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(CCPE)**

**Overview of Councils of Prosecutors
and other bodies dealing with prosecutorial self-governance
in member States of the Council of Europe**

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Introduction

In 2023, the CCPE prepared and adopted its Opinion No. 18 (2023) on Councils of Prosecutors as key bodies of prosecutorial self-governance. This topic was chosen by the CCPE following the development of the CCPE standards on the independence and impartiality of prosecutors and the need to understand the institutional framework required to support these fundamental principles. The CCPE found it necessary to examine the present situation in member States as regards prosecutorial self-governance and to formulate a roadmap for future based on best European practices.

The CCPE noted in particular that Councils of Prosecutors are becoming increasingly widespread in legal systems of individual States.¹ However, systems of justice vary throughout Europe. Different systems are rooted in different legal cultures and there is no uniform model for all member States. This diversity also has an impact on prosecutorial self-governance models, with or without Council of Prosecutors or other bodies dealing with such self-governance.

Moreover, the prosecution services in member States are structured and organised in a wide variety of ways in which Council of Prosecutors or other bodies may play a role to various degrees.²

Having taken into account these differences in member States, the CCPE is of opinion that in any case, what brings these different systems together is the need to provide for the independence and autonomy of the prosecution services in order to secure their impartial and effective functioning and decision making.

Therefore, Opinion No. 18 (2023) of the CCPE strives to analyse relevant issues related to the institutional and operational framework and to set out general principles and recommendations applicable to all member States with the purpose of ameliorating the existing systems and improving prosecutorial self-governance with due regard to different legal cultures and traditions and within the overall framework of reinforcing the independence, efficiency and quality of justice.

At the same time, while Opinion No. 18 (2023) provides general analysis and common recommendations, the present Overview of Councils of Prosecutors and other bodies dealing with prosecutorial self-governance is intended to provide factual information and demonstrate the currently existing institutions and practices in member States.

The present Overview is fully based on the responses of the CCPE members to the questionnaire for the preparation of Opinion No. 18 (2023). The responses show that there is a great diversity among member States in relation to the structure, organisation, composition,

¹ Venice Commission's Report on European Standards as regards the independence of the Judicial System: Part II – The Prosecution Service, 17-18.12.2010, CDL-AD(2010)040 §§ 64-68; see also the Venice Commission's Compilation of Opinions and Reports concerning prosecutors (CDL-PI(2022)023), 26 April 2022. See also the Report of the UN Special Rapporteur on the independence of judges and lawyers (Doc. A/HRC/38/38, 2 May 2018) where it is pointed out that the number of judicial councils, responsible either for judges or both for judges and prosecutors, increased greatly in recent decades, and it is estimated that, to date, over 70 percent of the countries in the world have some form of judicial council.

² Report of the UN Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul (A/HRC/20/19), 7.6.2012, §29.

competence, functions and other aspects of the Councils of Prosecutors or other bodies dealing with prosecutorial self-governance.

Therefore, the Overview may be a useful reference tool for quickly looking at the current situation in member States and identifying which bodies dealing with prosecutorial self-governance exist there, what is their composition and competence and how they function and take decisions.

At the same time, the CCPE wishes to signal certain limitations concerning this Overview. First of all, it is not meant to be any kind of assessment of the situation in member States. It does not contain ratings or rankings of member States' performance and does not constitute a monitoring process or mechanism.

Secondly, the Overview does not claim to be a result of comprehensive and systematic research. For the preparation of the Overview, given the limited time and resources available, statistically representative surveys or similar exercises could not be conducted. The Overview is entirely based on the responses of the CCPE members to the above-mentioned questionnaire.

The CCPE wishes to thank Ms Jana Zezulová (Czech Republic), President of the CCPE (Office of the Prosecutor General of the Czech Republic), and Mr Martin Homola (Czech Republic), public prosecutor (the District Public Prosecutor's Office in Olomouc, Czech Republic), for their extensive work and efforts undertaken in the course of preparing the present Overview.

I. General issues related to Councils of Prosecutors and other bodies dealing with prosecutorial self-governance

Armenia

Name and type of self-governing body: there is no Council of Prosecutors.

However, there are bodies dealing with issues of prosecutorial self-governance, including the Prosecutors' Collegium which is operating with a view to discussing fundamental issues related to the organisation of activities of the Prosecutor's Office and determining the directions of exercising its powers. There is also the Ethics Commission (a body dealing with disciplinary proceedings, i.e. deciding on the existence of a disciplinary violation, prosecutor's guilt and, in a case if a relevant motion is filed by the Prosecutor General, on the possibility of imposing a disciplinary penalty of "dismissal") and the Qualification Commission within the Prosecutor General's Office, dealing with issues of the recruitment, appointment, promotion and competency evaluation of prosecutors. In some cases, the positive conclusion of the Qualification Commission is a necessary condition for being appointed to the given position.

Legal basis: Law on Prosecutor's Office.

Scope: the Prosecutor's Collegium and the commissions only deal with prosecutors.

Austria

Name and type of self-governing body: there is no Council of Prosecutors.

However, there are bodies dealing with issues of prosecutorial self-governance, including permanent special commissions ("Personalkommissionen") at the level of the Prosecution Offices at the Courts of Appeal and the Prosecutor General's Office, which assess all applicants, rank them according to their qualification and submit a proposal for appointment to the Federal Ministry of Justice. Commissions are also competent for the evaluation of prosecutors.

Legal basis: Law on Judges and Public Prosecutors Service.

Discussion: establishing a Council of Prosecutors is not currently discussed.

However, there is an ongoing discussion and serious political attempt to remove from the Ministry of Justice the power to supervise prosecutors in operational terms (presumably as regards the Prosecutor General's Office) and to give more competence to the prosecution offices to manage budgetary affairs.

Azerbaijan

Name and type of the self-governing body: there is no Council of Prosecutors.

However, there are bodies dealing with issues of prosecutorial self-governance, including the Collegium of the Prosecutor General's Office which is an advisory body led by the Prosecutor General.

Legal basis: the composition of the Collegium of the Prosecutor General's Office is approved in accordance with the Constitution of the Republic of Azerbaijan. It operates in accordance with the Law on Prosecutor's Office.

Belgium

Name and type of self-governing body: there are bodies dealing with management autonomy with decision-making power: the College of Public Prosecutors (with the support service common to the College of Public Prosecution and the College of Prosecutors General) and the management committees of judicial entities.

There are also self-governing bodies with consultative power: the Council of King's Prosecutors, the Council of Labour Auditors and the Council of Chief Secretaries.

Associations: there are professional associations which deal with the self-governance of the public prosecutor's office: *Conseil consultatif de la magistrature, Union Professionnelle de la Magistrature, Association Syndicale des Magistrats, Magistratuur en Maatschappij, Nationaal verbond van magistraten van eerste aanleg.*

Establishment: the College of Public Prosecutors was created in 2014 by the legislation on the introduction of autonomy in the judiciary. The amendments in 2022 introduced some changes concerning in particular the duration of the mandate of the members of the College of Public Prosecutors, representatives of the Council of King's Prosecutors and the Council of Labour Auditors within the College of Public Prosecutors, the replacement of these representatives in the event of absence or incapacity, etc. The management committees were introduced in 2014. The Council of King's Prosecutors was established in 1998 by legislation, and in 2014 and 2021, changes were made concerning its composition. The Council of Labour Auditors was created in 2004 through legislation on vertical integration of the public prosecutor's office. In 2014 and 2021, changes were made concerning the composition of the Council of Labour Auditors.

Legal basis: the establishment, composition and operation of the College of Prosecutors General, the College of Public Prosecutors, the Council of King's Prosecutors, the Council of Labour Auditors and the management committees are provided for by the laws concerned. The operating procedures are provided for by the internal regulations of the College of Prosecutors General, the College of Public Prosecutors, the Council of King's Prosecutors and the Council of Labour Auditors.

Resources: the College of Public Prosecutors is assisted by the Support Service under the authority of the President of the College of Public Prosecutors; the Support Service is responsible for supporting the College of Public Prosecutors and the College of Prosecutors General in the areas defined. The Support Service also supports the Council of the King's Prosecutors and the Council of Labour Auditors. The College of Public Prosecutors and the Support Service have their own staffing plan and operating budget.

Bosnia and Herzegovina

Name and type of the self-governing body: the High Judicial and Prosecutorial Council has self-governance powers and has exclusive responsibility for the recruitment of prosecutors and judges, their promotion, transfer, evaluation, discipline and a code of ethics for both of them.

Date of establishment: the High Judicial and Prosecutorial Council was founded in 2004.

Legal basis: the law on the High Judicial and Prosecutorial Council.

Scope: the High Judicial and Prosecutorial Council deals with prosecutors and judges.

Resources: the annual budget of the High Judicial and Prosecutorial Council is decided by the parliament of Bosnia and Herzegovina, but is self-administrated by it, with the assistance of its secretariat. The budget is complemented by some international donations. A Secretariat is attached to the High Judicial and Prosecutorial Council; it is responsible for all financial matters, the budget, documentary and statistics of the High Judicial and Prosecutorial Council as well as all kind of assistance to the members of the High Judicial and Prosecutorial Council and their activities. The Director and the Deputy Director of the Secretariat have the right to attend all meetings of the High Judicial and Prosecutorial Council as non-voting participants and to express their opinion.

Bulgaria

Name and type of the self-governing body: the Supreme Judicial Council has self-governance powers and implements its powers through the Plenum, the Judges Chamber and a Prosecutors Chamber.

Professional associations: the Association of Prosecutors is a voluntary professional organisation for prosecutors whose declared purpose is to defend and promote the professional rights of the prosecutors incl. their independence.

Date of establishment: the Supreme Judicial Council was introduced in 1991 by the Constitution; the division of the Judges Chamber and a Prosecutors Chamber was introduced in 2015.

Legal basis: the primary regulation is the Constitution of 1991; the detailed regulation is in the Judiciary System Act;

Scope: the Plenum of the Supreme Judicial Council is vested with the general managerial and budgetary powers concerning both judges and prosecutors; the Judges Chamber and the Prosecutors Chamber implement the powers, separately and in line with the professional specialisation thereof, with regard to judges, prosecutors and investigating magistrates.

Czech Republic

Name and type of the self-governing body: there is no Council of Prosecutors.

However, there are bodies dealing with issues of prosecutorial self-governance. Self-governance in the judiciary is exercised by judicial Councils at courts. Councils are primarily an advisory body. An important issue is the participation in drawing up the work schedule, which is drawn up for each year.

Professional association: the Union of Public Prosecutors of the Czech Republic is a voluntary, professional, and non-political association of public prosecutors and prosecutor trainees. Its aim is to assist in completing tasks of the public prosecution service, to promote the independent and impartial position of a public prosecutor and to contribute to the professional education and development of prosecutors, prosecutor trainees and legal assistants. It also seeks the gradual introduction and strengthening of the self-governing

elements in the administration of the public prosecution. The Public Prosecutor's Office Act imposes co-operation of the prosecutor's office administration bodies with voluntary organisations of prosecutors, which can take the form of comments on some issues, such as draft laws concerning the competence of the procuracy, organisational issues or the status of prosecutors. The Union of Public Prosecutors therefore displays signs of self-government.

Discussion: there is an ongoing discussion on the reform of the administration of justice in the Czech Republic. Proposals concerns the establishment of a Supreme Council of the Judiciary, which is called for by the Czech Judicial Union and the Czech branch of Transparency International. There are also efforts to strengthen the judicial councils in each court. The establishment of a Supreme Council of the Judiciary would precede the possible establishment of councils of prosecutors. The creation of councils of prosecutorial should go hand in hand with the establishment of judicial councils.

France

Name and type of the self-governing body: the High Council of the Judiciary (*Conseil supérieur de la magistrature*) is a body with consultative self-governance powers. It is composed of two sections: one for judges and one for prosecutors.

Professional associations: the National Conference of Prosecutors (la *Conférence nationale des Procureurs de la République*) is the representative body of public prosecutors and deals with opinions and analysis on any subject concerning the Public Prosecutor's Office. It has no mandate to interfere in the functioning of the Public Prosecutor's Office. It was established informally in 2002 and then as an association in 2006. All public prosecutors, i.e. the heads of the 166 first instance prosecutors' offices, are *ex officio* members.

Date of establishment and legal basis: the High Council of the Judiciary was established by the Constitution of 1958. Since amendments introduced in the Constitution in 2008, the Chairperson of the High Council of the Judiciary cannot be the President of the Republic, and the Minister of Justice cannot be Vice-President.

Scope: the High Council of the Judiciary deals with judges and public prosecutors.

Discussions: the National Conference of Prosecutors considers it a key question for the independence of the judicial power and in particular of the Public Prosecutor's Office. It calls for the reform of the status, which would recognise the specificities of judges and public prosecutors but would also guarantee a fully judicial prosecution, in order guarantee the full independence of the judiciary.

Georgia

Name and type of the self-governing body: there is the Prosecutorial Council with decisive and consultative self-governance powers and the Conference of Prosecutors dealing with appointment of the Public Prosecutor Office's officials.

There are also special councils and commissions: the Career Management, Ethics and Incentives Council (powers regarding the promotion, evaluation and discipline of prosecutors); Strategic Development and Criminal Justice Policy Council, Grading Council (powers regarding the matters of assigning grades to prosecutors) and Internship commission (in charge of selection and recruitment of new prosecutors).

Date of establishment: the Prosecutorial Council and the Conference of Prosecutors were established in 2015 by the amendments to the Law on Prosecution Service. The 2018 Prosecution Service reform strengthened the status of the Prosecutorial Council and provided additional guarantees to its independence by enshrining it in the Constitution. This reform has separated the Prosecution Service from the Ministry of Justice and established it as a distinct branch of power outside of any institution, also the ex-officio membership of the Minister of Justice was abolished;

The Career Management, Ethics and Incentives Council is operational since April 2019, the Strategic Development and Criminal Justice Policy Council since March 2020, the Grading Council since December 2020, and the Internship Commission since January 2022.

Legal basis: the status and mandate of the Prosecutorial Council is defined in the Constitution of Georgia and the Law on Prosecution Service and the Charter of the Prosecutorial Council provides for the rules and procedures of its operation.

The status and mandate of the Conference of Prosecutors is defined by the Law on Prosecution Service and the rules and procedures of its operation are found in the Charter of the Conference of Prosecutors.

The status and mandate of the Career Management, Ethics and Incentives Council and the Strategic Development and Criminal Justice Policy Council are defined by the Law on Prosecution Service. The by-laws issued by the General Prosecutor define the rules and procedures regarding the operation of the councils and the Commission.

Scope: the Prosecutorial Council and other collegial bodies of the Public Prosecutor's Office are dealing with prosecutors and the Public Prosecutor's Office with investigators.

Resources: The Public Prosecutor's Office provides the sufficient funding and premises to all prosecutorial collegial bodies.

Hungary

Name and type of the self-governing body: there is no Council of Prosecutors.

However, there are bodies dealing with issues of prosecutorial self-governance, including the prosecutors' councils operating at the Prosecutor General's Office, appellate chief prosecution offices, and at the chief prosecution offices (last mentioned have their competences also extending to the subordinated district prosecution offices). These councils give, *inter alia*, opinions regarding the appointment, promotion and dismissal of prosecutors.

Councils of prosecution employees ("employee councils") operate at the Prosecutor General's Office, at the appellate chief prosecution offices, at the chief prosecution offices and at the National Institute of Criminology. The National Council of Prosecution Employees consists of delegates of these employee councils. These councils give opinions on draft legal texts concerning measures with an impact on prosecutorial employees.

Professional associations: the National Association of Prosecutors is a professional volunteer organisation of prosecutors, which represents and protects the interests of its members, facilitates their professional, scientific, training, social, cultural and leisure activities. The National Trade Union of Prosecution Employees protects prosecution employees' interests, represents its members against employers in certain cases, issues opinion on

measures affecting a larger group of employees before a decision is made on them. The Pro Iustitia Association represents the interests of its members – trainee and junior prosecutors, and prosecution employees doing more complex administrative work, facilitates professional and scientific training, and organises community programmes.

