



Strasbourg, 8 October 2007

CCPE-BU(2007)26

**BUREAU OF THE  
CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS  
(CCPE-BU)**

**Report of the 4th meeting  
Strasbourg, 10 - 12 September 2007**

**At this meeting, the CCPE-BU namely:**

- **prepared a draft opinion on "Ways to improve international cooperation in the criminal justice field" (CCPE-BU(2007)20);**
- **prepared a discussion on relations between prosecutors and political authorities;**
- **analysed the situation of prosecutors in several Council of Europe member States;**
- **held an exchange of views with the Chairman of the CDPC, Mr Branislav BOHÁČIK.**

Secretariat memorandum  
prepared by the  
Directorate General of Human Rights and Legal Affairs

## **I. INTRODUCTION**

1. The Bureau of the Consultative Council of European Prosecutors (CCPE-BU) held its 4th meeting in Strasbourg from 10 to 12 September 2007. The meeting was chaired by Mr Harald RANGE (Germany).
2. The agenda and list of participants are appended. Mrs Raija TOIVIAINEN had apologised for her absence.

## **II. OPENING OF THE MEETING**

3. The meeting was opened by Mr Roberto LAMPONI, Director of Cooperation, who informed the Bureau of the recent restructuring of the Secretariat, grouping together the Directorate General of Legal Affairs and the Directorate General of Human Rights within a new Directorate General of Human Rights and Legal Affairs (DG-HL), directed by Mr Philippe BOILLAT. Within this new structure, the Secretariat of the CCPE was entrusted to the Justice Division, part of the Directorate of Cooperation, to facilitate smooth articulation of the CCPE's activities with those of the Consultative Council of European Judges (CCJE), the European Commission for the Efficiency of Justice (CEPEJ) and the Lisbon Network, and to promote synergies between these bodies, whose Secretariat was also provided by the Justice Division. Mr Stéphane LEYENBERGER had been appointed Secretary of the CCPE.

The Bureau expressed its warm thanks to Ms Danuta WISNIEWSKA-CAZALS for having run the Secretariat of the CCPE with enthusiasm and skillfulness.

4. The Director of Cooperation also informed the Bureau that the 28th Conference of Ministers of Justice would be held in Lanzarote (Spain) on 25 and 26 October 2007 on the theme: "Emerging issues of access to justice for vulnerable groups, in particular: migrants and asylum seekers; children, including children perpetrators of crime".

## **III. INFORMATION PROVIDED BY THE CCPE CHAIRMAN AND THE SECRETARIAT**

5. The Chairman thanked the Polish authorities for the excellent welcome they had given the Bureau in Warsaw and Popowo from 5 to 8 June 2007 and the high standard of organisation of the European Conference of Prosecutors on "international cooperation in the criminal field".

## **IV. PREPARATION OF THE DRAFT OPINION ON "WAYS TO IMPROVE INTERNATIONAL COOPERATION IN THE CRIMINAL JUSTICE FIELD"**

6. The Bureau thanked the members who had participated in the preparation of the preliminary draft report<sup>1</sup>, especially Mr Vito MONETTI.
7. It agreed that the Opinion must represent the viewpoint of prosecutors on the question of international cooperation in the criminal justice field, which also involved other key players.
8. It was agreed that the opinion must in particular draw on material from the consolidated report summarising the national replies to the preparatory questionnaire, drawn up by the

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<sup>1</sup> CCPE-BU(2007)20

scientific expert, Mrs Joana GOMES-FERREIRA (Portugal)<sup>2</sup>, and acclaimed by the Bureau for its quality and relevance.

9. The Bureau discussed and agreed on the main points to be developed in the draft opinion and agreed on a draft structure. It instructed the Secretariat to prepare a revised version of the draft opinion reflecting this discussion by 30 September 2007. The Bureau would then have the task of proposing amendments by 15 October, so that a finalised draft could be sent to the members of the CCPE in good time before the plenary meeting, at the beginning of November.

