		allows, subsequent measures in accordance with this Regulation or any measure as provided for in its national law;		
Article 2, first paragraph, point (4a)				
85a		Notwithstanding that a decision on whether to accept or refuse a transfer of criminal proceedings under Article 12(1) must be taken exclusively by a judge, a court, an investigating judge or a public prosecutor, the requested State may provide that for the purposes of this Regulation ‘requested authority’ may be understood as another competent authority, which in the case concerned is acting in its capacity as an investigating or prosecuting authority in criminal proceedings, with competence to take preparatory or subsequent measures.		
Article 2, first paragraph, point (5)				
86	(5) ‘decentralised IT system’ means an IT system as defined in Article 2, point (4), of Regulation (EU).../... [Digitalisation	(5) ‘decentralised IT system’ means an IT system as defined in Article 2, point (4), of Regulation (EU).../... [Digitalisation	(5) ‘decentralised IT system’ means an IT system as defined in Article 2, point (4), of Regulation (EU).../... [Digitalisation	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Regulation];	Regulation];	Regulation];	
Article 2, first paragraph, point (6)				
G 87	(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 in 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.	(6) ‘victim’ means a victim as defined in Article 2(1), point (a), of Directive 2012/29/EU, <u>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.</u>	
Article 3				
G 88	Article 3 Jurisdiction	Article 3 Jurisdiction	Article 3 Jurisdiction	
Article 3(1)				
Y 89	1. For the purpose of this Regulation, the requested State shall have jurisdiction over any criminal offence to which the law of the requesting State is applicable, in situations where:	1. To the extent that jurisdiction is not already provided for by the national law of the requested State, for the purposes For the purpose of this Regulation, the requested State shall have jurisdiction over any criminal offence to which the law of the requesting State is applicable, in situations where:	1. For the purpose of this Regulation, the requested State shall have jurisdiction over any criminal offence to which the law of the requesting State is applicable, in situations where:	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 3(1), point (a)				
90	(a) it refuses to surrender a suspect or accused person, who is present in and a national of or a resident in the requested State, on the basis of Article 4(7), point (b), of the Framework Decision 2002/584/JHA;	(a) it refuses to surrender a suspect or accused person, who is present in and a national of or a resident in the requested State, on the basis of Article 4(7)4, point (7) (b), of the Framework Decision 2002/584/JHA;	(a) it refuses to surrender a suspect or accused person, who is present in and a national of or a resident in the requested State, on the basis of Article 4(7), point (b), of the Framework Decision 2002/584/JHA;	
Article 3(1), point (b)				
91	(b) it refuses to surrender a suspect or accused person for whom a European arrest warrant has been issued and who is present in and a national of or a resident in the requested State, if it finds that there are, in exceptional situations, substantial grounds to believe, on the basis of specific and objective evidence, that surrender would, in the particular circumstances of the case, entail a manifest breach of a relevant fundamental right as set out in Article 6 of the Treaty on European Union and the Charter;	(b) it refuses to surrender a suspect or accused person for whom a European arrest warrant has been issued and who is present in and a national of or a resident in the requested State, if it finds that there are, in exceptional situations, substantial grounds to believe, on the basis of specific and objective evidence, that surrender would, in the particular circumstances of the case, entail a manifest breach of a relevant fundamental right as set out in Article 6 of the Treaty on European Union TEU and the Charter;	(b) it refuses to surrender a suspect or accused person for whom a European arrest warrant has been issued and who is present in and a national of or a resident in the requested State, if it finds that there are, in exceptional situations, substantial grounds to believe, on the basis of specific and objective evidence, that surrender would, in the particular circumstances of the case, entail a manifest breach of a relevant fundamental right as set out in Article 6 of the Treaty on European Union and the Charter;	
Article 3(1), point (c)				

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92	(c) most of the effects of the criminal offence or a substantial part of the damage, which is part of the constituent elements of the criminal offence, occurred in the territory of the requested State;	(c) most of the effects of the criminal offence or a substantial part of the damage, which are or is part of the constituent elements of the criminal offence, occurred in on the territory of the requested State;	(c) most of the effects of the criminal offence or a substantial part of the damage, which is part of the constituent elements of the criminal offence, occurred in the territory of the requested State;	
Article 3(1), point (d)				
93	(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;	(d) there are ongoing criminal proceedings in the requested State against the suspect or accused person in respect of other facts and the suspect or accused person is a national of or resident of in the requested State;	(d) there are ongoing criminal proceedings in the requested State against the suspect or accused person in respect of other facts and the suspect or accused person is a national or resident of the requested State;	
Article 3(1), point (e)				
94	(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.	(e) there are ongoing criminal proceedings in the requested State in respect of the same or , partially the same or related facts against other persons and the suspect or accused person in the criminal proceedings to be transferred is a national of or resident of in the requested State.	(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.	
Article 3(2)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G	95	2. The jurisdiction established by the requested State exclusively by virtue of paragraph 1 may be exercised only pursuant to a request for transfer of criminal proceedings.	2. The jurisdiction established by the requested State exclusively by virtue of paragraph 1 may be exercised only pursuant to a request for transfer of criminal proceedings under this Regulation.	2. The jurisdiction established by the requested State exclusively by virtue of paragraph 1 may be exercised only pursuant to a request for transfer of criminal proceedings <u>under this Regulation.</u>
Article 4				
Y	96	Article 4 Waiver, suspension or discontinuation of criminal proceedings	Article 4 Waiver, suspension or discontinuation of criminal proceedings	Article 4 Waiver, suspension or discontinuation of criminal proceedings <u>by the requested State</u>
Article 4, first paragraph				
Y	97	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.	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.	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.
CHAPTER 2				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement	
G	98	CHAPTER 2 TRANSFER OF CRIMINAL PROCEEDINGS	CHAPTER 2 TRANSFER OF CRIMINAL PROCEEDINGS	CHAPTER 2 TRANSFER OF CRIMINAL PROCEEDINGS	G
Article 5					
G	99	Article 5 Criteria for requesting a transfer of criminal proceedings	Article 5 -Criteria for requesting a transfer of criminal proceedings	Article 5 Criteria for requesting a transfer of criminal proceedings	G
Article 5(1)					
R	100	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.	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.	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 <u>and that it is proportionate to do so.</u>	R
Article 5(2)					
Y	101	2. The requesting authority shall take into account in particular the following criteria:	2. The requesting authority shall take into account in particular the following criteria when considering whether to request the transfer of criminal	2. The requesting authority shall take into account in particular the following criteria:	Y

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		proceedings:		
Article 5(2), point (a)				
102	(a) the criminal offence has been committed wholly or partly in the territory of the requested State, or most of the effects or a substantial part of the damage caused by the criminal offence occurred in the territory of the requested State;	(a) the criminal offence has been committed wholly or partly in in whole or in part on the territory of the requested State, or most of the effects of the criminal offence or a substantial part of the damage, which are or is part of the constituent elements of caused by the criminal offence- occurred in on the territory of the requested State;	(a) the criminal offence has been committed wholly or partly in the territory of the requested State, or most of the effects or a substantial part of the damage caused by the criminal offence occurred in the territory of the requested State;	
Article 5(2), point (b)				
103	(b) the suspect or accused person is a national of or resident in the requested State;	(b) the suspect one or more suspects or accused person is a national persons are nationals of or resident residents in the requested State;	(b) the suspect or accused person is a national of or resident in the requested State;	
Article 5(2), point (c)				
104	(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)	(c) the suspect one or more suspects or accused person persons are present in the requested State and that State refuses to surrender this	(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)	

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	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;	<p>personthose persons to the requesting State either on the basis of:</p> <p>(i) Article 4(2) of the 4, point (2) of Framework Decision 2002/584/JHA;</p> <p>(ii) Article 4, point (3) of 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; or</p> <p>(iii) Article 4, point (7) of Framework Decision Decision 2002/584/JHA;</p>	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;	
Article 5(2), point (d)				
105	(d) the suspect or accused person is present in the requested State and that State refuses to surrender this person for whom a European arrest warrant has been issued, if it finds that there are, in exceptional situations, substantial grounds to believe, on the basis of specific and	(d) the suspect one or more suspects or accused person persons are present in the requested State and that State refuses to surrender this those person for whom a European arrest warrant has been issued, if it finds that there are, in exceptional	(d) the suspect or accused person is present in the requested State and that State refuses to surrender this person for whom a European arrest warrant has been issued, if it finds that there are, in exceptional situations, substantial grounds to believe, on the basis of specific and	

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	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;	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;	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;	
Article 5(2), point (e)				
Y	106 (e) most of the evidence relevant to the investigation is located in or majority of the relevant witnesses are residing in the requested State;	(e) most of the evidence relevant to the investigation is located in, or or majority of the relevant witnesses are residing in resident in , the requested State;	(e) most of the evidence relevant to the investigation is located in or majority of the relevant witnesses are residing in the requested State;	
Article 5(2), point (f)				
G	107 (f) there are ongoing criminal proceedings in the requested State in respect of the same or other facts against the suspect or accused person;	(f) there are ongoing criminal proceedings in the requested State in State in respect of the same or other facts against the suspect or accused person;	(f) there are ongoing criminal proceedings in the requested State in respect of the same or other facts against the suspect or accused person;	
Article 5(2), point (g)				
Y	108 (g) there are ongoing criminal proceedings in the requested State in respect of the same or related	(g) there are ongoing criminal proceedings in the requested State in respect of the same, partially	(g) there are ongoing criminal proceedings in the requested State in respect of the same or related	

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	facts against other persons;	the same or related facts against other persons;	facts against other persons;	
Article 5(2), point (h)				
Y	109 (h) the suspect or accused person is serving or is to serve a sentence involving deprivation of liberty in the requested State;	(h) the suspect one or more suspects or accused person persons are serving or is are to serve a sentence involving deprivation of liberty in the requested State;	(h) the suspect or accused person is serving or is to serve a sentence involving deprivation of liberty in the requested State;	Y
Article 5(2), point (i)				
G	110 (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;	(i) the enforcement of the sentence in the requested State is likely to improve the prospects for of social rehabilitation of the person sentenced or there are other reasons for a more appropriate enforcement of the sentence in the requested State;	(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;	G
Article 5(2), point (j)				
Y	111 (j) the majority of victims are nationals of or residents in the requested State.	(j) the majority of one or more victims are nationals of or residents in the requested State. Due account shall be taken of child victims;	(j) the majority of victim or victims are nationals of or residents in the requested State.	Y

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	Article 5(2), point (ja)				
Y	111a		<u><i>(ja) the consultations of Member States' competent authorities under Framework Decision 2009/958/JHA have resulted in an agreement on the concentration of the parallel proceedings in one Member State.</i></u>	Y	
	Article 5(2), point (ja)				
Y	111b	(k) the competent authorities of Member States have reached consensus on the concentration of the proceedings in one Member State.		Y	
	Article 5(2), point (jb)				
Y	111c		<u><i>(jb) whether the transfer of proceedings would contribute to the achievement of restorative justice objectives.</i></u>	Y	
	Article 5(3)				
Y	112	3. The suspect or accused person, or the majority of victims, or a lawyer on their behalf, may also request the competent authorities	3. The suspect or accused person, or the majority of victims, or a lawyer on their behalf, may also request a victim, may, in	3. The suspect or accused person, or the majority of <u><i>the victim or the</i></u> victims, or a lawyer on their behalf, may also request the competent	Y

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	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.	accordance with procedures in national law, propose the competent authorities of the requesting State or of the requested State to initiate a procedure for transferring criminal proceedings under that criminal proceedings be transferred under the conditions of this Regulation. Requests If the proposal is made to the competent authority in the requested State, that authority may consult the competent authority in the requesting State in accordance with Article 15(2). Proposals 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.	authorities of the requesting State <u>to transfer criminal proceedings under the conditions of this Regulation. If such request of the suspect or accused person, or of the requested victim or victims, or of an acting lawyer on their behalf is made to the competent authority in the requesting State, that authority may decide to consult the competent authority in the requested State in accordance with Article 15(2) to initiate a procedure for transferring criminal proceedings under this Regulation.</u> 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.	
Article 6				
G	113	Article 6 The rights of the suspect or accused person	Article 6 The rights of the suspect or accused person	Article 6 The rights of the suspect or accused person
Article 6(1)				
Y	114	1. Before a request for transfer of criminal proceedings is issued, the	1. Before a request for transfer of criminal proceedings is issued, the	1. Before a request for transfer of criminal proceedings is issued, the

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	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.	requesting authority shall, in accordance with the 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.	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.	
Article 6(1a)				
y	114a	1a. The rights set out in paragraphs 2 and 3 of this Article and in Articles 15a and 15c apply to suspects or accused persons in criminal proceedings from the time when they are made aware by the competent authorities of a Member State, by official notification or otherwise, that they are suspected or accused of having committed a criminal offence, and irrespective of whether they are deprived of liberty.		
Article 6(2)				
y	115	2. Provided that it would not undermine the confidentiality of an investigation, the suspect or accused person shall, in accordance	2. Provided that it would not undermine the confidentiality of an investigation, the suspect or accused person shall, in accordance	2. Provided that it would not undermine the confidentiality of an investigation, <u>or otherwise prejudice the investigation, or</u>

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	<p>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.</p>	<p>with applicable national law, be informed or otherwise prejudice the investigation, the requesting authority shall inform the suspect or accused person of the intended request for transfer of criminal proceedings, in accordance with the applicable national law and in a language which they understand, and shall provide them with be given an opportunity to state their opinion orally or in writing, unless that person cannot be located or reached 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 request for the transfer of criminal proceedings follows a request proposal from the suspect or accused person under Article 5(3), such a consultation with information to the suspect or accused person who made the request proposal is not required.</p>	<p><u><i>hamper the proper administration of justice or affect the rights of the victims</i></u> the suspect or accused person, <u><i>who has already been notified that they are suspected or accused of having committed an offence,</i></u> 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 <u><i>prior to the intended transfer,</i></u> unless that person cannot be located <u><i>or reached</i></u> 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 <u><i>prior to the intended transfer.</i></u> 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.</p>	

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Article 6(3)				
116	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.	32a. If the suspect or accused person is in the requested State, the requesting authority may, when applying The opinion referred to in paragraph 2 of this Article, transmit a completed standardised form to be adopted under Article 28(2) to the requested authority. In such cases, the requested authority shall seek the opinion of the suspect or accused person and send the form back to the requesting authority. The opinion of the suspects or accused persons referred to in paragraph 2 of this Article shall be taken into account by the requesting authority when deciding whether to request the transfer of criminal proceedings.	3. <u>Where the suspect or accused person decides to state an</u> The opinion <u>as</u> referred to in paragraph 2, <u>it shall be delivered no later than ten days after</u> of the suspect or accused person <u>has been informed of the intended transfer and given the opportunity to state their opinion. Such opinion</u> shall be taken into account <u>and be registered</u> by the requesting authority when deciding whether to request the transfer of criminal proceedings.	
Article 6(4)				
117	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,	4. Where the requested authority has taken a reasoned decision in accordance with Article 12(1), the requesting to accept the transfer of proceedings, the requested authority shall, provided that it	4. Where the requested authority has taken a decision <u>suspect or accused person has been informed about the intended transfer</u> in accordance with Article 12(1) <u>paragraph 2</u> , the requesting	

