

Council of Europe
Conseil de l'Europe



European Union
Union européenne

Directorate of Co-operation
Directorate General of Human Rights
and Legal Affairs
Strasbourg, 28 May 2009
PC-TC (2009) 30

Support to the Prosecutors' Network in South Eastern Europe
Regional PROSECO Project

**Assessment of existing co-operation networks, contact points and legal
frameworks for their operating**

Prepared by Mr Rok Janez Steblaj (Slovenia)

Table of Contents

1	Note on author.....	3
2	Preface	4
3	The Southeast European Prosecutors Advisory Group (SEEPAG)	5
3.1	Functions	5
3.2	Membership.....	6
3.3	Structure.....	6
3.4	Chairmanship.....	6
3.5	Secretariat	6
3.6	Prosecutorial Focal Points	7
3.7	Activities	7
3.8	Financing	8
4	Prosecutors` Network	8
4.1	Functions	9
4.2	Membership.....	9
4.3	Structure.....	9
4.4	Activities	10
4.5	Financing	10
5	Eurojust.....	11
5.1	Tasks and competences.....	11
5.2	Structure.....	12
5.3	Cooperation with third countries	12
6	Differences between SEEPAG and Prosecutors` Network	13
7	More effective cooperation of networks.....	15

For more information, please contact:

<p><i>Technical Co-operation Department Directorate General of Human Rights and Legal Affairs Council of Europe 67075 Strasbourg CEDEX France</i></p>	<p><i>Tel: + 33 3 90 21 46 46 Fax: + 33 3 90 21 56 50 Email: vesna.efendic@coe.int Website: www.coe.int</i></p>
---	---

This document has been produced with the financial assistance of the European Union and of the Council of Europe. The views expressed herein can in no way be taken to reflect the official opinions of the European Union and of the Council of Europe.

1 NOTE ON AUTHOR

Rok Janez Šteblaj, Head of International Co-operation Department, Ministry of Justice of the Republic of Slovenia. Born in 1968 in Slovenia.

Rok Janez Šteblaj graduated at the University of Ljubljana, Law Faculty in 1993 and passed Bar exam in 1996.

Some of his previous working experience include: Chair of the Committee on Civil Law Matters at the EU Council Presidency of the Republic of Slovenia; Project Leader of the twinning project: Capacity Building and Strengthening of the Ministry of Justice of the Republic of Serbia; Module director for European and International Cooperation of the CARDS 2003 Regional Judiciary Project; Head of the Cabinet of Minister of Justice of Slovenia and Adviser at the Commission for European Affairs of the National Assembly.

2 PREFACE

The task was to make an assessment of existing networks for prosecutorial co-operation in South Eastern Europe. Therefore a research was made in order to provide information on scope of co-operation between prosecutors, legal framework for their work and assessment of their effectiveness and to prepare elements for recommendation for more effective co-operation.

This is a desk study, as the fact-finding missions could not be organized in such a short period of time. Due to the relatively short time for preparation and inability to organise, information were gathered from different sources with open public access, mainly using internet options, and without possibility to check entirely up-to-date and completeness of information.

The Regional Dimension the SAp Report 2004 of the EC pointed out: "The countries need to intensify their efforts to fight organised crime in the region. At the JHA Ministerial meeting on 28 November 2003, each country presented implementation strategies for specific action oriented measures to fight organised crime. Two regional priority measures were included in the country strategies. One of these concerns co-operations among Financial Intelligence Units in combating money laundering, and the other development of co-operation between prosecutors in the region. The measures identify priority actions and set out a strategy for their implementation with timetables, benchmarks and the identification of resource requirements. The responsibility for implementation lies with the countries, and the Commission will monitor progress within the SAp."

That was one of the main reasons that in the CARDS 2003 Judiciary project were included also activities on assistance with the implementation of one of the regional measures against organised crime (OC), related to the development of a regional co-operation and network amongst prosecutors

In the field of the prosecution in the Balkan region there are two main networks - SEEPAG and Prosecutor's Network. Networks have several similarities but also important differences.

Eurojust is another relevant body (EU agency) for enhancing the effectiveness of the competent authorities when dealing with the investigation and prosecution of serious cross-border and organised crime. Western Balkan Countries have clear perspective for future cooperation and membership in it.