## **V. COOPERATION OF THE CCPE WITH OTHER BODIES**

### ***European Committee on Crime Problems (CDPC)***

10. The Bureau welcomed Mr Branislav BOHÁČIK, Chairman of the CDPC, who underlined the CDPC's interest in the development of CCPE activities, emphasising that major changes had taken place in Europe since the adoption of Recommendation Rec(2000)19, raising questions of prime importance regarding the role of the public prosecutor within the criminal justice system: prosecutors were taking on a growing role, questions concerning the independence of public prosecutors vis-à-vis other authorities were arising in a number of member States, and the development of international cooperation in criminal justice was opening up new areas of discussion. The Bureau agreed that it was necessary to strengthen cooperation between the two bodies and coordinate their respective activities where necessary.
11. Mr BOHÁČIK stressed that the Convention on the sexual exploitation of children had been adopted and would be opened for signature at the next Conference of Ministers of Justice. He also emphasised the importance of monitoring the application of the European prison rules revised in 2006 in the member States. Furthermore, activities were in progress in the area of preventing juvenile delinquency and domestic violence.
12. The Bureau members were also informed of the work under way within the Committee of experts on the functioning of European conventions in the penal field (PC-OC) to update the Council of Europe's instruments in the area of extradition. Seven elements had been identified so far. In addition, a database on international cooperation, containing information on competent authorities, national procedures, recent developments in the member States etc was being built up.
13. The Bureau of the CCPE confirmed its willingness to collaborate with the CDPC and the PC-OC on questions of common interest, bearing in mind that its specific role was to consider questions from the viewpoint of legal practitioners. The PC-OC and the CDPC would be consulted on the draft opinion on international cooperation in the criminal justice field, if possible through a written procedure.
14. While, generally speaking, the CCPE's activities should be coordinated with those of the CDPC, there might be exceptions depending on the areas covered, such as the role of the public prosecutor outside the criminal justice sphere.

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<sup>2</sup> CCPE-BU(2007)12

***European Commission for the Efficiency of Justice (CEPEJ)***

15. Mr Vito MONETTI reported on his participation in the plenary meeting of the CEPEJ (13 – 14 June 2007) on behalf of the CCPE. In particular, when launching its new evaluation scheme for judicial systems for the 2006-2008 cycle, the CEPEJ had taken the bulk of the recommendations made by the CCPE Bureau into account in its specific opinion<sup>3</sup>.
16. The Secretariat also informed the Bureau of the activities in progress within the CEPEJ as regards quality of justice, judicial timeframes (through the SATURN Centre for judicial time management) and mediation. It invited the Bureau members to consult the CEPEJ site ([www.coe.int/cepej](http://www.coe.int/cepej)) on a regular basis to track the progress of these activities. It asked the Bureau to consider the expediency of a Council representative participating in certain meetings of CEPEJ working groups.

***Consultative Council of European Judges (CCJE)***

17. The Secretariat informed the Bureau that the CCJE was currently preparing an opinion on the membership, role and competence of councils for the judiciary. The CCJE had wished to approach the question from the viewpoint of judges and had therefore not gone into the issue of the representativeness and role of prosecutors in the councils of certain member States.
18. The Secretariat also stressed the proposal of the CCJE Bureau to deal with the question of relations between judges and prosecutors in 2009, where appropriate in close collaboration with the CCPE. A joint Conference of European judges and prosecutors might be organised to prepare a joint opinion issued by the two councils.

***Lisbon Network (judicial training bodies of the member states)***

19. The Bureau recalled the conclusions of the Warsaw Conference concerning the development of specific training for prosecutors to facilitate implementation of international cooperation in criminal justice. It invited the competent Polish authorities to make contact, via the Secretariat and before the next plenary CCPE meeting, with the Bureau of the Lisbon Network to discuss possible arrangements for implementing these conclusions.

***Representation of the CCPE in other bodies***

20. Mr Vito MONETTI confirmed that he would represent the CCPE at the Conference on new information technologies and justice to be held in Bologna (12-13 October) within the AGIS framework. He outlined the main points of his statement, which met with the approval of the Bureau.
21. Mr Joao DA SILVA MIGUEL confirmed that he would take part in the Conference: "Which future for the Public prosecution system?" to be held in Paris, at the Senate, on 12 October.
22. Mr Peter POLT confirmed that he would represent the CCPE at the Eurojustice Conference in Portoroz, Slovenia, (24 – 26 October), where he would present the activities of the CCPE. Olivier de BAYNAST would also be chairing a round table.

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<sup>3</sup> CCPE-BU(2007)11REV.

## VI. DEFINITION OF THE PRIORITIES TO BE ADDRESSED IN 2008 AND BEYOND

23. The Bureau agreed to appoint Mr Andras VARGA as expert entrusted with the analysis of replies to the questionnaire on the role of prosecutors beyond the criminal field<sup>4</sup> to be submitted by the end of October 2007. Follow-up by the CCPE (including the possibility of organising a specific conference on the subject, as proposed by the Russian Federation delegation) would hinge on the findings of the report.
24. The Bureau thanked Mr Olivier de BAYNAST for agreeing to analyse the replies to the questionnaire on alternative measures to prosecution<sup>5</sup> to be submitted by 15 September 2007, and to present a report at the 2nd plenary meeting of the CCPE. The CCPE could decide on follow-up to this analysis in the light of the report's conclusions.
25. The Bureau thanked MM Jerzy SZYMANSKI and Vito MONETTI for preparing the draft document on relations between prosecutors and political authorities<sup>6</sup> and the draft questionnaire on "Guidelines, instructions and organisation of the office of the public prosecutor: criminal policy, institutional controls and responsibilities"<sup>7</sup>.

