

# **Comparative study on prosecutorial self-governance in the Council of Europe member states**

**Laura Stefan  
Idlir Peci**

*The opinions expressed in this work are the responsibility of the author(s) and do not necessarily reflect the official policy of the Council of Europe.*

All requests concerning the reproduction or translation of all or part of this document should be addressed to the Directorate of Communication (F-67075 Strasbourg Cedex or publishing@coe.int). All other correspondence concerning this document should be addressed to the Directorate General Human Rights and Rule of Law.

Cover and layout: Documents and Publications Production Department (SPDP), Council of Europe

Photos: Shutterstock

This publication has not been copy-edited by the SPDP Editorial Unit to correct typographical and grammatical errors.

© Council of Europe, July 2018  
Printed at the Council of Europe

Prepared within the framework of the Council of Europe project “Continued support to the criminal justice reform in Ukraine” funded by the Danish government

# Contents

---

<b>GENERAL INTRODUCTION</b>	<b>5</b>
<b>METHODOLOGY</b>	<b>7</b>
<b>INTERNATIONAL STANDARDS ON PROSECUTORIAL SELF-GOVERNANCE</b>	<b>9</b>
<b>COUNTRY CHAPTERS</b>	<b>11</b>
Albania	11

---



# General introduction

---

**T**his study was prepared upon the request of the Council of Europe within the project “Continued support to the criminal justice reforms in Ukraine”, funded by the Danish government, in response to the demands of Ukraine, a country undergoing profound reforms in relation to the judiciary, prosecution and law enforcement services. The European countries chosen offer a variety of organizational arrangements in the prosecution service. Some of the countries share the challenges seen today in Ukraine and a close look at the solutions chosen to overcome them might inform the current reform processes. In these jurisdictions, the self-governing bodies for the prosecutors vary in terms of their profiles and leverage vis-à-vis the prosecution service. While they should not be seen as a solution to all problems in the prosecution system, the councils in Albania, the Netherlands, Romania and Serbia try to strike a balance between the need to ensure autonomy and accountability of the prosecution while at the same time acting as a buffer between the prosecutors and the political elite. Indeed avoiding misuse of the prosecution service for political purposes has been at the heart of introducing self-governing bodies to dissipate the power of the Ministers of Justice or of Prosecutors General (who often are appointed following through a process that involves high-level politicians, as well as professionals).

The various models of prosecution service presented below have common features as well as specificities. The challenge of a well-directed reform is not to copy-paste a system that works in another country, but rather to adapt the national system to the needs and background of a particular jurisdiction. While in some countries lax rules might generate a beneficial environment where prosecutors act freely, in other countries detailed provisions are the only guarantees against improper political influence.

Traditions and history also play an important role in determining what various stakeholders deem as appropriate – in countries where politicians genuinely promote rule of law there might not necessarily be a need to adopt legislation prohibiting interaction with the prosecution service. On the contrary, some degree of interaction might even prove beneficial in promoting the overall policy of crime prevention. On the other hand, in countries that have had a history of politically motivated prosecutions, in particular those that had a totalitarian experience in their past, a clear delimitation between prosecutors, intelligence services and politicians are needed.

Prosecutorial self-governance bodies may act as a buffer between these different stakeholders. Imperfect as they might be, they undertake more and more tasks recently, in particular with regard to the human resources aspects of the prosecution service. All is done with the goal of ensuring autonomy of prosecutors in carrying out their functions so that they do not feel undue pressure and as a result generate cases that are professionally built.

Ukraine has embarked in a grand scale process of reforms that includes a fresh approach to the public prosecution service. The new legislation relevant in this field has been adopted in 2014 and has entered in full effect in 2017. As this new legislation provided for the set-up of a Council of Public Prosecutors and the Qualification and Disciplinary Commission of Prosecutors the present study was prepared with a view of informing public policy decisions by presenting the relevant practice of other four countries (Albania, the Netherlands, Romania and Serbia).

# Methodology

---

**T**his study is the result of desk research of national and international standards, legislation and policy documents. The jurisdictions were chosen also based on the availability of data to the experts on the topics to be addressed:

- ▶ institutional arrangements of the prosecution service;
- ▶ status and functions of the prosecutors;
- ▶ selection and appointment of prosecutors;
- ▶ evaluation and promotion of prosecutors;
- ▶ disciplinary liability and procedural for prosecutors;
- ▶ capacity building and training.