It should be underlined that prosecutor's offices are using different legal basis for their work. On the first place there are provisions of national legislation which are (supposed to be) in line with ratified multilateral instruments (in particular CoE and UN Conventions). In order to simplify, ease and speed up the procedures with some countries with higher level of priorities bilateral agreement, protocols and similar contractual and non-contractual (technical) acts are concluded.

3 THE SOUTHEAST EUROPEAN PROSECUTORS ADVISORY GROUP (SEEPAG)

The Southeast European Prosecutors Advisory Group (SEEPAG) is regional organisation with object to reinforce the fight against the serious forms of crime and to foster greater cooperation and coordination of criminal investigations and prosecutions in South Eastern Europe. By improving upon the available facilities for mutual legal assistance, the SEEPAG seeks to significantly increase the capacity of individual states to suppress, investigate and prosecute serious trans-border crimes.

SEEPAG was established in 2003. At the Fourth SEEPAG Meeting, held in Belgrade on December 14-15, basic documents (General Guidelines and Recommendations for Establishing the Prosecutorial Focal Points) were adopted, which resulted in institutionalising of the SEEPAG as an international mechanism, and clarification of its tasks and competence. But it is clearly stated that General Guidelines by no means create legal obligations in the domestic legislation or international obligations binding on the states participating in SEEPAG.

Following joint recommendations by the Commission, Eurojust, the European Judicial Network (EJN) and the US it was decided that SEEPAG's main function should be to establish a contact point network with functions similar to those of the EJN. The contact points will just facilitate prosecutor co-operation in the already existing forms. This can be done without any changes in legislation and without any big institutional changes.

Approved Letter of Intent between The Southeast European Cooperative Initiative Regional Centre for Combating Transborder Crime (SECI Centre) and the Southeast European Prosecutors Advisory Group (SEEPAG) was signed On 21 March 2008 in Istanbul and entered into force on the same date. In the instrument it was agreed:

- The SECI Centre and the SEEPAG will have regular consultations on matters of common interest. They agreed to act in mutual interest with a view to harmonize their efforts towards greater effectiveness;
- It will be arranged reciprocal representation at the meetings organised by one Party, dealing with matters in which the other Party has an interest or competence;
- The SECI Centre and the SEEPAG shall exchange information and documents concerning matters of common interests;
- The SECI Centre and the SEEPAG may seek the other's cooperation where they are able to assist in the development of such activities.

3.1 Functions

In order to enhance co-operation and co-ordination between national investigating and prosecuting authorities allowing all law enforcement agencies to act more effectively, both individually and collectively, when dealing with international crime and to bring criminals to justice more quickly, there are two main functions of SEEPAG.

The first function is to facilitate, to the greatest extent possible, the rapid exchange of information and evidence in trans-border investigations. Promoting the timely exchange of information and evidence, whether through the proper execution of mutual legal assistance requests or through more informal channels of information exchange.

The second function is to provide guidance, assistance, and feedback to lawmakers in the region on justice and law enforcement issues. By capitalizing on the knowledge and concrete operational experience of criminal prosecutors, the SEEPAG should provide a link between the conceptual framework of laws and their effect at an operational level.

By combining the legal skills and functional experience of prosecutors, the SEEPAG could assist in the creation and harmonization of laws and regional agreements aimed at combating organized crime. The SEEPAG could also provide legal guidance and opinions on various legal issues that arise in the context of regional cooperation on justice matters.

3.2 Membership

The SEEPAG is composed of national representatives to the SEEPAG, delegated by each state participating in the SEEPAG. The national representatives are high ranked experienced prosecutors or judges. Member states are:

- Albania
- Bosnia and Herzegovina
- Bulgaria
- Croatia
- Greece
- The Former Yugoslav Republic of Macedonia
- The Republic of Moldova
- Romania
- Serbia
- Montenegro
- Slovenia
- Turkey

3.3 Structure

The SEEPAG organisational structure reflects the fact that the SEEPAG is a practical mechanism for judicial co-operation in Southeast Europe. SEEPAG is a non-centralized, dynamic structure, with horizontal character and possessing only minimal organizational structure necessary for its functioning. Decisions could be taken unanimously, with two third majority or with simple majority.

