

Prevention and Settlement of Conflicts of Exercise of Jurisdiction in Criminal Law

QUESTIONNAIRE

1. Which are the offences involved in the most common cases of parallel proceedings?
2. Which are the jurisdictional bases involved in the most common cases of parallel proceedings? Have you ever experienced conflicts arising from the exercise of purely extraterritorial jurisdiction (i.e. without any part of the conduct committed on its territory) by at least one of the Member States?
3. Have you ever experienced cases in which the trial took place in a Member State other than the one *“where the majority of criminality occurred or the majority of the loss was sustained”*?
4. What are the main hurdles for the defense in dealing with a parallel investigation?
5. Have you ever experienced cases where the different regimes of admissibility of evidence might have played a role in the final allocation of jurisdiction between two legal systems?
6. How would you define the *“interests of the victim”*? Which consideration should be given to them? Can you describe a case of conflict of jurisdictions in which you were representing the victim(s)?
7. How would you define the *“interests of the defendant”*? What is the first and main concrete interest that could be actually jeopardised by a conflict of jurisdiction?
8. Have you ever experienced a case in which the difference between the prescription regimes of the different Member States conducting parallel proceedings was particularly relevant? Which was the outcome?
9. Can you describe at least one relevant occasion in which a case has been divided between two (or more) jurisdictions?

10. Have you ever cooperated/liased with a colleague from another Member State in the context of a parallel criminal proceeding? If yes, which were the main problems/issues?
11. Which role is played by the ECJ case law on European *ne bis in idem* in your practice? Have you ever claimed the existence of a European *ne bis in idem* situation?
12. Have you ever represented a victim in a “negative conflict of jurisdiction”?
13. Would a list of binding criteria result in an advantage? And, in the affirmative case, why?
14. Would you be in favour of a preliminary involvement of the defence in the settlement of a conflict of jurisdiction at the supranational level (Eurojust)?
15. Which would be, in your opinion, the most adequate level for the judicial review of a prosecutorial decision on the choice of jurisdiction? National judicial authorities or EU Courts?
16. To which extent the transfer of proceedings could result useful in a defense lawyer perspective?
17. What is, in your opinion, the most urgent problem concerning jurisdiction?