



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

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

**ROLE OF THE PUBLIC PROSECUTION SERVICE
OUTSIDE THE FIELD OF CRIMINAL JUSTICE**

QUESTIONNAIRE

*adopted by the Bureau of the CCPE
at its 3rd meeting
(Popowo, Poland, 6-8 June 2007)*

I. INTRODUCTION

In 2006 the Committee of Ministers set up the Consultative Council of European Prosecutors (CCPE)¹, which has the task in particular to prepare opinions concerning issues relating to the prosecution service and to promote the implementation of Recommendation Rec(2000)19 on the role of public prosecution in the criminal justice system.

In conformity with the instruction of the CCPE (see document CCPE (2006) 06, Part II), its Bureau, during the meeting in Strasbourg on 18-20 December 2006, decided the order of priority for the actions of the CCPE in the scope of the implementation of the Framework Overall Action Plan for the work of the CCPE.

For 2008, the CCPE is considering the detailed study of the functions of the public prosecution service outside the field of criminal justice, taking into account the conclusions adopted by two of the previous Conferences of Prosecutors General of Europe, held in Celle (23-25 May 2004) and in Budapest (29-31 May 2005).

In order to facilitate the preparation of an opinion for the attention of the Committee of Ministers on this topic, the Bureau of the CCPE submits the questionnaire below. The first part of the questionnaire (questions 1 to 4) reproduces the one prepared to the Budapest Conference and no answer is therefore requested unless your delegation has not submitted an answer already² or, having done so, there is a need for clarification of relevant modifications introduced in answers previously given. All CCPE delegations are requested to answer the second part of the questionnaire (questions 5-8).

Replies should be sent, in English or in French, by 31 October 2007, to the following address: dg1.ccpe@coe.int. When preparing their replies to the questionnaire, delegations are invited to consult their relevant national bodies which could make a useful contribution to this request for information.

PART I

1. Does the prosecution service of your country have any competencies outside the field of criminal justice?

Answer: No

I refer to my answers to the questionnaire concerning alternatives to prosecution. The Swedish Prosecution system is dealing only with criminal matters. However, responses to offences such as different kinds of social- or health care are regarded as criminal responses as they are covered by the Swedish Penal Code. I have highlighted this in the above mentioned answers.

The Swedish prosecutors have no competencies at all outside the field of criminal justice.

2.
 - a. If so, what are these competencies (with regard to, for example, administrative, civil, social and commercial law and / or the functioning and management of the courts)?
 - b. Please indicate the background explaining their existence.
 - c. Please indicate the role played by the public prosecutor in exercising these competencies: advisory role - ex officio or upon request -, supervisory role or decision-making role.
 - d. Where public prosecutors have decision-making powers, can their decisions be challenged by any legal remedy? Please indicate the legal remedies provided for.

¹ See website: www.coe.int/ccpe

² Replies were received from: Armenia, Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Monaco, Montenegro (Serbia and Montenegro), Norway, The Netherlands, Poland, Portugal, Slovakia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey, Ukraine and United Kingdom (Northern Ireland and Scotland).

3. Please give an indication (statistics, if available) of the effective use of these competencies and the workload they entail for the prosecution service as a whole.
4. Does your country envisage any reform in the above-mentioned competencies of the public prosecutor?

PART II

5. Does the public prosecution service have a separate internal organisation when it acts outside the field of criminal justice? Please specify.
6. Which powers does the public prosecution service enjoy when acting outside the field of criminal justice?
 - a. Is it vested with a specific authority or does it enjoy the same powers as the other party(ies) to the trial?
 - b. Are there specific rules governing the exercise of these functions? What is the basis of such rules (the law, custom or practice)?
 - c. Does it enjoy other rights and duties ? Please specify.
7. Regarding the role of the public prosecution service outside the field of criminal justice:
 - a. has the European Court of Human Rights taken decisions or handed down judgements on that matter in respect of your country? If so, please indicate the number of the application and the date of the decision or judgement.
 - b. in your country, has the constitutional court or another court with the authority to rule on the constitutionality of laws, taken decisions or handed down judgements on the compatibility of such a role with the constitution or the basic law? If so, please indicate the references of such decisions and their main thrust.
8. Amongst the competences of the public prosecution service acting outside the system of criminal justice which are, in your view, the most important for the reinforcement of rule of law and protection of human rights?