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	<p>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.</p>	<p>would not undermine the confidentiality of an investigation; immediately or otherwise prejudice the investigation, inform the suspect or accused person without undue delay, in a language which they understand, about the issuing of the request for the transfer of criminal proceedings and the subsequent acceptance or refusal of the transfer by the requested authority, unless that person cannot be located or reached despite reasonable efforts being made by the requesting requested authority. If The requested authority has taken a shall provide the suspect or accused person with a copy of the reasoned decision to accept accepting the transfer of criminal proceedings, proceedings and inform the suspect or accused person shall also be informed about their right to an an effective legal remedy in the requested State, including about the time limits for such a remedy.</p> <p>Moved to row 178b [117 - 178b]</p>	<p>authority shall, provided that it would not undermine the confidentiality of an investigation, immediately also inform the suspect or accused person them immediately, 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 eriminal 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.</p>	
Article 7				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G	118 Article 7 The rights of the victim	Article 7 The rights of the victim	Article 7 The rights of the victim	
Article 7(1)				
Y	119 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 the transfer of criminal proceedings is made issued , 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, give due consideration to the legitimate interests of the victim and ensure that their rights under Union and national law are respected.	
Article 7(2)				
Y	120 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	2. Provided that it would not undermine the confidentiality of an investigation or otherwise prejudice the investigation, the requesting authority shall inform, and where the victim who resides or, in case of a legal person, is established in the requesting State and who has requested to receive information on the criminal proceedings in accordance with Article 6(1) of Directive 2012/29/EU or, in case of a legal person, they shall, in	2. Provided that it would not undermine the confidentiality of an investigation <u>or otherwise prejudice the investigation, or hamper the proper administration of justice or affect the rights of other victims, victims who reside, and where the victim resides in the requesting State, they shall, and who receive the information specified in Article 6(1), point (a), of Directive 2012/29/EU, as implemented by national law, shall</u> in accordance with applicable	

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	her physical or mental condition, that opportunity shall be given to victim's legal representative.	accordance with applicable national law, be informed of the intended request for transfer of criminal proceedings, in accordance with the applicable national law, in a language which they understand, and shall be given provide them with an opportunity to state their opinion. Where the request for the transfer of criminal proceedings follows a proposal from a 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 in accordance with Article 5(3) of this Regulation, the requesting authority is not required to provide the above information to such victim.	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.	
Article 7(3)				
121	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.	3. The opinion of the victim 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.	3. The opinion <u>of the victim</u> referred to in paragraph 2 of the victim shall be taken into account <u>and registered</u> by the requesting authority when deciding whether to request the transfer of criminal proceedings.	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Article 7(4)			
122	<p>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.</p>	<p>4. Where the requested authority has taken a reasoned decision in accordance with Article 12(1) to accept the transfer of proceedings, the requested, the requesting authority shall, provided that it would not undermine the confidentiality of an investigation, immediately or otherwise prejudice the investigation, inform without undue delay the victim residing who resides or, in the case of a legal person, is established in the requesting State and who has requested to receive information on the criminal proceedings in accordance with Article 6(1) of Directive 2012/29/EU or, in the case of a legal person, in accordance with national law, in a language which they understand, about the issuing of the request for the transfer of criminal proceedings and the subsequent acceptance of the transfer by the requested authority, unless that person cannot be located or reached despite reasonable efforts being made or refusal of the transfer by</p>	<p>4. Where the requested authority has taken a decision victim has been informed about the intended transfer in accordance with Article 12(1) paragraph 2, the requesting authority shall, provided that it would not undermine the confidentiality of an investigation, immediately inform the that 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.</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<p>the requested authority. IfThe requested authority has accepted the transfer of criminal proceedings, the victim shall also be informedshall provide the victim with a copy of the reasoned decision accepting the transfer of proceedings and inform the victim about their right to an effective legal remedy available in the requested State, including aboutregarding the time limits for such a remedy.</p> <p>Moved to row 178g [122 - 178g]</p>		
Article 8				
123	Article 8 Right to a legal remedy	Article 8 Right to a legal remedy (moved to Article 15c)	<i>deleted</i>	
Article 8(1)				
124	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 criminal proceedings.	1. Suspects, accused persons, and victims shall have the right to an effective legal remedies remedy in the requested State against a decision to accept the transfer of criminal proceedings.	<i>deleted</i>	

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		Moved to row 178l [124 - 178l]		
Article 8(2)				
125	2. The right to a legal remedy shall be exercised before a court in the requested State in accordance with its law.	2. The right to an effective legal remedy shall be exercised before a court in the requested State in accordance with its national law. Moved to row 178m [125 - 178m]	<i>deleted</i>	
Article 8(3)				
126	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).	3. The time limit for seeking an effective legal remedy shall be no longer than 20 days from the date of receipt of the reasoned decision to accept the transfer of criminal proceedings . Nevertheless, where the suspect, accused person or victim is not identified at the time of transfer, and the reasoned information about the decision referred to in Article 12(1) could therefore not be communicated to such persons at that time, the time limit shall run from the date of acceptance of the transfer by the requested authority. The final	<i>deleted</i>	

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		<p>decision on the legal remedy shall be taken without undue delay and, where possible, within 60 days.</p> <p>Moved to row 178o [126 - 178o]</p>		
<i>Article 8(4)</i>				
127	<p>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.</p>	<p>4. Where the request for transfer of criminal proceedings is issued after the suspect's or accused person's indictment, the invocation Any suspensive effect of a legal remedy against a decision to accept the transfer of criminal proceedings, shall have suspensive effect be governed by national law.</p> <p>Moved to row 178p [127 - 178p]</p>	<i>deleted</i>	
<i>Article 8(5)</i>				
128	<p>5. The requested authority shall inform the requesting authority about the legal remedies sought under this Article.</p>	<p>5. The requested authority shall inform the requesting authority about the effective legal remedies sought under this Article, and about their final outcome.</p>	<i>deleted</i>	

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		Moved to row 178q [128 - 178q]		
Article 9				
129	Article 9 Procedure for requesting transfer of criminal proceedings	Article 9 Procedure for requesting the transfer of criminal proceedings	Article 9 Procedure for requesting transfer of criminal proceedings	
Article 9(1)				
130	1. The request for transfer of criminal proceedings shall be drawn up using the certificate set out in the Annex. The requesting authority shall sign the certificate and shall certify its content as being accurate and correct.	1. The request for the transfer of criminal proceedings shall be drawn up by the requesting authority using the certificate request form set out in the Annex. The requesting authority shall sign the certificate request form and shall certify its content as being accurate and correct.	1. The request for transfer of criminal proceedings shall be drawn up using the certificate request form set out in the Annex. The requesting authority shall sign the certificate request form and shall certify its content as being accurate and correct.	
Article 9(2)				
131	2. The request for transfer of criminal proceedings shall be duly substantiated and shall, in particular, contain the following information:	2. The request for the transfer of criminal proceedings shall be duly substantiated and shall, in particular, contain the following information:	2. The request for transfer of criminal proceedings shall be duly substantiated and shall, in particular, contain the following information:	

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	Article 9(2), point (a)			
Y	132 (a) data about the requesting authority;	(a) data information about the requesting authority;	(a) data about the requesting authority;	Y
	Article 9(2), point (b)			
G	133 (b) a description of the criminal offence, which is the subject of the criminal proceedings, and the applicable provisions of the criminal law of the requesting State;	(b) a description of the criminal offence, which is the subject of the criminal proceedings, and the applicable provisions of the criminal law of the requesting State;	(b) a description of the criminal offence, which is the subject of the criminal proceedings, and the applicable provisions of the criminal law of the requesting State;	G
	Article 9(2), point (c)			
G	134 (c) the reasons why the transfer is necessary and appropriate and in particular which of the criteria under Article 5(2) are applicable;	(c) the reasons why the transfer is necessary and appropriate and in particular which of the criteria under Article 5(2) are applicable;	(c) the reasons why the transfer is necessary and appropriate and in particular which of the criteria under Article 5(2) are applicable;	G
	Article 9(2), point (d)			
G	135 (d) the necessary information available on the suspect or accused person and the victim;	(d) the necessary information available on the suspect or accused person and the victim;	(d) the necessary information available on the suspect or accused person and the victim;	G
	Article 9(2), point (e)			

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Y	136	(e) an assessment of the impact of the transfer of criminal proceedings on the rights of suspect or accused person and victim; on the basis of information available to the requesting authority, including, where applicable, the opinion of the persons concerned obtained in accordance with Article 6(2) or 7(2), or the presentation of proposals under Article 5(3);	(e) an assessment of the impact of the transfer of criminal proceedings on the rights of suspect or accused person and victim;	
Article 9(2), point (f)				
G	137	(f) information on procedural acts or measures with a bearing on the criminal proceedings that have been undertaken in the requesting State, including any ongoing temporary coercive measure and the time limit for the application of such measure(s);	(f) information on procedural acts or measures with a bearing on the criminal proceedings that have been undertaken in the requesting State, <u>including any ongoing temporary coercive measure and the time limit for the application of such measure;</u>	
Article 9(2), point (g)				
G	138	(g) any applicable specific conditions of processing of personal data pursuant to Article 9(3) of the Directive (EU) 2016/680.	(g) any applicable specific conditions of processing of personal data pursuant to Article 9(3) of the Directive (EU) 2016/680.	

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Article 9(3)				
G	139	3. Where the suspect or accused person has given their opinion under Article 6(2) or the victim has given their opinion under Article 7(2), that opinion shall be forwarded to the requested authority together with the request for transfer of criminal proceedings. If the opinion of the suspect or accused person or the victim was stated orally, the requesting authority shall ensure that the written record of such statement is available to the requested authority.	3. Where the suspect or accused person has given their opinion under Article 6(2) or where the victim has given their opinion under Article 7(2), that opinion shall be forwarded to the requested authority together with the request for transfer of criminal proceedings. If the opinion of the suspect or , accused person or the victim was stated orally, the requesting authority shall ensure that the written record of such statement is available to the requested authority.	3. Where the suspect or accused person has given their opinion under Article 6(2) or the victim has given their opinion under Article 7(2), that opinion shall be forwarded to the requested authority together with the request for transfer of criminal proceedings. If the opinion of the suspect or accused person or the victim was stated orally, the requesting authority shall ensure that the written record of such statement is available to the requested authority.
Article 9(4)				
G	140	4. Where necessary, the request for transfer of criminal proceedings shall be accompanied by any additional relevant information and documents.	4. Where necessary, the request for the transfer of criminal proceedings shall be accompanied by any additional relevant information and documents.	4. Where necessary, the request for transfer of criminal proceedings shall be accompanied by any additional relevant information and documents.
Article 9(5)				
Y	141	5. The completed certificate referred to in paragraph 1 and, where so agreed with the requested	5. The completed certificate request form referred to in paragraph 1 and, where so	5. The completed certificate request form referred to in paragraph 1 and, where so

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	authority, any other written information accompanying the request for transfer of criminal proceedings, shall be translated into an official language of the requested State or any other language that the requested State will accept in accordance with Article 30(1), point (c).	agreed with the requested authority, as well as the essential parts of any other written information accompanying the request for the transfer of criminal proceedings; shall be translated into an official language of the requested State or any other language that the requested State will accept in accordance with Article 30(1), point (c).	agreed with the requested authority, any other written information accompanying the request for transfer of criminal proceedings, shall be translated into an official language of the requested State or any other language that the requested State will accept in accordance with Article 30(1), point (c).	
Article 9(6)				
G	142	6. The requesting authority shall transmit the request for transfer of criminal proceedings directly to the requested authority or, where applicable, with the involvement of the central authority referred to in Article 18. The requesting and requested authorities shall carry out all other official communication directly or, where applicable, with the involvement of a central authority referred to in Article 18.	6. The requesting authority shall transmit the request for the transfer of criminal proceedings directly to the requested authority or, where applicable, with the involvement of the central authority referred to in Article 18. The requesting and requested authorities shall carry out all other official communication directly or, where applicable, with the involvement of a central authority referred to in Article 18.	6. The requesting authority shall transmit the request for transfer of criminal proceedings directly to the requested authority or, where applicable, with the involvement of the central authority referred to in Article 18. The requesting and requested authorities shall carry out all other official communication directly or, where applicable, with the involvement of a central authority referred to in Article 18.
Article 9(7)				
Y	143	7. Where the requested authority is not known to the requesting authority, the latter shall make all	7. Where the requested authority is not known to the requesting authority, the latter shall make all	7. Where the requested authority is not known to the requesting authority, the latter shall make all

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	necessary inquiries, including through the contact points of the European Judicial Network, in order to determine which authority is competent for taking the decision under Article 12.	necessary inquiries, including through the contact points of the European Judicial Network as provided for by Council Decision 2008/976/JHA¹ , in order to determine which authority is competent for taking the decision under Article 12. 1. Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348, 24.12.2008, p. 130).	necessary inquiries, including through the contact points of the European Judicial Network, in order to determine which authority is competent for taking the decision under Article 12.	
	Article 9(7a)			
Y	143a		<u><i>7a. The requested authority shall as soon as possible acknowledge the receipt of the request.</i></u>	Y
	Article 9(7a)			
Y	143b	7a. Without undue delay after receipt of a request form, the requested authority shall send to the requesting authority an acknowledgement of receipt as soon as possible and in any event within seven days of receipt. Where a central authority has been designated in accordance with Article 18, this obligation		Y

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		applies both to the central authority and to the requested authority which receives the request for transfer of criminal proceedings from the central authority.		
Article 9(8)				
G	144	8. Where the authority in the requested State which received the request has no competence to take a decision under Article 12, it shall without undue delay transmit the request to the competent requested authority in the same Member State and shall inform the requesting authority accordingly.	8. Where the authority in the requested State which received the request has no competence to take a decision under Article 12, it shall without undue delay transmit the request to the competent requested authority in the same Member State and shall inform the requesting authority accordingly.	8. Where the authority in the requested State which received the request has no competence to take a decision under Article 12, it shall without undue delay transmit the request to the competent requested authority in the same Member State and shall inform the requesting authority accordingly.
Article 10				
Y	145	Article 10 Information to be given by the requesting authority	Article 10 Information to be given by the requesting authority after the transmission of the request	Article 10 Information to be given by the requesting authority
Article 10, first paragraph				
Y	146	The requesting authority shall inform the requested authority of any procedural acts or measures	The requesting authority shall inform the requested authority of any procedural acts or measures	The requesting authority shall inform the requested authority of any procedural acts or measures

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	with a bearing on the criminal proceedings that have been undertaken in the requesting State after the transmission of the request without undue delay. This communication shall be accompanied by all relevant documents.	with a bearing on the criminal proceedings that have been were undertaken in the requesting State after the transmission of the request without undue delay. This communication shall be accompanied by When communicating that information to the requested authority, the requesting authority shall include all relevant documents.	with a bearing on the criminal proceedings that have been undertaken in the requesting State after the transmission of the request without undue delay. This communication shall be accompanied by all relevant documents.	
Article 10, first paragraph a				
Y	146a	The essential parts of the information and relevant documents, referred to in the first paragraph shall be translated by the requesting authority into an official language of the requested State or any other language that the requested State will accept in accordance with Article 30(1), point (c).		Y
Article 11				
G	147	Article 11 Withdrawal of the request	Article 11 Withdrawal of the request	Article 11 Withdrawal of the request

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Article 11, first paragraph				
148	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.	1. The requesting authority may withdraw the request for the transfer of criminal proceedings at any time before receiving the reasoned decision of the requested authority's decision to accept the transfer of criminal proceedings in accordance with Article 12. In such an event, the requesting authority shall immediately inform the requested authority thereof.	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. <u>The requesting authority shall inform the suspect and accused person that has been informed in accordance with Article 6(2) and the victim that has been informed in accordance with Article 7(2) about the withdrawal decision in a language which they understand.</u>	
Article 11, first paragraph a				
148a		2. Where the requesting authority has informed the requested authority, in accordance with paragraph 1, of the withdrawal of the request for the transfer of criminal proceedings, the criminal proceedings shall remain with the requesting authority.		
Article 12				

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G	149 Article 12 Decision of the requested authority	Article 12 Decision of the requested authority	Article 12 Decision of the requested authority	
Article 12(1)				
Y	150 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 or refuse the transfer of criminal proceedings in whole or in part , and shall decide, in accordance with its national law, what on the measures to take thereon be taken. A decision to accept the transfer shall be duly reasoned.	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. <u><i>The requested authority shall inform the requesting authority of its reasoned decision in accordance with the time limits of Article 14.</i></u>	
Article 12(2)				
Y	151 2. If the requested authority finds the information communicated by the requesting authority to be insufficient to allow it to decide whether to accept the transfer of criminal proceedings, it may request the additional information it deems necessary.	2. If the requested authority finds considers the information communicated by the requesting authority to be insufficient to allow it to decide whether to accept or refuse the transfer of criminal proceedings, it may request additional information as it deems necessary. The requesting authority shall provide the requested the additional information it deems	2. If the requested authority finds the information communicated by the requesting authority to be insufficient to allow it to decide whether to accept the transfer of criminal proceedings, it may request the additional information it deems necessary.	