The countries chosen for this study represent a fair balance between the different approaches to the organization and functioning of the Prosecution Service. Therefore, countries were chosen which have self-governing bodies within an independent Prosecution Service as well as countries where the Prosecution is under the political responsibility of the executive. In this way a more complete picture of different systems is given. The self-governance bodies usually act in the area of human resource management – appointment, promotion, discipline and disciplinary sanctions – offering the needed safety belt against undue political influence. In the six areas covered by this study we explore the mechanisms used by the four jurisdictions chosen to achieve this goal.





# International standards on prosecutorial self-governance

---

Setting up self-governance bodies for the prosecution service is a trend visible in many jurisdictions. However, there is no general standard or requirement to have such a self-governance body. In a Venice Commission report – the report on European standards as regards the independence of the judicial system: part II – the prosecution service<sup>1</sup> – the experts explore the relevance of self-governance bodies from the perspective of the higher goal of judicial independence. Indeed, when it comes to criminal justice the autonomy of prosecutors in conducting their investigations is paramount – independent judges only adjudicate the cases that are presented to them by prosecutors.

This idea is also included in the Opinion number 9/2014<sup>2</sup> of the Consultative Council of European Prosecutors, which states that:

- ▶ *“It is essential to ensure the independence and effective autonomy of prosecutors and to establish proper safeguards. They have a duty to act fairly, impartially and objectively. In criminal matters, prosecutors must also take into account the serious consequences of a trial for the individual, even one that results in an acquittal. They should also seek to contribute that the justice system operates as expeditiously and efficiently as possible and assist the courts in reaching just verdict”.*
- ▶ *“Striving for impartiality, which in one form or another must govern the recruitment and career prospects of public prosecutors, may result in arrangements for a competitive system of entry to the profession and the establishment of High Councils either for the whole judiciary, or just for prosecutors”*

---

1. <https://rm.coe.int/1680700a60>

2. <https://rm.coe.int/168074738b>

The issue of independence is correlated also with the functions of prosecutors:

- ▶ *“Prosecutors play an essential role for the rule of law and the proper functioning of criminal justice systems. Prosecutors decide whether or not to initiate or continue a prosecution, conduct the prosecution before an independent and impartial court established by law and decide whether or not to appeal decisions by that court.”*
- ▶ *“The independence of prosecutors is not a prerogative or privilege conferred in the interest of the prosecutors, but a guarantee in the interest of a fair, impartial and effective justice that protects both public and private interests of the persons concerned.”*
- ▶ *“Independence of prosecutors – which is essential for the rule of law - must be guaranteed by law, at the highest possible level, in a manner similar to that of judges. In countries where the public prosecution is independent of the government, the state must take effective measures to guarantee that the nature and the scope of this independence are established by law. In countries where the public prosecution is part of or subordinate to the government, or enjoys a different status than the one described above, the state must ensure that the nature and the scope of the latter’s powers with respect to the public prosecution is also established by law, and that the government exercises its powers in a transparent way and in accordance with international treaties, national legislation and general principles of law”*

In some countries the self-governing body for prosecutors operates under the same umbrella as the self-governing body for judges – usually they are sections of the council for the judiciary. In other countries, however the prosecutorial council and the council for judges are two separate entities. Irrespective of the particular organizational details, in an attempt to avoid the transformation of these bodies into “syndicates” of the respective professions, they also include representatives of the civil society, academia or lawyers. The Venice Commission suggests that prosecutors from all levels of jurisdiction are represented in the self-governance body, so that the variety of views present in the entire service is voiced. It is also recommended that when non-prosecutors – civil society representatives, lawyers or academia - are voted in by the Parliament, this decision should be taken by a qualified majority. In essence, the balanced composition of Prosecutorial Councils ensures democratic legitimacy and allows them to act as a filter against undue political influence over the prosecution service, in particular with regard to appointments, promotions and discipline.

# Country chapters

---

## Albania

Albania underwent a deep reform in the Justice Sector in 2016. First of all, the reform concerned Constitutional amendments which led to the establishment of new Justice Institutions. The overall aim of the Constitutional amendments and the establishment of new institutions was the increase of the efficiency in the Justice Sector, the safeguarding of an independent and impartial Justice Apparatus and fight against corruption and organized crime. The Constitutional Amendments were accompanied with the necessary amendments to the organic laws. Moreover, new legislation was adopted, especially with regard to the new institutions created. The Prosecution Service was one of the sectors, which underwent drastic changes in terms of organization, functioning, status and competencies. The section on Albania provides for an overview of these thematic areas after the reform of 2016. It should be noted that the legislation in force at the moment of this report has not produced concrete effects since the institutions related to the functioning of the reformed Prosecution Service are in the process of being established. Therefore, the overview presented below is based solely on the legislation.