Date of establishment: Act LXXX of 1994 on the Employment Relations and Data Processing in the Prosecutions Service, which regulated the prosecutors' councils and employee councils in the way as they function currently entered into force in 1995. The Legal Status Act, which entered into force in 2012, introduced changes on the composition of prosecutors' councils and employee councils.

Legal basis: The Legal Status Act and the Labour Code serve as a background legislation. They contain provisions relevant for prosecutors' councils and employee councils. The functioning of prosecutors' council and employee councils is dealt with by internal rules. The general provisions of the Labour Code are applicable for the National Trade Union of Prosecution Employees.

Scope: Prosecutors' Councils are established only for prosecutors. Employee councils are dedicated to prosecutors and prosecution employees who are not prosecutors (e.g. non-prosecutor administrative staff).

Resources: under the Labour Code, the costs of elections and the functioning of the prosecutors' council and the employee council are borne by the employer. Members of the councils are entitled to a working time reduction for the time necessary for their activities, for which they receive a salary.

Italy

Name and type of the self-governing body: the High Council of the Judiciary is a self-governing body with real powers for all Italian judges and prosecutors. In the Italian judicial system, both these professional categories belong to the judiciary.

Professional associations: National Association of Judges and Prosecutors.

Date of establishment and legal basis: the High Council of the Judiciary has been established by the Italian Constitution of 1948. Its functioning is governed by a law of 1958 which was followed by other legislation, all aimed at strengthening the capacity of the High Council of the Judiciary to ensure the independence of courts and prosecution offices, as well as of individual judges and prosecutors.

Scope: the High Council of the Judiciary is responsible for both judges and prosecutors.

Resources: the High Council of the Judiciary functions according to its mandate as the self-governing body of the whole judiciary, and as such is provided with significant **resources** (financial, human, technological and material). It is also independent in terms of administration and management.

Latvia

Name and type of the self-governing body: there is no Council of Prosecutors.

However, there are bodies dealing with issues of prosecutorial self-governance, including the Council of the Prosecutor General (develops and adopts the Code of Ethics and the by-laws), Attestation Commission and the Qualification Commission (consultative commissions of the General Prosecutor).

There is also the Council of Justice, which is the self-governing institution of the judiciary with an important role in matters affecting the judicial system. The Council of Justice plays a decisive role in evaluating and appointing a candidate for the post of Prosecutor General for approval.

Date of establishment: the Council of the Prosecutor General, the Attestation Commission and the Qualification Commission were introduced in 1994. The Council of Justice was established in 2010.

Legal basis: the status of the Council of the Prosecutor General is determined by law and its activity is regulated by the Office of the Prosecutor Law;

As regards the Attestation Commission and the Qualification Commission, their status is the determined by the Law on the Office of the Prosecutor, but the activity is regulated by the By-law of the Attestation Commission and the By-law of the Qualification Commission.

As regards the Council of Justice, its functions are defined in the Law on Judicial Power.

Scope: The bodies dealing with prosecutorial self-governance are only for prosecutors; the Council of Justice is for the entire judicial system.

Lithuania

Name and type of the self-governing body: there is no Council of Prosecutors.

However, there are some elements of self-governance in the management of the prosecutor's service (the evaluation of the work of prosecutors, the investigation of breaches of the Code of Ethics of Prosecutors, and the selection of prosecutors) carried out by commissions set up by the Prosecutor General: the Prosecutors' Evaluation Commission, the Selection Commission, the Prosecutors' Ethics Commission.

The Selection Commission sets the list of candidates from which Prosecutor General appoint a person. The Prosecutors' Ethics Commission decides, if there was a violation of the law, an official misconduct, an act demeaning to the prosecutor's name or any other violation of the Code of Ethics of Prosecutors committed by a prosecutor; only if there was such disciplinary act, the Prosecutor General may impose a disciplinary sanction on a prosecutor.

Professional associations: There are several regional associations of prosecutors in Lithuania, but they do not participate in the management of the prosecution service. The Prosecutor's Office also has two trade unions representing the interests of prosecutors, as well as a Labour Council, which actively defend the interests of prosecutors and seek to participate in the management of the prosecution service.

Discussion: There are ongoing discussions on the prerequisites for the establishment of a self-governing body, the possible functions, the structure and the legal status of this institution – e. g. the Public Prosecutor's Office is considering the transformation of its current advisory body, the Collegium of Public Prosecution Service, into a Collegium of Public Prosecutors,

representing prosecutors, with a majority of elected members, which would deal with fundamental issues relating to the work of the Public Prosecutor's Office.

Republic of Moldova

Name and type of the self-governing body: there are self-governance bodies with decisive and advisory role, namely the Superior Council of Prosecutors, General Assembly of Prosecutors and the boards subordinated to the Superior Council of Prosecutors (College for the Selection and Career of Prosecutors; College for the Evaluation of Prosecutors' Performance; the Discipline and Ethics College).

As regards the Superior Council of Prosecutors, it is an independent body, which ensures the appointment, promotion, transfer and disciplinary responsibility of prosecutors with a decisive/advisory role. As regards the College for the Selection and Career of Prosecutors and College for the Evaluation of Prosecutors' Performance, they take part in the competitions for the selection of candidates for prosecutors, with an advisory role. The Discipline and Ethics College examines disciplinary proceedings.

Professional associations: Association of Prosecutors of the Republic of Moldova; Association of Prosecutors for Order and Justice; Association of Women Prosecutors.

Date of establishment: the Superior Council of Prosecutors was introduced in 2009 by the Law on the Prosecutor's Office. In 2016, its composition was changed by a new Law on the Prosecutor's Office. From 2019 to 2022 its composition was changed three times by successive laws.

Legal basis: the functioning of the Superior Council of Prosecutors is provided for by the Constitution and by the Law on the Prosecutor's Office. There is also an Internal Regulation stipulating the activity of the Superior Council of Prosecutors.

Scope: the Superior Council of Prosecutors ensures a self-administration only for the prosecution system.

Resources: the Superior Council of Prosecutors is assisted by an administration that includes civil servants and technical staff. It has a separate budget, allocated from the state budget. Its headquarters are separate from the prosecutor's office and has the necessary logistics to carry out its activities.

Montenegro

Name and type of the self-governing body: there is a Council of Prosecutors with real self-governance powers, which is the Prosecutorial Council.

Date of establishment and legal basis: the Prosecutorial Council was introduced by the Constitution of Montenegro which was adopted in 2007; amendment from 2013 further elaborated position and competencies of the Prosecutorial Council and its functioning. The Prosecutorial Council is further elaborated by the Law on State Prosecution and other regulations.

Scope: the Prosecutorial Council only deals with prosecutorial self-governance.

Resources: the Secretariat of Prosecutorial Council as administrative support is provided with the necessary resources to allow the Prosecutorial Council to perform its competencies properly.

Netherlands

Name and type of the self-governing body: there is no Council of Prosecutors.

However, there are bodies dealing with issues of prosecutorial self-governance, including the Board of Prosecutors General deals with prosecutorial self-governance. It is concerned with general policy on investigation and prosecution and also has powers in disciplinary proceedings.

Date of establishment: the Board of Prosecutors General in its current form was introduced in 1998.

Legal basis: the Board of Prosecutors General is established by the Judicial Organization Act. This Act specifies the composition of the Board of Prosecutors-General's members, their tasks (in general), how they vote, the instructions they can give and the relationship with the Minister of Justice and Security.

Scope: the Board of Prosecutors General deals only with prosecutors.

Resources: sufficient resources are made available.

North Macedonia

Name and type of the self-governing body: there is a Council of Public Prosecutors as a self-standing body that secures and guarantees the independence of public prosecutors in the performance of their functions.

The Disciplinary Commissions are ad-hoc entities set up when a disciplinary procedure is initiated against a public prosecutor, on a proposal of the General Public Prosecutor or the Chief Higher Public Prosecutor.

Professional associations: there is an Association of Public Prosecutors of which all public prosecutors can become members, on a volunteer basis. The Association mostly deals with the organisation of training, seminars and conferences for public prosecutors. It has close connections and collaborates with the Academy for judges and public prosecutors regarding organisation of mutual and multidisciplinary trainings with participants and educators with relevant profiles.

The Association of Public Prosecutors appoints prosecutors that become members of the Commission for entrance exam and the Commission for final exam in the Academy for judges and public prosecutors, and in that sense plays a part in the exams of the Academy. The Association of Public Prosecutors appoints a prosecutor as a member of the Management department of the Academy for judges and public prosecutors.

Date of establishment: the Council was introduced in 2004 by the new Law on Public prosecutor Office. In 2007 the special Law on the Council of Public Prosecutors was enacted.

Legal basis: the position and the status of the Council is regulated by the Constitution, the Law on Public Prosecutor's Office and the Law on Council of Public Prosecutors. The functioning of the Council is additionally regulated with others internal regulations and rulebooks.

Scope: the Council deals with only prosecutors and is a separate body from the Judicial Council.

Resources: the Council of public prosecutors has its own human, financial, technical and office capacities, but would need additional resources to fulfil its important role for the work of all public prosecution offices.

Portugal

Name and type of the self-governing body: the High Council for the Public Prosecution Service is the superior management and disciplinary body through which the disciplinary and managerial powers of the Portuguese Public Prosecutor's Office are exercised.

Professional association: the Trade Union of Public Prosecutors devotes its activity to matters relating to the Public Prosecutor's Office and the status and career of public prosecutors.

Date of establishment: the High Council for the Public Prosecution Service was first established in 1976 following the adoption of the new Constitution, through Decree-Law 917/76. The Statute of the Public Prosecution Service was approved by Law 60/98 (later amended by the Acts). The current Law concerning the Statute of the Public Prosecutor's Office is from 2019.

Legal basis: the High Council for the Public Prosecution Service is laid down in the Constitution. The regulation and operation of the High Council for the Public Prosecution Service is stipulated in the Law 68/2019 on the Statute of the Public Prosecution Service.

Scope: the High Council for the Public Prosecution Service deals with only prosecutors.

Resources: the number of members of the High Council for the Public Prosecution Service is set out in law. It has an administrative section but does not have its own financial resources. It is doubtful whether the current human and financial resources are sufficient.

Romania

Name and type of the self-governing body: the Superior Council of Magistracy guarantees the independence of justice. It has a Plenum and two Sections, namely the judicial section and the prosecutorial section.

The Plenum of the Superior Council of Magistracy defends the independence of the judicial authority as a whole. It exercises the powers connected to the entrance examination to the judiciary (judges and prosecutors), and with regard to the training of judges and prosecutors. The Plenum also adopts the Code of Ethics as well as other regulations and decisions provided for by law.

The sections have powers regarding the career of judges and prosecutors (e. g. they propose to the President the appointment and dismissal of judges and prosecutors) and act as a court of law with regard to the disciplinary liability of judges and prosecutors.

Date of establishment: the Superior Council of Magistracy was set up in 2004 by Law No. 317/2004. In 2018, amendments to Law No. 317/2004 transferred a number of attributions of the Plenum to the sections, with the aim of ensuring the separation of decision making regarding the careers of judges and prosecutors. In 2022, a new Law on the Superior Council of Magistracy, entered into force.

Legal basis: the role, structure and attributions of the Superior Council of Magistracy are laid down in the Constitution. Law No. 305/2022 on the Superior Council of Magistracy, as well as the Regulation of the Superior Council of Magistracy (approved by decision of the Plenum) provide further detail.

Scope: the Superior Council of Magistracy deal with both judges and prosecutors. There are two separate sections, one for judges and the other for prosecutors.

Resources: the Superior Council of Magistracy has legal personality and has its own administrative and technical staff. The budget of the Superior Council of Magistracy is provided from the State budget.

Serbia

Name and type of the self-governing body: the State Council of Prosecutors is an independent body that ensures and guarantees the independence of public prosecutors and deputy public prosecutors in accordance with the Constitution.

Legal basis: the establishment of the State Council of Prosecutors is prescribed by the Constitution of the Republic of Serbia.

Scope: the State Council of Prosecutors is completely separate and was established only for public prosecutors.

Resources: an administrative office is established to perform professional, administrative and other tasks within the State Council of Prosecutors.

Slovak Republic

Name and type of the self-governing body: there is no Council of Prosecutors.

However, there are bodies dealing with issues of prosecutorial self-governance, including the Assembly of Prosecutors of the Prosecutor General's Office and the Prosecutor General's Council. There are also the Assembly of Prosecutors of the Regional Prosecutor's Office and the Regional Prosecutor's Council.

Date of establishment and legal basis: the self-governance bodies (see above) were established in 2001 by the Act on Prosecutors and Legal Trainees.

Scope: the self-governance bodies (see above) are dedicated to prosecutors.

Resources: the law imposes an obligation on the head of the service office and on the chief prosecutors to create adequate conditions for the self-governance bodies of the prosecutors to carry out their tasks, in particular to provide them with the necessary information in matters in which a statement or opinion is requested from the self-governance bodies.

Slovenia

Name and type of the self-governing body: the State Prosecutorial Council is an autonomous state body that performs the tasks of state prosecution self-governance and administrative tasks as determined by law, and participates to ensuring the uniformity of prosecution and safeguarding the autonomy of state prosecutors. It is responsible for the appointment and dismissal of the heads of district state prosecutors' offices, evaluation of work and promotion, transfers, secondments and participation in the appointment procedure of state prosecutors, the provision of opinions on prosecution policy, assessment of effectiveness and efficiency of state prosecutors' offices, safeguarding autonomy in the performance of the state prosecution service, and the performance of other matters in accordance with the law.

Professional associations: the Association of State Prosecutors is a professional association whose members are state prosecutors and other university-graduated lawyers with state law exams employed by the State Prosecutor's Office. The association does not have any legal powers in the area of state prosecution self-governance.

Date of establishment: the State Prosecutorial Council was established in 2003 by the act amending the State Prosecution Service Act of 1994. The State Prosecution Service Act determined the composition of the Personnel Commission, whose activities and powers were the beginnings of the current State Prosecutorial Council. In 2003, the State Prosecution Service Act was amended by law, and the Personnel Commission was transformed into the State Prosecutorial Council. The State Prosecution Service Act, adopted in 2011, redefined the composition, competences and functioning of the State Prosecutorial Council.

Legal basis: the position and competences of the State Prosecutorial Council are determined by law (State Prosecution Service Act), and its functioning is regulated by the Rules of Procedure, adopted by the State Prosecutorial Council.

Scope: the State Prosecutorial Council is only for prosecutors.

Resources: the State Prosecutorial Council has faced difficulties in recent years to complete the staffing of the expert service and to secure sufficient financial resources. The available financial resources mostly enable the State Prosecutorial Council to cover regular obligations, but not any additional activities. Obtaining an equal amount of attendance fees for its members with the attendance fees for members of the Judicial Council of the Republic of Slovenia has been an issue.

Türkiye

Name and type of the self-governing body: the Council of Judges and Prosecutors deals with the self-governance of judges and prosecutors. As regards prosecutors, it is responsible for matters of personnel related to the status of prosecutors such as appointment, promotion, and discipline issues.

Date of establishment: in 1971, the Council of Prosecutors was included within the framework of Constitution. This body was established in order to organise personnel matters connected

with prosecutors. With the Constitution of 1982, the Council of Judges and the Council of Prosecutors were merged under the name of Council of Judges and Prosecutors. Following constitutional amendments in 2010, the Council of Judges and Prosecutors was reorganised and, in 2017, the structure of the Council of Judges and Prosecutors was modified: the composition of its members was amended in number and structure.

Legal basis: the Council of Judges and Prosecutors is regulated by Law No. 6087 on the Council of Judges and Prosecutors, limited to the Constitution and the matters stipulated by the Constitution.

Scope: the Council of Judges and Prosecutors deals with judges and prosecutors.

