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**WORKING GROUP
OF THE CONSULTATIVE COUNCIL
OF EUROPEAN PROSECUTORS
(CCPE-GT)**

**Report of the 26th meeting
Paris, 18-19 February 2020**

Document prepared by the Secretariat
Directorate General I – Human Rights and Rule of Law

I. INTRODUCTION

1. The Working Group of the Consultative Council of European Prosecutors (CCPE-GT) held its 26th meeting in Paris on 18-19 February 2020. The meeting was chaired by Mr José Manuel SANTOS PAIS (Portugal), President of the CCPE.
2. The agenda is set out in Appendix I.

II. COMMUNICATION BY THE PRESIDENT, MEMBERS OF THE WORKING GROUP AND THE SECRETARIAT

3. The President informed the members of the Working Group that he had been invited to the meeting of the Council of Europe's Committee of Ministers on 12 February 2020 for an exchange of views. The President had highlighted the role of the CCPE in developing norms and standards for the prosecutorial profession within the Council of Europe and presented its recent activities, focusing on the adoption of the CCPE Opinion No. 14 (2019) on the role of prosecutors in fighting corruption including related economic and financial crime.
4. The President had underlined that the Opinion provided for a useful complementarity between the CCPE's work and GRECO's activities, bringing together and summarising the best European practices as assessed by the prosecutors in the context of relevant international instruments, including those of the Council of Europe.
5. The Ministers' Deputies had praised the Opinion highly. Quite a number of them, having taken the floor, thanked the CCPE for adoption of a well-drafted and detailed document and noted that it provided an insight into important aspects which would be useful as practical guidance at national level in member States¹.
6. The President also mentioned the follow-up to the adoption of the 2019 edition of the Report of the CCPE Bureau on the independence and impartiality of the prosecution services in the Council of Europe member States.
7. The Report had been prepared and adopted by the Bureau within the framework of the Council of Europe Plan of Action on strengthening judicial independence and impartiality² and as a follow-up to the 2016 report of the Secretary General of the Council of Europe on the "State of democracy, human rights and the rule of law - a security imperative for Europe" which proposed to "develop the methodology and establish a regular in-house evaluation mechanism on the independence and impartiality of the judiciaries of the Council of Europe member States"³.

¹ For more details, see the report on the meeting of the CCPE Bureau on 18 February 2020 in Paris (document CCPE-BU(2020)3), para 6.

² Adopted at the 1253rd meeting of the Committee of Ministers on 13 April 2016 (document CM(2016)36final).

³ See the Report's Executive Summary, proposed actions and recommendations, judicial independence: 3rd bullet point (page 7).

8. The President informed the members of the Working Group about the exchange of views he had had on this subject with the Committee of Ministers on 12 February 2020⁴, as well as about the future work of the CCPE Bureau within the framework of the preparation by the Secretary General of annual reports on the state of democracy, human rights and rule of law in Europe, and also the CCPE's contribution to the final report, under the auspices of the CDCJ, on the implementation of the Council of Europe Plan of Action on strengthening judicial independence and impartiality⁵.

9. The President also mentioned the recent preparation by the Bureau of the CCPE of the Opinion on the independence of prosecutors in the context of legislative changes as regards the prosecution service in the Republic of Moldova which had been requested by the Superior Council of Prosecutors of the Republic of Moldova⁶.

III. PREPARATION OF OPINION NO. 15 ON THE IMPLICATIONS OF THE DECISIONS OF INTERNATIONAL COURTS AND TREATY BODIES AS REGARDS THE PRACTICAL INDEPENDENCE OF PROSECUTORS

10. The members of the Working Group discussed the structure of Opinion No. 15 (document CCPE-GT(2020)1Prov1) prepared by the Secretariat and praised it as a good basis for developing the first draft of the Opinion.

11. The members of the Working Group also discussed the questionnaire sent to all members of the CCPE for the preparation of Opinion No. 15, and praised it as a comprehensive document. They recommended sending to the members some additional questions as regards, most importantly, the known judgments or decisions of the European Court of Human Rights and of the Court of Justice of the European Union, or of any other international court which referred to or in any way touched upon the independence of the judiciary including the prosecution services.

12. This information would play an important role in the process of developing Opinion No. 15. The members of the Working Group also made further proposals to enlarge the scope of Opinion No. 15 by including, in addition to the decisions of international courts and treaty bodies, also those of monitoring and advisory bodies of the Council of Europe, UN bodies such as the UN Special Rapporteur on the independence of judges and lawyers and UNODC, as well as observers of the CCPE, i.e. IAP and MEDEL.

13. The Working Group accordingly instructed the Secretariat to collect all this relevant information and integrate it in the draft of Opinion No. 15. The Secretariat noted that this would be quite important addition to the Opinion.

14. The members of the Working Group also discussed in detail many provisions of the structure of the Opinion and made further proposals regarding in particular the Chapter

⁴ For more details, see the report on the meeting of the CCPE Bureau on 18 February 2020 in Paris (document CCPE-BU(2020)3), para 14.

⁵ Ibid., paras 15-16.

⁶ Ibid., paras 18-21.

IV of the future Opinion on institutions, mechanisms, procedures resulting from the implementation of decisions of international courts and treaty bodies.

15. At the conclusion of the meeting, the Working Group instructed the Secretariat to send to the CCPE members the additional questions for the preparation of Opinion No. 15, and to integrate all proposals made during the meeting into the final structure of the Opinion, which would then be used as a building-block for drafting the text of the Opinion.

IV. OTHER ITEMS

16. The next meeting of the Working Group should take place in Venice on 3-4 June 2020.

AGENDA

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, members of the CCPE and the Secretariat / *Communication du Président, des membres du CCPE et du Secrétariat*
4. Preparation of draft Opinion No. 15 entitled "The implications of the decisions of international courts and treaty bodies as regards the practical independence of prosecutors" / *Préparation du projet d'Avis No. 15 intitulé «Les implications des décisions des tribunaux internationaux et des organes conventionnels concernant l'indépendance pratique des procureurs »*
5. Any other business / *Divers*