## Institutional arrangements of the Prosecution Service

---

The following represents the organization structure of the prosecution system after the reform of 2016:<sup>3</sup>

3. For additional information on this section see:
  - Law No. 97/2016 “*On Organization and Functioning of Prosecutor in the Republic of Albania*”.
  - Law No. 95/2016 “*On Organization and Functioning of Institutions Fighting Corruption and Organized Crime*”.
  - Law No. 115/2016 “*On Governance Institutions in the Justice System*”, art. 101-192.
  - Constitution of the Republic of Albania

## Prosecutor General

It continues to be on top of the hierarchy of the Prosecution Service as far as the ordinary criminal investigation is concerned. However, the Prosecutor General has lost his powers over the career and discipline of prosecutors. He is now rather a manager of the service. To a certain degree, the managerial duties are shared with the High Prosecutorial Council. The Prosecutor General has also no influence anymore on a particular case. He can give general directives regarding the functioning and the organization of the Service, but this power does not extend over the core of an on-going case. Prosecutors working at the GPO still represent the Prosecution office in cases before the Supreme Court and the Constitutional Court.

Prosecutors working at the GPO represent the Prosecution Service in cases before the Supreme Court and the Constitutional Court.

## High Prosecutorial Council

The Prosecutorial Council, which existed prior to the reform, has undergone drastic changes in terms of composition, competences, organization and functioning. The changes are reflected already in the new name. Now it is called High Prosecutorial Council and it is a decision-making, self-governing body. The Council is a collegial body composed of eleven members who serve on a full-time basis. Six members are prosecutors of all levels of the Prosecution Service. The other five members are lawyers who are not prosecutors, but who have a prominent career as an advocate, professor or civil society activist. The new legislation contains a very detailed account of the criteria and way of appointment of members of the High Prosecutorial Council. The council is not yet established since the six members coming from the prosecutorial ranks need to go first through the transitory re-evaluation process, the so-called "Vetting Process", which has already started. The members coming outside the prosecutorial ranks are already elected. The members of the council have the status of a magistrate for the duration of their term, which is five years without the right to be re-elected. The Chairperson and the Deputy Chairperson are elected among the non-prosecutor members in the first meeting of the Council. The Council is responsible for the following:

- ▶ Drafting, approval and implementation of strategic planning for the Prosecution Service in cooperation with the Minister of Justice;
- ▶ Reporting to the Parliament not less than once a year on the situation in the sector;

- ▶ Adopting the standards of ethics and rules of conduct for prosecutors and observing the compliance with them;
- ▶ Proposing to the Parliament the candidates for positions of the Prosecutor General in accordance with the Constitution and the Law “On the Status of Judges and Prosecutors in the Republic of Albania”;
- ▶ Appointment, assignment in position, transfer, promotion, secondment and reappointment, ethical and professional performance evaluation, imposition of disciplinary measures and suspension for all prosecutors;
- ▶ Expressing opinions and making propositions regarding amendments to the legislation that may affect the work of the prosecution service and any other matter that is within the responsibility of the Council.

### Special Prosecution Office:

This is a new constitutional institution established with the reform. It exercises criminal prosecution and represent the state before the Anti-Corruption and Organised Crime Court of First Instance, Anti-Corruption and Organised Crime Court of Appeal and the Supreme Court. The Special Prosecution Office carries out its functions independently through only those prosecutors who are appointed by the High Prosecutorial Council. The Chief Special Prosecutor is appointed in accordance with the relevant Constitutional provisions and is not subordinated to the General Prosecutor. He is also a managerial role and cannot interfere into the substance of a particular case. He has competences according to the special legislation that foresees a separation from Prosecutor General. It possesses exclusive competences on the investigations and the fight against corruptions and organized crime;

### National Bureau for Investigation:

This is also a new institution established with the reform. The Bureau is a specialised section of the Judicial Police, which operates only with at the direction of the Special Prosecution Office.