Resources: the Council of Judges and Prosecutors has its own budget and personnel resources, and these are allocated by the Parliament within the framework of its own Law and the Budgetary Law.

Ukraine

Name and type of the self-governing body: the existing bodies which have self-governance powers are the following: the Council of Prosecutors (high body of prosecutorial self-governance) and the All-Ukrainian Conference of Prosecutors (highest body of prosecutorial self-governance).

Date of establishment: the prosecutorial self-governance bodies of Ukraine began to function in 2017.

Legal basis: the status of bodies of prosecutorial self-governance is enshrined exclusively in the Law on the Public Prosecution Service, and the procedure for its functioning is determined by the provisions and regulations adopted by these bodies.

Scope: the functions of prosecutorial self-governance bodies apply exclusively to prosecutors.

Resources: the work of the prosecutorial self-governance bodies is ensured by the Prosecutor General's Office from the state budget.

II. Composition of Councils of Prosecutors and other bodies dealing with prosecutorial self-governance

Armenia

Composition: the Prosecutors' Collegium is composed of the Prosecutor General, Deputy Prosecutors General, heads of structural divisions within the Prosecutor General's office and the Prosecutor of the city of Yerevan.

The Ethics Commission is composed of 7 members: (1 Deputy Prosecutor General, 3 academic lawyers and 3 prosecutors).

The Qualification Commission is composed of 9 members (1 Deputy Prosecutor General, 4 prosecutors and 4 academic lawyers) and of 11 members in the case of an open competition held to fill the list of candidates for prosecutors performing functions provided by the Law of the Republic of Armenia "On Confiscation of Illicit Assets" (in addition to the mentioned members. there are also 2 experts who should have at least three years of experience in scientific or practical work in the field of illicit asset recovery or investigation of corruption crimes).

Election/appointment: as regards the Prosecutors' Collegium, its members are *ex officio* members.

The Ethics Commission includes 1 Deputy Prosecutor General, 3 academic lawyers appointed by the Prosecutor General and 3 prosecutorial members elected by majority of votes by the Prosecutor General, Deputy Prosecutors General, who are not members of the Ethics Commission, heads of structural divisions of the Prosecutor General's office, Prosecutor of the city of Yerevan, prosecutors of regions, prosecutors of administrative districts of the city of Yerevan and military prosecutors of garrisons.

The Qualification Commission includes 1 Deputy Prosecutor General, 4 prosecutors and 4 academic lawyers appointed by the Prosecutor General, and in the case of an open competition for the vacancies of prosecutors performing functions aimed at the confiscation of illicit assets, also two experts appointed by the Prosecutor General.

Term of office: the members of the Commissions are appointed for a term of 3 years, except in the case of an open competition for the vacancies of prosecutors performing functions aimed at the confiscation of illicit assets, when the above-mentioned 2 experts of the Qualification Commission, who are appointed for a term of 1 year.

Chairmanship: the Prosecutors' Collegium is headed by the Prosecutor General; the Commissions are headed by the Deputy Prosecutor Generals.

Austria

Composition: special commissions at the level of the Prosecution Offices at the Courts of Appeal and the Procurator General's Office are composed of 4 active prosecutors.

Election/appointment: 1 of the members of the Commission is seconded by the Public Service Union, 1 is seconded by a committee elected by prosecutors and 2 are *ex-officio* members.

Requirements for representation: the composition of the commissions ensures a representation of different levels of the prosecution system.

Azerbaijan

Composition: the Collegium of the Prosecutor General's Office is composed of the Prosecutor General, Deputy Prosecutors General and other senior staff members of the Prosecutor General's Office (members *ex officio*).

Election/appointment: all members are ex-officio members.

Belgium

Composition: the College of Public Prosecutors is composed of 12 members including 5 members who are public prosecutors of the courts of appeal, federal public prosecutor, 3 members of the Council of King's Prosecutors, 1 member of the Council of Labour Auditors and 2 members of the Council of Chief Secretaries. 10 of the 12 members are public prosecutors (or auditors). The director of the support service is a member in an advisory capacity.

The Council of King's Prosecutors is made up of 16 members (14 national public prosecutors, the deputy public prosecutor for Brussels and the public prosecutor for road safety). All members are public prosecutors.

The Council of Labour Auditors is made up of 10 members (9 national labour auditors, the deputy labour auditor in Brussels). All members are auditors.

The Management Committee of the Prosecutor General's Office is made up of 4 members (Prosecutor General, First Advocate General of the court of appeal, First Advocate General of the labour court and the Chief Secretary). 3 of 4 members are public prosecutors. The Management Committee of the Federal Prosecutor's Office is made up of 4 members (federal prosecutor, 2 federal magistrates: 1 for each language, and the Chief Secretary). 3 of 4 members are prosecutors. The Management Committee of the Road Safety Prosecution Service is made up of 4 members (Road Safety Prosecutor, 2 Deputy Road Safety Prosecutors and a Chief Secretary), 3 of whom are prosecutors. The Management Committee of the office of the King's prosecutor is made up of the King's prosecutor, the divisional prosecutors and the Chief Secretary. Of all members, 1 is not a prosecutor. The Management Committee of the Labour Auditor's Office is made up of the labour auditor, the divisional auditors and the Chief Secretary. Of all members, only 1 is not a prosecutor.

Election/appointment: as regards the College of Public Prosecutors, 5 public prosecutors at the courts of appeal and the federal public prosecutor are *ex officio* members, the other members are elected by the Council of King's Prosecutors, the Council of Labour Auditors and the Council of Chief Secretaries.

The members of the Council of King's Prosecutors and the Council of Labour Auditors are elected by secret ballot from among their members. The elected member must be a candidate who has obtained the highest number of votes and who fulfils the required conditions. In the event of a tie, the youngest member is elected. Once the first member of the Council of Labour Auditors has been elected, his/her linguistic affiliation determines the linguistic affiliation of 3 representatives of the Council of King's Prosecutors - 1 of them must have the same linguistic

affiliation as the representative of the Council of Labour Auditors and the others must have the other linguistic affiliation.

Within the Council of King's Prosecutors, there is no procedure for the election or appointment of members, no procedure for the dismissal of members and no grounds for the early termination or dismissal of members. All members of the Council of King's Prosecutors are *ex officio* members.

Within the Labour Auditors' Council, there is no procedure for the election or appointment of members, no procedure for the dismissal of members and no grounds for the early termination or dismissal of members. All members are *ex officio* members.

There is no procedure for electing or appointing members of the Executive Committees, nor is there a procedure for removing members from office or grounds for early termination or removal of members. All members are *ex officio* members.

Term of office: as regards the College of Public Prosecutors, 5 Prosecutors General of the Courts of Appeal and the Federal Public Prosecutor have a term of office of 5 years; the other members have a term of office of 3 years, which may be renewed; if a member of the Council of Labour Auditors/Council of King's Prosecutors loses his/her status as a magistrate or head of corps or if a member of the Council of Chief Secretaries loses his/her status as Chief Secretary during the term of office, he/she is replaced by a successor from a list drawn up in accordance with the procedures laid down by the King; within the College of Public Prosecutors, there is no procedure for dismissing members and no grounds for early termination of the term of office or dismissal of members.

As regards the Council of King's Prosecutors, the members of the Council are appointed for the duration of their term of office as head of the corps (5 years).

As regards the Council of Labour Auditors, the members of the Council are appointed for the duration of their term of office as head of the corps (5 years).

As regards the Management Committee, its members are appointed for the duration of the term of office of the head of the corps (5 years) or of their appointment (in the case of magistrates/members without a term of office).

(In)compatibility and avoidance of conflicts of interest: there are none.

Representation requirements; the College of Public Prosecutors includes all bodies of the Public Prosecutor's Office, the public prosecutors' offices of the courts of appeal (jurisdictional level), the Federal Public Prosecutor's Office (federal level), the public prosecutors' offices of first instance (district level) and the labour auditor's offices (district level). There are also language requirements (French-speakers and Dutch-speakers must be represented in certain cases).

Chairmanship: the College of Public Prosecutors is chaired by the President of the College of Prosecutors General. The chairmanship rotates each year between the Prosecutors General of different Courts of Appeal. There is no election, appointment or revocation procedure.

As regards the Council of King's Prosecutors, its chairperson and vice-chairperson are appointed from among the members of the Council for a one-year term. The vice-chairperson must have different linguistic affiliations. There is no election, appointment or revocation procedure.

As regards the Labour Auditors' Council, its chairperson and vice-chairperson are appointed among the members of the Labour Auditors' Council for a one-year term of office. The vice-chairperson must have different linguistic affiliations. There is no election, appointment or revocation procedure.

In the Management Committee, each committee is chaired by the head of the corps. There is no election, appointment or revocation procedure.

Bosnia and Herzegovina

Composition: the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is composed of 15 members (6 judges, 6 prosecutors, 1 member of the bar association, 1 member of the House of Representatives of Bosnia and Herzegovina and 1 member who is not member of a governmental or judicial body).

Election/appointment: the first 14 members are elected through separate formal elections by their colleagues (prosecutors, judges or attorneys) in their respective institutions, but the last one is proposed by the Ministry of Justice and must be elected by the Council of Ministers of Bosnia and Herzegovina.

Term of office: the members are elected for 4 years and could be re-elected one time only. All members of the High Judicial and Prosecutorial Council could be dismissed in case of not acting under the law upon a proposal by a Disciplinary Panel or by one-third of the members of the High Judicial and Prosecutorial Council and by a final decision of a three-thirds majority of the High Judicial and Prosecutorial Council.

(In)compatibility and prevention of conflict of interest: all members of the High Judicial and Prosecutorial Council must be entitled to leave of absence from their official positions in order to perform their duties in the High Judicial and Prosecutorial Council.

Requirements for representation: the composition of the High Judicial and Prosecutorial Council includes judicial and non-judicial members. Furthermore, it reflects the composition of the people of Bosnia and Herzegovina – there must be 6 Bosnians, 5 Serbs, 1 Croat and 1 of member from “other nations” represented. The gender issue must be balanced as well.

Chairmanship: the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is chaired by President and Vice-President.

Bulgaria

Composition: the Supreme Judicial Council is composed of 22 members. The Prosecutors Chamber is composed of 11 members (General Prosecutor *ex officio*, 4 prosecutorial members, 1 investigating magistrate, 5 other members).

Election/appointment: as regards 4 prosecutorial members and 1 member elected among the investigating magistrates of the Prosecutors Chamber, they are elected through direct voting by the general assembly of each profession. The general assemblies must meet on two consecutive Saturdays (on the first Saturday, the general assembly must elect an election commission and voting sections and must hear the candidates) and they must be convened by the Prosecutor General in the period according to the law. The assemblies must be public and must be streamed live on the website of the Supreme Judicial Council. The quorum is

more than one-half of the prosecutors or investigating magistrates (in adjourned election, there is no quorum). The election must be considered valid if more than one-half of the prosecutors or investigating magistrates have voted (33 % in adjourned election). The candidates who have gained more than one-half of the valid votes must be considered elected.

As regards the other elected members, they are elected by the National Assembly by a majority of two-thirds. The National Assembly is free to decide whom to elect.

Term of office: the members of the Supreme Judicial Council/Chamber must serve terms of 5 years and they may not be re-elected immediately upon the expiry of the said term. The term of office of an elective member of the Supreme Judicial Council must be terminated upon resignation, an enforceable judicial instrument on a criminal offence committed by the said member, sustained actual inability to discharge the duties for a period exceeding one year, release from office by reason of breach of discipline or disqualification from practicing a legal profession or activity. Upon termination of the term of office, a replacement must be elected from the relevant quota to serve for the remainder of the term.

(In)compatibility and prevention of conflict of interest: during their activity as members of the Supreme Judicial Council, the members of Prosecutors Chamber do not exercise functions as prosecutors or investigative magistrates. The only exception is the Prosecutor General. There are stipulated offices and activities which are incompatible with a membership in the Supreme Judicial Council. A member must be released by the Supreme Judicial Council if he/she runs for certain office or continues certain activity.

Chairmanship: the Prosecutors Chamber is *ex lege* presided over by the Prosecutor General or in his/her absence by the most senior member present.

France

Composition: the High Council of the Judiciary is composed of 30 members divided into 2 sections. One of these sections is responsible for judges and the other is responsible for prosecutors. The section responsible for judges is composed of 15 members: the President of the Court of Cassation, 5 judges, 1 prosecutor, 1 councillor of the State, 1 attorney and 6 qualified persons who do not belong to the Parliament, the judiciary or the administration. The section responsible for prosecutors is composed of 15 members: the Prosecutor General, 5 prosecutors, 1 judge, 1 councillor of the State, 1 attorney and 6 qualified persons who do not belong to the Parliament, the judiciary or the administration.

As regards the National Conference of Prosecutors, all public prosecutors, i. e. the heads of the 166 first instance prosecutors' offices, are *ex officio* members.

Election/appointment: as regards both sections of the High Council of the Judiciary, the President of the Court of Cassation and the Prosecutor General are *ex officio* members. The prosecutorial and judicial members are elected by their colleagues. Other members are appointed by the President of the Republic and the presidents of the assemblies.

Chairmanship: the President of the Court of Cassation is the President of the section responsible for judges *ex officio*. The Prosecutor General is the President *ex officio* of the section responsible for prosecutors.

Georgia

Composition: the Prosecutorial Council is composed of 15 members (8 prosecutors and/or investigators of the Public Prosecutor's Office, 7 non-prosecutorial members of whom 2 are judges, 2 are Members of the Parliament, 2 are from the academia, bar association and/or non-commercial legal entities and 1 member is nominated by the Minister of Justice). The Conference of Prosecutors is composed of all prosecutors and the Prosecution Service's investigators.

The Internship Commission has 20 prosecutorial members. The Career Management, Ethics and Incentives Council, the Strategic Development and Criminal Justice Policy Council and the Grading Council are composed of 15 prosecutorial members with voting rights.

Election/appointment: as regards the Prosecutorial Council, the Conference of Prosecutors elects 8 members among prosecutors and investigators of the Public Prosecutor's Office who are experienced enough. The High Council of Justice of Georgia elects 2 members among enough experienced judges. As regards 5 members of the Prosecutorial Council who are selected by the Parliament, 1 member is selected on the basis of a recommendation of the Minister of Justice among persons who have a required legal education and are experienced enough as lawyers, 2 members are selected from among the professors and scholars working in higher education institutions, members of the Bar Association and/or the persons nominated by non-commercial legal entities, upon recommendation of a collegial management body of the organisation concerned. In the case of other 2 members selected by the Parliament, there are no specific qualifications required.

The Conference of Prosecutors elects prosecutorial members of the Prosecutorial Council according to the following quotas: 3 members from the General Prosecutor's Office, 1 member from the Public Prosecutor's Office of the Autonomous Republics of Abkhazia and Adjara, 3 members from the District Public Prosecutor's Office of east Georgia; 1 member from the District Public Prosecutor's Office of west Georgia.

Term of office: the term of office of the members of the Prosecutorial Council is 4 years. The same person cannot be elected for two consecutive terms. There are legal grounds for the early termination of the powers of a member of the Prosecutorial Council: criminal conviction, death, occupation of a position of a public servant etc.

(In)compatibility and prevention of conflict of interest: the laws provide the applicable rules in the case of conflicts of interest. A public servant, whose duty within a collegial body is to make decisions with respect to which he/she has interests, must inform of this fact and must reject to participate in the decision making. Members of the Prosecutorial Council also cannot occupy some leading positions in the prosecution service (members of the Prosecutorial Council must not be the Prosecutor General, the First Deputy Prosecutor General, the Deputy Prosecutor General, the Head of the Department of the Office of the Prosecutor General, the Prosecutor of the Autonomous Republic of Abkhazia, the Prosecutor of the Autonomous Republic of Adjara, the Prosecutor of Tbilisi, or a Regional Prosecutor).

Chairmanship: as regards the Prosecutorial Council, it elects its chairperson from its members by a secret ballot, by a majority of votes of the members who are present at the session. The term of office of the Chairperson is two years.