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		necessary without undue delay, if available, together with a translation into an official language of the requested State or any other language that the requested State will accept in accordance with Article 30(1) point (c).		
Article 12(2a)				
151a		2a. The requested authority shall communicate the decision referred to in paragraph 1 to the requesting authority, in accordance with the time-limits under Article 14.		
Article 12(3)				
152	3. If the requested authority decides to refuse the transfer of criminal proceedings in accordance with Article 13, it shall inform the requesting authority of the reasons for such refusal. Information to the suspect or accused person and to the victim will take place in accordance with Articles 6(4) and 7(4) respectively.	3. If the requested authority decides to refuse the transfer of criminal proceedings in accordance with Article 13, the requested authority shall, upon request of inform the requesting authority, inform the latter -of the reasons for such refusal. Information to the suspect or accused person and to the victim will take place in accordance with Articles 6(4) and 7(4) respectively.	3. If the requested authority decides to refuse the transfer of criminal proceedings in accordance with Article 13, it shall inform the requesting authority of the reasons for such refusal. Information to the suspect or accused person and to the victim will take place in accordance with Articles 6(4) and 7(4) <u>15a and 15b</u> respectively.	

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	Article 12(4)			
153	4. If the requested authority has accepted the transfer of criminal proceedings, it shall inform the requesting authority about the legal remedies available to challenge the decision to accept the transfer of criminal proceedings, including the requirements and time limits to exercise these remedies. Information to the suspect or accused person and to the victim will take place in accordance with Articles 6(4) and 7(4) respectively.	<i>deleted</i>	4. If the requested authority has accepted the transfer of criminal proceedings, it shall inform the requesting authority about the legal remedies available to challenge the decision to accept the transfer of criminal proceedings, including the requirements and time limits to exercise these remedies. Information to the suspect or accused person and to the victim will take place in accordance with Articles 6(4) and 7(4) respectively.	
	Article 12(5)			
154	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	5. When the requested Where the requesting authority has accepted received the reasoned decision to accept the transfer pursuant to paragraph 2a of this Article of criminal proceedings, the requesting authority shall without undue delay forward the original or a certified copy of the case file or relevant parts thereof, accompanied by their translation into an official language of the requested State or any other	5. When the requested authority has accepted the transfer of criminal proceedings, <u>and only after the decision on the legal remedy has been taken,</u> 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	

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	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.	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.	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.	
Article 12(5a)				
154a		5a. Upon request of the requested authority, the requesting authority shall transmit the original case file, including relevant physical evidence, to the requested authority without undue delay once the national proceedings are discontinued in accordance with Article 19. In case a certified copy of the file has been provided, only the relevant physical evidence shall be transmitted, unless the requested authority needs to examine original documents. The requesting State may require that the file or physical evidence be returned to the requesting State once it is no longer required in the requested State		

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		or at the end of the proceedings in the requested State at the latest.		
Article 12(5b)				
Y	154b	5b. For the purposes of applying paragraphs 2, 5 and 5a, 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.		
Article 13				
G	155	Article 13 Grounds for refusal	Article 13 Grounds for refusal	Article 13 Grounds for refusal
Article 13(1)				
Y	156	1. The requested authority shall refuse the transfer of criminal proceedings, in whole or in part, where criminal proceedings under the national law of the requested State cannot be brought against the suspect or accused person in relation to the facts underlying the request for transfer of criminal	1. The requested authority shall refuse the transfer of criminal proceedings, in whole or in part, where criminal proceedings under the national law of the requested State cannot be brought against the suspect or accused person or pursued in relation to the facts underlying the request for the	1. The requested authority shall refuse the transfer of criminal proceedings, in whole or in part, where criminal proceedings under the national law of the requested State cannot be brought against the suspect or accused person in relation to the facts underlying the request for transfer of criminal

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	proceedings in one or more of the following situations:	transfer of criminal proceedings in one or more of the following situations:	proceedings in one or more of the following situations:	
Article 13(1), point (a)				
G	157 (a) if the conduct in connection with which the request was made does not constitute a criminal offence under the law of the requested State;	(a) if the conduct in connection with which the request was made does not constitute a criminal offence under the law of the requested State;	(a) if the conduct in connection with which the request was made does not constitute a criminal offence under the law of the requested State;	G
Article 13(1), point (aa)				
Y	157a		<u>(aa) if there is a privilege under the law of the requested State which makes it impossible to take action;</u>	Y
Article 13(1), point (b)				
G	158 (b) if taking over criminal proceedings would be contrary to the principle of ne bis in idem;	(b) if taking over criminal proceedings would be contrary to the principle of <i>ne bis in idem</i> ne bis in idem ;	(b) if taking over criminal proceedings would be contrary to the principle of ne bis in idem;	G
Article 13(1), point (c)				
G	159 (c) if the suspect or accused person cannot be held criminally	(c) if the suspect or accused person cannot be held criminally	(c) if the suspect or accused person cannot be held criminally	G

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	liable for the criminal offence due to their age;	liable for the criminal offence due to their age;	liable for the criminal offence due to their age;	
Article 13(1), point (d)				
Y	160 (d) if the criminal prosecution is statute-barred in accordance with the law of the requested State or the conditions for prosecuting the criminal offence in the requested State are not fulfilled;	(d) if the criminal prosecution is statute-barred in accordance with the law of the requested State or the conditions for prosecuting the criminal offence in the requested State are not fulfilled;	(d) if the criminal prosecution is statute-barred in accordance with the law of the requested State or the conditions for prosecuting the criminal offence in the requested State are not fulfilled;	Y
Article 13(1), point (da)				
Y	160a	(da) if the conditions for prosecuting the criminal offence in the requested State are not fulfilled;		Y
Article 13(1), point (e)				
G	161 (e) if the criminal offence is covered by amnesty in accordance with the law of the requested State;	(e) if the criminal offence is covered by amnesty in accordance with the law of the requested State;	(e) if the criminal offence is covered by amnesty in accordance with the law of the requested State;	G
Article 13(1), point (f)				
G	162 (f) if the requested State does not have jurisdiction over the criminal offence. Such jurisdiction could	(f) if the requested State does not have has neither jurisdiction over the criminal offence. Such in	(f) if the requested State does not have has neither jurisdiction over the criminal offence. Such in	G

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	also derive from Article 3.	accordance with national law, nor jurisdiction could also derive from on the basis of Article 3.	<u>accordance with national law, nor</u> jurisdiction could also derive from <u>on the basis of</u> Article 3.	
Article 13(2)				
G	163	2. The requested authority may refuse the transfer of criminal proceedings, in whole or in part, if one or more grounds exist:	2. The requested authority may refuse the transfer of criminal proceedings, in whole or in part, if one or more of the following grounds exist:	2. The requested authority may refuse the transfer of criminal proceedings, in whole or in part, if one or more grounds exist:
Article 13(2), point (a)				
Y	164	(a) there is an immunity or a privilege under the law of the requested State which makes it impossible to take action;	(a) there is an immunity or a privilege privilege or immunity under the law of the requested State which makes it impossible to take action;	(a) there is an immunity or a privilege under the law of the requested State which makes it impossible to take action;
Article 13(2), point (b)				
G	165	(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 interests of the 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;
Article 13(2), point (c)				

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Y	166	(c) the criminal offence has not been committed wholly or partly in the territory of the requested State, most of the effects or a substantial part of the damage caused by the criminal offence did not occur in the territory of that State, and the suspect or accused person is not a national of or resident in that State;	(c) the criminal offence has not been committed wholly or partly in neither in whole or in part on the territory of the requested State, most of the effects or a substantial part of the damage, which are or is part of the constituent elements of the caused by the criminal offence, did not occur in on the territory of that State, and the suspect or accused person is not a national of or resident in that State;	(c) the criminal offence has not been committed wholly or partly in the territory of the requested State, most of the effects or a substantial part of the damage caused by the criminal offence did not occur in the territory of that State, and the suspect or accused person is not a national of or resident in that State;	Y
Article 13(2), point (d)					
G	167	(d) the certificate referred to in Article 9(1) is incomplete or manifestly incorrect and has not been completed or corrected following the consultation referred to in paragraph 3.	(d) the certificate request form referred to in Article 9(1) is incomplete or manifestly incorrect and has not been completed or corrected following the consultation referred to in paragraph 3: of this Article;	(d) the certificate request form referred to in Article 9(1) is incomplete or manifestly incorrect and has not been completed or corrected following the consultation referred to in paragraph 3.	G
Article 13(2), point (da)					
Y	167a		(e) the conduct in connection with which the request was made is not a criminal offence at the place where it was committed, and the requested State has no original jurisdiction under its		Y

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		national law to prosecute the offence.		
Article 13(3)				
168	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 may consult the requesting authority and, where necessary, shall request it to provide that it provides any necessary information without undue 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.	
Article 13(4)				
169	4. In the situation referred to in paragraph 2, point (a), and where the power to waive the privilege or immunity lies with an authority of the requested State, the requested authority shall request it to exercise that power forthwith. Where power to waive the privilege or immunity lies with an authority of another State or international organisation, the requesting authority shall request that authority to exercise that power.	4. In the situation referred to in paragraph 2, point (a), and where the power to waive the privilege or immunity lies with an authority of the requested State, the requested authority shall request it to that that authority exercise that power forthwith without undue delay . Where power to waive the privilege or immunity lies with an authority of another State or international organisation, the requesting authority shall request	4. In the situation referred to in paragraph 2, point (a), and where the power to waive the privilege or immunity lies with an authority of the requested State, the requested authority shall request it to exercise that power forthwith. Where power to waive the privilege or immunity lies with an authority of another State or international organisation, the requesting authority shall request that authority to exercise that power.	

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		that authority to that authority exercise that power.		
Article 14				
g	170	Article 14 Time limits	Article 14 Time limits	Article 14 Time limits
Article 14(1)				
y	171	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 on whether to accept or refuse the transfer of criminal proceedings without undue delay and in any case no later than 60 days after the receipt of the request for the transfer of criminal proceedings by the competent requested authority.	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.
Article 14(2)				
y	172	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	2. Where in a specific case the requested authority cannot meet the time limit set out in paragraph 1, it shall immediately without undue delay inform the requesting authority thereof, giving reasons for the delay. In such a case, the time limit set out in paragraph 1	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

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	maximum of 30 days.	may be extended by a maximum of 30 days.	maximum of 30 days.	
Article 14(3)				
Y	173 3. Where there is an immunity or a privilege under the law of the requested State, the time limit referred to in paragraph 1 shall not start running unless, and counting from the day when, the requested authority is informed of the fact that the privilege or immunity has been waived.	3. Where there is an immunity or a privilege privilege or immunity under the law of the requested State, the time limit referred to in paragraph 1 shall not start running commence unless, and counting on which the requested authority is informed of the fact that the privilege or immunity has been waived.	3. Where there is an immunity or a privilege under the law of the requested State, the time limit referred to in paragraph 1 shall not start running unless, and counting from the day when, the requested authority is informed of the fact that the privilege or immunity has been waived.	
Article 15				
G	174 Article 15 Consultations between the requesting and requested authorities	Article 15 Consultations between the requesting and requested authorities	Article 15 Consultations between the requesting and requested authorities	
Article 15(1)				
Y	175 1. Where necessary and without prejudice to Articles 12(2), 13(3) and 17(2), the requesting authority and requested authority shall consult each other without delay to	1. Where necessary and without prejudice to Articles 12(2), Article 12(2), (5), (5a) and (5b), Article 13(3) and Article 17(2), the requesting authority and requested	1. Where necessary and without prejudice to Articles 12(2), 13(3) and 17(2), the requesting authority and requested authority shall consult each other without delay to	

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	ensure the efficient application of this Regulation.	authority shall consult each other without undue delay to ensure the efficient application of this Regulation.	ensure the efficient application of this Regulation.	
Article 15(2)				
176	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.	2. Consultations between the requesting and requested authorities may also take place before the request for the transfer of criminal proceedings is issued, in particular with a view to determining whether the transfer would serve the interests of the efficient and proper administration of justice. In order to propose the transfer of that criminal proceedings from the requesting State be transferred , the requested authority may also consult with the requesting authority about the possibility of issuing as to whether it would be possible to issue a request for the transfer of criminal proceedings.	2. Consultations may 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 and be proportionate . In order to propose the transfer of criminal proceedings from the requesting State, the requested authority may shall also consult with the requesting authority about the possibility of issuing a request for transfer of criminal proceedings.	
Article 15(3)				
177	3. When the requesting authority consults the requested authority prior to making a request for	3. When Where the requesting authority consults the requested authority prior to making a request	3. When the requesting authority consults the requested authority prior to making a request for	

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	transfer of criminal proceedings, it shall make the information regarding the criminal proceedings available to the requested authority and may provide it to the requested authority using a certificate set out in the Annex.	for the transfer of criminal proceedings, it shall make the information regarding the criminal proceedings available to the requested authority and may provide it to the requested authority using a certificate set out in the Annex, unless it would undermine the confidentiality of an investigation or otherwise prejudice the investigation.	transfer of criminal proceedings, it shall make the information regarding the criminal proceedings available to the requested authority and may provide it to the requested authority using a certificate request form set out in the Annex.	
Article 15(4)				
Y	178 4. Requests for consultations shall be answered without delay.	4. Requests for consultations, which are made under this Article, shall be answered without undue delay.	4. Requests for consultations shall be answered without undue delay.	Y
Article 15a				
Y	178a	Article 15a Information to be provided to the suspect and accused person	<u>Article 15a</u> <u>Information to be provided to the suspect and accused person</u>	Y
Article 15a(1)				
Y	178b 4. Where the requested authority has taken a decision in accordance with Article 12(1), the requesting	41. Where the requested authority has taken a reasoned decision in accordance with Article 12(1) to	41. Where the requested authority has taken a decision in accordance with Article 12(1) <u>to accept the</u>	Y