### Prosecution offices to Appellate Courts of general jurisdiction:

These offices exercise their competences according to the distribution of jurisdiction in the CCP. Their jurisdiction is extended to the whole territory of

the country where the jurisdiction of the respective Appellate Court operates. Prosecutors of these offices represent the Prosecution Service in cases before the Appellate Court. Hierarchically, prosecutors of the offices to Appellate stand higher than the prosecutors of the offices to the Courts of First Instance as discussed in the following paragraph. It should be noted here that prosecutors of higher posts are also entitled to exercise the competences belonging to prosecutors of lower offices. The reform of 2016 did not have an important impact on the prosecution offices to the Appellate Courts as far as their institutional arrangements are concerned.

### Prosecution offices to the Courts of First Instance of general jurisdiction

These offices exercise their competences according to the distribution of jurisdiction in the CCP. Their jurisdiction is extended to the whole territory of the country where the jurisdiction of the respective Court of First Instance operates. Prosecutors of this office are responsible for the initial investigations. They represent the Prosecution Service in cases before the First Instance Court. The reform of 2016 did not have an important impact on the prosecution offices to the First Instance Courts as far as their institutional arrangements are concerned.

### Judicial police

Enjoys the same responsible for the operational part of the investigation. It is related to the Prosecution Service and National Bureau for Investigation;

### Interaction with other institutions

The Prosecution Service maintains relations with other institutions also after the reform. The inspection powers of the Minister of Justice and his possibility to propose disciplinary measures are not present anymore after the reform. Nevertheless, the Minister still maintains the possibility to present each year to the Prosecutor General the priorities of the Government regarding criminal justice. Collaboration with Ministry of Justice extends as well to the budgeting and strategic planning of the Prosecution Service. The relation with Parliament concerns the appointment of Prosecutor General and the Chief Special Prosecutor. These two are also obliged by law to report to the Parliament with respect to the situation of criminality in Albania.

## Status and functioning of prosecutors

---

The prosecutor status and its functioning before the reform of 2016 reflects the following features:<sup>4</sup>

### Status of Magistrates

The prosecutors maintained the status of magistrates also after the reform. Their status is regulated by a special law *"On the Status of Judges and Prosecutors"* and has drastically improved, including financial treatment and other rights and privileges. The legislation provides in detail for the financial treatment of prosecutors according to their hierarchic status, seniority, professional capability, financial rights to supplementary pensions, etc. A right to a bank loan for residency purposes, initially invested by the State, is also guaranteed in this law. Protection of life, family and property is guarantee even after prosecutor's retirement in special cases. Prosecutors are entitled to an indemnification by the State should a damage occur to their life, health, property or family.

### Functions of the prosecutor:

The operational functioning of the prosecutor is still regulated by the new article 24 CCP. This includes again the power to prosecute, investigate, representation in court and execution of criminal courts decisions.

### Hierarchical functioning:

The Prosecution Service still remains a centralized organization. The hierarchy remains the same as the old system. However, the centralization concerns the management structure rather than the operational functioning. The new law *"On the Organization and Functioning of the Prosecution Service"* guarantees the procedural independence and autonomy of the prosecutor. The prosecutor of the case is bound by general instructions of the higher prosecutor, including the General Prosecutor or the Chief Special Prosecutor, but the prosecutor

- 
4. For additional information see:
- Law No. 96/2016, dated 06/10/2016 *"On Judges and Prosecutors Status in the Republic of Albania"*, art. 11-17, 20-22, 44.
  - Law No. 97/2016, dated 06/10/2016 *"On Organization and Functioning of Prosecutor in the Republic of Albania"*, art. 6, 7, 45-49.
  - The Albanian Code of Criminal Procedure, art. 24.
  - Constitution of the Republic of Albania

of the case has the possibility to challenge the instructions before the High Prosecutorial Council. In any case, instructions given for a specific case have to be in written and motivated, but they are not binding to the prosecutor of the case. In addition, the competences of the higher prosecutor to replace a prosecutor from an on-going case are very limited and clearly stated in the law. Replacement of prosecutors should in any case be in written and motivated. The prosecutor of the case has the possibility to challenge the decision of replacement to the High Prosecutorial Council.

