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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	13512/16
Subject:	Implementation of Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings - Information provided to the General Secretariat

Delegations will find attached revised information about the state of play concerning the implementation of Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings.

The information is based on notifications by Member States, to which reference is made in the last column, to the Council General Secretariat.

In accordance with its Article 16, the Framework Decision should have been implemented by 15 June 2012.

According to the information received, up to now 20 Member States (BE, CZ, DK, DE, EE, ES, HR, IT, CY, LV, LT, HU, NL, AT, PL, RO, SI, SK, FI, SE) have implemented the Framework Decision in their national legal order and have made the necessary notifications/declarations.¹ The UK does not anymore participate in this Framework Decision.

The information in the table is a summary of the notified information: delegations are invited to consult the documents referred to in the last column in order to obtain more detailed information.

The information provided in the table is up-to-date as at 11 February 2020. Any comments or suggestions for improvement should be sent to steven.cras@consilium.europa.eu.

Please note that all information relating to the implementation of the Framework Decision can also be found on the website of the European Judicial Network (EJN):

https://www.ejn-crimjust.europa.eu/ejn/EJN_Library_StatusOfImpByCat.aspx?l=EN&CategoryId=66

¹ From the EJN website, it appears that (some of) the Member States that have not yet provided notifications/declarations, have already implemented the Framework Decision:

- BG by Penal procedure code – Official publication: State Gazette /Държавен вестник/; Number: 67; Publication date: 2017-08-04;
- FR by Law 215/993 of 17 August 2015;
- IE has indicated that it is already compliant;
- MT by Subsidiary Legislation 9.20;
- PT by law 144/99.

EL has not implemented the FD.

No information yet: LU.

NB: in respect of certain Member States, some information is missing (see table).

Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings					
Member State	State/date of implementation of Framework Decision	Notification re Article 4(2) (Competent Authorities)	(Poss.) Notification re Article 4(3) (Central Authority)	Notification re Article 14 (1) (Languages)	Notification re Article 16 (Implementation) + Nr. Doc.
BELGIUM	Implemented. Entry into force of legislation: 27 March 2013	The Public Prosecutor's Office		Any language understood and spoken by the authorities may be used.	YES 12743/13
BULGARIA					
CZECH REPUBLIC	Implemented. Entry into force of legislation: 1 January 2014	In case of pre-indictment proceedings: prosecutors offices as set out in 7042/14 (page 3) In case of post-indictment proceedings: courts as set out in 7042/14 (page 3) (addresses provided)		Czech For the Slovak Republic CZ accepts also Slovak, and for the Republic of Austria CZ accepts also German.	YES 7042/14
DENMARK	Implemented (but no additional legislation was required)	The Danish prosecution service	Director of Public Prosecutions	Danish English	YES 8658/15

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DEUTSCHLAND / GERMANY	Implemented.	Public Prosecutor's Offices			YES 8437/12

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ELLAS / GREECE					
ESPANA / SPAIN	??				YES 6168/1/17 REV 1
ESTONIA		Prosecutors or Judges assigned to the case (see 6666/16)		Estonian or English (The competent authority may also accept contacts in another language if no obstacles to its use exists otherwise)	YES 6666/16
FRANCE					
HRVATSKA / CROATIA	Implemented Entry into force: ??			English; Croatian only as an alternative	YES 6157/15

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IRELAND					
ITALY	Implemented. Entry into force of legislation: 22 March 2016	Territorially competent Prosecutor General attached to the Court of Appeal (see list in 6272/17)	Within 10 days of the notice of commencement of direct consultations, the competent Prosecutor General shall inform thereof the Minister of Justice, who may order that the concentration of proceedings in another Member State be not carried out	Italian. IT shall also accept any language which the Competent Authorities understand.	YES 6272/17
KYPROS/ CYPRUS	Implemented. Entry into force of legislation: 10 August 2012	Police.		Greek English	YES 7053/13 7328/13
LATVIA	Implemented. Entry into force of legislation: 1 July 2012	1) The Office of the Prosecutor General 2) The State Police 3) The Ministry of Justice			YES 18157/13

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LITHUANIA	Implemented. Entry into force of legislation: 1 December 2014	Prosecutors.	Prosecutor General's Office and a prosecutor of that Office (the national member of Eurojust for LT, or the deputy national member)	Lithuanian English	YES 5887/15 5889/15

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LUXEMBOURG					
MAGYARORSZÁG / HUNGARY	Implemented.	The Supreme Prosecutor's Office	The Supreme Prosecutor's Office	Hungarian English German French	YES 14288/13 18149/13
MALTA					
NETHERLANDS	Implemented. Entry into force: 15 June 2012	All public prosecutors	(No central authority)	Dutch English German (in oral communication any mutually understood and spoken language may be used)	YES 14031/12

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ÖSTERREICH/ AUSTRIA	Implemented. Entry into force: 1 August 2013	The public prosecutor's offices		German. Other languages can be used on a reciprocal basis.	YES 15118/13
POLAND	Implemented. Entry into force: 17 October 2012			Polish	YES 14252/12
PORTUGAL					
ROMANIA	Implemented.	Prosecutors in charge with the case. During the trial phase: court dealing with the case	Prosecution Office of the High Court of Cassation and Justice (address provided)	Romanian. Other languages also accepted if no obstacle to their use exist.	YES 5677/14
SLOVENIA	Implemented. Entry into force: 20 September 2013	1) The public prosecutors 2) The investigating judges 3) The trial judges (see 5350/14)		Slovenian English. The competent authorities may also mutually agree to use any other language.	YES 5350/14

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SLOVAKIA	Implemented. Entry into force: 1 August 2013	- In pre-trial proceedings: the competent prosecutor who is conducting or who conducted parallel criminal proceedings in SK - In proceedings before a court: the competent court who is conducting or who conducted parallel criminal proceedings in SK		Slovak In respect of the Czech Republic, Czech may also be used.	YES 5314/14 7554/1/15 REV 1 11320/15
SUOMI / FINLAND	Implemented. Entry into force: 19 June 2012	1) The prosecutor assigned to the case; 2) The senior investigator. In default: - The office of the prosecutor general; or - The national bureau of investigation	1) The office of the prosecutor general. 2) The national bureau of investigation.	Finnish Swedish English Another language can be accepted if there is no obstacle to its use.	YES 11986/12

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SWEDEN	Implemented (but no new legislation was necessary)	- The Swedish Prosecution Authority; - the Swedish Economic Crime Authority		Swedish Danish Norwegian English	YES 6687/15

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