3.4 Chairmanship

Pursuant to the General Guidelines, Chairmanship is rotating among the members of SEEPAG alphabetically by country:

- from 2003 to 2005 by Serbia and Montenegro - Mr. Jovan Krstic, Deputy Prosecutor General of Serbia;
- from February 2006 to February 2007 by Slovenia - Mr. Mirko Vrtačnik, Supreme State Prosecutor in the Supreme State Prosecutor's Office of the Republic of Slovenia;
- from February 2007 to February 2008 by Turkey - Mr. Behcet Tufan Turan, Head of Department, General Directorate of International Law and Foreign Affairs within the Ministry of Justice of Turkey;
- from February 2008 to February 2009 by Albania - Mr. Arquilea Koca, prosecutor, General Prosecutor's Office;
- from February 2009 to February 2010 Bosnia and Herzegovina - Mr Božo Mihajlović, State Prosecutor's Office of Bosnia and Herzegovina.

3.5 Secretariat

The General Prosecutor's Office of the country chairing the SEEPAG is appointing the Secretary to the SEEPAG.

The functions of the Secretariat are the following:

- Assist the Chairperson and Vice-Chairperson in their administrative tasks related to the SEEPAG;
- Provide the administrative link between the SEEPAG Chairman and SEEPAG membership;
- Coordinate the organisation of SEEPAG's functions;
- Coordinate SEEPAG's cooperation with other national, regional, European and international bodies and organisations related to SEEPAG's work
- Perform other tasks assigned by the SEEPAG Chairperson and Vice-Chairperson.

3.6 Prosecutorial Focal Points

In order to improve cooperation it was proposed to establish the Regional Network of the Prosecutorial Focal Points (PFP).

The SEEPAG is composed of PFP of every country participating in the SEEPAG.

PFPs are designated by each state participating in the SEEPAG according to their constitutional rules, legal traditions and internal structures, providing effective coverage for all forms of serious crimes throughout the country. PFP's should facilitate judicial cooperation between the SEEPAG member states, as well as provide assistance to the SECI Centre operations.

Specific functions of the PFP are:

- Receiving crime reports and other documents, as well as answering and disseminating such documents as needed;
- Case monitoring in the prosecutor's office / PFP;
- Consulting in pre-trial, pre-criminal, and criminal proceedings;
- Providing remedies and suggestions.

3.7 Activities

The full body of SEEPAG have two regular meetings per year in a place agreed upon at the previous meeting. Extra meetings could be held. Other events are also foreseen. On the agendas of the meetings there were different topics, relevant for prosecutors work and on purpose to promote co-operation.

Regular conferences:

- First Conference of SEEPAG, December 11-12, 2003, Belgrade
- Second Conference of SEEPAG, April 19-20, 2004, Bucharest
- Third Conference of SEEPAG , July 21-22, 2004 Belgrade
- Fourth Conference of SEEPAG, December 15, 2004, Belgrade
- Fifth Conference of SEEPAG, February 22-23, 2006, Belgrade
- Sixth Conference of SEEPAG, June 19 - 20, 2006, Ljubljana
- Seventh Conference of SEEPAG, November 9-10, 2006, Bucharest, Romania
- Eighth Conference of SEEPAG, February 15-16, 2007, Brdo pri Kranju, Slovenia
- Ninth Conference of SEEPAG, June, 14-15, 2007 Istanbul, Turkey
- Tenth Conference of SEEPAG, October, 25-26, 2007, Bucharest, Romania
- Eleventh Conference of SEEPAG, March, 20-21, 2008, Istanbul, Turkey
- Twelfth Conference of SEEPAG, June, 26-27, 2008, Durres, Albania
- Thirteenth Conference of SEEPAG, November, 20-21, 2008, Tirana, Albania
- Fourteenth Conference of SEEPAG, May, 14-15, 2009, Sarajevo, Bosnia and Herzegovina.

Extra meetings:

- First Extraordinary Expert Meeting, 26 July 2005, Athens , Greece

Other events:

- Workshop Bulgaria, November, 2006;
- Workshop Skopje, 25/26th of January 2007;
- Workshop Bucharest, 23rd of February 2007;
- Donation of video-conference equipment;
- Chairman's visit to the SECI Centre and Romanian authorities;
- Bulgaria, May 7-11, 2007, Five roundtable sessions with the topic: "Introduction to SEEPAG"

The numerous activities brought several outcomes:

Network among national representatives (participants) and/or PFPs was established. It was extremely important in searching best solutions in resolving concrete cases. Awareness of scope and dimensions of certain problems are raised. Regularly one part of the conferences was planned to debate certain issues (terrorism, data protection, statistics...).