## Selection and appointment of prosecutors

---

After the reform, the selection and appointment of prosecutors has totally changed as follows:<sup>5</sup>

### Appointment of the General Prosecutor:

The new Constitutional provisions on the Prosecutor General provide for the procedure of his appointment. The Prosecutor General is appointed by the Parliament, with a qualified majority voting procedure, among three candidates proposed by the High Prosecutorial Council. The Constitution provides for an 'unblocking' procedure when the Parliament fails to vote the Prosecutor General within thirty calendar days. In such a case, the candidate ranked as first in the list of three candidates proposed by the High Prosecutorial Council is appointed automatically as Prosecutor General. The candidate Prosecutor General must fulfil certain criteria regarding professionalism and integrity. He or she should be a graduate from the School of Magistrates and must have not held a political function in the last ten years. Further detailed rules on the evaluation of the criteria for appointment and background checking are provided for in the special legislation. The Prosecutor General is appointed for a non-renewable term of seven years.

---

5. For additional information see:

- Law No. 95/2016, dated 06/10/2016 "On Organization and Functioning of Institutions Fighting Corruption and Organized Crime", art. 4, 11, 12, 13.
- Law No. 96/2016, dated 06/10/2016 "On Judges and Prosecutors Status in the Republic of Albania", art. 28, 32, 35, 36.
- Law No. 97/2016, dated 06/10/2016 "On Organization and Functioning of Prosecutor in the Republic of Albania", art. 22-28, 31-33, 35.



## Appointment of the Chief Special Prosecutor:

The appointment of the Chief Special Prosecutor differs from that of the Prosecutor General. He or she is appointed directly by the High Prosecutorial Council for a non-renewable term of three years among the prosecutors of the Special Prosecution Office.

## Recruitment of candidates and appointment for the first time as prosecutor:

The recruitment is regulated in detail based on broader criteria than the old law. The recruitment goes again through the School of Magistrates. Graduation from the School with a minimum score of 70% means eligibility for appointment. The appointment is done by the High Prosecutorial Council in accordance with a detailed procedure laid down in the law. A constitutional standard is set for prosecutors appointed for the first time regarding the check of their assets prior to the entrance into the profession. The check is performed by the High Prosecutorial Council. Prosecutors of the Special Prosecution Office are appointed for the first time through the promotion procedure. It means that they should have certain seniority. Moreover, prosecutors of the Special Prosecution Office are subject to thorough background and security checks prior to their appointment and during the exercise of their duties.

## Selection and Appointment of the Chiefs of Offices

This process is based on the same criteria and procedures as those provided for all other prosecutors and is now carried out by the High Prosecutorial Council, limiting the former competences General Prosecutor had in the old system.

## Evaluation and promotion of prosecutors

---

The evaluation and promotion of prosecutors has changed drastically by limiting the competences General Prosecutor had prior to the reform of 2016. Most of those competences are now transferred to the High Prosecutorial Council:<sup>6</sup>

---

6. For additional information see Law No. 96/2016, dated 06/10/2016 "On Judges and Prosecutors Status in Republic of Albania", art. 28-99, 170, 171, 173-176, 179-1181, 192-196.

## Evaluation

After the justice reform, the law foresees very detailed and elaborated criteria regarding the evaluation procedure. The process of the evaluation includes:

- ▶ Professional capacities with respect to the knowledge of the law, which is measured through how prosecutors investigate, collect evidence, understand, interpret and analyse the law, etc. The professional evaluation does not concern the contents and substantive aspects of the case;
- ▶ Managerial capacities as regards their ability to cope with the work load, to manage the files, respect statutory deadlines, the time dedicated to each case, etc.;
- ▶ Ethics, integrity and impartiality in their work based on different sources of information, including (lack of) complaints, disciplinary measures, opinions of superiors, etc.;
- ▶ Personal values and professional engagement related to communication skills, collaboration with colleges, readiness and availability to be engaged with other activities. The law provides specific rules on how these kinds of skills are measured. In particular, the readiness and availability get engaged with other activities concerns among other professional continuous training.

The Chief of Prosecutorial Offices is evaluated also for their management and organisational skills with regard to the administrative and normal operation of the office they represent and lead. The Chiefs are also evaluated for their communications skills with the High Prosecutorial Council, the High Inspectorate of Justice, Ministry of Justice, the High State Audit, any other supervisory or auditing body and their communication with public as well.

The evaluation procedures do not aim at interfering with the prosecutor's independence. On the contrary, the evaluation is supposed to be based on the prosecutors' merits, to be effective and fast, to be legal and confidential. The sources for evaluation include the prosecutor's personal file, statistical data, materials and decisions selected by the prosecutor, Chief's opinion, information provided by the School of Magistrates, the High Inspectorate of Declaration and Control of Assets and Conflict of Interest, complaints from third parties etc.