As regards other bodies, the Prosecutor General is the chair of the Conference of Prosecutors, the Career Management, Ethics and Incentives Council, the Strategic Development and Criminal Justice Policy Council and the Grading Council. The chair of the Internship Commission is appointed by the Prosecutor General.

Hungary

Composition: in the prosecutors' councils, there are 3, 4 or 5 members (depending on the number of prosecutors). In the employee councils, there are 3, 4 or 5 members (depending on the number of employees). If the number of the members of an employee council is 3, at least 1 of them, while if the number of the members of an employee council is 4 or 5, at least 2 of them, must be elected from among non-prosecutors. The employee councils must delegate 1 person from among their members to the National Council of Prosecution Employees for a period of five years.

Election/appointment: as regards the prosecutors' councils, their members must be elected among prosecutors, through a secret ballot, by the prosecution meeting of Prosecutor General's Office, the prosecution meeting of the appellate chief prosecution office and the joint prosecution meeting of the chief prosecution office and the subordinated district prosecution offices. Candidates who received the highest number of valid votes may become members of the prosecutors' council. A prosecutor who obtains minimum twenty per cent of the votes validly cast must be regarded as a deputy member of the prosecutors' council (in the order of the votes attained).

Employee councils must be elected for each of the above-mentioned offices by the prosecution employees serving at the respective office for a period of five years. The election is valid if more than half of the eligible voters have participated. Candidates who obtain thirty per cent of the votes cast must be considered elected members of the council. A new election must be held for the remaining positions. This time, more than one-third of the eligible voters have to participate and the employee of the prosecution office who obtains the highest number of valid votes cast, but not less than thirty per cent of the votes cast, must be elected as a member of the council.

Term of office: as regards the prosecutors' councils, the members are elected for a period of 5 years. The membership must cease upon the terms set by the law (e.g. expiry of the mandate, cessation of duties in the prosecution service or the prosecutor being definitively exempted from his/her work-related duties, resignation, exemption from membership, decision establishing the prosecutor's penal or disciplinary liability, etc.). The prosecution meeting must decide on member's exclusion from the prosecutors' council by secret ballot (a majority of votes is required).

The members of employee councils are elected for 5 years; their term of office must cease upon resignation, recall and termination. As regards the recall, it requires that at least thirty per cent of the employees entitled to vote request so in writing. During voting, the ballot must be valid if there is a half majority attendance; a recall requires more than two-thirds of the valid votes cast.

(In)compatibility and prevention of conflict of interest: as regards prosecutors' councils, the Prosecutor General and prosecutors in senior positions may not be elected as members of the prosecutors' councils. Prosecutors under the effect of disciplinary sanctions may not be elected as members of the prosecutors' councils. Membership in the prosecutors' council must

be suspended from the moment of initiation of disciplinary proceedings until the conclusion thereof and during the suspension of duties in the prosecution service.

Requirements for representation: there are none, since prosecutors' councils and employee councils function in prosecution offices of different levels.

Chairmanship: the prosecutors' councils have a chairman and a vice-chairman. They must be elected among prosecutors for a period of five years in the same way as members of the prosecutors' councils. The mandate of the chairman or vice-chairman must cease in the same cases as for members of the prosecutors' councils. If the number of the members of the prosecutors' councils falls below three or the membership of both the chair and the vice-chair ceases, new elections must be held.

The employee councils have a chairman and a vice-chairman. The council must meet within fifteen days of its election and elect a chair from among its members at its first session. The termination of the mandate of the chair must also be governed by the general rules set for the members of the employee councils.

Italy

Composition: the High Council of the Judiciary is composed of 33 members of including 3 members *ex officio* (the President of the Republic, the First President of the Supreme Court of Cassation and the Prosecutor General), and 30 other members, of whom 20 are judges and prosecutors and are elected (2 are judges or prosecutors at the Supreme Court of Cassation, 13 are judges at first instance or appellate courts, 5 are prosecutors), and 10 are from among the professors of law or experienced private attorneys (lay members).

Election/appointment: the members who are judges or prosecutors are elected by all judges and prosecutors. 10 lay members are elected by the Parliament in a joint session.

Term of office: the term of the office of a member is 4 years. The Parliament and any other power of the State cannot order the early termination of the mandate of the members.

(In)compatibility and prevention of conflict of interest: there is no incompatibility between any function in the prosecution service and membership in the High Council of the Judiciary, but during their 4 years of full-time mandate, the members of the High Council do not perform their ordinary duties.

Requirements for representation: as regards the members who are judges or prosecutors, 2 must be judges or prosecutors at the Supreme Court of Cassation, 13 must be judges at the first instance or appellate courts, and 5 must be prosecutors at the first instance or appellate courts.

Chairmanship: the High Council of the Judiciary is chaired by the President of the Republic. The Vice-President is elected by the plenary of the High Council of the Judiciary among the lay members, by a majority of votes;

Latvia

Composition: the Council of the Prosecutor General is composed of 16 members, of whom one is not a prosecutor (he/she is the administrative director of the Prosecution Office).

The Attestation Commission and the Qualification Commission have 8 members each, of whom all are prosecutors.

The Council of Justice is composed of 15 members. 8 of them are *ex officio* members (including among them the Prosecutor General, the President of the Supreme Court, the President of the Legal Commission of the Parliament and the Minister of Justice), and 7 members are elected. The Council includes representatives from the judiciary, the self-governing organisations of liberal legal professions, the executive branch, and also from the Parliament.

Election/appointment: the Council of the Prosecutor General is established by the order of the Prosecutor General, without a specific term of operation. All members of this Council are *ex officio* members.

The Attestation Commission and the Qualification Commission are composed of specific prosecutors and are established by the Council of the Prosecutor General which is determining the number and composition of their members. The members are freely chosen from among prosecutors, but including members from all regions of the country and different levels of the prosecution offices.

Terms of office : the members of the Attestation Commission and the Qualification Commission are appointed for one year term.

(In)compatibility and prevention of conflict of interest: the members of the Council of the Prosecutor General, the Attestation Commission and the Qualification Commission are obliged to recuse themselves from participating in the decision making in the case of a possibility of a conflict of interest.

Requirements for representation: the commissions include members from all regions of the country and different levels of the prosecution offices.

Chairmanship: as regards the Council of the Prosecutor General, the chairman is the Prosecutor General. The work of the Attestation Commission and the Qualification Commission is led by the chairpersons, who are appointed by the Council of the Prosecutor General for one year upon the creation of the relevant commission.

Lithuania

Composition: the Commissions consist of 7 members (4 prosecutors and 3 representatives of the public).

Election/appointment: the Commissions are set up by the Prosecutor General.

Republic of Moldova

Composition: the Superior Council of Prosecutors is composed of 12 members (5 prosecutorial members and 7 non-prosecutorial members). As regards the boards subordinated to the Superior Council of Prosecutors, each college is composed of 7 members (5 prosecutorial members and 2 non-prosecutorial members).

Election/appointment: as regards the Superior Council of Prosecutors, 5 prosecutorial members are elected by the General Assembly of Prosecutors by a secret, direct and free vote. Candidates are entitled to conduct a promotional campaign. The prosecutors having

received the highest number of votes are considered elected, the prosecutors having received lower number of votes serve as substitute members. From 7 non-prosecutorial members, 3 are *ex officio* members (the President of the Superior Council of Magistracy, Minister of Justice and the Ombudsman) and 4 are elected by competition from civil society, one by the President of the Republic, one by the Parliament, one by the Government and one by the Academy of Sciences.

As regards the boards subordinated to the Superior Council of Prosecutors, 5 prosecutorial members are elected by the General Assembly of Prosecutors (the provisions on procedure are similar as for the Superior Council of Prosecutors); 2 non-prosecutorial members are elected by the Superior Council of Prosecutors by public competition, from among representatives of civil society.

Term of office: as regards the Superior Council of Prosecutors, the mandate of its elected members is 4 years. The same person may not serve two consecutive terms as a member. Elected members of the Superior Council of Prosecutors must serve until the election of new members. Membership must cease (automatically) upon the set terms (e. g. by request, in the case of suspension or release from the position of prosecutor etc.).

As regards the boards subordinated to the Superior Council of Prosecutors, members are elected for a period of 4 years and serve until new members are elected. Membership in the board must cease under the same conditions as for members of the Superior Council of Prosecutors. In the event of termination of membership in the board before the expiry of the term, an alternate member must continue to hold office.

(In)compatibility and prevention of conflict of interest: as regards the Superior Council of Prosecutors, prosecutors who have outstanding disciplinary sanctions and persons who have been convicted for a criminal offence cannot be its members. Prosecutors elected as members of Superior Council of Prosecutors must be detached from office for the duration of their term of office (however, there is no guarantee that a prosecutor will return to the position he/she held before joining the Superior Council of Prosecutors). Members of the Superior Council of Prosecutors, with the exception of *ex officio* members, may not engage in any other remunerated activity (with exceptions). They may not simultaneously be members of the subordinated boards.

As regards the boards subordinated to the Superior Council of Prosecutors, their members continue to exercise specific prosecutorial functions concurrently; it is forbidden to be a member of the Superior Council of Prosecutors and a member of a board at the same time.

Requirements for representation: as regards the Superior Council of Prosecutors, of 5 prosecutorial members, 1 member is from among the prosecutors of the Office of the Public Prosecutor and 4 members are from among the prosecutors from the territorial and specialised prosecutors' offices. As regards the boards subordinated to the Superior Council of Prosecutors, there are no such requirements.

Chairmanship : the President of the Superior Council of Prosecutors is elected by secret vote among the member prosecutors for a term of 4 years by a majority vote of the members of the Superior Council of Prosecutors. The candidate who has received more than half of the votes of the members of the Superior Council of Prosecutors must be deemed to be elected President. If the President is not elected in the first, second or third round, the election procedure starts from the beginning. The term of office of the President expires at the first meeting of the newly elected Superior Council of Prosecutors. Before such regular expiration, the term of office of the President may be terminated under the general conditions for

termination of membership in the Superior Council of Prosecutors, by resignation or by dismissal on the ground of the decision adopted by a vote of two-thirds of the members of the Superior Council of Prosecutors. In the absence of the President, his/her duties must be exercised by a member appointed by the Superior Council of Prosecutors.

Montenegro

Composition: Prosecutorial Council is composed of 11 members (President who is the Supreme State Prosecutor, 5 state prosecutors, 4 eminent lawyers, 1 representative of the Ministry of Justice).

Election/appointment: 5 prosecutorial members are elected and dismissed in a secret vote by Conference of Prosecutors (all prosecutors of Montenegro); 4 members who are eminent lawyers are elected and dismissed by the Parliament of Montenegro; representative of the Ministry of Justice is appointed by the Minister of Justice from among the employees of the Ministry.

Term of office: duration of the mandate is 4 years. Early termination of mandate may take place on the grounds of termination of the office which was basis for member's election, resignation or conviction for imprisonment.

(In)compatibility and prevention of conflict of interest: a prosecutorial member of the Prosecutorial Council cannot be spouse or close relative of the member of the Parliament, member of the Government or of the President of Montenegro. A prosecutor who has received an unsatisfactory grade or who has been imposed a disciplinary sanction cannot be elected as a member of the Prosecutorial Council.

Requirements for representation: as regards the prosecutorial members, 4 prosecutors are from the Supreme State Prosecution Office, Special State Prosecution Office and high state prosecution offices, and 1 from basic state prosecution offices in order to ensure a proportional and fair representation of all levels of prosecution offices.

Chairmanship: the Supreme State Prosecutor is the President *ex officio*.

Netherlands

Composition: the Board of Prosecutors General is composed of at least 3 and at most 5 members from among the Prosecutor General's Office (4 prosecutorial members and 1 non-prosecutorial member).

Election/appointment: the members of the Board of Prosecutors General are selected through a job application procedure. Prosecutorial members are selected by a selection commission, when a selection is formally approved by the Council of Ministers upon the proposal of the Minister of Justice and Security. The non-prosecutorial member is selected by the Minister.

Term of office: the non-prosecutorial member of the Board of Prosecutors General as well as the prosecutorial members have unlimited duration of their mandate. Prosecutorial members may be dismissed, suspended or terminated by the Supreme Court. The dismissal or termination of a non-prosecutorial member is exercised by the Minister of Justice and Security.

(In)compatibility and prevention of conflict of interest: there is a duty to report on ancillary activities, and there is an independent integrity bureau of the Public Prosecutor's Office which supervises the integrity of the Public Prosecutor's Office.

Requirements for representation: there are none, the Public Prosecutor's Office is focused on diversity and inclusivity.

Chairmanship: one of the prosecutorial members is appointed as the President of the Board of Prosecutors General for a three-year term through internal selection and with approval of the Minister of Justice and Security. The President can be re-appointed once.

North Macedonia

Composition: the Council is composed of 11 members (7 members are from among public prosecutors, 3 members are from among university law professors, lawyers and eminent jurists, 1 member is the Minister of Justice). Of 7 members among public prosecutors, 1 is the public prosecutor of the Public Prosecutor's Office of the Republic of North Macedonia, serving as a member *ex officio*. Also, the Minister of Justice is a member *ex officio*.

The Disciplinary Commission is composed of 5 members (4 public prosecutors from the four Higher Public Prosecutor's Offices in Skopje, Bitola, Gostivar and Shtip, and one public prosecutor from the Prosecutor General's Office).

Election/appointment: as regards the Council, the prosecutorial members are elected by the public prosecutors during general elections (1 member is elected by the prosecutors of the Prosecutor General's Office from that office; 4 members are elected by the prosecutors of the Higher Public Prosecutors Offices from their offices or subordinated Public Prosecutor's Offices; 1 member is a public prosecutor that belongs to a minority ethnic group and is elected by all public prosecutors in Macedonia). 3 non-prosecutorial members are elected by the Parliament of North Macedonia from university law professors, lawyers and eminent jurists. Among these members, 2 belong to a minority ethnic group in North Macedonia and 1 is the Minister of Justice *ex officio*. Regarding the prosecutorial members of the Council, also the Public Prosecutor of the Public Prosecutor's Office of North Macedonia is a member *ex officio*.

Term of office: the term of the members is 4 years, with the right to another re-election. Except in the case of the expiration of the term, the mandate is terminated on request, when a member has retired, on the basis of stipulated criminal convictions or sanctions etc. As regards the prosecutorial members, their mandate is terminated with the termination of the function of the public prosecutor.

(In)compatibility and prevention of conflict of interest: as regards the prosecutorial members, during their mandate, they do not perform their function as public prosecutors.

Requirements for representation: as regards the prosecutorial members, they are elected from all instances of the Public Prosecutor's Office. One member has to be also elected from the minority ethnic group and this prosecutor can be from all three instance levels. As regards the non-prosecutorial members, two of them are members that belong to a minority ethnic group in North Macedonia.

Chairmanship : the President of the Council is elected by the members of the Council, from the elected public prosecutors, with majority votes from the total number of members, through secret voting. The mandate is 2 years, without the right to re-election. The Council, on a

proposal of the President, during the same session, also elects the Vice-President. The Prosecutor General and the Minister of Justice cannot be elected as the President or Vice-President.

Portugal

Composition: the High Council for the Public Prosecution Service is composed of 19 members; 12 members are public prosecutors (the Prosecutor General, 4 Regional Assistants to the Prosecutor General and 7 prosecutors elected by their peers including 1 Assistant to the Prosecutor General and 6 public prosecutors) and 7 members are non-prosecutorial members (1 jurist, 2 lawyers, 1 international legal adviser, 1 administrator of a public corporate entity, 2 law professors).

Election/appointment: as regards the prosecutorial members, the Prosecutor General and the 4 Regional Assistants to the Prosecutor General are *ex officio* members. 7 prosecutors are elected by secret, direct and universal ballot, on the basis of a previous register-based census. From these 7 prosecutorial members, 6 are elected from and by Public Prosecutors (first level in the hierarchy) and 1 member is elected from and by the Assistants to the Prosecutor General (second level in the hierarchy).

