



FISCALÍA ESPECIAL CONTRA
LA CORRUPCIÓN Y LA CRIMINALIDAD
ORGANIZADA

FISCAL JEFE

Madrid, July 9, 2021

Dear Ms. Elena Yoncheva,

In response to your kind request for information dated July 8, I inform you that the Investigation Diligences of reference (D.I. nº 15/2019) carried out in this Special Prosecution Office against Corruption and Organised Crime had already been provisionally filed pending the information required from the Bulgarian authorities. This information, received on March 12, has made possible to verify the coincidence of facts and people in the corresponding investigations carried out in both countries. As the Bulgarian investigation (file 5906/2019 attributed to the Prosecutor's Office of the Supreme Court of Cassation) is more advanced than the Spanish one, the Bulgarian Prosecutor's Office, for obvious reasons, is in a better position than this Spanish Prosecutor's Office for further investigation.

The existence of a criminal procedure in another Member State of the European Union, such as Bulgaria, could generate an eventual conflict of jurisdiction, as defined in *Law 16/2015, of July 7, that regulates the statute of the national member of Spain in Eurojust and the conflicts of jurisdiction*. In this case, both procedures are used to the "same facts", having interpreted the Court of Justice of the European Union (CJEU) that this expression refers to "the identity of the material facts, understood as the existence of a set of facts inextricably linked to each other, independently of its legal classification or protected legal interest" (*Judgment of March 9, 2006, in case C-436/04, Van Esbroeck case; and Judgment of September 28, 2006, in case C-150/05, Van Straaten case*). There is also a coincidence between the people investigated in both procedures. It is also a case in which it is not necessary to make the request provided for in art. 30 of Law 16/2015, of July 7, since the eventual conflict of jurisdiction has been known through the sending and execution of a rogatory letter.

In accordance with art. 32 of the same Law, once direct contact with the competent authority of another Member State has been established and the parallel processing of two criminal proceedings against the same person and with respect to the same facts has been confirmed, the Spanish Prosecutor has decided by decree, dated May 31, 2021, on not continuing the procedure before the Spanish judicial authority in the sense of art. 32 of Law 16/2015, of July 7.

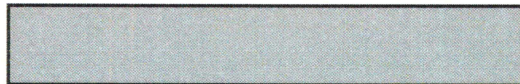


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Of course, we remain at the disposal of the Bulgarian judicial authorities to provide our full cooperation in this matter.

Kind regards,



Alejandro Luzón Cánovas,
Chief Prosecutor Special Prosecution Office Against Corruption and
Organised Crime