Questions were raised *inter alia* as to the nature of these documents and their target audience. The manner in which the CCPE should play its role in facilitating effective implementation of Recommendation Rec(2000)19 was also discussed in this context.

The Bureau discussed and amended the first draft of the document, inviting its members to send their comments to the Secretariat by 21 September, so that it could be adopted by the Bureau, if possible via a written procedure, and submitted as a working paper at the plenary meeting.

The Bureau members were also invited to comment on the draft questionnaire by the end of September. It was noted that a questionnaire processed by the expert, Mr Peter TAK, in 2003<sup>8</sup> could be taken into consideration.

The Bureau agreed to give more prior thought to possible follow-up to these documents, on the basis of its members' comments and discussion at the plenary meeting.

## VII. QUESTIONS CONCERNING THE STATUS OF PROSECUTORS IN CERTAIN MEMBER STATES

26. Mr Jerzy SZYMANSKI informed the Bureau of the situation prompting the Resolution of the 9th annual Conference of the Association of Prosecutors of Poland and the letter from the MEDEL sent to the CCPE on this point. The Bureau agreed that it was a delicate matter that had to be discussed in a plenary session, in the light of the latest developments in the country. Any reply from the CCPE should also be coordinated with ongoing work on relations between prosecutors and political authorities (see above).

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<sup>4</sup> CCPE-Bu(2007)13REV

<sup>5</sup> CCPE-Bu(2007)15REV

<sup>6</sup> CCPE-BU(2007)21REV2

<sup>7</sup> CCPE-BU(2007)22

<sup>8</sup> See [http://www.eurojustice.org/member\\_states](http://www.eurojustice.org/member_states)

27. Mr Vito MONETTI described the background to a letter from the MEDEL concerning judicial proceedings in progress in Italy in connection with possible illegal intelligence activities directed at Italian judges and prosecutors. Given that the Secretariat had notified the Bureau that a similar letter had been sent to the Chairman of the CCJE, the Bureau instructed its Chairman to contact the Chairman of the CCJE so that an appropriate and coordinated reply could be issued by the two councils.

### **VIII. PREPARATION OF THE 2ND PLENARY MEETING OF THE CCPE (STRASBOURG, 28 – 30 NOVEMBER)**

28. The Bureau agreed that an additional meeting would be useful in enabling its members to engage in prior discussion of some of the texts to be submitted at the plenary meeting to facilitate exchanges. This meeting should be held on the morning of 28 November, ahead of the 2nd plenary meeting of the CCPE beginning at 2.30 pm on that day.
29. The Bureau instructed the Secretariat to prepare the draft agenda for the 2nd plenary meeting *inter alia* around the following points: general review of the Bureau's activities (report presented by H. RANGE); discussion of the draft opinion on "Ways to improve international cooperation in the criminal justice field" with a view to its adoption (presented by V. MONETTI); alternative measures to prosecution (report to be presented by Olivier de BAYNAST); relations between prosecutors and political authorities (discussion and documents presented by R. JUNKIN); the role of prosecutors beyond the criminal field (presented by P. POLT). It was agreed that the agenda would also include a tour-de-table on recent developments relating to public prosecutors in the member States and a discussion of work priorities for 2008 and beyond.

### **IX. COMMUNICATION STRATEGY OF THE CCPE**

30. The Secretariat (Ms Sandrine MAROLLEAU, Communication officer in the Justice Division) presented the new CCPE internet site, comprising a public area and a restricted area reserved for its members. The Bureau congratulated the Secretariat on developing this communication tool, which was indispensable for both the internal work of the CCPE and the dissemination of its activities to public decision-makers and the legal community. The members of the Bureau agreed to post "country profiles" on the public website and add their contact details on the restricted site. The Bureau invited its members to provide the Secretariat with relevant national documents for inclusion in the "country profiles". It also agreed that the replies to questionnaires drawn up by the CCPE would be posted on the public site on a case-by-case basis as decided by the Bureau.
31. The Bureau agreed that a discussion forum should be set up for the members of the CCPE to facilitate exchanges between them on any matter relevant to the activities of the CCPE or the situation of the public prosecutor in one or more member States. It instructed the Secretariat to set this Forum up.

### **V. OTHER BUSINESS**

32. To enable the Bureau, in its present composition, to concentrate on questions of substance and lighten the load placed on its agenda by organisational and administrative issues, the Secretariat suggested changing the CCPE's working structures by creating:

- a Bureau comprising a Chair, a Vice-chair and two members, elected by the plenary meeting in accordance with Articles 12 and 13 of Appendix 1 to Committee of Ministers Resolution Res(2005)47. This Bureau would be responsible for questions of general organisation concerning the functioning of the CCPE and could be specifically tasked by the plenary meeting to take certain decisions. The Bureau would be a key point of contact for the Secretariat to facilitate its role of organising and managing the CCPE's work over the year;
- a Working group of 7 members appointed by the plenary meeting for one year, in accordance with Article 14-b of Appendix 1 to Resolution Res(2005)47: "Where necessary, in order to expedite the progress of their work, committees may entrust a limited number of committee members with a specific task to be fulfilled by their next meeting". It would be responsible for preparing opinions and other activities of substance contributing to the implementation of the CCPE's terms of reference.