As regards the non-prosecutorial members, 5 members are elected by the Assembly of the Republic (Parliament) (1 jurist, 1 lawyer, 1 international legal adviser, 1 administrator of a public corporate entity, 1 law professor) and 2 members are appointed by the Minister of Justice (1 law professor, 1 lawyer).

Term of office: the term of the members is 3 years, with the right to one single re-election (also in the case of additionally elected members). Except in the case of the expiration of the term, the mandate is terminated on request, when a member is retired, on the basis of stipulated criminal convictions or sanctions etc. As regard the prosecutorial members, their mandate is terminated with the termination of function of public prosecutor.

Requirements for representation: as regards the prosecutorial members, 6 prosecutorial members are elected from certain regions. As regards the non-prosecutorial members, they are chosen as a result of recognised merits.

Chairmanship: the Prosecutor General is the President of the High Council for the Public Prosecution Service.

Romania

Composition: the Superior Council of Magistracy is composed of 19 members of whom 14 are divided into 2 sections, one for judges (9 members) and one for prosecutors (5 members). 2 are representatives of the civil society (they must only participate in plenary proceedings) and 3 are *ex officio* members.

Election/appointment: judicial and prosecutorial members are elected in general assemblies of judges/prosecutors by secret, direct and personal vote (2 judicial members from among the judges of High Court of Cassation and Justice, 1 prosecutorial member from among the Prosecutor's Office attached to the High Court, the prosecutors of the National Anti-Corruption Directorate and the prosecutors of the Directorate for Investigating Organised Crime and Terrorism, 1 judicial member from among every appeal court and courts within their constituency, 1 prosecutorial member from among each prosecutor's office attached to courts

of appeal and prosecutor's office within their constituency). The judges and prosecutors who have obtained the highest number of votes in the general assemblies must be nominated for the position of member of the Superior Council of Magistracy. Each judge and prosecutor, except the ones seconded to authorities other than courts or prosecutors' offices, must vote. The Senate, in the presence of the majority of its members, validates the elected members.

For the purpose of the election of the 2 representatives of civil society, professional organisations of lawyers, professional councils of accredited law faculties, associations and foundations whose objective is the protection of human rights, may each propose one candidate to the Senate. The latter elects 2 representatives of civil society, according to the procedure laid down in its regulations.

The Minister of Justice, the President of the High Court of Cassation and Justice and the Prosecutor General are the members *ex officio*.

Term of office: the term of office of elected members of the Superior Council of Magistracy is 6 years without the possibility of re-appointment. The capacity of a member of the Superior Council of Magistracy must cease upon expiry of the term of office, by resignation, removal from office, termination and in other cases according to law (e. g. by death). Judicial and prosecutorial members may be removed, if they no longer meet the legal conditions for being a member, if they have been subject to one of the disciplinary sanctions or if they do not perform their duties properly. 2 representatives of the civil society may be removed if they no longer meet the legal conditions for being a member or if they do not perform their duties properly. The procedure of the removal is stipulated by the law.

(In)compatibility and prevention of conflict of interest: as regards the judicial and prosecutorial members, they may be elected from among the appointed judges and prosecutors, provided that they have at least 7 years of practice and have not been sanctioned for disciplinary reasons in the last 3 years, unless the sanction has been erased. Judges and prosecutors seconded to authorities other than courts or public prosecutors' offices may not be elected and judges and prosecutors delegated or seconded to other courts or prosecutors' offices may only serve in the locations to which they were delegated or seconded. Judges and prosecutors who have been part of the intelligence services or have collaborated with them outside the legal framework, as well as those who have a personal interest that influences or could influence the objective and impartial performance provided for by law, may not be elected. The judicial and prosecutorial members carry out a permanent and unquantifiable activity and do not exercise the activity of judge or prosecutor, except for *ex officio* members.

As regards 2 representatives of the civil society, they may be elected, if they meet the professional requirements, if they have not been part of the intelligence services before or after 1990, have not collaborated in any way with them and have no conflict of interests, and if they are not and have not been members of a political party in the last 6 years and have not held public office in the last 6 years.

Requirements for representation: as regards the judicial members, 2 judges are elected from among the High Court, 3 judges are elected from among the courts of appeal, 2 judges are elected from among the tribunals and specialised tribunals, 2 judges are elected from among the first instance courts (lowest instance).

As regards the prosecutorial members, 1 prosecutor is elected from among the Prosecutor's Office attached to the High Court, the National Anti-corruption Directorate and the Directorate for Investigating Organised Crime and Terrorism, 1 prosecutor is elected from among the prosecutor's offices attached to the courts of appeal, 2 prosecutors are elected from among

the prosecutor's offices attached to the tribunals and specialised tribunals, 1 prosecutor is elected from among the prosecutor's offices attached to the first instance courts (lowest instance).

As regards 2 representatives of civil society, there are no requirements for (proportional and fair) representation.

Chairmanship : the Superior Council of Magistracy is ruled by a President, assisted by a Vice-President. Both are elected by the Plenum, in the presence of at least 15 of its members, by a majority vote, from among the judicial and prosecutorial members of the Superior Council of Magistracy. For the office of President and Vice-President, a judge and a prosecutor are nominated by the Section for Judges and the Section for Prosecutors of the Council (he/she is nominated by a majority vote in the presence of at least two-thirds of the members of the Sections). President and Vice-President have a one-year term of office, which may not be renewed. President or Vice-President may be removed from the office on the proposal of one-third of the members of the Superior Council of Magistracy if he/she improperly performs the functions and provided by law. The removal requires a majority vote of the Plenum in the presence of at least two-thirds of the members of the Superior Council of Magistracy.

Serbia

Composition: the State Council of Prosecutors is composed of 11 members of whom 3 are *ex officio* members (the Republic's Public Prosecutor, the Minister of Justice and the President of the competent Committee of the National Assembly) and 8 are elected (6 public prosecutors or deputy public prosecutors, and 2 distinguished lawyers with at least 15 years of experience in the profession).

Election/appointment: elected members of the State Council of Prosecutors are elected by the National Assembly on the proposal of authorised proposers. As regards the prosecutorial members, the authorised proposer is the State Council of Prosecutors. As regards the non-prosecutorial members, the proposer is the Bar Association of Serbia and a joint session of the deans of the law faculties.

Term of office: there is no term of the members office.

(In)compatibility and prevention of conflict of interest: an elected non-prosecutorial member of the State Council of Prosecutors cannot hold positions in bodies that enact regulations, bodies of executive power, public services and bodies of provincial autonomy and local self-government bodies.

As regards the elected member from the ranks of deputy public prosecutors, he/she may be released from the position of deputy public prosecutor during the performance of his/her duties in the State Council of Prosecutors, based on the decision of the State Council of Prosecutors.

Requirements for representation: as regards the elected prosecutorial members, they are elected from all instances of the Public Prosecutor's Office (1 from the Prosecutor General's Office, 1 from the appeal Public Prosecutor's Office, the Public Prosecutor's Office for Organised Crime and the Public Prosecutor's Office for War Crimes; 1 from the higher Public Prosecutor's Office, 2 from the basic Public Prosecutor's Office, 1 from the Public Prosecutor's Office from the territory of the autonomous province). As regards the elected non-prosecutorial members, 1 member is an attorney proposed by the Bar and 1 is a professor at a faculty of law.

Chairmanship: the Prosecutor General is the President of the State Council of Prosecutors *ex officio*. A Vice-President is elected and dismissed by the State Council of Prosecutors from among the elected prosecutorial members.

Slovak Republic

Composition: the Prosecutor's Council of the Prosecutor General's Office is composed of an odd number, at most 11 members who are public prosecutors. The Regional Prosecutor's Council is also composed of an odd number, at most 11 members who are public prosecutors. The Assembly of Prosecutors of the Prosecutor General's Office is composed of prosecutors of the Prosecutor General's Office. The Assembly of Prosecutors of the Regional Prosecutor's Office is composed of prosecutors of the Regional Prosecutor's Office and prosecutors of District Prosecutor's Office in their territorial district, which they belong to.

Election/appointment: the members of these councils are elected by the relevant assembly of prosecutors by secret ballot from the prosecutors who make up the assembly of prosecutors. The members of the Prosecutor's Council of the Prosecutor General's Office are elected by the assembly of prosecutors of the Prosecutor General's Office; the members of the Prosecutor's Council of the Regional Prosecutor's Office are elected by the assembly of prosecutors of Regional Prosecutor's Office and prosecutors of District Prosecutor's Offices in their territorial district, which they belong to.

Term of office : the term of office of members of the Prosecutor's Councils of the Prosecutor General's Office and of the Regional Prosecutor's Offices is 5 years. Before the end of the term of office, the membership is terminated if a member or entire Prosecutor's Council is dismissed by the Assembly of Prosecutors, if a member renounces his/her position, or on the basis of legal conditions (if a member is transferred to a prosecutor's office with another assembly of prosecutors, his/her employment as a prosecutor ceases or a member is appointed to the position of chief prosecutor).

(In)compatibility and prevention of conflict of interest: the function of chief prosecutor is incompatible with membership in the Prosecutor's Council; the functions of Chief European Prosecutor and European Prosecutor are also incompatible with membership in the Prosecutor's Council.

Chairmanship : the members of the Prosecutor's Councils elect the Chairman and Deputy Chairman by secret ballot from among themselves.

Slovenia

Composition: the State Prosecutorial Council is composed of 9 members (4 members are from among prosecutors, 4 members are from among legal experts, 1 member is appointed by the Minister of Justice from among the heads of district state prosecutor's offices).

Election/appointment: the elections of the members of the State Prosecutorial Council are carried out by meaningful application of the provisions of the Act regulating the election of members of the Judicial Council. 4 legal experts are elected by the National Assembly on the proposal of the President. Elections of the members are secret.

4 prosecutorial members are elected by state prosecutors. All prosecutors have the right to vote for the election of prosecutorial members. Their election is regulated by an electoral

commission appointed by the State Prosecutorial Council. The work at the polling stations is carried out by three-member electoral committees appointed by the electoral commission. The provisions of the law governing elections to the National Assembly must apply *mutatis mutandis* to voting at polling stations.

One member, head of district state prosecutor's office, is appointed by the Minister of Justice.

Term of office: the term of office is 6 years and members cannot be immediately re-appointed or re-elected after their term is over. As regards the process of dismissal of members of the State Prosecutorial Council, the relevant act refers to the application *mutatis mutandis* of the provisions of the Act regulating the election of members of the Judicial Council of Slovenia. Therefore, the term of office of a member of the State Prosecutorial Council must terminate with the expiration of the term, by resignation, imposition of a disciplinary sanction, breach of the code of ethics, criminal conviction, cessation of being a prosecutor, permanent incapacity for performing the function of prosecutor or loss of the status for which he/she was elected.

(In)compatibility and prevention of conflict of interest: the prosecutorial members may not hold management positions.

Requirements for representation: the prosecutorial members represent each instance of the Public Prosecutor's Office: one is from the Supreme Prosecutor's Office, one from the Higher Prosecutor's Office, one from the District Prosecutor's Office and one is from the Local Prosecutor's Office.

Chairmanship: the President and the Vice-President of the State Prosecutorial Council are elected by members with a two-thirds majority of votes by a secret ballot. The term of the office is two years, and it cannot be renewed. The President and the Vice-President hold office until the end of the mandate or until the election of a new President or Vice-President, except in the case of termination of the member's mandate. The procedure for dismissing the President or Vice-President and the reasons for their dismissal are not specifically regulated.

Türkiye

Composition: the Council of Judges and Prosecutors is composed of 13 members. 11 members are elected or selected (3 members from among first-class civil judges and prosecutors, 1 member from among first-class administrative judges and prosecutors, 3 members from among the members of the Court of Cassation, 1 member from among the members of the Council of State, 3 members from among law lecturers working in universities whose qualifications are defined by law and lawyers). 2 members are *ex officio* (the Minister of Justice and Deputy Minister of Justice), however they cannot participate in the general assembly meetings regarding disciplinary proceedings and in the work of the chambers.

Election/appointment: as regards 11 members who are elected or appointed, 3 members are selected by the President of the Republic from among first-class civil judges and prosecutors, 1 member is selected by the President of the Republic from among first-class administrative judges and prosecutors, 3 members are elected by National Assembly from among the members of the Court of Cassation, 1 member is elected by National Assembly from among the members of the Council of State, 3 members are elected by National Assembly from among law lectures working in universities whose qualifications are defined by law and lawyers.

Chairmanship: the membership in the Council of Judges and Prosecutors must end automatically in the cases of being convicted for an offense requiring dismissal from profession

of judge or prosecutor, withdrawal or attaining the age of 65. The membership is also ended by the decision of the Plenary on the basis of set conditions.

(In)compatibility and prevention of conflict of interest: the members of the Council of Judges and Prosecutors may not undertake any other duty or engage in other activities for the duration of membership. The members may withdraw from a proceeding or be rejected by the concerned person in the case of recusation or any conflict or a serious situation between them and the concerned person that would cast doubt on their impartiality.

Requirements for representation: the Council of Judges and Prosecutors observes a balanced composition through participation of judges, prosecutors, lawyers, academics and members of supreme courts. Currently, 5 elected/appointed members are (ex)prosecutors.

Chairmanship: the President of the Council is the Minister of Justice *ex officio*.

Ukraine

Composition: the Council of Prosecutors is composed of 13 members, of whom 11 are prosecutors and 2 are scholars (scientists).

Election/appointment: as regards the Council of Prosecutors, prosecutorial members are elected from among prosecutors by the highest body of prosecutorial self-governance (the All-Ukrainian Conference of Prosecutors); scholar members are appointed by the congress of representatives of legal higher education institutions and scientific institutions.

As regards the All-Ukrainian Conference of Prosecutors, decisions are made by delegates elected by meetings of prosecutors of all instances of the Public Prosecutor's Office.

Term of office: the term of office of members is 5 years without the right to re-election; early termination of powers or dismissal of members is not defined by legislation.

(In)compatibility and prevention of conflict of interest: prosecutor who holds an administrative position or is a member of a relevant body conducting disciplinary proceedings cannot simultaneously be a member of the Council of Prosecutors.

Requirements for representation: as regards the Council of Prosecutors, proportionality and fair representation of all levels of the public prosecution system is secured (2 representatives from the Prosecutor General's Office, 4 representatives from regional prosecutor's offices and 5 representatives from district prosecutor's offices).

As regards the All-Ukrainian Conference of Prosecutors, decisions are made by delegates elected by meetings of prosecutors of all levels (6 prosecutors from the Prosecutor General's Office, 3 prosecutors from each regional prosecutor's office and 2 prosecutors from each district prosecutor's office).

Chairmanship : the President and the Vice-President of the Council of Prosecutors are elected from among the members of the Council of Prosecutors at its organisational meeting through open voting. The elected President is the candidate who receives the majority of votes of members of the Council of Prosecutors.

III. Competence and functioning of Councils of Prosecutors and other bodies dealing with prosecutorial self-governance

Armenia

Functions and powers: the Prosecutors' Collegium deals with fundamental issues related to the organisation of activities of the Prosecutor's Office and determines the directions of exercising its powers.

The Qualification Commission deals with issues relating to the recruitment, appointment, promotion and competency evaluation of the prosecutors. In some cases, the positive conclusion of the Qualification Commission is necessary for an appointment to the given position.

The Ethics Commission deals with disciplinary proceedings, i.e. deciding on the existence of a disciplinary violation, prosecutor's guilt and, in case a relevant motion is filed by the Prosecutor General, on the possibility of imposing a disciplinary penalty of "dismissal".

Decisions: activities of the Prosecutors' Collegium are organised through sessions, which must be held by the Prosecutor General or (upon the assignment thereof) the Deputy Prosecutors General. The quorum is met when more than half of the members are present. Decisions of the Prosecutors' Collegium are adopted by simple majority of votes; in a case of a tie vote, the decision is deemed not adopted. Decisions of the Prosecutors' Collegium are of an advisory nature, they are implemented upon the orders of the Prosecutor General and they are not subject to judicial review by a court.