Participants gained knowledge on legislation, procedures and competences of the relevant bodies as well as on projects for improvement of national systems (change of legislation, establishment of task forces, and way of cooperation among institutions inside country...).

3.8 Financing

The budget of the SEEPAG is primarily based on funds, received by the SECI Centre, and/or any other international organization, agency or governmental body willing to support the SEEPAG activities in co-ordination with the SECI Centre. Member states do not accept any financial obligations to SEEPAG.

Chairperson prepares Annual Report about the activities, as well as Annual Financial Report.

4 PROSECUTORS` NETWORK

Prosecutors` Network is regional (Western Balkans) network for co-operation in repressing, investigating and prosecuting perpetrators of organized crime, criminal groups and criminal associations as well as combating corruption.

At the end of 2003 the five Western Balkan countries (at that time Serbia and Montenegro was one country) presented each a set of action oriented measures against organised crime. All countries had as one of these actions to improve the regional prosecutor co-operation in organised crime cases.

A Memorandum of Understanding (MoU) for this regional prosecutor cooperation was elaborated by the General-Prosecutor of the Former Yugoslav Republic of Macedonia and was presented for the prosecutor services of the other Western Balkan countries.

Regional Roundtable: Regional measure against organised crime (OC) – Establishment of the Prosecutors` Network was held in Skopje on 30 March 2005 for the signing of the Memorandum of Understanding (MoU) for the co-operation and networking within and among prosecutorial services in the CARDS Countries, supplemented in the course of the CARDS 2003 Regional Judiciary Project. MoU is therefore grounding for network co-operation among the signatories. Several provisions are limited to the competences of the signatories.

Later, in March 2007, it was agreed to enlarge the scope of competence of the network based on a "mixed system" consisting of a general formula for serious crime (UN Convention on Transnational Organised Crime) and a catalogue of crimes.

In April 2008 the regional PROSECO Project: Support to Prosecutor's Network in South-Eastern Europe was launched. The objective of the project is to strengthen the capacities of the CARDS countries (in particular capacities of General Prosecutors' Offices) to develop and implement judiciary co-operation against serious crime based on the European Union acquis and other European and international standards and practices by supporting the Prosecutor's Network.

4.1 Functions

In the MoU there are several provisions describing functions of Prosecutors' Network. They can be divided into two groups - co-operation in concrete cases and general measures to assure better co-operation.

In the first group there is exchange of information, documents and evidence, related to organized crime in particular in cases where territorial or citizenship linkage is clear, swift and efficient work in cases of extradition and requests for mutual legal assistance, development of mechanisms for coordination of investigation of cases.

In the second group there is training for Public Prosecutors, organization of regular professional contacts, exchange of information's of draft laws and new legal provisions and evaluation of national provisions and practices.

4.2 Membership

Memorandum of Understanding was signed by competent prosecutor's offices of:

- Albania
- Bosnia and Herzegovina
- Croatia
- The Former Yugoslav Republic of Macedonia
- Serbia
- Montenegro

The signatories should develop and propagate co-operation mechanisms with relevant UN Interim Administration in Kosovo.

4.3 Structure

Since it is foreseen only as network there is no specific structure defined. On the basis of MoU the signatories should establish a National Contact Point.

National Contact Point

The National Contact Point should be established at the prosecutor's offices. It is advisable to be identical with contact points established for EUROJUST, the Council of Europe and Prosecutorial Focal Points within SEEPAG. Direct contact among National Contact Points is foreseen.

4.4 Activities

The National Contact Points and the heads of the units competent for combating organized crime should have regular meetings every 12 months. On the agendas of the meetings there were different topics, relevant for prosecutors work and on purpose to promote co-operation.

Regular meetings:

- "1st Western Balkans Prosecutors' Network meeting" Skopje, 30 March 2005;
- "2nd Western Balkans Prosecutors' Network meeting" Tirana, Albania, 30 and 31 March 2006;
- "3rd Western Balkans Prosecutors' Network meeting", Podgorica, Montenegro, 28 and 29 September 2006;
- "4th Western Balkans Prosecutors' Network meeting", Sarajevo, Bosnia and Herzegovina, 5 and 6 March 2007;
- "5th Western Balkans Prosecutors' Network meeting", Strasbourg, France, 16 January 2009;
- "6th Western Balkans Prosecutors' Network meeting", Zagreb, Croatia, 28 and 29 April 2009.