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	<p>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.</p> <p>Moved reference text</p>	<p>accept the transfer of proceedings, the requested, the requesting authority shall, provided that it would not undermine the confidentiality of an investigation; immediately or otherwise prejudice the investigation, inform the suspect or accused person without undue delay, in a language which they understand, about the issuing of the request for the transfer of criminal proceedings and the subsequent acceptance or refusal of the transfer by the requested authority, unless that person cannot be located or reached despite reasonable efforts being made by the requesting requested authority. If The requested authority has taken a shall provide the suspect or accused person with a copy of the reasoned decision to accept accepting the transfer of criminal proceedings; and inform the suspect or accused person shall also be informed about their right to an effective legal remedy in the requested State, including about the time limits for such a remedy.</p> <p>Moved from row 117 [117 - 178b]</p>	<p><u>transfer of proceedings, the requested</u>, the requesting authority shall, provided that it <u>that transfer</u> would not undermine the confidentiality of an investigation <u>or otherwise prejudice the investigation</u>, 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 <u>that suspect or accused person understands</u>, <u>about the</u> acceptance or refusal of the transfer by the requested authority, unless that person cannot be located <u>or reached</u> despite reasonable efforts being made by the requesting <u>requested</u> authority. If The requested authority has taken a decision to accept <u>shall provide the suspect or accused person with a copy of the reasoned decision accepting</u> the transfer of criminal proceedings. <u>The requested authority shall also inform</u> the suspect or accused person, <u>unless that suspect or accused person cannot be located or reached, despite reasonable efforts being made by the requested authority</u> shall also be informed about their right to an <u>an</u></p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>effective</u> legal remedy in the requested State, including about the time limits for such a remedy. <u>Where appropriate, the requested authority may seek the assistance of the requesting authority in order to carry out the tasks referred to in this paragraph.</u>	
	Article 15a(2)			
y	178c	1a. If the suspect or accused person is in the requesting State, the requested authority may, when applying paragraph 1 of this Article, transmit the completed form to be adopted under Article 28(2) to the requesting authority. In such cases, the requesting authority shall provide the information to the suspect or accused person and inform the requested authority accordingly.		
	Article 15a(2)			
y	178d	2. Where the requested authority has taken a decision in accordance with Article 12(1) to refuse the transfer of proceedings, the requesting	<u>2. Where the requested authority has taken a decision in accordance with Article 12(3) to refuse the transfer of proceedings, the requesting authority shall,</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<p>authority shall, provided that it would not undermine the confidentiality of an investigation or otherwise prejudice the investigation, inform the suspect or accused person without undue delay, in a language which they understand, about the issuing of the request for transfer of criminal proceedings and the subsequent refusal of the transfer by the requested authority, unless that person cannot be located or reached despite reasonable efforts being made by the requesting authority.</p>	<p><i><u>provided that that transfer would not undermine the confidentiality of an investigation or otherwise prejudice the investigation, inform the suspect or accused person who has already been notified that they are suspected or accused of having committed an offence, without undue delay, in a language which that suspect or accused person they understands, about the decision for refusal of the transfer by the requested authority, unless that person cannot be located or reached, despite reasonable efforts being made by the requesting authority. Where appropriate, the requesting authority may seek the assistance of the requested authority in order to carry out the tasks referred to in this paragraph.</u></i></p>	
Article 15a(4)				
178e		<p>2a. If the suspect or accused person is in the requested State, the requesting authority may, when applying paragraph 2 of this Article, transmit the completed form to be adopted under Article 28(2) to the requested authority. In such</p>		

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		cases, the requested authority shall provide the information to the suspect or accused person and inform the requesting authority accordingly.		
Article 15b				
178f		Article 15b Information to be provided to the victim	<u>Article 15b</u> <u>Information to be provided to the victim</u>	
Article 15b(1)				
178g	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	41. Where the requested authority has taken a reasoned decision in accordance with Article 12(1) to accept the transfer of proceedings, the requested , the requesting authority shall, provided that it would not undermine the confidentiality of an investigation; immediately or otherwise prejudice the investigation, inform without undue delay the victim residing who resides or, in the case of a legal person, is established in the requesting State and who has requested to receive information on the criminal proceedings in accordance with Article 6(1) of Directive	41. Where the requested authority has taken a decision in accordance with Article 12(1), the requesting authority shall, <u>to accept the transfer of proceedings and</u> provided that that transfer would not undermine the confidentiality of an investigation <u>or otherwise prejudice the investigation, the requested authority shall, without undue delay,</u> immediately inform the victim residing in the requesting State, <u>who receives the information on the criminal proceedings in accordance with Directive 2012/29/EU, as implemented by national law</u> in a language which they	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>legal remedy available in the requested State, including about the time limits for such a remedy.</p> <p>Moved reference text</p>	<p>2012/29/EU or, in the case of a legal person, in accordance with national law, in a language which they understand, about the issuing of the request for the transfer of criminal proceedings and the subsequent acceptance of the transfer by the requested authority, unless that person cannot be located or reached despite reasonable efforts being made 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 shall provide the victim with a copy of the reasoned decision accepting the transfer of proceedings and inform the victim about their right to an effective legal remedy available in the requested State, including about regarding the time limits for such a remedy.</p> <p>Moved from row 122 [122 - 178g]</p>	<p>understand<u>that victim understands</u>, about the issuing<u>acceptance</u> of the request for transfer of criminal proceedings and the subsequent acceptance or refusal of the transfer<u>transfer by the requested authority, unless that victim cannot be located or reached anymore, despite reasonable efforts being made</u> by the requested authority. If The requested authority has accepted the transfer of criminal proceedings,<u>shall also inform</u> the victim shall also be informed about their<u>about his or her</u> right to an <u>effective</u> legal remedy available in the requested State, including about<u>regarding</u> the time limits for such a remedy. <u>Where appropriate, the requested authority may seek the assistance of the requesting authority in order to carry out the tasks referred to in this paragraph.</u></p>	
Article 15b(2)				
y	178h	1a. If the victim is in the		y

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		requesting State, the requested authority may, when applying paragraph 1 of this Article, transmit the completed form to be adopted under Article 28(2) to the requesting authority. In such cases, the requesting authority shall provide the information to the victim and inform the requested authority accordingly.		
Article 15b(2)				
178i		2. Where the requested authority has taken a decision in accordance with Article 12(1) to refuse the transfer of proceedings, the requesting authority shall, provided that it would not undermine the confidentiality of an investigation or otherwise prejudice the investigation, inform without undue delay the victim who resides or, in case of a legal person, is established in the requesting Member State and who has requested to receive information on the criminal proceedings in accordance with Article 6(1) of Directive 2012/29/EU or, in case of a legal person, in accordance with	<u>2. Where the requested authority has taken a decision in accordance with Article 12(3) to refuse the transfer of proceedings, the requesting authority shall, provided that that transfer would not undermine the confidentiality of an investigation or otherwise prejudice the investigation, inform without undue delay the victim who has requested to receive information on the criminal proceedings in accordance with Directive 2012/29/EU, in a language which that victim understands, about the refusal of the transfer by the requested authority, unless that person cannot be located or reached anymore. Where appropriate, the</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		national law, in a language which they understand, about the issuing of the request for transfer of criminal proceedings and the subsequent refusal of the transfer by the requested authority unless that person cannot be located or reached despite reasonable efforts being made by the requesting authority. Where appropriate, the requesting authority may seek the assistance of the requested authority in order to carry out the tasks referred to in this paragraph.	<u><i>requesting authority may seek the assistance of the requested authority in order to carry out the tasks referred to in this paragraph.</i></u>	
Article 15c				
R	178j	Article 15c Right to an effective legal remedy	<u><i>Article 15c Right to an effective legal remedy</i></u>	R
Article 15c(1)				
R	178k	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 criminal proceedings.	1. Suspects, accused persons, and victims shall have the right to an effective legal remedies an effective legal remedy in the requested State against a decision to accept the transfer of criminal proceedings.	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 criminal proceedings.

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Moved reference text	Moved from row 124 [124 - 178l]		
Article 15c(2)				
178l	<p>2. The right to a legal remedy shall be exercised before a court in the requested State in accordance with its law.</p> <p>Moved reference text</p>	<p>2. The right to an effective legal remedy shall be exercised before a court in the requested State in accordance with its national law.</p> <p>Moved from row 125 [125 - 178m]</p>	<p>2. The right to <u>an effective</u> legal remedy shall be exercised before a court in the requested State in accordance with its <u>applicable national law. The court shall examine the validity of the decision to accept the transfer of criminal proceedings in the light of the relevant provisions of this Regulation and, where possible, shall take its decision on the legal remedy within 60 days.</u>law.</p>	
Article 15c(3)				
178m		<p>2a. The decision to accept the transfer of criminal proceedings shall be examined in accordance with national law on the basis of the criteria provided for in Article 13(1) and (2). In so far as discretion was exercised, the review shall be limited to assessing whether the requested authority has manifestly exceeded the limits of its</p>	<p><u>3. Member States shall ensure that suspects, accused persons, and victims receive the decision on the acceptance of transfer and also have the right of access to all documents that formed the basis for the decision to accept a transfer under this Regulation. Such access may be limited where it would undermine the confidentiality of an investigation.</u></p>	

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		discretion.	<u>or otherwise prejudice the investigation. Member States shall also comply with any other procedural obligations which are necessary to effectively exercise right of the suspects, accused persons and victims to an effective remedy.</u>	
Article 15c(4)				
178n	<p>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).</p> <p>Moved reference text</p>	<p>3. The time limit for seeking an effective legal remedy shall be no longer than 20 days from the date of receipt of the reasoned decision to accept the transfer of criminal proceedings. Nevertheless, where the suspect, accused person or victim is not identified at the time of transfer, and the reasoned information about the decision referred to in Article 12(1) could therefore not be communicated to such persons at that time, the time limit shall run from the date of acceptance of the transfer by the requested authority. The final decision on the legal remedy shall be taken without undue delay and, where possible, within 60 days.</p>	<p>34. The time limit for seeking an <u>effective</u> legal remedy shall be no longer than 20<u>14</u> days from the date of receipt of information about the decision <u>on accepting the transfer of criminal proceedings</u> referred to in Article 12(1)<u>12</u>. <u>The court in the requested State shall take its decision on the legal remedy without undue delay and, where possible, within 60 days.</u></p>	

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		Moved from row 126 [126 - 178o]		
Article 15c(5)				
178o	<p>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.</p> <p>Moved reference text</p>	<p>4. Where the request for transfer of criminal proceedings is issued after the suspect's or accused person's indictment, the invocation Any suspensive effect of a legal remedy against a decision to accept the transfer of criminal proceedings, shall have suspensive effect be governed by national law.</p> <p>Moved from row 127 [127 - 178p]</p>	<p>4⁵. 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.</p>	
Article 15c(6)				
178p	<p>5. The requested authority shall inform the requesting authority about the legal remedies sought under this Article.</p> <p>Moved reference text</p>	<p>5. The requested authority shall inform the requesting authority about the effective legal remedies sought under this Article, and about their final outcome.</p> <p>Moved from row 128 [128 - 178q]</p>	<p>5⁶. The requested authority shall inform the requesting authority about the <u>effective</u> legal remedies sought under this Article <u>and about the final outcome of such legal remedies within five days from the moment the decision on the legal remedies is taken.</u></p>	
Article 16				

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G	179	Article 16 Cooperation with Eurojust and the European Judicial Network	Article 16 Cooperation with Eurojust and the European Judicial Network	Article 16 Cooperation with Eurojust and the European Judicial Network	G
Article 16, first paragraph					
Y	180	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).	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) the application of Article 12(2), Article 13(3), Article 15, Article 17(2) and Article 19(2).	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 <u>9(7), 12(2) and 12(5)</u> 12(2) , 13(3), 15 and 17(2) <u>and Article 19.</u>	Y
Article 17					
G	181	Article 17 Costs of transfers of criminal proceedings	Article 17 Costs of transfers of criminal proceedings	Article 17 Costs of transfers of criminal proceedings	G
Article 17(1)					
G	182	1. Each Member State shall bear its own costs of transfers of	1. Each Member State shall bear its own costs of transfers of	1. Each Member State shall bear its own costs of transfers of	G

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	criminal proceedings resulting from the application of this Regulation.	criminal proceedings resulting from the application of this Regulation.	criminal proceedings resulting from the application of this Regulation.	
Article 17(2)				
Y	183 2. Where the translation of the case file and other relevant documents under Article 12(5) would entail large or exceptional costs, the requesting authority may submit a proposal to the requested authority that the costs be shared. Such proposal shall be accompanied by a detailed breakdown of the costs incurred by the requesting authority. Following such a proposal the requesting authority and the requested authority shall consult with each other. Where appropriate, Eurojust may facilitate such consultations.	2. Where the translation of the case file and other relevant documents under Article 12(5) 12(2) and (5) would entail large or exceptional costs, the requesting authority may submit a proposal to the requested authority that the costs be shared. Such proposal shall be accompanied by a detailed breakdown of the costs incurred by the requesting authority. Following such a proposal, the requesting authority and the requested authority shall consult with each other. Where appropriate, Eurojust may facilitate such consultations.	2. Where the translation of the case file and other relevant documents under Article 12(5) would entail large or exceptional costs, the requesting authority may submit a proposal to the requested authority that the costs be shared. Such proposal shall be accompanied by a detailed breakdown of the costs incurred by the requesting authority. Following such a proposal the requesting authority and the requested authority shall consult with each other. Where appropriate, Eurojust may facilitate such consultations.	
Article 18				
G	184 Article 18 Designation of central authorities	Article 18 Designation of central authorities	Article 18 Designation of central authorities	
Article 18, first paragraph				
G	185			

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	Each Member State may designate one or more central authorities responsible for the administrative transmission and receipt of requests for transfer of criminal proceedings, as well as for other official correspondence relating to such requests.	Each Member State may designate one or more central authorities responsible for the administrative transmission and receipt of requests for the transfer of criminal proceedings, as well as for other official correspondence relating to such requests.	Each Member State may designate one or more central authorities responsible for the administrative transmission and receipt of requests for transfer of criminal proceedings, as well as for other official correspondence relating to such requests.	
CHAPTER 3				
186	CHAPTER 3 EFFECTS OF THE TRANSFER OF CRIMINAL PROCEEDINGS	CHAPTER 3 EFFECTS OF THE TRANSFER OF CRIMINAL PROCEEDINGS	CHAPTER 3 EFFECTS OF THE TRANSFER OF CRIMINAL PROCEEDINGS	
Article 19				
187	Article 19 Effects in the requesting State	Article 19 Effects in the requesting State	Article 19 Effects in the requesting State	
Article 19(1)				
188	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 Article 8 has been invoked	1. At the latest Upon receipt of the notification of the acceptance by the requested authority of a transfer of criminal proceedings reasoned decision to accept the transfer of criminal proceedings in accordance with Article 12(2a), or of the final decision on a legal remedy invoked under Article	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 Article 8 has been invoked	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	with suspensive effect and until such time when the final decision on the legal remedy is taken.	15c , those criminal proceedings shall be suspended or discontinued in the requesting State in accordance with national law, unless a legal remedy under Article 8 has been invoked with suspensive effect and until such time when the final decision on the legal remedy is taken the outcome of the legal remedy is that the case must revert to the requesting State, or the requesting authority has already done so under Article 4.	with suspensive effect and until such time when the final decision on the legal remedy is taken.	
Article 19(2)				
189	2. Notwithstanding paragraph 1, the requesting authority may in accordance with its national law:	2. Notwithstanding paragraph 1, the criminal proceedings in the requesting authority may in accordance with its national law State may remain open in order to allow the requesting authority to:	2. Notwithstanding paragraph 1, the requesting authority may in accordance with its national law:	
Article 19(2), point (a)				
190	(a) undertake necessary investigative or other procedural measures, including measures to prevent the suspect or accused person from absconding, in order	(a) undertake necessary urgent investigative or other procedural measures, including measures to prevent the suspect or accused person from absconding, in order	(a) undertake necessary investigative or other procedural measures, including measures to prevent the suspect or accused person from absconding, in order	