Decisions of the Qualification and Ethics Commissions are adopted by a simple majority of votes, some decisions thereof are subject to judicial review by a court.

Mechanisms that ensure independence: the activities of the Prosecutor's Office are based on the principle of ensuring hierarchic subordination and uniformity. The Law on the Prosecutor's Office provides guarantees for the autonomy of the prosecutors and prohibits the interference with a prosecutor's activities.

Transparency: the information about decisions of the Prosecutors' Collegium and the Qualification and Ethics Commissions is published on the official website of the Prosecutor General's Office.

Austria

Administration of the Public Prosecutor's Office: the competence of the Federal Ministry of Justice includes the administration of the Public Prosecutor's Office, partially (in the case of the appointment of prosecutors) with the assistance of permanent special commissions.

Functions and powers: permanent special commissions assess all candidates for appointment, rank them according to their qualification and submit a proposal for appointment to the Federal Ministry of Justice.

Evaluation and disciplinary measures: permanent special commissions are also competent for the evaluation of the work of public prosecutors. The disciplinary aspects are covered by

the competence of ordinary courts. The Federal Ministry of Justice has only the right to suggest the initiation of proceedings before the disciplinary authorities.

Instructions: a public prosecutor cannot be forced (and is not even allowed) to follow illegal instructions of his/her superior prosecutor. He/she has to inform the prosecutor giving such an instruction and not follow it.

Decisions: the recommendation of the commission is not binding, but if the Federal Minister of Justice intends not to follow it, he/she has to give a reasoned explanation and has to address the mentioned commission again and ask to comment on this issue. Then, even in the case of the appointment of a lower ranked prosecutor, both the commission's and the Federal Minister's proposal/statement will be submitted to the Federal President.

Azerbaijan

Functions and powers: the Collegium of the Prosecutor General's Office is an advisory body led by the Prosecutor General. The Collegium of the Prosecutor General's Office considers the key areas of the prosecutor's office's activities, anti-crime situation and executive discipline, personnel issues, draft orders, other acts and reports from subordinate prosecutor's offices, as well as considers the issues of submitting requests to the Constitutional Court and other issues related to the activities of the prosecutor's office. The Prosecutor General can make an order based on decisions reached on matters discussed in the Collegium, which are necessary for the prosecutor's office staff.

Evaluation and disciplinary measures: the Collegium of the Prosecutor General's Office has advisory competences related to the disciplinary measures and personal issues.

Decisions: the Collegium of the Prosecutor General's Office regularly meets under the leadership of the Prosecutor General. Members of the Collegium have an equal voice in voting on matters that have been discussed; decisions are made by majority vote. In case of disagreement between the Prosecutor General and members of the Collegium, the Prosecutor General follows his/her well-thought-out judgment.

Belgium

Administration of the Public Prosecutor's Office: matters of common management are decided jointly either by the College of the Public Prosecutors and the College of Courts and Tribunals, or by these two colleges together with the Federal Public Justice Service (Federal Administration of Justice). Pending the transfer of management powers and the allocation of resources to the colleges, a joint management committee has been set up within the Federal Public Justice Service (made up of members of the Management Committee of the Federal Public Justice Service and the presidents of the colleges). This body takes decisions concerning the mission of the Federal Public Justice Service in terms of support and supervision of the judicial organisation.

Functions and powers: the College of the Public Prosecutors takes the measures necessary for the management of the Public Prosecutor's Office. For the purposes of carrying out its tasks and powers, the College may issue recommendations and binding directives to the management committees of the judicial bodies; the College allocates human resources and operating resources (depending on vacancies and allocated budgets).

As far as the budget is concerned, a global budget is made available to the Public Prosecutor's Office and the judiciary; several times a year, a sum is released and it is up to the College of Public Prosecutors to allocate this sum to the recruitment of magistrates, staff etc.

With regard to recruitment, the Support Service prepares a proposal for the distribution of staff between the entities of the Public Prosecutor's Office, taking into account the requests made by each entity and the overall available budget. It sends this proposal to the Council of King's Prosecutors and the Council of Labour Auditors for their opinion, before it is submitted to the College of Public Prosecutors for deliberation. The Minister of Justice appoints trainee magistrates (formerly "judicial trainees") and designates, on the joint proposal of the College of Courts and Tribunals and the College of Public Prosecutors, the jurisdiction of the Court of Appeal within which the traineeship is to take place. The College of Public Prosecutors has no jurisdiction in matters of promotion or disciplinary proceedings.

The Council of King's Prosecutors is responsible for advising the College of Prosecutors General on all matters concerning the mission of the Public Prosecutor's Office. Its representatives in the College of Public Prosecutors participate in decision-making process concerning the allocation of resources.

The Council of Labour Auditors is responsible for advising the College of Prosecutors General in all cases concerning the mission of labour auditors. Its representative in the College of Public Prosecutors participates in the decision-making process concerning the allocation of resources.

The Management Committees assist the chief of corps in the general direction, organisation and management of the judicial body and are legally responsible for drawing up a management plan.

Evaluation and disciplinary measures: regarding the evaluation of the work of the chief of corps, it does not fall within the competence of the bodies dealing with self-governance within the public prosecutor's office, but of the evaluation commission (intermediate evaluation) and the High Council of Justice (final evaluation).

The College of Public Prosecutors, the Council of King's Prosecutors and the Council of Labour Auditors are not competent to evaluate prosecutors. This competence belongs to the chief of corps assisted by two elected magistrate-evaluators. The negative evaluation can be appealed; the judicial internship, and in particular the evaluation of magistrates in training, falls within the competence of the evaluation commission. This body acts as an appeals commission for appeals concerning the evaluation of the judicial internship.

Each judicial entity prepares a report in order to allow the Colleges to evaluate the resources, activities and implementation of the management plan. This report is also communicated to the College of Courts and Tribunals and to the College of Public Prosecutors. Each College (i.e. also the College of Public Prosecutors) has the possibility to evaluate the resources and activities of the judicial entity. Each College (i.e. also the College of Public Prosecutors) draws up an annual operating report which is sent to the Minister of Justice and the Federal Legislative Chambers. The Joint Support Service for the College of Public Prosecutors and the College of Prosecutors General is responsible for organising an internal audit of the College of Public Prosecutors and judicial entities.

As regards the disciplinary measures, they do not fall within the scope of application of the bodies responsible for self-governance within the Public Prosecutor's Office.

Instructions: the bodies responsible for self-governance within the Public Prosecutor's Office do not have particular skills as regards the review of instructions, but the Public Prosecutor's Office can always be informed of the existence of illegal instructions.

Decisions: the Public Prosecutor's Office decides by majority vote. In each language group, there must be at least one vote; in the event of a tie, the president's vote is decisive; The Public Prosecutor's Office may issue recommendations and binding instructions for the accomplishment of its tasks to the management committees of judicial entities; decisions may be appealed to the Council of State.

The quorum of the Council of King's Prosecutors is at least half of the members. Decisions are adopted on the basis of consensus/majority of votes of the members present; the decisions and agreements adopted are not binding; final decisions cannot be appealed.

The quorum of the Council of Labour Auditors is at least half of the members plus 1 member; decisions are adopted by a majority of votes of the members present; decisions are not binding; final decisions cannot be appealed.

As regards the Management Committees, they decide on the basis of consensus; if an agreement is not reached, the head of the body decides; the decisions adopted by the Management Committees are binding on the members of the judicial entity concerned; final decisions cannot be appealed; the Public Prosecutor's Office may revoke a decision of the Committee. If a prosecutor is transferred to another jurisdiction without his/her consent, he/she can appeal to the public prosecutor's office.

Mechanisms that ensure independence: the Constitution guarantees the independence of the public prosecutors; the Minister of Justice has the right to order prosecutions and give binding criminal policy directives. The authorities of the Public Prosecutor's Office, which have management autonomy, are dependent on the State with regard to the overall budget necessary for the operation of the public prosecutor's office (human resources, operating costs, investment costs, IT, buildings). The budget is not sufficient.

Other institutions: common management matters are managed jointly either by the College of Public Prosecutors and the College of Courts and Tribunals, or by these two Colleges with the Federal Public Justice Service (federal administration of justice).

Transparency: the College of Prosecutors General and the College of Public Prosecutors draw up an annual report. The Public Prosecutor's Office has a website. In particular, all non-confidential circulars adopted by the College of Prosecutors General and the College of Public Prosecutors are published there. Annual statistics is also published. The Public Prosecutor's Office also comments on specific incidents.

Bosnia and Herzegovina

Administration of the Public Prosecutor's Office: the High Judicial and Prosecutorial Council is an independent body and has exclusive power regarding all aspects of self-governance concerning judges and prosecutors. It is responsible for the appointment of judges, prosecutors and legal associates, disciplinary affairs, judicial administration and statistics, budgets of judicial institutions, supervision over professional development, introduction of ICT systems, as well as taking a leading role in the implementation and coordination of reform activities in the justice sector.

Functions and powers: the functions and powers of the High Judicial and Prosecutorial Council include the exclusive responsibility for the recruitment of judges and prosecutors, their promotion, transfer, evaluation, discipline and a code of ethics.

Evaluation and disciplinary measures: the High Judicial and Prosecutorial Council sets criteria for the evaluation of the work of judges and prosecutors. In disciplinary proceedings, the High Judicial and Prosecutorial Council decides upon appeals, as well as upon suspensions of judges and prosecutors.

Instructions: there is no review of instructions. The Law on High Judicial and Prosecutorial Council does not provide any powers to review an instruction; on the other hand, the High Judicial and Prosecutorial Council has to provide opinions on complaints lodged by a judge or a prosecutor who considers that his/her rights provided for by law have been violated or his/her independence has been threatened.

Decisions: a minimum quorum of 11 members of the High Judicial and Prosecutorial Council is required. A decision requires a majority of affirmative votes of the total votes cast by the members present and voting; if the voting is equal, a roll call vote must then be taken and the President, or the Vice-President have the casting vote. The decisions of the High Judicial and Prosecutorial Council in case of the nominations are legally obligatory because the Ministry of Justice has to follow the vote. As regards disciplinary proceedings, there is a possibility of appeal. A judge or a prosecutor who has been removed by decision of the High Judicial and Prosecutorial Council may appeal to the Court of Bosnia and Herzegovina. Final decisions of the High Judicial and Prosecutorial Council could be subject to judicial review by the Constitutional Court.

Transparency: the High Judicial and Prosecutorial Council established a website to publish information regarding the competitions, applications and nominations, as well as actual information concerning its decisions. There is also a custom of publishing information on nominations in the local newspaper.

Bulgaria

Administration of the Public Prosecutor's Office: the administration of the prosecution service is an exclusive power of the Supreme Judicial Council (the Plenum and the Prosecutors Chamber), Prosecutor General and the Heads of Prosecution Offices. There is no involvement of the executive power, including the Ministry of Justice.

Functions and powers: the Prosecutors Chamber of the Supreme Judicial Council exercises its powers, in line with professional specialisation, regarding prosecutors and investigating magistrates in terms of appointment, promotion, transfer, release, evaluation, imposing disciplinary sanctions and measures, organisation etc. It is entitled to appoint, promote, transfer and release the prosecutors and investigating magistrates from office, carry out periodic and other appraisals and adopt the aggregate score as regards the appraisal of prosecutors, investigating magistrates, administrative heads and deputy administrative heads in the judicial authorities. It also addresses matters concerning the acquisition and restoration of tenure, imposes the disciplinary sanctions of demotion and release from office on prosecutors, investigating magistrates, administrative heads and deputy administrative heads in the judicial authorities, proposes to the Plenum opinions on bills within the scope of its competence, elects and releases the Director of the National Investigation Service.

Evaluation and disciplinary measures: the Prosecutors Chamber of the Supreme Judicial Council has the power to carry out periodic and other appraisals and adopt the aggregate score as regards the appraisal of prosecutors, investigating magistrates, administrative heads and deputy administrative heads in the judicial authorities and address matters concerning the acquisition and restoration of tenure. As regards disciplinary measures, it is entitled to impose the disciplinary sanctions of demotion and release from office on prosecutors, investigating magistrates, administrative heads and deputy administrative heads in the judicial authorities.

The power to consider situations of conflict: the Prosecutors Chamber of the Supreme Judicial Council may consider situations of conflict as long as the intervention could be considered as misconduct of power or disciplinary violation.

Decisions: the members of the Plenum/Prosecutors Chamber of the Supreme Judicial Council have equal rights when voting. Decisions require majority or special (qualified) majority and the voting must always be by open ballot. The decisions of the Supreme Judicial Council and the Prosecutors Chamber are legally binding. Interested parties may appeal. Decisions can be reviewed by the Supreme Administrative Court.

Mechanisms that ensure independence: there are these mechanisms: the regulation at the constitutional level and legal level; autonomous judiciary budget; the procedure for the election of the members; the judicial review of the decisions by a competent court which is the Supreme Administrative Court.

Transparency: as regards the public accountability, the Plenum of the Supreme Judicial Council is bound by law to prepare and present before the National Assembly an annual report on the activity and prepare and make public an annual report on the independence and transparency of the operation of the judicial authorities and of its own activity, which must be submitted for public consultation. The Supreme Judicial Council also has publicly accessible websites, and there are also other measures for transparency, such as public briefings and press releases.

Finland

Administration of the Public Prosecutor's Office: the administration of prosecution is carried out by the Prosecutor General, whereas the role of the Ministry of Justice is budgetary.

The General Prosecutor and General Prosecutor's Office are responsible for recruitment, promotion, evaluation and transfers of prosecutors, with the exception of recruitment of prosecutors of prosecution districts. The Prosecutor General issues the Code of Ethics for prosecutors.

The Prosecutor General, the Chancellor of Justice and the Parliamentary Ombudsman have disciplinary powers.

The Ministry of Justice gives an agreement to an annual performance agreement of the prosecution service. The Public Prosecutor's Office submits its proposal for the budget for the following year to the Ministry of Justice. The state budget is adopted by the Parliament.

The power to consider situations of conflict: the Prosecutor General has the power to take over an entire case from a subordinate prosecutor and either carry out the prosecution himself/herself or hand it over to another prosecutor. Nobody has the power to tell/order the

prosecutor how to prosecute or which measures to take etc. Some measures need the approval of the Prosecutor General.

Instructions: as regards the review of instructions, prosecutors may turn to the Prosecutor General, Chancellor of Justice or Parliamentary Ombudsman or take the case to court.

France

Function and powers: the prosecutorial section of the High Council of the Judiciary is responsible for prosecutors and it provides its opinion on the appointment of prosecutors, including to the chief positions. It also gives an opinion on disciplinary sanctions of prosecutors, which are adopted by the Minister of Justice.

The plenary meeting of the High Council of the Judiciary may be called upon to discuss a request for an opinion which may be submitted by the President of the Republic or the Minister of the Justice on issues regarding ethics and functioning of justice.

The National Conference of Prosecutors is considered to be a representative authority of public prosecutors whose opinions and analysis are periodically called for on issues regarding the Public Prosecutor's Office, in particular, the issues regarding the position of the prosecution service, tasks, powers and organisation of prosecutor's offices of the first instance, resources of the prosecution system and the protection of moral and material interests of prosecutors. The National Conference of Prosecutors has no institutional mandate to interfere into the proceedings of the Public Prosecutor's Office. The key subject of the National Conference of Prosecutors is the independence of the Public Prosecutor's Office.

Georgia

Administration of the Public Prosecutor's Office: the management authorities and the collegial bodies of the Public Prosecutor's Office are exclusively in charge of managing the prosecution service, and no outside power is involved in this process.

Functions and powers: the Conference of Prosecutors is a general meeting of all prosecutors and investigators of the Public Prosecutor's Office. The main function of the Conference is to elect 8 members of the Prosecutorial Council who are prosecutors and investigators.