On the basis of activities main goal was achieved - network was established and participants agreed on text of Memorandum of understanding. Furthermore, the scope of memorandum was widened.

Network among the participants (National Contact Points and the heads of the units competent for combating organized crime) was established. In some cases it was used in gathering information, important in resolving concrete cases.

Regular meetings were possibility to gain knowledge on current legislation, procedures and competences of the relevant bodies and future plans.

Participants had opportunity to compare certain elements of the national mechanisms for fight against organised/serious crime with comparable ones (among themselves).

From regional dimension perspective awareness of problems and direction for solutions on fight against organised/serious crime were raised.

4.5 Financing

The Prosecutors' Network was established in the framework of CARDS Regional Project 2003, Establishing of an Independent, Reliable and Functioning Judiciary and enhancing of the Judicial Co-operation in the Western Balkans. All the activities till 2007 were fully financed from the budget of project.

In the Memorandum of Understanding there are no provisions on financing of the network.

5 EUROJUST

Eurojust is European Union body with the legal personality, established with the mission to enhance the effectiveness of the competent authorities within Member States when they are dealing with the investigation and prosecution of serious cross-border and organised crime.

It was established in 2002 by Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime, 2002/187/JHA. On 16 December 2008, the Council of Ministers of Justice and Home Affairs adopted the Decision on the Strengthening of Eurojust and amended Decision 2002/187/JHA.

5.1 Tasks and competences

Eurojust stimulates and improves the coordination of investigations and prosecutions between the competent authorities in the Member States and improves the cooperation between the competent authorities of the Member States, in particular by facilitating the execution of international MLA and the implementation of extradition requests. Eurojust supports in any way possible the competent authorities of the Member States in order to render their investigations and prosecutions more effective when dealing with cross-border crime.

At the request of a Member State, Eurojust may assist investigations and prosecutions concerning that particular Member State and a non-Member State, if a cooperation agreement has been concluded or if there is an essential interest in providing such assistance.

Eurojust's competence covers the same types of crime and offences for which Europol has competence (terrorism, drug trafficking, trafficking in human beings, counterfeiting, money laundering, computer crime, crime against property or public goods, fraud, corruption, criminal offences affecting the European Community's financial interests, environmental crime, participation in criminal organisations). For other types of offences Eurojust may assist in investigations and prosecutions at the request of a Member State.

Eurojust may ask the competent authorities of the Member States concerned:

- to investigate or prosecute specific acts;
- to coordinate with one another;
- to accept that one country is better placed to prosecute than another;
- to set up a Joint Investigation Team; or
- to provide Eurojust with information necessary to carry out its tasks.

Furthermore, it:

- shall ensure that the competent authorities inform each other on investigations and prosecutions of which it has been informed;
- shall assist the competent authorities in ensuring the best possible coordination of investigations and prosecutions;
- shall give assistance to improve cooperation between the competent national authorities, in particular based on Europol's analyses;
- shall cooperate and consult with the European Judicial Network (EJN), and make use of and contribute to the improvement of its documentary database;
- may, in accordance with its objectives, try to improve cooperation and coordination between the competent authorities, and forward requests for judicial assistance when they: (i) are made by the competent authority of a Member State, (ii) concern an investigation or prosecution conducted by that authority in a specific case, and (iii) necessitate its intervention with a view to coordinated action;

- may assist Europol, particularly with opinions based on analyses carried out by Europol; and
- may supply logistical support, e.g. assistance in translation, interpretation and the organisation of coordination meetings.

In order to carry out its tasks, Eurojust maintains privileged relationships with the EJM, Europol, the European Anti-Fraud Office (OLAF), and Liaison Magistrates. It is also able to conclude cooperation agreements with non-Member States and international organisations or bodies for the exchange of information or the secondment of officers.

5.2 Structure

Eurojust is composed of 27 National Members, one from each of the European Union's Member States. National members are seconded in accordance with their respective legal systems and are judges, prosecutors or police officers of equivalent competence. Each National Member is subject to the national legislation of the appointing Member State as regards their status, which also determines the term of office, as well as the nature and extent of the judicial powers conferred on the National Member.

