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The ne bis in idem principle in EU law : a conceptual and jurisprudential analysis

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Stellingen

Behorende bij het proefschrift “*The ne bis in idem principle in EU law: a conceptual and jurisprudential analysis*”, door W.B. van Bockel.

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1. It follows from the nature of the *ne bis in idem* principle that its interpretation cannot vary substantially from one area of Community or EU law to another.
2. Not only the bringing of new proceedings, but also the continuation of ongoing proceedings will breach the *ne bis in idem* principle once the outcome of an earlier set of proceedings has become *final*.
3. Although the distinction between the (objective, historical) *facts* and the *legal qualification of those facts* is by no means absolute, the interest of legal certainty demands that the objective, historical facts are primarily taken into account for a finding of *idem*.
4. The ‘protected legal interest’ or any similar concept cannot be seen as an *identity* in the sense of *idem*.
5. Due to the complex nature of the criminal law ‘dimension’ of the EU, the distinction between criminal law in the traditional sense and criminal law in the wider sense has lost much if not all of its meaning for EU law.
6. The proposition that competition law possesses certain traits which somehow set it apart from any other area of (criminal) law cannot be maintained.
7. A Community based on the rule of law must observe fundamental human rights *on its own accord* internally as well as internationally, regardless of who would carry the responsibility for a possible violation of those rights, and irrespective of the question whether third countries observe equivalent or reciprocal safeguards in international situations.
8. The mutual recognition principle in EU law can probably at best be seen as a kaleidoscope of different arrangements, ideas, and legal rules, which do not necessarily have all that much in common.
9. The question whether a research proposal ‘fits into a research program’ is based on the presumption that the proposal came about independently from the program.
10. High-quality academic research is highly beneficial for academic teaching, but not always the other way around.
11. Als er zoiets zou bestaan als een recept voor een geslaagde samenleving, dan zouden respect, kritiek, en ongehoorzaamheid tot de belangrijkste ingrediënten behoren.
12. Niemand is ooit te oud om te spelen.