The Prosecutorial Council is competent to select a candidate for the position of the Prosecutor General. It has the authority to conduct disciplinary inquiry against the Public Prosecutor's Office's officials (First Deputy Prosecutor General and Deputy Prosecutors General) and decide on the issue of applying a disciplinary sanction or prematurely revoking it in relation to those officials and the members of the Prosecutorial Council. It also gives recommendations to the Prosecutor General.

The Career Management, Ethics and Incentives Council is competent to conduct reviews and issue recommendations for the Prosecutor General on the matters of career management, incentives and discipline of prosecutors. The Council plays an important role in promotion, evaluation and discipline of prosecutors. The Prosecutor General is competent to adopt the Code of Ethics and the Career Management, and the Council may propose amendments to the Code.

The Strategic Development and Criminal Justice Policy Council is in charge of developing the Public Prosecutor's Office Strategy and Action Plan and monitoring their implementation.

The Grading Council is responsible for deliberating and making recommendations to the Prosecutor General on the matters of assigning grades to prosecutors.

The Internship Commission is in charge of selection and recruitment of new prosecutors through internship.

Evaluation and disciplinary measures: the Public Prosecutor's Office's specialised department at the Prosecutor General's Office carries out the evaluation of work of prosecutors. If a prosecutor is not satisfied with the results of the evaluation, he/she has the right to appeal it to the Complaints Council and then, if needed, to the Career Management, Ethics and Incentives Council, whose decision can be appealed in the court.

As regards the disciplinary measures, the Career Management, Ethics and Incentives Council is competent to conduct disciplinary hearings against prosecutors. The concerned prosecutor has a right to have a lawyer, attend the hearings and give an explanation. Decisions of the Council are recommendatory for the Prosecutor General, who is competent to formally find a person guilty in the disciplinary violation and apply a sanction. The Prosecutor General may disagree with the recommendation and make a different decision, however, in this case, he/she is required to provide reasons thereof. The concerned prosecutor/investigator has a right to appeal to the court.

The Prosecutorial Council has the authority to conduct disciplinary hearings and impose sanctions against its members who are prosecutors and investigators, the First Deputy Prosecutor General and Deputy Prosecutors General. All of them have a right to legal assistance, and they can attend the hearings and give explanations. The Prosecutorial Council needs votes of not less than two-thirds of its full membership to apply a disciplinary penalty. The concerned prosecutor/investigator has a right to appeal to the court.

Instructions: if a prosecutor believes that he/she was given an unlawful instruction by a superior prosecutor, he/she has a right to report it to the Public Prosecutor's Office's General Inspectorate, Prosecutorial Council or Parliament, depending on the rank of an implicated superior prosecutor. If a prosecutor believes that due to a non-compliance with an instruction of a superior, he/she was unjustifiably imposed a disciplinary sanction, he/she has a right to appeal to the court.

Decisions: as regards the Conference of Prosecutors, it may conduct its meeting, if more than half of prosecutors and investigators of the Public Prosecutor's Office attend. It elects the members of the Prosecutorial Council through closed ballot by a majority of the prosecutors and investigators present. Its decisions are final and can be appealed to a court.

As regards the Prosecutorial Council, it has an authority to conduct a meeting if half of all its members are present. The Prosecutorial Council needs votes of not less than two-thirds of all its members for the most important decisions, for other decisions it needs the majority of the present members. Every member of the Council has the right to vote. Its decisions are final and can be subject to the court review, through the appeal proceedings.

The Career Management, Ethics and Incentives Council, the Strategic Development and Criminal Justice Policy Council and the Grading Council have the authority to conduct meetings if more than half of all their members are present. They make decisions through an open ballot by a majority of members who are present at the session. Every member can participate in voting. The decisions are recommendatory for the Prosecutor General. However, if he/she

disagrees, there is an obligation to provide reasoning, and decisions can be subject to the court review, through the appeal proceedings.

The Internship Commission has the right to decide on issues under its competence, if more than half of members of the Commission attend a meeting. The decisions are made through an open ballot by a majority of members present at the session. Decisions are obligatory and can be subject to the court review, through the appeal proceedings.

Mechanisms that insure independence: the Constitution guarantees the independence of the Prosecutorial Council and of the prosecution service. The legislation does not authorise anyone to give instructions to members of the prosecutorial collegial bodies or otherwise influence their activities.

Transparency: the Constitution requires the transparency of the Prosecutorial Council's activities. the Prosecutorial Council publishes information on its website and streams its sessions online. The Public Prosecutor's Office publishes on its website the information on the activities of the Conference of Prosecutors, the councils and of the Commission. The information about the appointment and promotion of prosecutors is also being published.

Hungary

Administration of the Public Prosecutor's Office: the prosecutors' councils and the employee councils do not have exclusive power to exercise the administration of the prosecution service, but in certain cases they have the right to give their consent and opinions (see below).

Functions and powers: the prosecutors' councils must state their opinions with respect to the appointment (promotion) and exemption of prosecutors (not including the Prosecutor General and the Deputy Prosecutor General), as well as with respect to any further issues on which the person exercising the employer's rights seeks their opinion or where consultation is ordered under the law or by the Prosecutor General. Prosecutor General appoints prosecutors to vacant prosecutorial positions, senior and managerial positions on the basis of the opinion of the prosecutors' council on the candidate. Prior to the revocation of a managerial appointment, the prosecutors' council must be consulted.

The employee councils are entitled to the right of consent with regard to the adoption of plans related to the use of funds for welfare purposes and the use of such institutions and real estates. Employee councils have the power to issue their opinions in respect of drafts concerning employer measures with an impact on the substantial interests or larger groups of prosecutorial employees.

Evaluation and disciplinary measures: the prosecutors' councils and the employee councils have no competence relating to the assessment of the prosecutors' activities.

As regards the disciplinary measures, at the request of a prosecutor subject to disciplinary or compensation proceedings, the participation and exercise of his/her rights of representation must be ensured by the prosecutors' council or the employee council during the disciplinary proceedings.

The power to consider situations of conflict: the prosecutors' councils and the employee councils do not have discretionary power in the case of conflict situations within the prosecution service.

Instructions: prosecutors are obliged to refuse carrying out illegal instructions. If the prosecutor believes that the instruction is illegal, he/she may request in writing an exemption from the administration as regards that matter and also explain his/her legal reasoning.

Decisions: a prosecutors' council to which the prosecutor is appointed or where the prosecutor proposed to be dismissed serves must be competent to give an opinion in the case of appointment or dismissal of the prosecutor. The prosecutors' council has a quorum if more than one half of the members are present at the meeting. A decision is adopted by a simple majority. The chair (or vice-chair) of the meeting must only cast a vote if there is a tie in the votes. Decisions of a prosecutors' council are in the form of opinions, and they are not binding and have no legal force.

The rules for decisions of the employee councils are established by its internal procedural regulations. If a decision (measure) with respect to any of the subject matters falling into the competence of the employee council concerns the power of at least two-thirds of members of the employee council, the National Council must proceed on behalf of the employee council. The National Council must also be consulted in cases where the employee council did not issue a concordant declaration with respect to the contemplated decision (measure).

As regards the judicial review, a prosecutor may turn to the court to assert his/her claim arising from his/her activities in the prosecution service.

Mechanisms that ensure independence: the independence of the prosecutors' councils and the employee councils is ensured through the election of the council members and also by the rule that the members of the councils are entitled to a reduction of working hours, for which they are paid.

In some cases, the consent of the prosecutors' council and the employee council is necessary for the dismissal, secondment and temporary posting of the chair of the council by his/her employer. The employee, the employer, and the trade union having representation at the employer's premises may apply to the court in connection with the nomination, the process of the election or the establishment of the result.

Transparency: the opinions of the prosecutors' council or of the employee council, as well as the statement regarding the right to consent, are made in writing. The most important data of the prosecutors' councils and employee councils are available on the website of the prosecution service.

Italy

Administration of the Public Prosecutor's Office: the High Council of the Judiciary has exclusive power to exercise administration. The Minister of Justice does not manage the prosecution offices' activities, being charged only with the organisation and the functioning of services linked to justice activities (i.e. resources and personnel).

Functions and powers: the High Council of the Judiciary has full authority as regards appointments, transfers, professional evaluation, career and discipline of public prosecutors (as well as of judges). Disciplinary rules and procedures are established by law. The Code of Ethics for judges and prosecutors has been adopted by the National Association of Judges and Prosecutors.

Evaluation and disciplinary measures: the High Council of the Judiciary is competent for the professional evaluation of the work of prosecutors (as well as of judges). As a general rule, such evaluation takes place every 4 years, based on a report by the chief of the prosecution office, advice by the district judicial council (an elected body of local self-governance) and upon a proposal by the competent commission of the High Council of the Judiciary. All decisions in this field can be challenged before the administrative courts.

As regards the disciplinary measures, the action can be exercised by the Prosecutor General at the Supreme Court of Cassation or by the Minister of Justice. The procedure is similar to the criminal process, with full right of defence. Disciplinary decisions are adopted by a specific section of the High Council of the Judiciary and can be challenged before the Joint Chambers of the Court of Cassation.

The power to consider situations of conflict: the High Council of the Judiciary is competent to consider situations of conflict.

Instructions: every prosecutor can apply to the High Council of the Judiciary regarding an illegal instruction.

Decisions: all members of the High Council of the Judiciary have the same voting rights. Decisions are adopted by a simple majority. As a general rule, the vote refers to a proposal by a competent commission of the High Council of the Judiciary. Decisions adopted by the High Council of the Judiciary have a binding nature. The opinions expressed by the High Council of the Judiciary to the Minister of Justice on bills (draft laws) have a consultative nature. All decisions in the field of professional evaluation and disciplinary decisions may be challenged before a court. Disciplinary decisions adopted by the High Council of the Judiciary are considered like judicial decisions.

Mechanisms that insurance independence: the constitutional basis of the High Council of the Judiciary, along with specific legal provisions and safeguards, and its independence in the resource administration and management ensure its adequate functioning and its capacity to guarantee the independence of the prosecution offices and courts, as well as of individual prosecutors and judges.

Other institutions: there is the district judicial council (an elected body of local self-governance), which is a consultative body of professional evaluation of prosecutors (see above).

Transparency: the activities of the High Council of the Judiciary are fully transparent. As a general rule, its plenary sessions are public. Information on functioning of the High Council of the Judiciary and on its decision making is disseminated through a website and public reports.

Latvia

Administration of the Public Prosecutor's Office: the powers exercised by the Council of the Prosecutor General and the Commissions are exclusive and they are not shared with executive institutions outside the prosecution system.

Functions and powers: the Council of the Prosecutor General develops and adopts the Code of Ethics of Prosecutors and the by-laws (e.g. for the Attestation Commission and the Qualification Commission, for selection, apprenticeship and qualification examination of

candidates for the office of a prosecutor, and for the evaluation of the professional activities of prosecutors), and establishes the Attestation Commission and the Qualification Commission.

The Attestation Commission, before appointing or promoting a prosecutor, provides an opinion on his/her suitability for this position. It also makes a proposal to the Prosecutor General on the application of disciplinary sanction to the prosecutor and evaluates the work of prosecutors.

The Qualification Commission evaluates and gives an opinion on the implementation of the internship program of the candidate for the prosecutorial position and on the suitability of the candidate's knowledge and professional skills.

Evaluation and disciplinary measures: the evaluation of prosecutors' work and possible disciplinary violations by prosecutors are reviewed by the Attestation Commission without involving other bodies or institutions. The decisions of the Attestation Commission, regarding disciplinary measures against prosecutors and the evaluation of prosecutors' work, are of a recommendatory nature and acquire legal force only after they are approved by the Prosecutor General. The decision of the Prosecutor General can be appealed to the Disciplinary Court.

The power to consider situations of conflict: the Council of the Prosecutor General, the Attestation Commission and the Qualification Commission do not have the competence to resolve jurisdictional or subordination disputes between prosecutors of different levels. The Attestation Commission examines cases of disciplinary responsibility in situations where a disciplinary violation can be seen in the actions of a prosecutor (giving illegal instructions, unlawfully refusing to comply with instructions, allowing the situation of the conflict of interest). It also provides, at the initiative of any prosecutor, an explanation of the provisions contained in the Code of Ethics of Prosecutors.

Instructions: jurisdiction and subordination disputes are dealt with in accordance with procedural laws and regulations, without involving self-governing institutions.

Decisions: the Council of the Prosecutor General makes decisions by a simple majority vote through open voting. All members have equal voting rights as there are no rules of procedure that determine the course of decision making, applicable procedures or thresholds. Decisions of the Council acquire legal force after they are approved by the Prosecutor General.

The Attestation Commission makes decisions by a simple majority vote of present members, with open voting. If the votes are divided equally, the vote of the chairman is decisive. In some cases, more than half of the elected members of the commission must vote for a decision. Decisions and opinions of the Attestation Commission have a recommendatory nature. The final decision on the findings of the Commission is taken by the Prosecutor General.

The decision of the Qualification Commission is considered adopted if more than half of the present members of the commission have voted for it. If the votes are divided equally, the chairman has the decisive vote. Decisions and opinions of the Commission are of a recommendatory nature. The final decision on the findings of the Commission is taken by the Prosecutor General.

The objections to the opinions of the Commissions can be made to the Prosecutor General. Decisions of the Prosecutor General, made on the basis of the opinion of the Attestation Commission on the application of disciplinary sanction or dismissal due to a negative professional evaluation, are subject to review by the Disciplinary Court. Other decisions of the Prosecutor General that contain features of an administrative act are subject to review by the Administrative Court.

Mechanisms that ensure independence: the independent functioning of the Council of the Prosecutor General and the Commissions is ensured by the fact that their members are solely the officials of the Prosecution Office, and the functioning of these bodies is not subject to any external influence.

Transparency: meetings of the Attestation Commission, where the questions regarding the prosecutor's violations of the provisions of the Code of Ethics of Prosecutors are considered, are open. Also, anonymised decisions of the Attestation Commission can be made public if requested. The Attestation Commission and the Qualification Commission provide an activity report to the Council of the Prosecutor General at least once a year, while the Prosecutor General submits a report to the Parliament each year. This report includes information also on the activity of the Commissions. The Prosecutor General's report is discussed at a public parliamentary committee meeting and it is publicly available on the website of the Prosecution Office.

Lithuania

Functions and powers: the Selection Commission sets the list of candidates based on which the Prosecutor General makes an appointment. The Prosecutors' Ethics Commission decides whether there was a violation of law, an official misconduct, an act demeaning to the prosecutor's office or any other violation of the Code of Ethics of Prosecutors committed by a prosecutor. Only if there was such disciplinary violation, the Prosecutor General may impose a disciplinary sanction on a prosecutor.

Decisions: conclusions of the Commissions are partially binding on the Prosecutor General. The Prosecutor General, in particular, cannot aggravate the decision of the Prosecutors' Evaluation Commission. The Prosecutor General can only appoint a person from the list of candidates proposed by the Selection Commission. The Prosecutor General may not impose a disciplinary sanction on a prosecutor if the Prosecutors' Ethics Commission finds that the prosecutor has not committed a violation of law, an official misconduct, an act demeaning to the prosecutor's office or any other violation of the Code of Ethics of Prosecutors.

Republic of Moldova

Functions and powers: the powers of the General Assembly of Prosecutors include, in particular, the election of members of the Superior Council of Prosecutors, presentation by the Prosecutor General and discussion of the priorities for the work of the Public Prosecutor's Office for the coming year, adoption and approval of the Code of Ethics for Prosecutors, examining and deciding on other matters relating to the work of the Public Prosecutor's Office.

The Superior Council of Prosecutors ensures the appointment, transfer, promotion and disciplinary measures against prosecutors. The Superior Council of Prosecutors has, in particular, the following powers: drawing up and approving regulations on the selection procedure and the career of prosecutors; organising the competition for the selection of the candidate for the post of the Prosecutor General; making proposals to the Prosecutor General on the appointment, transfer, promotion, secondment, suspension and dismissal of prosecutors; determining the number of prosecutors in each prosecutor's office; approving the strategy for the initial and continuous training of prosecutors; preparing the draft Code of Ethics for Prosecutors, as well as draft amendments thereto, and proposing them for approval; participating in the preparation of the draft budget of the Prosecutor's Office.

