

Prevention and Settlement of Conflicts of Jurisdiction in Criminal Law

European Criminal Bar Association

Autumn Conference

Luxembourg, 3 October 2015

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The state of the art: Framework Decision 2009/948/JHA

- lack of criteria to solve the conflict
- no obligation to waive or to exercise jurisdiction at the end of the consultations
- lack of foreseeability and minimal added value

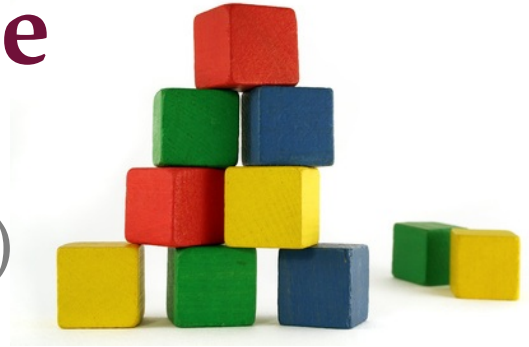
Conflicts of Jurisdiction in the AFSJ: a Treaty mandate – art. 82 par. 1 TFEU

“The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures to:

[...] prevent and settle conflicts of jurisdiction between Member States”

- It refers to “measures”.
- It is not limited to “minimum rules”.
- It is not subject to the “emergency brake”.

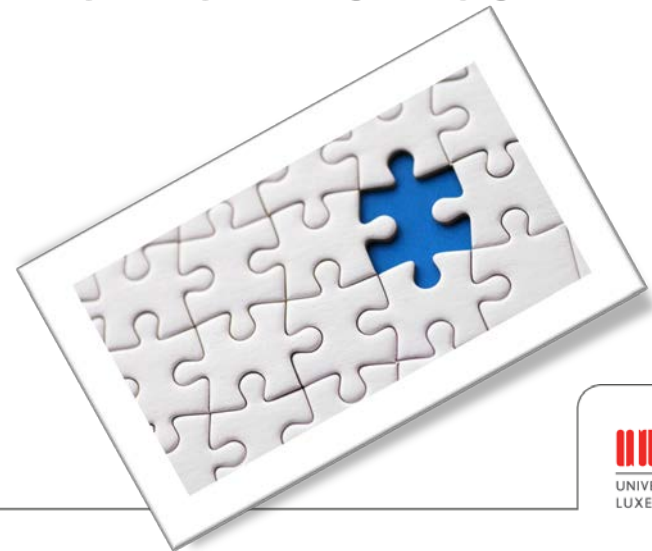
The CJCL Project: Structure



- A three years research (2014 – 2017)
- Performed by a transnational Working Group of academics and experts (PI: Prof. K. Ligeti)
- Funded by the FNR Luxembourg and supported by the European Law Institute
- Involving EU Institutions (EC and EP)

The CJCL Project: Objectives

- To provide a comprehensive analysis of Conflicts of Jurisdiction in the AFSJ
- To elaborate a new legal framework for the prevention and settlement of conflicts of jurisdiction



The CJCL Project: Methodology

- A theoretical comparison with **Private International Law**;
- An **evidence-based analysis** of conflicts of jurisdiction:
 - Interviews with prosecutors at Eurojust and national level
 - interviews with defense lawyers
- A **policy profile** and impact;
- A **scenario approach** to the new legal framework;

The CJCL Project: Next steps

- Further field research with defense lawyers
- A first set of draft legal proposals
- A new meeting of the Working Group in February 2016

Thank you for your attention!

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