



**COUNCIL OF
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NOTE

from:	Ms. Ilze Juhansone, Permanent Representative, Permanent Representation of the Republic of Latvia to the European Union
to:	Mr. Rafael Fernández-Pita y González, Director-General, Council of the European Union
date of receipt :	27 November 2013
Subject :	Council Framework Decision 2009/948/JHA on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings - Notification of the implementation of the Council Framework Decision by Latvia

In line with Article 16 of Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings (hereinafter "Framework Decision"), which requires the Member States to transmit to the General Secretariat of Council and to the Commission the text of the provisions transposing into their national law the obligations imposed on them under that Framework Decision, Latvia supplied the necessary information on 30 August 2012, indicating that Latvia had fully implemented the requirements of the Framework Decision by way of the Law of 24 May 2012 *Amendments to the Criminal Procedure Law*, effective as of 1 July 2012. However, we wish to draw attention to the fact that an incorrect extract from the aforementioned amendments to the Criminal Procedure Law was attached to that letter.

In view of the above, we hereby forward an updated extract from the Law of 24 May 2012
Amendments to the Criminal Procedure Law, effective as of 1 July 2012.

Enclosed: Extract from the Law of 24 May 2012 *Amendments to the Criminal Procedure Law*,
effective as of 1 July 2012, as proof of the transposition of the Framework Decision, on 1 page.

(Complimentary close)

(s.) Ilze Juhansone

**Extract from the Law of 24 May 2012, *Amendments to the Criminal Procedure Law*, which
came into effect on 1 July 2012**

**Section 679¹. Exchange of information on criminal proceedings being conducted in
Latvia regarding the same criminal offence.**

(1) Where justified grounds exist to believe that the same criminal offence is subject to simultaneous criminal proceedings in another state and Latvia, and no sufficient confirmation of this has previously been obtained as a result of international cooperation, the person directing the proceedings shall, through the competent authority, request that foreign state to provide information pertaining to this. In the request, the person directing the proceedings shall specify the information referred to in Section 678 of this Law. The request shall be translated into the official language of the relevant Member State of the European Union or into the language specified by that state as the language of communication to the General Secretariat of the Council of the European Union.

(2) Upon receipt of a request by a foreign state to provide information on whether criminal proceedings are being conducted in Latvia regarding the same criminal offence, the competent authority shall provide information to that foreign state within the deadline specified in the request, but where no deadline has been indicated, information shall be provided as early as possible following receipt of the request.

(3) In the information provided to a foreign state on whether criminal proceedings are being conducted in Latvia regarding the same criminal offence, the following shall be specified:

- 1) contact information of the person directing the proceedings;
- 2) whether criminal proceedings are being, or have been, conducted regarding the same criminal offence and whether the same person is involved;
- 3) where criminal proceedings are being conducted in Latvia regarding the same offence, the stage reached in the criminal proceedings or, where a final decision has been adopted, the nature of that final decision.

(4) For purposes of information exchange during pre-trial proceedings, the Office of the Prosecutor General shall act as the competent authority, and until the launch of criminal proceedings, the State Police. Once a matter is submitted to a court, the Ministry of Justice shall act as the competent authority with respect to the exchange of information.

(In the revision of 24.5.2012, taking effect on 1.7.2012.)