The frequency of evaluations varies from once in every 3 years to once in 5 years, depending on the prosecutors' time in duty and the position they hold. The evaluation procedure is followed up by the High Prosecutorial Council

according to a pre-determined and approved schedule, which identifies the list of the prosecutors who will undergo the evaluation procedure at a given calendar year. The prosecutor, who is notified about his upcoming evaluation, makes a self-ethical and professional evaluation of his work, according to the criteria stipulated in the law and directives and forms provided by the High Prosecutorial Council. The self-evaluation form is based on and accompanied with evidence selected by the prosecutor himself, such as acts prepared by the prosecutor, training outside the School of Magistrates, etc. The self-evaluation is then addressed to the Chief of the Prosecutorial Office, who also provides his opinion according to the standards set by the High Prosecutorial Council and the criteria stipulated in the law. The Chief's opinion is made available to the prosecutor who is entitled to be heard in a meeting held with the Chief of the office. The meeting is recorded in minutes. The final opinion of the Chief reflects as well the opposing arguments of the prosecutor, if any, and is addressed to the High Prosecutorial Council. The Council follows up a detailed procedure. The respective prosecutor is notified about the respective officials of the Council who have been assigned to perform his/her evaluation. The prosecutor is entitled to have access to the evaluation file. The High Prosecutorial Council prepares a draft report of evaluation. This report is made available again to the prosecutor who in turn can object it and present new evidence. The prosecutor is as well entitled to be heard in a hearing session held by the Council. At the end of the process, the High Prosecutorial Council approves the draft report of evaluation, revises it accordingly or requests the person in charge of the prosecutor's evaluation to compile a new draft report of evaluation. In any case, the decision of the Council is motivated. The prosecutor may challenge the decision of the High Prosecutorial Council to the Supreme Court only with regard to the proper implementation of the law and thus not the merits.

### **Role of the High Inspectorate of Justice (self-governing body).**

High Inspectorate of Justice together with the High Prosecutorial Council is part of the prosecutor evaluation process. As already explained above, the High Prosecutorial Council is the final decision-making body. One of the authorities that report to the Council during the evaluation process of prosecutors is the High Inspectorate of Justice mainly with respect to information on third parties complaints against the prosecutors.

## Transfer to another region/office.

Transfer implies the temporary or permanent placement of a prosecutor to another region/office in the same level of position. The transfer is made only in cases of a temporary or permanent vacancy. The law provides specific rules of priority on how a temporary or permanent vacancy is filled. Should the transfer be temporary then the prosecutor returns back to his previous position once the transfer period elapses. The temporary transfer cannot last for more than 1 year and it may take place only if the specific vacancy cannot be filled by a prosecutor who is part of the delegation scheme and after the Chief of the Prosecutorial Office where the respective prosecutor pursues his/her duties has provided an opinion to the matter. The new legal framework provides the delegation scheme as a special form of transfer, which implies the secondment of prosecutors who meet the statutory criteria to any prosecutorial office in need for a prosecutor, at the same or another level of position, including the Special Prosecutor. Any prosecutor may apply to be part of the delegation scheme and in such case, he provides a written consent to be appointed in any prosecutorial office. The prosecutor cannot though serve for more than 5 years in the delegation scheme. While a delegated scheme prosecutor waits for his or her appointment to any prosecutorial office, he or she serves at the administration office of the High Prosecutorial Council.

Transfer cannot take place without the consent of the prosecutor, unless it is specifically provided by the law for reasons such as implementing a disciplinary measure, disestablishment of the prosecutor position and other organizational needs. In case of transfer without prior consent, the prosecutor is entitled to challenge the decision at the court, but this does not suspend the transfer. Transfer or assignment to a lower position without prior consent of the prosecutor is not allowed, save the specific cases provided by the law (such as disciplinary measures).

Transfers to free parallel positions are organized by the High Prosecutorial Council every 3 months. The High Prosecutorial Council invites the candidates who meet the statutory criteria to participate in the parallel transfer procedure. The criteria include the requirement of having at least 1 year of experience in the same field as that of the free position and not having any valid disciplinary measure against them. The High Prosecutorial Council ranks the competing candidates following all statutory criteria and taking into account the candidates' evaluation, experience, seniority and the ranking list of graduates by the School of Magistrates or the professional evaluation of a former prosecutor who is reappointed. The High Prosecutorial Council defines