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	to execute a decision based on Framework Decision 2002/584/JHA or another mutual recognition instrument or to reply to a request for mutual legal assistance;	to execute a decision based on Framework Decision 2002/584/JHA or another mutual recognition instrument or to reply to a request for mutual legal assistance or freezing orders;	to execute a decision based on Framework Decision 2002/584/JHA or another mutual recognition instrument or to reply to a request for mutual legal assistance;	
Article 19(2), point (b)				
191	(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.	(b) maintain necessary investigative or other procedural measures, including measures to prevent the suspect or accused person from absconding, previously adopted that are necessary in order to execute a decision on the basis of based on Framework Decision 2002/584/JHA or another mutual recognition instrument or a request for mutual legal assistance.	(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; <u>those measures may also be maintained if the mutual recognition request has not yet been issued, provided that it is likely to be issued without undue delay once the request for transfer has been accepted.</u>	
Article 19(2), point (ba)				
191a			<u>(ba) coordinate, after the transfer of criminal proceedings, with the</u>	

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			<u><i>requested authority, and with the early involvement of Eurojust, on provisional measures taken before transfer.</i></u>	
Article 19(2a)				
191b		2a. Following a decision by the requested authority to accept a transfer of criminal proceedings, the requesting authority and the requested authority shall cooperate, to the greatest extent possible and in accordance with their national laws, in particular where the law of the requested State requires observation of certain formalities and procedures, notably concerning the admissibility of evidence.		
Article 19(2b)				
191c		2b. Where the execution of any mutual recognition or mutual legal assistance procedure has been finalised, or where the requested authority has taken the necessary investigative or other procedural measures, and the measures undertaken by the requesting authority under		

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		paragraph 2 are no longer necessary, the criminal proceedings in the requesting state shall be suspended or discontinued.		
Article 19(3)				
192	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.	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 the 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.	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 <u>has been given following a determination of the merits of the case</u> , therefore prevents <u>preventing</u> further criminal proceedings, in respect of the same acts, in the requested State. <u>Any decision on the continuation or reopening of a suspended or discontinued proceeding in the requesting State, shall be subject to judicial review. The judicial review and the procedure shall be determined according to the national law of the requesting State and shall</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u><i>ensure an independent assessment on the respect of the ne bis in idem principle .</i></u>	
Article 19(4)				
193	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.	4. Paragraph 3 shall not affect to the right of victims to initiate or to request the reopening of criminal proceedings against the suspect or accused person in the requesting State, when where the national law of that State so provides, unless the decision by the requested authority to discontinue criminal proceedings, under the national law of the requested State, definitively bars further prosecution and therefore prevents further criminal proceedings, in respect of the same acts, in that the requested State.	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 <u><i>has been given following a determination of the merits of the case,</i></u> therefore prevents <u><i>preventing</i></u> further criminal proceedings, in respect of the same acts, in that State. <u><i>Any decision on the continuation or reopening of a suspended or discontinued proceeding in the requesting State, shall be subject to judicial review. The judicial review and the procedure shall be determined according to the national law of the requesting State.</i></u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement	
Article 20					
G	194	Article 20 Effects in the requested State	Article 20 Effects in the requested State	Article 20 Effects in the requested State	G
Article 20(1)					
G	195	1. The transferred criminal proceedings shall be governed by the national law of the requested State.	1. The transferred criminal proceedings shall be governed by the national law of the requested State.	1. The transferred criminal proceedings shall be governed by the national law of the requested State.	G
Article 20(2)					
Y	196	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.	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 shall have the same validity in the requested State as if it had been validly performed by its own authorities. Without prejudice to Article 13(1), point (d), any act interrupting or suspending that interrupts or suspends the period of limitation when it has been validly performed in the	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.	Y

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<p>requesting State shall have the same validityeffects in the requested State as if it had been validly performed by its own authoritiesif such act also interrupts or suspends the period of limitation under the law of the requested State.</p>		
Article 20(2a)				
Y	196a		<p><u>2a. 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.</u></p>	Y
Article 20(2a)				
R	196b	<p>2a. Member States may provide in their national law that, in cases where jurisdiction is based on Article 3, and where they act as requested State and the suspect or accused person is in that State, the requested State may, at the request of the requesting State, once it has received the transfer request and</p>		R

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<p>the related file, and before the decision to accept the transfer is made, arrest the suspect or accused person, or take any other measure to ensure that the suspect or accused person remains in its territory, or take any other provisional measures such as freezing, pending a decision to accept the transfer of criminal proceedings, in accordance with national law.</p>		
Article 20(3)				
197	<p>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.</p>	<p>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 in accordance with the national law of the requested State. The power of the trial court to freely assess the evidence shall not be affected by</p>	<p>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 <u>and admissible</u> 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. <u>The judicial discretion to assess such evidence by the court in requested State shall be maintained.</u></p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		this Regulation.		
Article 20(3a)				
197a			<u><i>3a. Member States shall ensure that there are effective remedies in place in the requested State to assess the admissibility of evidence. Without prejudice to paragraph 3, 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.</i></u>	
Article 20(4)				
198	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	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	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	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	to the requested authority all information concerning the period of detention spent by the suspect or accused person in the requesting State.	to the requested authority all information concerning the period of detention spent by the suspect or accused person in the requesting State.	to the requested authority all information concerning the period of detention spent by the suspect or accused person in the requesting State. <u><i>Equally, where the person is detained pending proceedings in the requested State, all periods of detention spent in the requesting State shall be taken into account in order to determine any maximum periods of detention applicable to such detention, in order to assess the proportionality of that measure in the requested State, unless the competent authority in the requested State decides that all or part of that detention period shall be omitted, according to the national law, if it is not justified in the light of the conduct of the convicted person following the offence.</i></u>	
Article 20(5)				
199	5. If criminal proceedings can only be initiated following a complaint in both the requesting and the requested States, the complaint brought in the requesting State shall also have validity in the requested State.	5. If criminal proceedings can only be initiated following a complaint in both the requesting and the requested States, the complaint brought in the requesting State shall also have validity in the requested State.	5. If criminal proceedings can only be initiated following a complaint in both the requesting and the requested States, the complaint brought in the requesting State shall also have validity in the requested State.	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 20(6)				
200	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.	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 where the criminal offence has been was perpetrated in on the territory of the requesting State, and where this is to the benefit of the accused person. 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.	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.	
Article 21				
201	Article 21 Information to be given by the requested authority	Article 21 Information to be given provided by the requested authority	Article 21 Information to be given by the requested authority	
Article 21, first paragraph				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
202	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.	1. The requested authority or, where applicable, other competent authority , shall inform provide the requesting authority with information on 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, information on the final execution of the sentence imposed or or of other information of substantial value. It shall forward a copy of the final written decision delivered at the end of the criminal proceedings to the requesting authority.	<u>The competent</u> The requested authority <u>issuing the final decision in the requested Member State</u> 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.	
Article 21, first paragraph a				
202a		2. The information and the final decision shall be provided, together with a translation of at least the essential parts thereof, into an official language of the requesting State or any other		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		language that the requesting State will accept in accordance with Article 30(1), point (c).		
CHAPTER 4				
203	CHAPTER 4 MEANS OF COMMUNICATION	CHAPTER 4 MEANS OF COMMUNICATION	CHAPTER 4 MEANS OF COMMUNICATION	
Article 22				
204	Article 22 Means of communication	Article 22 Means of communication	Article 22 Means of communication	
Article 22(1)				
205	1. Communication under this Regulation, including the exchange of certificate set out in the Annex, the decision referred to in Article 12(1) and other documents referred to in Article 12(5), between the requesting and requested authorities and with the involvement of central authorities, where a Member State has designated a central authority in accordance with Article 18, as well as with Eurojust, shall be carried out in accordance with Article 3 of Regulation (EU)	1. Communication under this Regulation, including the exchange of certificate the request form set out in the Annex, the decision referred to in Article 12(1) and other documents referred to in Article 12(5), between the requesting and requested authorities and with the involvement of central authorities, where a Member State has designated a central authority in accordance with Article 18, as well as with Eurojust, shall be carried out in accordance with Article 3 of	1. Communication under this Regulation, including the exchange of certificate request form set out in the Annex, the decision referred to in Article 12(1) and other documents referred to in Article 12(5), between the requesting and requested authorities and with the involvement of central authorities, where a Member State has designated a central authority in accordance with Article 18, as well as with Eurojust, shall be carried out in accordance with Article 3 of Regulation (EU)	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	.../...[Digitalisation Regulation].	Regulation (EU) .../...[Digitalisation Regulation].	.../...[Digitalisation Regulation] 2023/2844 .	
Article 22(2)				
206	2. Article 9(1) and (2), Articles 10 and 15 of Regulation (EU) .../...[Digitalisation Regulation] setting out rules on electronic signatures and electronic seals, legal effects of electronic documents and the protection of information transmitted shall apply to the communication transmitted through the decentralised IT system.	2. Article 9(1) and (2) , 7(1) and (2) and Articles 10 and 15 and 14 of Regulation (EU) .../...[Digitalisation Regulation] setting out rules on electronic signatures and electronic seals, legal effects of electronic documents and the protection of information transmitted shall apply to the communication transmitted through the decentralised IT system.	2. Article 9(1) 7(1) and (2), Articles 10 and 15 and 14 of Regulation (EU) .../...[Digitalisation Regulation] 2023/2844 setting out rules on electronic signatures and electronic seals, legal effects of electronic documents and the protection of information transmitted shall apply to the communication transmitted through the decentralised IT system.	
Article 22(3)				
207	3. Consultations under Article 12(4) and Article 15 between the requesting authority and the requested authority and with the involvement of the central authority(ies), where a Member State has designated a central authority in accordance with Article 18, as well as with Eurojust may be carried out using any appropriate means of	3. Consultations under Article 12(4) 12(5b) and Article 15 between the requesting authority and the requested authority and with the involvement of the central authority(ies), where a Member State has designated a central authority in accordance with Article 18, as well as with Eurojust may be carried out using any appropriate means of	3. Consultations under Article 12(4) and Article 15 between the requesting authority and the requested authority and with the involvement of the central authority(ies), where a Member State has designated a central authority in accordance with Article 18, as well as with Eurojust may be carried out using any appropriate means of	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	communication, including through the decentralised IT system.	communication, including through the decentralised IT system.	communication, including through the decentralised IT system.	
Article 23				
G	208 Article 23 Establishment of a decentralised IT system	Article 23 Establishment of a decentralised IT system	Article 23 Establishment of a decentralised IT system	G
Article 23(1)				
Y	209 1. The Commission shall, by means of implementing acts, establish the decentralised IT system for the purposes of this Regulation, setting out the following:	1. The Commission shall, by means of adopt implementing acts, establish on the decentralised IT system for the purposes of this referred to in Article 3(1) of Regulation (EU) [Digitalisation Regulation] , setting out the following:	1. <u>For the purposes of this Regulation, the Commission shall adopt</u> The Commission shall, by means of implementing acts, establish as regards the decentralised IT system for the purposes of this <u>referred to in Article 3(1) of Regulation (EU) 2023/2844</u> , setting out the following:	Y
Article 23(1), point (a)				
Y	210 (a) the technical specifications defining the methods of communication by electronic means for the purposes of the decentralised IT system;	(a) the technical specifications defining for the methods of communication by electronic means for the purposes of the decentralised IT system;	(a) the technical specifications defining the methods of communication by electronic means for the purposes of the decentralised IT system;	Y
Article 23(1), point (b)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
211	(b) the technical specifications for communication protocols;	(b) the technical specifications for communication protocols;	(b) the technical specifications for communication protocols;	
Article 23(1), point (c)				
212	(c) the information security objectives and relevant technical measures ensuring minimum information security standards and a high level of cybersecurity for the processing and communication of information within the decentralised IT system;	(c) the information security objectives and relevant technical measures ensuring minimum information security standards and a high level of cybersecurity for the processing and communication of information within the decentralised IT system;	(c) the information security objectives and relevant technical measures ensuring minimum information security standards and a high level of cybersecurity for the processing and communication of information within the decentralised IT system;	
Article 23(1), point (d)				
213	(d) the minimum availability objectives and possible related technical requirements for the services provided by the decentralised IT system;	(d) the minimum availability objectives and possible related technical requirements for the services provided by the decentralised IT system;	(d) the minimum availability objectives and possible related technical requirements for the services provided by the decentralised IT system;	
Article 23(1), point (e)				
214	(e) the digital procedural standards as defined in Article 3, point (9), of Regulation (EU) 2022/850.	(e) the digital procedural standards as defined in Article 3, point (9), of Regulation (EU) 2022/850 of the European Parliament and of the Council ¹ .	(e) the digital procedural standards as defined in Article 3, point (9), of Regulation (EU) 2022/850.	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		1. Regulation (EU) 2022/850 of the European Parliament and of the Council of 30 May 2022 on a computerised system for the cross-border electronic exchange of data in the area of judicial cooperation in civil and criminal matters (e-CODEX system), and amending Regulation (EU) 2018/1726 (OJ L 150, 1.6.2022, p. 1).		
Article 23(2)				
Y	215 2. The implementing acts referred to in paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article 26(2).	2. The implementing acts referred to in paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article 26(2) 29a(2) .	2. The implementing acts referred to in paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article 26(2).	
Article 23(3)				
G	216 3. The implementing acts referred to in paragraph 1 shall be adopted by [two years after the entry into force of this Regulation].	3. The implementing acts referred to in paragraph 1 shall be adopted by [two years after the entry into force of this Regulation] two years after the entry into force of this Regulation].	3. The implementing acts referred to in paragraph 1 shall be adopted by [two years after the entry into force of this Regulation].	
Article 24				
G	217 Article 24 Reference implementation software	Article 24 Reference implementation software	Article 24 Reference implementation software	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement	
Article 24(1)					
Y	218	1. The Commission shall be responsible for the creation, maintenance and development of reference implementation software which Member States may choose to apply as their back-end system instead of a national IT system. The creation, maintenance and development of the reference implementation software shall be financed from the general budget of the Union.	1. The Commission shall be responsible for the creation, accessibility , maintenance and development of reference implementation software which Member States may choose to apply as their back-end system instead of a national IT system. The creation, maintenance and development of the reference implementation software shall be financed from the general budget of the Union.	1. The Commission shall be responsible for the creation, maintenance and development of reference implementation software which Member States may choose to apply as their back-end system instead of a national IT system. The creation, maintenance and development of the reference implementation software shall be financed from the general budget of the Union.	Y
Article 24(2)					
G	219	2. Eurojust shall also be able to make use of the reference implementation software referred to in paragraph 1.	2. Eurojust shall also be able to make use of the reference implementation software referred to in paragraph 1.	2. Eurojust shall also be able to make use of the reference implementation software referred to in paragraph 1.	G
Article 24(3)					
G	220	3. The Commission shall provide, maintain and support on a free-of-charge basis the reference implementation software.	3. The Commission shall provide, maintain and support on a free-of-charge basis the reference implementation software on a free-of-charge basis .	3. The Commission shall provide, maintain and support on a free-of-charge basis the reference implementation software.	G

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 24(3a)				
Y	220a		3a. The reference implementation software shall offer a common interface for communication with other national IT systems.	
Article 25				
G	221	Article 25 Costs of the decentralised IT system	Article 25 Costs of the decentralised IT system	Article 25 Costs of the decentralised IT system
Article 25(1)				
Y	222	1. Each Member State shall bear the costs of the installation, operation and maintenance of the decentralised IT system's access points for which they are responsible.	1. Each Member State or entity operating an authorised e-CODEX access point as defined in Article 3(4) of Regulation (EU) 2022/850 shall bear the costs of the installation, operation and maintenance of the access points of the decentralised IT system's access points for which they are responsible.	1. Each Member State shall bear the costs of the installation, operation and maintenance of the decentralised IT system's access points for which they are responsible.
Article 25(2)				
Y	223	2. Each Member State shall bear the costs of establishing and	2. Each Member State or entity operating an authorised e-	2. Each Member State shall bear the costs of establishing and

