

Case law by the Court of Justice of the European Union on the principle of *ne bis in idem* in Criminal Matters

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This document provides an overview of the case-law of the Court of Justice of the European Union ('CJEU') regarding the *ne bis in idem* principle in criminal matters under Article 50 of the Charter of Fundamental Rights of the European Union ('Charter') and Articles 54 to 58 of the Convention Implementing the Schengen Agreement ('CISA'). Where relevant, reference is also made to the European Convention on Human Rights ('ECHR') and the case-law of the European Court of Human Rights ('ECtHR'). The aim of this document is to provide guidance on the application of the *ne bis in idem* principle in a transnational context.

The **2020 edition of Eurojust overview on the case-law of the CJEU on the principle of *ne bis in idem* in criminal matters has been updated up to 15 March 2020**. Compared to the previous edition, published in 2017, it contains five additional judgments, making for a total of 20 judgments between 2003 and 2020.

The case-law overview contains summaries of the CJEU's judgments categorised according to a set of important keywords that reflect the main elements of the principle of *ne bis in idem*. A table of keywords and a chronological list of judgments is also provided at the beginning of the document.

The updated version covers, inter alia, the following main topics.

- **Legal framework and relationship between the different provisions.**
- **Temporal scope of application of the *ne bis in idem* principle.**
- **Material scope of application of the *ne bis in idem* principle.** This section specifically addresses the key elements of the criminal nature of the proceedings and penalties, the identity of the offender, the identity of the facts, and the final nature of the decision.
- **Limitations to the *ne bis in idem* principle.** In this respect, besides the 'enforcement condition' under Article 55 of the CISA, the CJEU also recently addressed the duplication of criminal proceedings and penalties and administrative proceedings and penalties of a criminal nature.

The index and summaries of judgments are not exhaustive and are only to be used for reference and as a supplementary tool for practitioners. They have been prepared by Eurojust and do not bind the CJEU. The summaries contain links to the full texts of the judgments of the CJEU, which can be found, in all EU official languages, on the [CJEU's website](https://eur-lex.europa.eu/).