Member States have right to appoint Deputies and Assistants to help and replace their National Member, National Members could be supported in their day-to-day casework by Seconded National Experts (SNEs), seconded by their national authorities, to assist in casework.

The National Members form the College of Eurojust, which is responsible for the organisation and operation of Eurojust. Eurojust may fulfil its tasks through one or more National Members or as a College.

The College is supported by the administration. The Administrative Director is responsible for the day-to-day administration of Eurojust and for staff management.

5.3 Cooperation with third countries

Eurojust continued to develop its relations with other countries, in particular the Western Balkans, while contributing to ongoing EU regional projects and initiatives in the region. Eurojust is hosting study visits with the view to cooperation and commencing formal negotiations of cooperation agreements.

Assistance

Eurojust can assist investigations and prosecutions concerning Non-Member State where in a specific case there is an essential interest in providing such assistance (Article 3 (2) of the Council Decision 2002/187/JHA). Conditions are determined on a case-by-case basis.

At the end of 2008 Eurojust had 31 contact points in 23 non-Member States and has been working regularly through these contact points on cases involving non-EU countries. Among them there are Western Balkans Countries: Albania, Bosnia & Herzegovina, Croatia, FYROM, Montenegro and Serbia. In last year Eurojust dealt with almost 20 cases involving Western Balkans Countries.

Cooperation agreements

Eurojust can conclude cooperation agreements with third States. Such agreements may contain provisions concerning arrangements for the secondment of liaison officers or liaison magistrates to Eurojust and provisions concerning the exchange of personal data. (Article 27 of the Council Decision 2002/187/JHA).

Each year there is prepared a list of states for commencing or continuing formal negotiations of cooperation agreements. Candidate countries for EU membership have certain degree of priority in this respect. It is possible that Non-Member State express its desire to start negotiations of cooperation agreement. In order to assure better start of formal negotiations Eurojust is organising preliminary meetings (study visits) on fulfilment of necessary conditions for negotiations.

Current situations on procedure of concluding cooperation agreements are following: agreements were signed with Croatia (9.11.2007) and Macedonia (28.11.2008) but still not entered into force; preliminary meetings for formal negotiations are opened for Albania (from 2007), Montenegro (from 2008), Serbia (from 2009) and Bosnia and Herzegovina (from 2009).

One of the Eurojust objectives in 2008 and 2009 is to conclude at least three formal cooperation agreements with non-European Union countries and international bodies, and enhance cooperation between Member States and non-European countries.

6 DIFFERENCES BETWEEN SEEPAG AND PROSECUTORS' NETWORK

The main differences between two networks are presented in a table below.

	SEEPAG	Prosecutors' Network
Scope of competence	<ul style="list-style-type: none"> ➤ Reinforce fight against serious forms of crime ➤ Foster greater cooperation and coordination of criminal investigations and prosecutions in SEE 	<ul style="list-style-type: none"> ➤ Co-operation in repressing, investigating and prosecuting perpetrators of organized crime (as defined in Art 2 of the UN Convention against Transnational Organised Crime); ➤ Criminal groups and criminal associations; ➤ Combating corruption; ➤ Catalogue of criminal offences (crimes against humanity, trafficking human beings, drugs trafficking, trafficking in arms, weapons, ammunitions, explosives, radioactive substances and other means of mass destruction, international terrorism, money laundering and laundering of other proceeds from crime, cyber crime, corruption, smuggling of migrants, smuggling of motor vehicles, environmental crime, counterfeiting (forgery) of currency and of (non-cash) means of payment).