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	adjusting its relevant national IT systems to make them interoperable with the access points, and shall bear the costs of administering, operating and maintaining those systems.	CODEX access point as defined in Article 3(4) of Regulation (EU) 2022/850 shall bear the costs of establishing and adjusting its relevant national or, where applicable, other IT systems to make them interoperable with the access points, and shall bear the costs of administering, operating and maintaining those systems.	adjusting its relevant national IT systems to make them interoperable with the access points, and shall bear the costs of administering, operating and maintaining those systems.	
Article 25(3)				
Y	224	3. Eurojust shall bear the costs of the installation, operation and maintenance of the components comprising the decentralised IT system under its responsibility.	3. Eurojust shall bear the costs of the installation, operation and maintenance of the components comprising the decentralised IT system under its responsibility.	3. Eurojust shall bear the costs of the installation, operation and maintenance of the components comprising the decentralised IT system under its responsibility.
Article 25(4)				
G	225	4. Eurojust shall bear the costs of establishing and adjusting its case-management system to make it interoperable with the access points, and shall bear the costs of administering, operating and maintaining this system.	4. Eurojust shall bear the costs of establishing and adjusting its case-management system to make it interoperable with the access points, and shall bear the costs of administering, operating and maintaining this that system.	4. Eurojust shall bear the costs of establishing and adjusting its case-management system to make it interoperable with the access points, and shall bear the costs of administering, operating and maintaining this system.
Article 26				
Y	226			

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Article 26 Committee procedure	Article 26 Committee procedure Moved to row 247a [226 - 247a]	Article 26 Committee procedure	
Article 26(1)				
227	<p>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011¹.</p> <p>¹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>	<p>1. For the purpose of Article 23, the Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011¹.</p> <p>¹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p> <p>Moved to row 247b [227 - 247b]</p>	<p>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011¹.</p> <p>¹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>	
Article 26(2)				
228	<p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p>	<p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p>	<p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		Moved to row 247c [228 - 247c]		
CHAPTER 5				
G	229	CHAPTER 5 FINAL PROVISIONS	CHAPTER 5 FINAL PROVISIONS	CHAPTER 5 FINAL PROVISIONS
Article 27				
Y	230	Article 27 Statistics	Article 27 Statistics Monitoring	Article 27 Statistics
Article 27(1)				
Y	231	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:	1. Member States shall regularly collect comprehensive statistics information in order for the purpose of monitoring Commission to monitor the application of this Regulation by the Commission. The competent authorities of the Member States shall maintain those statistics that information 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: that information .	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 <u>shall be collected at regular intervals by the Member States. Such</u> statistics and shall send them to the Commission each year. They may process <u>be collected through the decentralised IT system established by Regulation (EU) 2023/2844 and only if they are available at a central level in the Member State concerned.</u> Personal data necessary for the

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			production of the statistics <u>may be processed</u> . Those statistics shall include <u>are</u> :	
Article 27(1a)				
Y	231a	1a. The information referred to in paragraph 1 shall include, if available at a central level in the Member State concerned:		
Article 27(1), point (a)				
Y	232	(a) the number of requests for transfer of criminal proceedings issued, including the criteria for requesting the transfer, by requested State;	(a) the number of requests for the transfer of criminal proceedings issued, including the criteria for requesting the transfer, by requested the requesting State;	(a) the number of requests for transfer of criminal proceedings issued, including the criteria for requesting the transfer, by requested State;
Article 27(1), point (b)				
Y	233	(b) the number of accepted and refused transfers of criminal proceedings, including the grounds for refusal, by requesting State;	(b) the number of accepted and refused transfers of criminal proceedings, including the grounds for refusal, by requesting the requested State;	(b) the number of accepted and refused transfers of criminal proceedings, including the grounds for refusal, by requesting State;
Article 27(1), point (c)				
Y	234	(c) the number of investigations	(c) the number of investigations	(c) the number of investigations

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	and prosecutions that were not pursued following the acceptance of a transfer of criminal proceedings;	and prosecutions that were not pursued following the acceptance of a transfer of criminal proceedings; [transferred to paragraph 1b under a]	and prosecutions that were not pursued following the acceptance of a transfer of criminal proceedings;	
Article 27(1), point (d)				
235	(d) the length of time to transmit information on the decision whether to accept the transfer of criminal proceedings;	(d) the length of time to transmit information on the decision whether to accept or refuse the transfer of criminal proceedings;	(d) the length of time to transmit information on the decision whether to accept the transfer of criminal proceedings;	
Article 27(1), point (e)				
236	(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;	(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; [transferred to paragraph 1b under b]	(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;	
Article 27(1), point (f)				
237	(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	(f) as of four years after the date of entry into force of the implementing acts referred to in Article 23(1), the costs	(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	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	under Article 25(2).	incurred [transferred to paragraph 1b under Article 25(2)-c]	under Article 25(2).	
Article 27(1b)				
y	237a	1b. The information referred to in paragraph 1 may also include, if available at a central level in the Member State concerned:		y
Article 27(1c)				
y	237b	(a) the number of investigations and prosecutions that were not pursued following the acceptance of a transfer of criminal proceedings;		y
Article 27(1d)				
y	237c	(b) the number of legal remedies sought against the decisions to accept the transfer of criminal proceedings, including whether by a suspect, accused person or a victim, and the number of successfully challenged decisions;		y
Article 27(1e)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement	
Y	237d	(c) as of four years after the date of entry into force of the implementing acts referred to in Article 23(1), the costs incurred under Article 25(2).			Y
Article 27(2)					
Y	238	2. The reference implementation software and, where equipped to do so, the national back-end system shall programmatically collect the data referred to in paragraph 1, points (a), (b) and (d), and transmit them to the Commission on an annual basis.	2. The reference implementation software and, where equipped to do so, the national back-end system shall programmatically collect the data referred to in paragraph 1a, points (a), (b) and (d), and transmit them to the Commission on an annual basis.	2. The reference implementation software and, where equipped to do so, the national back-end system shall programmatically collect the data referred to in paragraph 1, points (a), (b) and (d), and transmit them to the Commission on an annual basis.	Y
Article 27(2a)					
Y	238a		2a. The information referred to in paragraph 1a of this Article shall be transmitted as of two years after the date of entry into force of the implementing acts referred to in Article 23(2).		Y
Article 28					
Y	239	Article 28 Amendments to the certificate	Article 28 Amendments to the	Article 28 Amendments to the	Y

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		certificate request form and adoption of new forms	certificate request form	
Article 28, first paragraph				
Y	240	The Commission is empowered to adopt delegated acts in accordance with Article 29 concerning the amendment of the Annex in order to update or make technical changes to this Annex.	1. The Commission is empowered to adopt delegated acts in accordance with Article 29 concerning the amendment of the Annex in order to update or make technical changes to the Annex. Such amendments shall be in accordance with this Regulation and shall not affect it this Annex.	The Commission is empowered to adopt delegated acts in accordance with Article 29 concerning the amendment of the Annex in order to update or make technical changes to this Annex.
Article 28, first paragraph a				
Y	240a		2. The Commission shall be empowered to adopt delegated acts in accordance with Article 29 in order to produce standard forms to be used for the purpose of seeking the opinion or providing information to suspects and accused persons and victims under Articles 6(2a), 15a(1a) and (2a) and 15b(1a).	
Article 28, third paragraph				
Y	240b		3. The delegated acts referred to	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement	
		in paragraph 2 shall be adopted within 2 years after the entry into force of this Regulation.			
Article 29					
G	241	Article 29 Exercise of delegation	Article 29 Exercise of delegation	Article 29 Exercise of delegation	G
Article 29(1)					
G	242	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	G
Article 29(2)					
Y	243	2. The delegation of power referred to in Article 28 shall be conferred for an indeterminate period of time from [date of application of this Regulation].	2. The delegation of power power to adopt delegated acts referred to in Article 28 shall be conferred on the Commission for an indeterminate period of time from [date of application of this Regulation] date of application of this Regulation].	2. The delegation of power referred to in Article 28 shall be conferred for an indeterminate period of time from [date of application of this Regulation].	Y
Article 29(3)					
Y	244				Y

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	3. The delegation of powers referred to in Article 28 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of powers referred to in Article 28 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of powers referred to in Article 28 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	
Article 29(4)				
245	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016 on Better Law-Making .	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.	
Article 29(5)				
246	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Parliament and to the Council.	Parliament and to the Council.	Parliament and to the Council.	
Article 29(6)				
247	6. A delegated act adopted pursuant to Article 28 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Article 28 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Article 28 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or of the Council.	
Article 29a				
247a	Article 26 Committee procedure Moved reference text	Article 26 29a Committee procedure Moved from row 226 [226 - 247a]		
Article 29a(1)(1)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
247b	<p>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011¹.</p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p> <p>Moved reference text</p>	<p>1. For the purpose of Article 23, the Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011¹.</p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p> <p>Moved from row 227 [227 - 247b]</p>		
Article 29a(1)(2)				
247c	<p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p> <p>Moved reference text</p>	<p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p> <p>Moved from row 228 [228 - 247c]</p>		
Article 29a(2)				
247d		<p>2a. Where the Committee</p>		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.		
Article 30				
248	Article 30 Notifications	Article 30 Notifications	Article 30 Notifications	
Article 30(1)				
249	1. By [date of application of this Regulation] each Member State shall notify the Commission of the following:	1. By [<i>date of application of this Regulation</i>] each Member State shall notify the Commission of the following:	1. By [date of application of this Regulation] each Member State shall notify the Commission of the following:	
Article 30(1), point (a)				
250	(a) the authorities which, in accordance with its national law, are competent in accordance with Article 2, points (3) and (4), to issue and/or validate and execute requests for transfer of criminal proceedings;	(a) the authorities which, in accordance with its their national law, are competent in accordance with Article 2, points (3) and (4), to issue and/or validate and execute requests for transfer of criminal proceedings;	(a) the authorities which, in accordance with its national law, are competent in accordance with Article 2, points (3) and (4), to issue and/or validate and execute requests for transfer of criminal proceedings;	
Article 30(1), point (b)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement	
G	251	(b) the information regarding the designated central authority or authorities, if the Member State wishes to make use of the possibility provided under Article 18;	(b) the information regarding the designated central authority or authorities, if the Member State wishes to make use of the possibility provided under Article 18;	(b) the information regarding the designated central authority or authorities, if the Member State wishes to make use of the possibility provided under Article 18;	G
Article 30(1), point (c)					
Y	252	(c) languages accepted for the requests to transfer criminal proceedings and other supporting information.	(c) languages accepted for the requests to transfer criminal proceedings, for the submission of and other supporting information and for any communication between authorities, when acting as requesting and requested States.	(c) languages accepted for the requests to transfer criminal proceedings and other supporting information.	Y
Article 30(2)					
Y	253	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 ¹ . ¹ Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348, 24.12.2008, p. 130).	2. The Commission shall make ensure that the information received under paragraph 1 is made publicly available, either on a dedicated website or on the website of the European Judicial Network created by the Council Decision 2008/976/JHA¹. ¹ Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial	2. The Commission shall make the information received under paragraph 1 publicly available <u>and up-to-date</u> , either on a dedicated website or on the <u>unrestricted area of the</u> website of the European Judicial Network created by the Council Decision 2008/976/JHA ⁷⁶ . <u>⁷⁶ Council Decision</u>	Y

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement	
		Network (OJ L 348, 24.12.2008, p. 130).	2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348, 24.12.2008, p. 130). <i>f. Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348, 24.12.2008, p. 130).</i>		
Article 31					
G	254	Article 31 Relationship with international agreements and arrangements	Article 31 Relationship with international agreements and arrangements	Article 31 Relationship with international agreements and arrangements	G
Article 31(1)					
Y	255	1. Without prejudice to their application between Member States and third States, this Regulation replaces, as from [date of application of this Regulation], the corresponding provisions of the European Convention on the Transfer of Proceedings in Criminal Matters of 15 May 1972 and the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959, applicable between the Member States bound by this Regulation.	1. Without prejudice to their application between Member States and third States, this Regulation replaces, within its scope of application , as from [date of application of this Regulation], the corresponding provisions of the European Convention on the Transfer of Proceedings in Criminal Matters of 15 May 1972 and the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959, applicable between the	1. Without prejudice to their application between Member States and third States, this Regulation replaces, as from [date of application of this Regulation], the corresponding provisions of the European Convention on the Transfer of Proceedings in Criminal Matters of 15 May 1972 and the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959, applicable between the Member States bound by this Regulation.	Y

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		Member States bound by this Regulation.		
Article 31(2)				
256	2. In addition to this Regulation, Member States may conclude or continue to apply bilateral or multilateral agreements or arrangements with other Member States after the entry into force of this Regulation only insofar as such agreements or arrangements make it possible to further strengthen the aims of this Regulation and contribute to simplifying or further facilitating the procedures for transferring criminal proceedings and provided that the level of safeguards set out in this Regulation is respected.	2. In addition to this Regulation, Member States may conclude or continue to apply bilateral or multilateral agreements or arrangements with other Member States after the entry into force of this Regulation only insofar as such agreements or arrangements make it possible to further strengthen the aims of this Regulation and contribute to simplifying or further facilitating the procedures for transferring criminal proceedings and provided that the level of safeguards set out in this Regulation is respected.	2. In addition to this Regulation, Member States may conclude or continue to apply bilateral or multilateral agreements or arrangements with other Member States after the entry into force of this Regulation only insofar as such agreements or arrangements make it possible to further strengthen the aims of this Regulation and contribute to simplifying or further facilitating the procedures for transferring criminal proceedings and provided that the level of safeguards set out in this Regulation is respected.	
Article 31(3)				
257	3. Member States shall notify the Council and the Commission by [date of application of this Regulation] of the agreements and arrangements referred to in paragraph 2 which they wish to continue applying. Member States shall also notify the Commission	3. Member States shall notify the Council and the Commission by [<i>date of application of this Regulation</i>] of the agreements and arrangements referred to in paragraph 2 which they wish to continue applying to apply .	3. Member States shall notify the Council and the Commission by [date of application of this Regulation] of the agreements and arrangements referred to in paragraph 2 which they wish to continue applying. Member States shall also notify the Commission	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	within three months of the signing of any new agreement or arrangement referred to in paragraph 2.	Member States shall also notify the Commission within three months of the signing of any new agreement or arrangement referred to in paragraph 2.	within three months of the signing of any new agreement or arrangement referred to in paragraph 2.	
Article 32				
258	Article 32 Reporting	Article 32 Reporting	Article 32 Reporting	
Article 32, first paragraph				
259	By five years from [the date of application of this Regulation], the Commission shall submit a report to the European Parliament, to the Council and to the European Economic and Social Committee on the application of this Regulation supported by information supplied by the Member States in accordance with Article 27(1) and collected by the Commission.	By <i>five years from the date of application of this Regulation</i> five years from [the date of application of this Regulation] , the Commission shall submit a report to the European Parliament, to the Council and to the European Economic and Social Committee on the application of this Regulation supported by information supplied by the Member States in accordance with Article 27(1) and collected by the Commission.	By five years from [the date of application of this Regulation], the Commission shall submit a report to the European Parliament, to the Council and to the European Economic and Social Committee on the application of this Regulation supported by information supplied by the Member States in accordance with Article 27(1) and collected by the Commission.	
Article 33				
260	Article 33	Article 33	Article 33	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Transitional provisions	Transitional provisions	Transitional provisions	
Article 33, first paragraph -a				
Y	260a	1. This Regulation shall apply to request forms transmitted on or after [date of application of this Regulation]. Requests for the transfer of criminal proceedings received before [date of application of this Regulation] shall continue to be governed by existing instruments relating to the transfer of criminal proceedings.		
Article 33, first paragraph				
G	261	2. Before the obligation referred to in Article 22(1) becomes applicable, communication between requesting and requested authorities and, where applicable, with the involvement of central authorities, as well as with Eurojust under this Regulation shall take place by any appropriate alternative means, taking into account the need to ensure a swift, secure and reliable exchange of information.	Before the obligation referred to in Article 22(1) becomes applicable, communication between requesting and requested authorities and, where applicable, with the involvement of central authorities, as well as with Eurojust under this Regulation shall take place by any appropriate alternative means, taking into account the need to ensure a swift, secure and reliable exchange of information.	Before the obligation referred to in Article 22(1) becomes applicable, communication between requesting and requested authorities and, where applicable, with the involvement of central authorities, as well as with Eurojust under this Regulation shall take place by any appropriate alternative means, taking into account the need to ensure a swift, secure and reliable exchange of information.

