



COUNCIL OF EUROPE
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**CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS
(CCPE)**

**Questionnaire with a view of the preparation of Opinion No. 7 on the
management of the means of the prosecution services**

Reply from Greece

SECTION I: Status of the prosecution services in the state administration

The prosecution service is a judicial authority, independent from the courts and the executive power. Prosecutors enjoy functional and personal independence and, in the performance of their duties, are subject only to the Constitution and the laws. Prosecutors are appointed for life by presidential decree, pursuant to the law that stipulates their qualifications and the procedure for their selection.

Prosecutors are supervised by supreme court judges and higher-ranking prosecutors, according to the provisions of the law. Promotions, placements, transfers, postings and assignments of judicial officials are effected by presidential decree, issued by decision of a supreme judicial council, consisting of the president of the relevant supreme court and members of the same court, selected by lot among those who have served at such court for at least two years, according to the law. The Prosecutor at the Supreme Court and two Deputy Prosecutors at the Supreme Court also take part in the supreme judicial council for civil and criminal justice, selected by lot among those who have served at the Prosecution Service at the Supreme Court for at least two years, according to the law.

The salary of prosecutors is proportionate to their office. Prosecutors may be dismissed only by court judgment, on grounds of criminal conviction or serious disciplinary offence or sickness or disability or inadequacy of service, all certified according to the law.

Actions for mistrial against judicial officials are tried, according to the law, by a special court consisting of the President of the Council of State as Chairman, one member of the Council of State, one Supreme Court judge, one member of the Court of Audit, two ordinary law professors teaching at law schools of the country's universities and two lawyers, members of the Supreme Disciplinary Board of lawyers, as members, selected by lot.

The activity of the prosecution services is not inspected by the Ministry of Justice or any other authority.

The Minister of Justice is not entitled to instruct the relevant prosecutor to initiate criminal proceedings. He is only entitled to instruct the prosecutor at the magistrate court to carry out preliminary inquiries into any offence. In exceptional cases, the Minister of Justice may ask the Prosecutor at the Supreme Court to order investigations and refer a case to court by absolute priority.

The Minister of Justice supervises the administration of justice. The supervisory powers of the Minister of Justice also include the issuance of general informative instructions to prosecutors on the implementation of the legal means established in the context of the EU Council as regards the judicial cooperation of Member States in the fields of prevention and suppression of organised crime, trade and trafficking in drugs, international terrorism, establishment of gangs and criminal organisations for the commission of murder, trafficking in human beings and crimes against children, money laundering using high technology and international economic crime.

The number of permanent prosecutor positions is determined by law.

The State incurs all costs required for the operation of criminal justice.

The Minister of Justice determines judicial premises by decision. To finance cleaning services, maintenance of electric-mechanical equipment and facilities, elevators, IT equipment, office machines, air conditioners, fire safety, guarding and other extraordinary costs relating to the foregoing, as well as the procurement of stationery, consumables for the said machinery or facilities and cleaning items, the Judicial Buildings Financing Fund pays an annual subsidy to courts by decision of its Board of Directors. Such subsidy is intended to meet the foregoing needs of the courts of the relevant Court of Appeal Region by holding uniform tenders on a case-by-case basis. The subsidy is managed by a three-member committee, appointed for two years by the relevant Plenary Session.

The details of the procedure of settlement and payment of the costs relating to the aforesaid needs are determined by joint decision of the Ministers of Finance and of Justice, Transparency and Human Rights. The

same decision also stipulates the method of auditing the management of the annual subsidy paid to the said courts.

The prosecution service does not have its own budget.

SECTION II: Financial rules and regulations of the prosecution services

The law that governs the prosecution service does not comprise any provisions relating to the financial management and the obligation of the executive power to provide the necessary infrastructure.

Prosecution services comprise a Payroll and Financial Management (Accounting) Department, the powers of which include, *inter alia*, planning and monitoring the needs of the service, taking the necessary action to secure funds and managing such funds.

There is no national computer system for the management of the budget, since the prosecution services does not have their own budget.

SECTION III: Resources of the prosecution service

By way of example, these are the funds requested by the Prosecution Service at the Court of Appeal of Athens to cover the foregoing costs and the relevant approved funds: Requested funds: (i) €52,483.73 for 2008, (ii) €53,947.67 for 2009, (iii) €72,672.82 for 2010, and (iv) €41,892.72 for 2011. Approved funds: (i) €45277.85 for 2008, (ii) €44,086.67 for 2009, (iii) €61,378.42 for 2010, and (iv) €33,118.27 for 2011.

The expenditure of the prosecution service for the foregoing needs are covered by the said procedure. The relevant expenditure is affected by the economic crisis.

SECTION IV: Budget for investigations

There is no budget for investigations. As mentioned above, the expenditure required for the operation of criminal justice is paid by the State, which has special agencies to assist the task of the prosecution service. The Ministry of Justice also covers any other costs (e.g. fees of experts, translation costs etc.).

Prosecutors may specialise in a certain type of offences, thereby dealing with such offences in a faster and more effective manner.

Specifically, there are prosecutors for economic crimes. The Prosecution Service at the First Instance Court of Athens, which is largest in the country, comprises a Prosecutor for the Environment, a Prosecutor for Children, Protection of Cultural Property (Antiquities), Family Violence and Protection of Animals.

SECTION V: Description of the system of management by results

The purpose and objective of the prosecution service is to process criminal cases in a correct and prompt manner. The achievement of this objective depends on the court and the lawyers. There is no negotiation system for goal-setting. There are regulations relating to the optimum workload within each prosecution service.

SECTION VI: Follow-up of results and reporting

There is no institutional provision about the assessment of the social impact of prosecutors' activities.

Athens, 17 May 2012

True translation from Greek