Members	<ul style="list-style-type: none"> ➤ Albania ➤ Bosnia and Herzegovina ➤ Bulgaria ➤ Croatia ➤ Greece ➤ The Former Yugoslav Republic of Macedonia ➤ The Republic of Moldova ➤ Romania ➤ Serbia ➤ Montenegro 	<ul style="list-style-type: none"> ➤ Albania ➤ Bosnia and Herzegovina ➤ Croatia ➤ The Former Yugoslav Republic of Macedonia ➤ Serbia ➤ Montenegro
Chairmanship	Rotating alphabetically by county.	Not foreseen.
Secretariat	The General Prosecutor's Office of the chairing country is appointing the Secretary. The functions of the Secretariat are to assist to the Chairperson and Vice-Chairperson, to provide link between the Chairman and membership, to coordinate the organisation of functions, to coordinate cooperation with other national, regional, European and international bodies and organisations.	Not foreseen. Tasks of secretariat are performed within EC projects (CARDS Regional Project 2003: Establishing of an Independent, Reliable and Functioning Judiciary and enhancing of the Judicial Co-operation in the Western Balkans and PROSECO regional Project).
Decisions and voting	Rules on quorum and voting are part of General Guidelines. Decisions could be taken unanimously, with two third majorities or with simple majority.	No quorum and voting foreseen.
Budget and financing	The budget is primarily based on funds, received by the SECI Centre, and/or other international organization, agency or governmental body.	There are no provisions on financing of the network. Activities financed within EC projects (CARDS Regional Project 2003: Establishing of an Independent, Reliable and Functioning Judiciary and enhancing of the Judicial Co-operation in the Western Balkans and PROSECO regional Project).

7 MORE EFFECTIVE COOPERATION OF NETWORKS

In the provisions of MoU there can be found main directions for development of cooperation as well as participants of different activities of networks expressed useful suggestions for future work. Among them there are some common needs and some needs of particular countries.

There are areas of overlapping of both networks as defined in basic documents (General Guidelines, Memorandum of Understanding):

1. Main purpose of both networks is to provide support and assistance to assure close and effective co-operation in cross-border repression, investigation and prosecution of criminal offences.
2. Purpose of both networks is to organise professional contacts and activities (seminars, workshops, conferences...).
3. Scope of competence of both networks is similar. SEEPAG on one hand have more general description - serious forms of crime - concrete scope is therefore depending on its interpretation. Topics of recent activities were combating trafficking in human beings, controlled delivery, mutual legal assistance in criminal matters, sharing and protecting law enforcement information, financing of terrorism, witness protection, cooperation between police and prosecutors, international cooperation in criminal matters.
On the other hand Prosecutor's Network have more detailed description of competences - serious crime as defined in Art 2 of the UN Convention against Transnational Organised Crime, corruption and catalogue of criminal offences (crimes against humanity, trafficking human beings, drugs trafficking, trafficking in arms, weapons, ammunitions, explosives, radioactive substances and other means of mass destruction, international terrorism, money laundering and laundering of other proceeds from crime, cyber crime, corruption, smuggling of migrants, smuggling of motor vehicles, environmental crime, counterfeiting (forgery) of currency and of (non-cash) means of payment). Another condition in both networks is cross border effect in at least two member countries.
4. Both networks have regular meetings of members.
5. Both networks introduced contact points (Prosecutorial Focal Points, National Contact Points). Recommendation on combining both functions in one person was not entirely implemented.

Certain level of overlapping will remain therefore certain aspects of cooperation could bring synergy and overall positive results.

Synergies could be improved by:

- enhancing cooperation. Networks should inform each other on planed activities and, if possible, assure their presence on it;
- considering if formal status for another network should be foreseen (observer, guest, member...);
- considering to agree upon division of work or topics which should be based on nature of networks.

The Prosecutor's Network seems to be closer to development in the EU and cooperation among Western Balkans Countries and not so close to the work on the broader regional phenomena and problems as regards of crossing territory assistance or source of criminal offences.

Activities of the Prosecutor's Network should be result oriented - each question, each problem should have certain result, outcome, consequence, not only exchange of information's on status-quo in respective country.

One of the main focuses should be gradual approximation of legal provisions, internal rules and procedures and competences of relevant institutions, bearing in mind competences to do it.

Permanent task could be analysis of the concrete cross border cases in order to improve obstacles and remove unnecessary steps in procedures. In this respect good practice is advantageous.

Next activities could target on forming partial regional strategies, model laws and model procedures for specific areas.

Such areas could be:

- Training for public prosecutors (institutionalization, national and regional level, developing training curricula);
- Rules and procedures (evidences, protection of witnesses);
- Organization and competences of institutions within the country (police, prosecutor's offices, agencies, judges);
- Data protection;
- Technical requirements and use of modern technology (video conference, cryptography and other ways of protection of data);
- Language (language of communication, templates, promotion of language skills);
- Statistics (methodology and cross border exchange);
- Country needs and gaps analysis.