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 34				
262	Article 34 Entry into force and application	Article 34 Entry into force and application	Article 34 Entry into force and application	
Article 34, first paragraph				
263	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union .	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	
Article 34, second paragraph				
264	It shall apply from [the first day of the month following the period of two years after the date of entry into force of this Regulation].	It shall apply from [the first day of the month following the period of two years after the date of entry into force of this Regulation].	It shall apply from [the first day of the month following the period of two years after the date of entry into force of this Regulation].	
Article 34, third paragraph				
265	The obligation for competent authorities to use the decentralised IT system for communication under this Regulation shall apply	The obligation for competent authorities to use the decentralised IT system for communication under this Regulation shall apply	The obligation for competent authorities to use the decentralised IT system for communication under this Regulation shall apply	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	from the first day of the month following the period of two years after adoption of the implementing acts referred to in Article 23.	from the first day of the month following the period of two years after adoption of the implementing acts referred to in Article 23.	from the first day of the month following the period of two years after adoption of the implementing acts referred to in Article 23.	
Formula				
266	Done at Brussels,	Done at Brussels,	Done at Brussels,	
Formula				
267	For the European Parliament	For the European Parliament	For the European Parliament	
Formula				
268	The President	The President	The President	
Formula				
269	For the Council	For the Council	For the Council	
Formula				
270	The President	The President	The President	
Annex				
271	Annex	Annex	Annex	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Annex, first paragraph				
272	CERTIFICATE FOR THE TRANSFER OF CRIMINAL PROCEEDINGS	CERTIFICATE REQUEST FORM FOR THE TRANSFER OF CRIMINAL PROCEEDINGS	CERTIFICATE FOR THE TRANSFER OF CRIMINAL PROCEEDINGS	
Annex, Table 1, Column 1, Row 1				
273	The purpose of this certificate is to: <input type="checkbox"/> Consult on a possible transfer of criminal proceedings; <input type="checkbox"/> Request a transfer of criminal proceedings.	The purpose of this request form certificate is to: <input type="checkbox"/> Consult on a possible transfer of criminal proceedings; <input type="checkbox"/> Request a transfer of criminal proceedings.	The purpose of this certificate is to: <input type="checkbox"/> Consult on a possible transfer of criminal proceedings; <input type="checkbox"/> Request a transfer of criminal proceedings.	
Annex, Table 2, Column 1, Row 1				
274	Section A Requesting State: Requested authority: Requesting State:	Section A Requesting State: Requested Requesting authority: Requesting Requested State:	Section A Requesting State: Requested authority: Requesting State:	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>.....</p> <p>.....</p> <p>Requested authority:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Authority in the requested State that has been consulted prior to this request (if applicable):</p> <p>.....</p> <p>.....</p> <p>.....</p>	<p>.....</p> <p>.....</p> <p>Requested authority:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Authority in the requested State that has been consulted prior to this request (if applicable):</p> <p>.....</p> <p>.....</p> <p>.....</p>	<p>.....</p> <p>.....</p> <p>Requested authority:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Authority in the requested State that has been consulted prior to this request (if applicable):</p> <p>.....</p> <p>.....</p> <p>.....</p>	
Annex, Table 3, Column 1, Row 1				
275	<p>Section B: Identity of the suspect or accused person</p> <p>1. State all information, as far as known, regarding the identity of the suspect or accused person. If more than one person is concerned, please provide the information for each person.</p> <p>(i) In case of natural person(s)</p> <p>Name:</p> <p>First name(s):</p> <p>Other relevant name(s), if applicable:</p> <p>Aliases, if applicable:</p> <p>Sex:</p> <p>Nationality:</p> <p>Identity number or social security</p>	<p>Section B: Identity of the suspect or accused person</p> <p>±</p> <p>1. Identification of the suspect or accused person</p> <p><input type="checkbox"/> The suspect or accused person is not yet identified</p> <p><input type="checkbox"/> The suspect or accused person is identified</p> <p>In case the suspect or accused person has already been identified:</p> <p>State all information, as far as known, regarding the identity of</p>	<p>Section B: Identity of the suspect or accused person</p> <p>1. State all information, as far as known, regarding the identity of the suspect or accused person. If more than one person is concerned, please provide the information for each person.</p> <p>(i) In case of natural person(s)</p> <p>Name:</p> <p>First name(s):</p> <p>Other relevant name(s), if applicable:</p> <p>Aliases, if applicable:</p> <p>Sex:</p> <p>Nationality:</p> <p>Identity number or social security</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>number: Type and number of the identity document(s) (ID card, passport), if available: Date of birth: Place of birth: Residence and/or known address; if address not known, state the last known address: Workplace (including contact details):..... Other contact details (email, phone No): Language(s) that the person understands:..... Other relevant information: Please describe the position the concerned person currently holds in the proceedings: <input type="checkbox"/> Suspect <input type="checkbox"/> Accused person. (ii) In the case of legal person(s): Name: Form of legal person: Shortened name, commonly used name or trading name, if applicable:</p>	<p>the suspect or accused person. If more than one person is concerned, please provide the information for each person. ¹</p> <p>(i) In case of natural person(s) Last name: First name(s): Other relevant name(s), if applicable: Aliases, if applicable: Sex: Sex:..... Nationality: Identity number or social security number, if available:</p>	<p>number: Type and number of the identity document(s) (ID card, passport), if available: Date of birth: Place of birth: Residence and/or known address; if address not known, state the last known address: Workplace (including contact details):..... Other contact details (email, phone No): Language(s) that the person understands:..... Other relevant information: Please describe the position the concerned person currently holds in the proceedings: <input type="checkbox"/> Suspect <input type="checkbox"/> Accused person. (ii) In the case of legal person(s): Name: Form of legal person: Shortened name, commonly used name or trading name, if applicable:</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Registered seat/office: Registration number: Address of the legal person: Other contact details (email, phone No): Name of the legal person's representative: Other relevant information: Please describe the position the concerned person currently holds in the proceedings: <input type="checkbox"/> Suspect <input type="checkbox"/> Accused person. 2. Opinion of the suspect(s) or accused person(s): <input type="checkbox"/> The suspect or accused person requested to initiate the procedure for transferring criminal proceedings. <input type="checkbox"/> The suspect or accused person was informed of the intended transfer. <input type="checkbox"/> The suspect or accused person was not informed of the intended transfer because: <input type="checkbox"/> The suspect or accused person Type and number of the identity document(s) (ID card, passport), if available: Date of birth: Place of birth: Residence and/or known address; if address not known, state the last known address: Workplace (including contact details):..... Other contact details (email, phone No): Language(s) that the person understands:..... Other relevant information:	Registered seat/office: Registration number: Address of the legal person: Other contact details (email, phone No): Name of the legal person's representative: Other relevant information: Please describe the position the concerned person currently holds in the proceedings: <input type="checkbox"/> Suspect <input type="checkbox"/> Accused person. 2. Opinion of the suspect(s) or accused person(s): <input type="checkbox"/> The suspect or accused person requested to initiate the procedure for transferring criminal proceedings. <input type="checkbox"/> The suspect or accused person was informed of the intended transfer. <input type="checkbox"/> The suspect or accused person was not informed of the intended transfer because: <input type="checkbox"/> The suspect or accused person	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>presented an opinion on the intended transfer. The opinion is attached to this request. In summary, it states that:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	<p>.....</p> <p>.....</p> <p>Please describe the position the concerned person currently holds in the proceedings:</p> <p><input type="checkbox"/> Suspect</p> <p><input type="checkbox"/> Accused person</p> <p><input type="checkbox"/> The suspect or accused person has been made aware by the competent authorities that they are suspected or accused of having committed a criminal offence;</p> <p><input type="checkbox"/> The</p> <p><input type="checkbox"/> suspect or accused person has not been made aware by the competent authorities that they are suspected or accused of having committed a criminal offence;</p> <p><input type="checkbox"/> An indictment was issued against the suspect or</p> <p><input type="checkbox"/> accused person in the relevant criminal proceedings;</p> <p><input type="checkbox"/> The suspect or accused person has been deprived of personal liberty for the purpose of these criminal proceedings in the following period: until(dd-mm-yyyy)</p> <p>(ii)</p> <p>(ii) In the case of legal person(s):</p>	<p>presented an opinion on the intended transfer. The opinion is attached to this request. In summary, it states that:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<p>Name: </p> <p>Form of legal person: </p> <p>.. Shortened name, commonly used name or trading name, if applicable: </p> <p>Registered seat/office: </p> <p>Registration number: </p> <p>.. Address of the legal person: </p> <p>Other contact details (email, phone No): </p> <p>Name of the legal person's representative: </p>		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<p>Other relevant information:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Please describe the position the concerned person currently holds in the proceedings:</p> <p><input type="checkbox"/> Suspect</p> <p><input type="checkbox"/> Accused person</p> <p><input type="checkbox"/> The concerned person has been made aware by the competent authorities that they are suspected or accused of having committed a criminal offence;</p> <p><input type="checkbox"/> The concerned person has not been made aware by the competent authorities that they are suspected or</p> <p><input type="checkbox"/> accused of having committed a criminal offence;</p> <p><input type="checkbox"/> An indictment was issued against the concerned person in the relevant criminal proceedings.</p> <p>-</p> <p>2. Opinion of the suspect(s) or accused person(s):</p> <p><input type="checkbox"/> The suspect or accused person</p>		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<p>requested proposed to initiate the procedure for transferring criminal proceedings.</p> <p><input type="checkbox"/> The suspect or accused person was informed of the intended transfer.</p> <p><input type="checkbox"/> The suspect or accused person was not informed of the intended transfertransfer/the opinion of the suspect or accused person was not sought because:</p> <p><input type="checkbox"/> it would have undermined the confidentiality or otherwise prejudiced the investigation;</p> <p><input type="checkbox"/> the person could not be located or reached despite reasonable efforts;</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><input type="checkbox"/> The suspect or accused person presented an opinion on the intended transfer. The opinion is attached to this request. In summary, it states that: Please, see attachment.</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><input type="checkbox"/> The suspect or accused person</p>		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<p>did not present an opinion on the intended transfer.</p> <p>1. A drop-down menu allowing different entries for each one of the suspects/accused could be envisaged in the electronic request form.</p>		
Annex, Table 4, Column 1, Row 1				
276	<p>Section C: Identity of the victim 1. State all information, as far as known, regarding the identity of the victim. If more than one person is concerned, please provide the information for each person. (i) In case of natural person(s) Name: First name(s): Sex: Nationality: Identity number or social security number: Type and number of the identity document(s) (ID card, passport), if available: Date of birth: Place of birth: Residence and/or known address; if address not known, state the last known address: Workplace (including contact</p>	<p>Section C: Identity of the victim(s)¹</p> <p>1. State all information, as far as known, regarding the identity of the victim. If more than one person is concerned, please provide the information for each person. (i) In case of natural person(s) Last name: First name(s): Sex: Sex:.....</p>	<p>Section C: Identity of the victim 1. State all information, as far as known, regarding the identity of the victim. If more than one person is concerned, please provide the information for each person. (i) In case of natural person(s) Name: First name(s): Sex: Nationality: Identity number or social security number: Type and number of the identity document(s) (ID card, passport), if available: Date of birth: Place of birth: Residence and/or known address; if address not known, state the last known address: Workplace (including contact</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>details):.....</p> <p>.....</p> <p>Other contact details (email, phone No):</p> <p>.....</p> <p>.....</p> <p>Language(s) which the person understands:.....</p> <p>.....</p> <p>Other relevant information:</p> <p>.....</p> <p>.....</p> <p>(ii) In the case of legal person(s):</p> <p>Name:</p> <p>Form of legal person:</p> <p>Shortened name, commonly used name or trading name, if applicable:</p> <p>Registered seat/office:</p> <p>Registration number:</p> <p>Address of the legal person:</p> <p>Other contact details (email, phone No):</p> <p>.....</p> <p>Name of the legal person's representative:</p> <p>Other relevant information:</p> <p>.....</p> <p>.....</p> <p>2. Opinion of the victim(s)</p> <p><input type="checkbox"/> The victim requested to initiate the procedure for transferring</p>	<p>.....</p> <p>Nationality:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Identity number or social security number, if available:</p> <p>.....</p> <p>.....</p> <p>Type and number of the identity document(s) (ID card, passport), if available:</p> <p>.....</p> <p>.....</p> <p>Date of birth:</p> <p>.....</p> <p>.....</p> <p>Place of birth:</p> <p>.....</p> <p>.....</p> <p>Residence and/or known address; if address not known, state the last known address:</p> <p>.....</p> <p>.....</p> <p>Workplace (including contact details):.....</p> <p>.....</p> <p>Other contact details (email, phone</p>	<p>details):.....</p> <p>.....</p> <p>Other contact details (email, phone No):</p> <p>.....</p> <p>.....</p> <p>Language(s) which the person understands:.....</p> <p>.....</p> <p>Other relevant information:</p> <p>.....</p> <p>.....</p> <p>(ii) In the case of legal person(s):</p> <p>Name:</p> <p>Form of legal person:</p> <p>Shortened name, commonly used name or trading name, if applicable:</p> <p>Registered seat/office:</p> <p>Registration number:</p> <p>Address of the legal person:</p> <p>Other contact details (email, phone No):</p> <p>.....</p> <p>Name of the legal person's representative:</p> <p>Other relevant information:</p> <p>.....</p> <p>.....</p> <p>2. Opinion of the victim(s)</p> <p><input type="checkbox"/> The victim requested to initiate the procedure for transferring</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>criminal proceedings. <input type="checkbox"/> The victim was informed of the intended transfer. <input type="checkbox"/> The victim was not informed of the intended transfer because: <input type="checkbox"/> The victim presented an opinion on the intended transfer. The opinion is attached to this request. In summary, it states that: </p>	<p>No): Language(s) which the person understands:..... Other relevant information: (ii) (ii) In the case of legal person(s): Name: Form of legal person: Shortened name, commonly used name or trading name, if applicable: Registered seat/office: Registration number: </p>	<p>criminal proceedings. <input type="checkbox"/> The victim was informed of the intended transfer. <input type="checkbox"/> The victim was not informed of the intended transfer because: <input type="checkbox"/> The victim presented an opinion on the intended transfer. The opinion is attached to this request. In summary, it states that: </p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<p>Address of the legal person: Other contact details (email, phone No): Name of the legal person's representative: Other relevant information: </p> <p>2. Opinion of the victim(s) <input type="checkbox"/> One or more of the victims proposed The victim requested to initiate the procedure for transferring criminal proceedings. <input type="checkbox"/> One or more of the victims, who reside or are established in the requesting State and who requested to receive information on the criminal proceedings in accordance with Article 6(1) of Directive 2012/29/EU, or in case of a legal person, in accordance national law, were The victim was informed of the intended transfer.</p>		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<p><input type="checkbox"/> One or more of the victims, who reside or are established in the requesting State and who requested to receive information on the criminal proceedings in accordance with Article 6(1) of Directive 2012/29/EU, or, in case of a legal person, in accordance with national law, wereThe victim was not informed of the intended transfer because:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><input type="checkbox"/> it would have undermined the confidentiality or otherwise prejudiced the investigation</p> <p><input type="checkbox"/> one or more of the victimsThe victim presented an opinion on the intended transfer. The opinion is attached to this request. In summary, it states that: Please see attachment:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><input type="checkbox"/> None of the victims presented an opinion on the intended transfer.</p> <p>.....</p> <p>1. A drop-down menu can be envisaged</p>		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		in case more than one victim is concerned.		
Annex, Table 5, Column 1, Row 1				