The work of the Bureau and the Working group would be appropriately coordinated, with the possibility of Bureau members participating in meetings of the Working group.

33. The Secretariat noted that this kind of structure had been operating successfully for the CCJE since 2006. In particular it had facilitated the Consultative Council's decision-making process as well as the role of the Secretariat, while enabling the Working group to focus exclusively on the merits of substantial issues within the limited meeting time available.
34. The Bureau instructed the Secretariat to study the feasibility of these measures and agreed to resume discussion of them at its next meeting.

**APPENDIX I****AGENDA / ORDRE DU JOUR**

1. Opening of the meeting / *Ouverture de la réunion*
2. Adoption of the agenda / *Adoption de l'ordre du jour*
3. Communication by the President and members of the Bureau and the Secrétariat / *Communication du Président, des membres du Bureau et du Secrétariat*
4. Preparation of the draft opinion on "Ways to improve international co-operation in the criminal justice field" / *Préparation du projet d'avis sur "Les moyens d'améliorer la coopération internationale dans le domaine pénal"*
5. Cooperation of the CCPE with other bodies / *Coopération du CCPE avec d'autres instances*
  - within the Council of Europe / *au sein du Conseil de l'Europe*
    - CDPC
    - PC-OC
    - CCJE
    - CEPEJ
    - Lisbon Network / *Réseau de Lisbonne*
  - with external bodies to the Council of Europe / *avec des instances extérieures au Conseil de l'Europe*
    - AGIS meeting (Bologna, 12/13 October) / *Réunion AGIS (Bologne, 12/13 octobre)*
    - Conference: "Which future for the Public prosecution system?" (Paris, 12 October) / *Conférence: "Quel avenir pour le Ministère public?" (Paris, 12 octobre)*
    - Eurojustice Conference (Portoroz, Slovenia, 24 – 26 October) / *Conférence Eurojustice (Portoroz, Slovénie, 24 – 26 octobre)*
6. Definition of the priorities to be addressed in 2008 and beyond / *Définition des priorités à traiter en 2008 et au-delà*
7. Issues concerning the status of prosecutors in some member states / *Questions relatives au statut des procureurs dans certains Etats membres*
8. Preparation of the 2<sup>nd</sup> plenary meeting of the CCPE (Strasbourg, 28 – 30 November) / *Préparation de la 2<sup>ème</sup> réunion plénière du CCPE (Strasbourg, 28 – 30 novembre)*
9. Communication strategy of the CCPE / *Stratégie de communication du CCPE*
10. Any other business / *Divers*



**APPENDIX II****LIST OF PARTICIPANTS**

**Olivier de BAYNAST**, Procureur Général près de la Cour d'Appel d'Amiens, Amiens, FRANCE

**João Manuel DA SILVA MIGUEL**, Procureur Général Adjoint, Lisbonne, PORTUGAL

**Roy JUNKIN**, Deputy Director of Public Prosecutions, Public Prosecution Service for Northern Ireland, Belfast Chambers, Belfast, UNITED KINGDOM

**Katarína LAIFEROVA**, Head of the Office of the Prosecutor General, Bratislava, SLOVAK REPUBLIC

**Vito MONETTI**, Substitut du Procureur de la République, Bureau du Procureur Général près la Cour de Cassation, Rome, ITALIE

**Peter POLT**, Chief Prosecutor, Head of Criminal Trial Cases, Office of the Prosecutor General, Budapest, HUNGARY, **Vice-Chairman/Vice-Président**

**Harald RANGE**, Prosecutor general, Celle, GERMANY, **President / Président**

**Jerzy SZYMAŃSKI**, Public Prosecutor, National Prosecutor's Office, Ministry of Justice, Organised Crime Bureau, Warsaw, POLAND

**Raija TOIVAINEN**, State Prosecutor, Head of the International Unit, Helsinki, FINLAND  
(*Apologised / Excusée*)

**Antonio VERCHER NOGUERA**, Deputy Attorney General, Fiscalía General del Estado, Madrid, SPAIN

**Vladimir ZIMIN**, First Deputy Chief, Prosecutor General's Office, the General Department of International Legal Co-operation, Moscow, RUSSIAN FEDERATION

**SECRETARIAT**

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Emily WALKER, Assistant

**Interpreters / Interprètes**

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