



Reports of Cases

Joined Cases C-124/16, C-188/16 and C-213/16

**Criminal proceedings
against
Ianos Tranca and Others**

(Request for a preliminary ruling
from the Amtsgericht München and by the Landgericht München I)

(References for a preliminary ruling — Judicial cooperation in criminal matters — Directive 2012/13/EU — Right to information in criminal proceedings — Right to be informed about the charge — Service of a penalty order — Procedures — Mandatory appointment of person authorised to accept service — Non-resident accused person with no fixed place of residence — Period for lodging an objection running from service on the person authorised to accept service)

Summary — Judgment of the Court (Fifth Chamber), 22 March 2017

Judicial cooperation in criminal matters — Right to information in criminal proceedings — Directive 2012/13 — Right to be informed about the charge — Scope — Service of a document imposing a criminal conviction — Procedures — National rules requiring the appointment of a person authorised to accept service for persons not residing in the Member State from which the document originates — Lawfulness — Period for lodging an objection running from service on the person authorised to accept service — Lawfulness — Conditions

(European Parliament and Council Directive 2012/13, Arts 2, 3(1)(c) and 6(1) and (3))

Article 2, Article 3(1)(c), and Article 6(1) and (3) of Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings must be interpreted to the effect that they do not preclude legislation of a Member State, such as that at issue in the main proceedings, which, in criminal proceedings, provides that the accused person who neither resides in that Member State nor has a fixed place of residence in that State or in his Member State of origin is required to appoint an agent for the purposes of service of a penalty order concerning him and that the period for lodging an objection to that order, before it becomes enforceable, runs from service of that order on that agent.

Article 6 of Directive 2012/13, however, requires that when the penalty order is enforced, as soon as the person concerned has actually become aware of the order, he should be placed in the same situation as if that order had been served on him personally and, in particular, that he have the whole of the prescribed period for lodging an objection, where necessary, benefiting from having his position restored to the *status quo ante*.

It is for the referring court to ensure that the national procedure for the accused person's position being restored to the *status quo ante* and the conditions to which the exercise of that procedure is subject are applied in a manner consistent with those requirements and that that procedure thus permits the effective exercise of the rights provided for in Article 6.

(see operative part)