277	<p>Section D: Summary of the facts and their legal qualification</p> <p>1. Description of the conduct giving rise to the criminal offence(s) for which the request is made and a summary of underlying facts:</p> <p>2. Stage of the proceedings has reached:</p> <p><input type="checkbox"/> investigation</p> <p><input type="checkbox"/> prosecution</p> <p><input type="checkbox"/> trial</p> <p>3. Nature and legal classification of the criminal offence(s) for which the request is made:</p> <p>4. Maximum penalty, the statute of limitations and the text of the statutory provision/code including the relevant provisions relating to penalties:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	<p>Section D: Summary of the facts and their legal qualification</p> <p>1. Description of the conduct giving rise to the criminal offence(s) for which the request is made and a summary of underlying facts:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>2. Stage of the proceedings has reached:</p> <p><input type="checkbox"/> investigation</p> <p><input type="checkbox"/> prosecution</p> <p><input checked="" type="checkbox"/> investigation/prosecution</p> <p><input type="checkbox"/> trial</p> <p>2.1. Please provide further specifications as to the advancement of the investigation/prosecution or trial:</p> <p>.....</p>	<p>Section D: Summary of the facts and their legal qualification</p> <p>1. Description of the conduct giving rise to the criminal offence(s) for which the request is made and a summary of underlying facts:</p> <p>2. Stage of the proceedings has reached:</p> <p><input type="checkbox"/> investigation</p> <p><input type="checkbox"/> prosecution</p> <p><input type="checkbox"/> trial</p> <p>3. Nature and legal classification of the criminal offence(s) for which the request is made:</p> <p>4. Maximum penalty, the statute of limitations and the text of the statutory provision/code including the relevant provisions relating to penalties:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<p>..... 3. Nature and legal classification of the criminal offence(s) for which the request is made: 4. made including information about the maximum penalty, the statute of limitations and the text of the statutory provision/code including for the relevant criminal offence(s) in the requesting State and the relevant provisions relating to penalties: 5. Information about any act interrupting or suspending the period of limitation: </p>		
Annex, Table 6, Column 1, Row 1				
278	Section E: Information on the procedure in the requesting State	Section E: Information on the procedure in the requesting State	Section E: Information on the procedure in the requesting State	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>1. Procedural acts taken by the requesting State: </p> <p>2. Information on evidence collected: </p> <p>3. List of documents available in the case file: </p>	<p>± 1. All investigative measures or other procedural acts taken/undertaken by the requesting State, :</p> <p>A) measures to prevent the suspect or accused person from absconding or other preventive measures (please describe):..... </p> <p>B) freezing orders: </p> <p>C) investigative measures (please describe): </p>	<p>1. Procedural acts taken by the requesting State: </p> <p>2. Information on evidence collected: </p> <p>3. List of documents available in the case file: </p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<p>.....</p> <p>2. Information on evidence collected:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>2. Information on evidence collected</p> <p>A) The following materials and documents have been collected in the course of the criminal proceedings in the requesting State (please describe):</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>3. List of documents available in the case file:.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Annex, Table 7, Column 1, Row 1				
279	<p>Section F: Reasons for the request 1. Reasons for the request, including a justification as to why the transfer is necessary and appropriate, and an assessment of the impacts of the transfer on the rights of suspect(s) or accused person(s) and victim(s): </p> <p>2. Criteria for requesting the transfer of criminal proceedings: <input type="checkbox"/> the criminal offence has been committed wholly or partly in the territory of the requested State, or most of the effects or a substantial part of the damage caused by the criminal offence occurred in the territory of the requested State; <input type="checkbox"/> the suspect or accused person is a national of or resident in the</p>	<p>Section F: Reasons for the request 1. Reasons for the request, including a justification as to why the transfer is necessary and appropriate, and an assessment of the impacts of the transfer on the rights of suspect(s) or accused person(s) and victim(s): </p> <p>2. Criteria for requesting the transfer of criminal proceedings: <input type="checkbox"/> the criminal offence has been committed wholly or partly in in whole or in part on the territory of the requested State, or most of the effects of the criminal offence or a substantial part of the damage, which are or is part of the constituent elements of caused by</p>	<p>Section F: Reasons for the request 1. Reasons for the request, including a justification as to why the transfer is necessary and appropriate, and an assessment of the impacts of the transfer on the rights of suspect(s) or accused person(s) and victim(s): </p> <p>2. Criteria for requesting the transfer of criminal proceedings: <input type="checkbox"/> the criminal offence has been committed wholly or partly in the territory of the requested State, or most of the effects or a substantial part of the damage caused by the criminal offence occurred in the territory of the requested State; <input type="checkbox"/> the suspect or accused person is a national of or resident in the</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>requested State;</p> <p><input type="checkbox"/> 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;</p> <p><input type="checkbox"/> the suspect or accused person is present in the requested State and that State refuses to surrender this person for whom a European arrest warrant has been issued, if it finds that there are, in exceptional situations, substantial grounds to believe, on the basis of specific and objective evidence, that surrender would, in the particular circumstances of the case, entail a manifest breach of a relevant fundamental right as set out in Article 6 of the Treaty on European Union and the Charter;</p> <p><input type="checkbox"/> most of the evidence relevant to the investigation is located in or the</p>	<p>the criminal offence, occurred in on the territory of the requested State;</p> <p><input type="checkbox"/> the suspect one or more suspects or accused person is a national persons are nationals of or resident residents in the requested State;</p> <p><input type="checkbox"/> the suspect one or more suspects or accused person persons are present in the requested State and that State refuses to surrender this person those persons to the requesting State either on the basis of either 1) Article 4(2) of the 4, point (2) of Framework Decision 2002/584/JHA, 2) Article 4, point (3) of 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 3) Article 4, point (7) of Framework Decision 2002/584/JHA;</p> <p><input type="checkbox"/> the suspect one or more suspects or accused person is persons are present in the requested State and that State refuses to surrender this</p>	<p>requested State;</p> <p><input type="checkbox"/> 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;</p> <p><input type="checkbox"/> the suspect or accused person is present in the requested State and that State refuses to surrender this person for whom a European arrest warrant has been issued, if it finds that there are, in exceptional situations, substantial grounds to believe, on the basis of specific and objective evidence, that surrender would, in the particular circumstances of the case, entail a manifest breach of a relevant fundamental right as set out in Article 6 of the Treaty on European Union and the Charter;</p> <p><input type="checkbox"/> most of the evidence relevant to the investigation is located in or the</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>majority of the relevant witnesses are residing in the requested State;</p> <p><input type="checkbox"/> there are ongoing criminal proceedings in the requested State in respect of the same or other facts against the suspect or accused person;</p> <p><input type="checkbox"/> there are ongoing criminal proceedings in the requested State in respect of the same or related facts against other persons;</p> <p><input type="checkbox"/> the suspect or accused person is serving or is to serve a sentence involving deprivation of liberty in the requested State;</p> <p><input type="checkbox"/> 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; or</p> <p><input type="checkbox"/> the majority of victims are nationals of or residents in the requested State.</p>	<p>personthose persons for whom a European arrest warrant has been issued, if it finds that there are, in exceptional situations, substantial grounds to believe, on the basis of specific and objective evidence, that surrender would, in the particular circumstances of the case, entail a manifest breach of a relevant fundamental right as set out in Article 6 of the Treaty on European Union TEU and the Charter;</p> <p><input type="checkbox"/> most of the evidence relevant to the investigation is located in, or the majority of the relevant witnesses are residingresident in the requested State;</p> <p><input type="checkbox"/> there are ongoing criminal proceedings in the requested State in respect of the same or other facts against the suspect or accused person;</p> <p><input type="checkbox"/> there are ongoing criminal proceedings in the requested State in respect of the same, partially the same or related facts against other persons;</p> <p><input type="checkbox"/> the suspectone or more suspects or accused personpersons are serving or isare to serve a sentence involving deprivation of liberty in the</p>	<p>majority of the relevant witnesses are residing in the requested State;</p> <p><input type="checkbox"/> there are ongoing criminal proceedings in the requested State in respect of the same or other facts against the suspect or accused person;</p> <p><input type="checkbox"/> there are ongoing criminal proceedings in the requested State in respect of the same or related facts against other persons;</p> <p><input type="checkbox"/> the suspect or accused person is serving or is to serve a sentence involving deprivation of liberty in the requested State;</p> <p><input type="checkbox"/> 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; or</p> <p><input type="checkbox"/> the majority of victims are nationals of or residents in the requested State.</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<p>requested State;</p> <p><input type="checkbox"/> the enforcement of the sentence in the requested State is likely to improve the prospects for of social rehabilitation of the person sentenced or there are other reasons for a more appropriate enforcement of the sentence in the requested State; or</p> <p><input type="checkbox"/> the majority of</p> <p><input type="checkbox"/> one or more victims are nationals of or residents in the requested State. Due account shall be taken of child victims.</p> <p><input type="checkbox"/> the competent authorities of Member States have reached consensus on the concentration of the proceedings in one Member State</p> <p><input type="checkbox"/> other reasons (please specify):.....</p> <p>.....</p> <p>...</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>		
Annex, Table 8, Column 1, Row 1				
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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>Section G: Additional information and requests (if applicable)</p> <p>1. If relevant, provide information related to an earlier European Arrest Warrant, European Investigation Order or another request for assistance:.....</p> <p>2. Other additional information, where relevant:</p> <p>3. Indicate any specific conditions of processing of the transmitted personal data with which the requested authority must comply with (Article 9(3) of Directive (EU) 2016/680 on the protection of natural persons with regard to the processing of personal data):</p>	<p>Section G: Additional information and requests (if applicable)</p> <p>1. If relevant, provide information related to an earlier European Arrest Warrant, European Investigation Order or another request for assistance:.....</p> <p>2. Other additional information, where relevant:</p> <p>3. Indicate any specific conditions of processing of the transmitted personal data with which the requested authority must comply with (Article 9(3) of Directive (EU) 2016/680 on the protection of natural persons with regard to the processing of personal data):</p>	<p>Section G: Additional information and requests (if applicable)</p> <p>1. If relevant, provide information related to an earlier European Arrest Warrant, European Investigation Order or another request for assistance:.....</p> <p>2. Other additional information, where relevant:</p> <p>3. Indicate any specific conditions of processing of the transmitted personal data with which the requested authority must comply with (Article 9(3) of Directive (EU) 2016/680 on the protection of natural persons with regard to the processing of personal data):</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>4. List of enclosures:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	<p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>4. List of enclosures:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	<p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>4. List of enclosures:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	
Annex, Table 9, Column 1, Row 1				
281	<p>SECTION H: Details of the authority that issued the request</p> <p>1. Name of authority that issued the request:</p> <p>.....</p> <p>Name of representative/contact point:</p> <p>.....</p> <p>.....</p> <p>File No:</p> <p>.....</p> <p>.....</p>	<p>SECTION H: Details of the authority that issued the request and, where applicable, the designated central authority.</p> <p>1. Name of authority that issued the request:</p> <p>.....</p> <p>Name of representative/contact point:</p> <p>.....</p> <p>.....</p>	<p>SECTION H: Details of the authority that issued the request</p> <p>1. Name of authority that issued the request:</p> <p>.....</p> <p>Name of representative/contact point:</p> <p>.....</p> <p>.....</p> <p>File No:</p> <p>.....</p> <p>.....</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>..... Address: Tel. No: (country code) (area/city code) E-mail address: Language(s) in which it is possible to communicate with the requesting authority: 2. If different from above, the contact details of the person(s) to contact for additional information or to make practical arrangements for the transfer of evidence: Name/Title/Organisation: Address: E-mail address: Contact Phone No: 3. Signature of the requesting authority and/or its representative certifying that: — the content of the request as set out in this form is accurate and correct, and — this request has been issued by a competent authority. Name: Post held:</p>	<p>..... File No: Address: Tel. No: (country code) (area/city code) E-mail address: Language(s) in which it is possible to communicate with the requesting authority: 2. If different from above, the contact details of the person(s) to contact for additional information or to make practical arrangements for the transfer of evidence: Name/Title/Organisation: Address:</p>	<p>..... Address: Tel. No: (country code) (area/city code) E-mail address: Language(s) in which it is possible to communicate with the requesting authority: 2. If different from above, the contact details of the person(s) to contact for additional information or to make practical arrangements for the transfer of evidence: Name/Title/Organisation: Address: E-mail address: Contact Phone No: 3. Signature of the requesting authority and/or its representative certifying that: — the content of the request as set out in this form is accurate and correct, and — this request has been issued by a competent authority. Name: Post held:</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Date: Official stamp (if available): E-mail address: Contact Phone No: 3. Central 3. Signature of the requesting authority and/or its representative certifying that, if applicable Name/Title/Organisation: — the content of the request as set out in this form is accurate and correct, and — this request has been issued by a competent authority. Name: Address: E-mail address:	Date: Official stamp (if available):	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<p>Contact Phone No: </p> <p>Post held: Date: Official stamp (if available)</p> <p>4. Language(s) in which it is possible to communicate with the requesting authority: </p> <p>Electronic signature: ¹ </p> <p>1. In accordance with Article 7 of the soon to be adopted Digitalisation Regulation.</p>		
Annex, Table 10, Column 1, Row 1				
282	SECTION I: Details of the judicial authority which validated the request (if applicable) 1. Name of the validating authority: Name of representative/contact point:	SECTION I: Details of the judicial authority of the requesting State which validated the request (if applicable) 1. Name of the validating authority: Name of representative/contact	SECTION I: Details of the judicial authority which validated the request (if applicable) 1. Name of the validating authority: Name of representative/contact point:	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>..... File No: Address: Tel. No: (country code) (area/city code) E-mail address: Language(s) in which it is possible to communicate with the validating authority: 2. Please indicate if the main contact point for the requested State should be the: <input type="checkbox"/> requesting authority <input type="checkbox"/> validating authority 3. Signature of the validating authority and/or its representative certifying that: — the content of the request as set out in this form is accurate and correct, and — this request has been issued by a competent authority. Name: Post held: Date: Official stamp (if available):</p>	<p>point: File No: Address: Tel. No: (country code) (area/city code) E-mail address: Language(s) in which it is possible to communicate with the validating authority: 2. Please indicate if the main contact point for the requested State should be the: <input type="checkbox"/> requesting authority <input type="checkbox"/> validating authority 3-</p>	<p>..... File No: Address: Tel. No: (country code) (area/city code) E-mail address: Language(s) in which it is possible to communicate with the validating authority: 2. Please indicate if the main contact point for the requested State should be the: <input type="checkbox"/> requesting authority <input type="checkbox"/> validating authority 3. Signature of the validating authority and/or its representative certifying that: — the content of the request as set out in this form is accurate and correct, and — this request has been issued by a competent authority. Name: Post held: Date: Official stamp (if available):</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<p>Electronic signature of the validating authority and/or its representative certifying that: — the content of the request as set out in this form is accurate and correct, and — this request has been issued by a competent authority. Name: Post held: Date: Official stamp (if available):</p>		
