

submitted in response to requests for mutual legal assistance. It has also stimulated the conclusion of a multitude of bilateral co-operation agreements between public prosecution services of the countries participating in the network.

The working methods of the network include:

- Review and provision of legal opinions on the legislation in force and draft legislation concerning international co-operation in criminal matters;
- Preparation of memoranda of understanding and bilateral agreements on co-operation;
- Facilitating and ensuring access to information;
- Identifying and meeting training needs;
- Maintaining an updated Co-operation Manual;
- Facilitating direct contacts between national contact points;
- Organising regular meetings and exchange of experience and good practices.

Secretariat and contacts

The Prosecutors' Network does not have a standing secretariat.

The preparation and signature of the first Memorandum of Understanding was supported by the EU CARDS regional project "Establishment of Independent, Reliable and Functioning Judiciary and Enhancing of the Judicial Co-operation in the Western Balkans".

From April 2008 onwards the meetings of the Prosecutors' Network have been organised under the aegis of the joint European Union/Council of Europe regional project "Support to Prosecutors' Network in South-Eastern Europe", with the Ministry of Justice of Italy as a project partner.

Latest information on the activity of the network and contact information can be found on the project website at: www.coe.int/proseco

The European Union

The European Union is made up of 27 member states who have decided to gradually link together their know-how, resources and destinies. Together, during a period of enlargement of 50 years, they have built a zone of stability, democracy and sustainable development whilst maintaining cultural diversity, tolerance and individual freedoms.

The European Union is committed to sharing its achievements and its values with countries and peoples beyond its borders.

<http://europa.eu>

The Council of Europe

The Council of Europe has 47 member states, covering virtually the entire continent of Europe. It seeks to develop common democratic and legal principles based on the European Convention on Human Rights and other reference texts on the protection of individuals. Ever since it was founded in 1949, in the aftermath of the Second World War, the Council of Europe has symbolised reconciliation.

www.coe.int

This publication is produced as part of the Regional project "Support to Prosecutors' Network in South-Eastern Europe". The views expressed in it do not necessarily reflect the views of the European Union.

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The European Union's CARDS programme

Regional project "Support to Prosecutors' Network in South-Eastern Europe"

The Prosecutors' Network in South-Eastern Europe

at a glance



This project is funded
by the European Union



This project is implemented
by the Council of Europe

The political, legal and economic developments which have taken place in Europe over the past two decades have provided European citizens with unprecedented opportunities. However, these opportunities are being abused by criminals of all ranks. At the same time the individual capacity of countries to respond to transnational crime remains limited. In order to defeat this challenge, it is necessary to clear the way for effective and efficient co-operation between the police and the judiciary.

History of the Prosecutors' Network

Council of Europe programmes dedicated to the fight against organised crime in South-Eastern Europe (Octopus II 1999-2000, PACO Networking 2001-2003) demonstrated that insufficient use was made of the possibilities for direct co-operation among the authorities dealing with mutual legal assistance in criminal matters foreseen by the relevant legal instruments.

Following the meetings of Prosecutors General of South-Eastern Europe in Ohrid (1999) and Sofia (2000), the Council of Europe has put forward specific proposals for:

- the nomination of contact points,
- the expansion of direct contacts,
- the preparation of a manual containing co-operation tools,
- judicial networking as a strategy for South-Eastern Europe.

At the annual EU-Western Balkans Inter-Ministerial Meeting on Justice and Home Affairs (JHA) in November 2003, the countries of the region presented their Action Plans for the Fight against Organised Crime, each of them containing *Regional Measure 1: Establishment of regional Network of Prosecutors*. The drafting of a memorandum of understanding between public prosecution offices was launched upon the initiative of the Public Prosecutor's Office of "the former Yugoslav Republic of Macedonia" in 2004.

The resulting Memorandum of Understanding for Regional Co-operation against Organised Crime was

signed by six countries of the Western Balkans in Skopje on 30 March 2005. The signatories committed themselves to co-operating closely in repressing, investigating and prosecuting perpetrators of organised crime, criminal groups and associations through exchange of information, documents and evidence related to all forms of organised crime within their jurisdiction,

Members of the Prosecutors' Network

Albania • Bosnia and Herzegovina • Croatia • Montenegro • Serbia • "The former Yugoslav Republic of Macedonia"

especially in case of offences committed or prepared totally or in part on their territories, and in which their nationals or foreign citizens are involved or of which they were victims.

The memorandum thus marked the establishment of the Prosecutors' Network; it provided vital basic elements for strengthening cross-border co-operation in fighting organised crime.

As time went by and the co-operation between public prosecution services of the signatory countries intensified, the need to upgrade the initial document became apparent.



On 25 January 2010 chief prosecutors of Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia and "the former Yugoslav Republic of Macedonia" met in Rome in order to sign the amended Memorandum of Under-

standing for Regional Co-operation against Organised Crime and Other Forms of Serious Crime.

The revised memorandum broadens the scope of prosecutorial co-operation between the signatories by including other forms of serious crime. The new text of the memorandum also aims at making direct contacts between the prosecution services of the participating countries easier and faster; it is expected to have a positive impact on the day-to-day co-operation between the signatories. Furthermore, it includes explicit references to the relevant European legal instruments in the field, thus promoting the establishment of a common terminology and common standards, facilitating the process of harmonisation of the national legislation on criminal procedure.

Main international legal instruments for mutual assistance in criminal matters

European Convention on Mutual Assistance in Criminal Matters of 1959 (CETS 030) • Its Additional Protocols of 1978 (CETS 099) and of 2001 (CETS 182) • Council of Europe Convention on Action against Trafficking in Human Beings of 2005 (CETS 197) • Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism of 2005 (CETS 198) • European Union Convention on Mutual Assistance in Criminal Matters of 2000 • Convention on Cybercrime of 2001 (CETS 185)

What does the Prosecutors' Network do?

The overall rationale of the network is to make the international co-operation in the fight against serious crime more efficient and effective on the basis of the existing legal instruments.

As a practical arrangement for co-operation between public prosecution services in South-Eastern Europe, the network allows for direct contacts and the swift exchange of information between authorities when investigations must proceed quickly, but the usual channels of mutual legal assistance are too slow. By networking, prosecutors can better understand each other's needs and improve the quality of information