



C/2025/5799

10.11.2025

Judgment of the Court (First Chamber) of 11 September 2025 (request for a preliminary ruling from the Audiencia Nacional – Spain) – Criminal proceedings against MSIG

(Case C-802/23, ⁽¹⁾ MSIG)

(Reference for a preliminary ruling – Convention implementing the Schengen Agreement – Article 54 – Article 50 of the Charter of Fundamental Rights of the European Union – Principle ne bis in idem – Concept of ‘same acts’ – Member of a terrorist association found guilty, in a Member State, of involvement in that association with a view to preparing an act of terrorism – Prosecution in another Member State for the same terrorist acts)

(C/2025/5799)

Language of the case: Spanish

Referring court

Audiencia Nacional

Parties in the main proceedings

MSIG

Interested party: Ministerio Fiscal

Operative part of the judgment

Article 54 of the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, signed in Schengen on 19 June 1990 and entered into force on 26 March 1995, read in the light of Article 50 of the Charter of Fundamental Rights of the European Union,

must be interpreted as meaning that the concept of ‘same acts’ covers acts of which a person is accused in criminal proceedings brought in a Member State in respect of terrorist acts where that person has already been convicted in another Member State, for the same acts, of involvement in a terrorist association with a view to preparing a terrorist act.

⁽¹⁾ OJ C, C/2024/2725.