The College for the Evaluation of Prosecutors' Performance and the College for the Selection and Career of Prosecutors evaluate the candidates in the competitions for the selection of prosecutors. The Superior Council of Prosecutors then proposes the appointment, promotion or transfer of the winners of the competitions to the Prosecutor General.

The College of Discipline and Ethics conducts the disciplinary procedure. However, disciplinary investigations are carried out by the Inspectorate of Public Prosecutors which is subordinate to the Prosecutor General. If the decision of the College of Discipline and Ethics is contested, the disciplinary procedure is then examined by the Superior Council of Prosecutors.

Evaluation and disciplinary measures: as regards the evaluation of the work of prosecutors, the Superior Council of Prosecutors adopts the regulation establishing the organisation and functioning of the College for the Selection and Career of Prosecutors, and the criteria and procedure for the selection and career of prosecutors. It also adopts the regulation laying down the organisation and functioning of the College for the Evaluation of Prosecutors' Performance and the criteria and procedure for the evaluation of prosecutors' work. It examines appeals against decisions taken by these Colleges.

As regards the disciplinary measures, the notification of the act that may constitute disciplinary misconduct must be submitted to the Prosecutor General's Office. The Inspectorate of Public Prosecutors carries out disciplinary investigations. Then the disciplinary case is examined by the Disciplinary and Ethics College, with the compulsory summoning of the prosecutor concerned, the representative of the Public Prosecutors' Inspectorate and the person who lodged the complaint. After examining the disciplinary case, the Disciplinary and Ethics College adopts the decision. The Superior Council of Prosecutors examines appeals against the decision of the Disciplinary and Ethical College.

Instructions: a prosecutor may refer to the Superior Council of Prosecutors any act likely to affect his/her independence, impartiality or professional reputation. However, the power to designate, verify and, where appropriate, annul the acts and/or procedural actions of prosecutors in criminal proceedings must lie with the superior prosecutor or the court, as prescribed by law.

Decisions: the Superior Council of Prosecutors makes decisions which can be mandatory or advisory (in certain areas concerning the National Institute of Justice). Mandatory decisions are legally binding once they become final. Decisions of the Superior Council of Prosecutors of normative character take effect from the moment of publication on the official website of the Superior Council of Prosecutors. Decisions of the Superior Council of Prosecutors may be challenged in a court. Decisions may be adopted, if at least two-thirds of members participate in the meeting. Decisions are adopted in a public meeting, with an open vote of the majority of members present. All members have equal voting rights. The Prosecutor General must participate in the meetings of the Superior Council of Prosecutors without the right to vote in the adoption of decisions, except in set areas.

Mechanisms that ensure independence: the Superior Council of Prosecutors has its own budget, financed within the budgetary allocations approved by the annual budget law. The Superior Council of Prosecutors has an Apparatus (secretariat) which ensures the work of the Council and its colleges. However, the law does not clarify what position/function the member of the Superior Council of Prosecutors elected from among prosecutors will occupy after the end of his/her mandate.

Other institutions: there are authorities appointing non-prosecutorial members to the Superior Council of Prosecutors (the Parliament, the Government and the President of the Republic of Moldova).

Transparency: the Superior Council of Prosecutors has an official website, where it regularly publishes information on its activities.

Montenegro

Administration of the Public Prosecutor's Office: the Prosecutorial Council has the exclusive power to exercise the administration of the prosecution service.

Functions and powers: in particular, the Prosecutorial Council determines proposal for the election of the Supreme State Prosecutor, elects and dismisses heads of prosecution offices as well as state prosecutors, pronounces termination of function both of the heads of prosecution offices, as well as of the state prosecutors, makes proposals to the government as regards the budget. The Prosecutorial Council may establish special commissions (i.e. Commission for the Code of Prosecutorial Ethics competent to determine whether state prosecutors breached the provisions of that Code and the Commission for Evaluation of Performance of State Prosecutors). Prosecutorial Council determines the number of state prosecutors and decide on their transfer within the organisation. It renders decisions on disciplinary liability of the state prosecutors, is responsible for their training, considers complaints about their work, takes a position regarding any jeopardy to their independence and performs other functions as well.

Evaluation and disciplinary measures: The Prosecutorial Council establishes Commission for evaluation of the work of prosecutors, conducts testing in written for those who are applying for the post of state prosecutor for the first time, makes ranking lists and decisions on election, also conducts evaluation of the work of state prosecutors.

As regards the disciplinary measures, the Prosecutorial Council is the authority which initiates the motion for establishing disciplinary liability. The Prosecutorial Council must submit the motion for establishing disciplinary liability to the disciplinary plaintiff, who must conduct the investigation. In the procedure for establishing the disciplinary liability of a state prosecutor, the Prosecutorial Council rejects the motion to indict as ill-founded or grants the motion to indict and impose a disciplinary sanction.

Instructions: prosecutors can apply to the Prosecutorial Council with an allegation of illegal instructions.

Decisions: decisions of the Prosecutorial Council are taken by the majority. All members have equal voting rights. Decisions of the Prosecutorial Council must be final and administrative dispute may be initiated against them, unless the law requires otherwise. Disciplinary sanctions are legally obligatory, but can be subject to review by Supreme Court.

Decisions of the Commission for the Code of Prosecutorial Ethics are of a consultative nature. They can be ground for initiating disciplinary procedure in some cases.

Mechanisms that ensure independence: while the composition of the Prosecutorial Council is important, previously there was a majority of state prosecutors in the Prosecutorial Council, which was a better solution and a better mechanism to provide independent functioning of the Prosecutorial Council.

Transparency: the Secretariat of the Prosecutorial Council appoints a public relations officer responsible for the transparent work of the Prosecutorial Council, who communicates to the public through regular press releases and publishes all relevant information on the website.

Netherlands

Administration of the Public Prosecutor's Office: the Board of Prosecutors General has exclusive power to exercise the administration of the prosecution service. However, due to the fact that the Minister of Justice and Security bears political responsibility for the prosecution service, he/she has regular meetings with the President of the Board of Prosecutors General, during which the President informs the Minister. The Minister has the legal power to intervene in an individual case, by issuing a directive to the Public Prosecution Service (ordering to prosecute/abstain from prosecution).

Functions and powers: the Board of Prosecutors General determines the national investigation and prosecution policy of the Public Prosecutor's Office. The Board of Prosecutors General is responsible for the policy and management of the Public Prosecutor's Office. This includes ensuring an effective and efficient organisation, aligning priorities in prosecution and providing internal guidelines concerning criminal procedure. The Board of Prosecutors General gives advice on legislation related to criminal prosecution.

Evaluation and disciplinary measures: the Board of Prosecutors General does not have a role in the evaluation of the work of prosecutors (they are assessed by the chief prosecutors). It has a role in the evaluation of the work of chief prosecutors and their substitutes.

A disciplinary measure may be imposed on a prosecutor who fails to comply with an obligation imposed on him/her or who is otherwise guilty of dereliction of duty. The Board of Prosecutors General plays a role in imposing some of the sanctions. Some sanctions are initiated by superior prosecutors, others by the Board of Prosecutors General following the recommendation of the Chief Prosecutor. The dismissal may be imposed only by the Crown, following the recommendation of the Chief Prosecutor or the Board of Prosecutors General.

The power to consider situations of conflict: the Board of Prosecutors General has general and special powers to consider situations of conflict, but it may not revoke a decision of a prosecutor in an individual case.

Instructions: it is possible for the prosecutor to apply with an allegation on illegal instructions.

Decisions: the Board of Prosecutors General cannot take decisions unless at least three members are present. The Board takes decisions by a simple majority vote. In the case of a tie, the President's vote must be decisive. The legal force depends on the nature of the decision. Most are legally binding and are published in the government gazette. There is no judicial review by a court.

Mechanisms that ensure independence: firstly, the Minister of Justice and Security may issue directives to the Board of Prosecutors General and the Board may give its opinion on these directives. This mechanism guarantees the independence of the Board because, if the Minister wants to influence the Board's activities, he/she has to do it in an official way. Secondly, the Procurator General at the Supreme Court supervises the quality of the Public Prosecution Service's work on criminal procedure in general manner and lays down the results in a report. Thirdly, the way of the selection of the prosecutorial members of the Board of

Prosecutors General and its President also insures independence. And finally, it is the Board of Prosecutors General, not the Minister of Justice and Security, which is heading of the Public Prosecutor's Office. The Board decides on the investigation and prosecution policy.

Other institutions: the Minister of Justice and Security and the Prosecutor General of the Supreme Court may play a role (see above).

Transparency: there is a public prosecution website. There are also annual reports, briefings, interviews and press releases.

North Macedonia

Administration of the Public Prosecutor's Office: the Council of Public Prosecutors has exclusive power to exercise the administration of the prosecution service. The Minister of Justice, by being a member *ex officio* of the Council, makes certain contribution to the work of the Council, in executing its authorisations.

Functions and powers: the Council of Public Prosecutors is authorised to give opinion to the government as regards the appointment and dismissal of the Prosecutor General. It elects and dismisses prosecutors. It establishes termination of the function of prosecutors and decides in the second instance of procedures for establishing their disciplinary responsibility. It also makes decisions as regards the temporary suspension of the function of prosecutor, determines the number of prosecutors in the Public Prosecutor's Office, maintains their personal files and also performs other functions according to the legislation.

Evaluation and disciplinary measures: as regards the evaluation of the work of prosecutors, the Council of Public Prosecutors decides upon unprofessional and unscrupulous fulfilment of the function of prosecutor. It follows the work of prosecutors on the basis of the grades for their work and according to the Law on Public Prosecution Office. It also acts upon complaints of citizens and legal entities regarding the work of prosecutors.

As regards the disciplinary measures, the Disciplinary Commissions decide in disciplinary proceedings.

The Council of Public Prosecutors does not have authorisation to conduct a direct supervision of the proceedings of prosecutors. That is an exclusive authority of the higher public prosecution offices. The assessment of the legality and quality of the work of prosecutors and assignment of grades to them are carried out by the prosecutor from the relevant Public Prosecution Office, and the Council decides upon a submitted complaint on the received grade, acting as a second instance.

The Council of Public Prosecutors also decides upon the appeal against the decision of the Disciplinary Commission on establishing disciplinary responsibility of a prosecutor. The Council may dismiss the prosecutor, when it is established in a disciplinary procedure that a severe disciplinary breach was made and in the case of unprofessional and unscrupulous fulfilment of the function of the public prosecutor, as established by law.

The power to consider situations of conflict: the Council of Public Prosecutors can review cases and conditions within the prosecution service that are a subject of a complaint or are linked to unprofessional and unscrupulous fulfilment of the function of the public prosecutor.

Instructions: any unprofessional and unscrupulous fulfilment of the functions of the public prosecutor can be reported to the Council of Public Prosecutors. Acting upon complaints, the Council addresses the higher public prosecution office with a request to conduct a supervision of the work of the public prosecutor who proceeded in a concrete case, and after the supervision is finished, the higher public prosecution office needs to send a report for the established facts, with an opinion and grade of actions conducted by the public prosecutor.

In this way, the Council of Public Prosecutors informs the higher public prosecution offices about the complaints of citizens regarding the work of certain prosecutors of the lower public prosecution offices. This can affect the grading of the work of prosecutors and eventually be a base for initiating a disciplinary procedure for a breach in executing the functions.

Decisions: all members of the Council of Public Prosecutors have the same voting rights. For election of prosecutors, the Council decides during a session in which two-thirds of the total number of members must be present. The decisions are made by a majority vote from the total number of present members. The final decisions taken by the Council are binding. The prosecutor can initiate administrative dispute before the Administrative Court against the final decisions of the Council.

Mechanisms that ensure independence: the Council of Public Prosecutors is an independent authority that secures the independence of prosecutors in executing their functions.

Transparency: transparency and accountability to the public are among the main principles of the work of the Council of Public Prosecutors. The Council has adopted a special Strategy for public relations which regulates the communications between the Council and the media. Information about all sessions of the Council and all its decisions are published on the webpage of the Council. There are periodic public briefings and press releases by the President of the Council or by an authorised member of the Council.

Portugal

Administration of the Public Prosecutor's Office: the High Council for the Public Prosecution Service has exclusive powers to exercise the administration of the Portuguese Public Prosecution Service.

Functions and powers: the High Council for the Public Prosecution Service is the superior management and disciplinary body through which the disciplinary and managerial powers of the Public Prosecutor's Office are exercised. Besides other powers, it appoints, places, transfers, promotes, dismisses and evaluates the work of prosecutors, as well as exercises the disciplinary competence over members of the Public Prosecution Service, with the exception of the Prosecutor General. It approves the draft budget of the Prosecutor General's Office. It also approves the annual plan for inspections, as well as determines the conduct of enquiries, inspections, investigations and the institution of disciplinary proceedings. In 2022, the High Council for the Public Prosecution Service adopted the Code of Conduct for Public Prosecutors. The High Council works in plenary sessions or in sections (there are permanent disciplinary and performance assessment sections).

Evaluation and disciplinary measures: prosecutors' work is evaluated by the High Council for the Public Prosecution Service, through the Performance Assessment Section, after examination of a report drawn up by an inspector (a public prosecutor) designated to assess

the work carried out by the prosecutor whose work is being evaluated. As a result, a rating is conferred on the prosecutor being assessed.

The disciplinary measures are applied against prosecutors only by the Disciplinary Section and by the High Council for the Public Prosecution Service.

The power to consider situations of conflict: the High Council for the Public Prosecution Service has no powers to give instructions to prosecutors in concrete situations or concrete files.

Instructions: prosecutors may appeal to the High Council for the Public Prosecution Service as regards the orders received from their hierarchical superiors.

Decisions: the High Council for the Public Prosecution Service takes decisions by a majority vote. All members have the same voting rights. In the event of a tie, the Prosecutor General has a decisive vote. The Council's decisions are binding and they may be challenged before the administrative courts.

Mechanisms that insurance independence: the High Council for the Public Prosecution Service is independent from any other public prosecution body and is not subject to orders or instructions from another body or entity, not even the Prosecutor General.

Transparency: information on the work of the Public Prosecutor's Office is mainly disseminated through the publication of Annual Reports prepared by the Prosecutor General. Decisions of the disciplinary section of the High Council for the Public Prosecution Service are published and accessible through the website of the Public Prosecutor's Office. Decisions of greater public relevance are communicated by the High Council for the Public Prosecution Service to the media. The Prosecutor General's Office prepares regular press releases on most relevant cases.

Romania

Administration of the Public Prosecutor's Office: the Superior Council of Magistracy and the Ministry of Justice have competences regarding the administration of the Public Prosecutor's Office. They must co-operate loyally in the exercise of their respective competences relating to the proper organisation and administration of justice as public service.

Functions and powers: the Plenum of the Superior Council of Magistracy has the power with regard to the career of judges and prosecutors (e.g. protecting the independence of the judiciary as a whole, appointing and dismissing the Chief Inspector and the Deputy Chief Inspector of the Judicial Inspection etc.) and with regard to the admission to the magistracy, training and examinations of judges and prosecutors (e.g. exercising the functions related to the organisation and conducting the entrance examination to the National Institute of Magistracy and the competition for admission to the magistracy, approving the training programme for the auditors of justice and the programme for the continuous training of judges and prosecutors etc.). It also adopts the Code of Ethics, and it may address the Minister of Justice in the case of need to initiate or amend legal acts in the field of justice.

The sections of the Superior Council of Magistracy have powers regarding the career of judges and prosecutors (in particular, making proposals to the President to appoint and dismiss judges and prosecutors, including to senior positions, appoint and release trainee judges, decide on

the promotion of judges and prosecutors, decide on their suspension from office, approve their transfer etc.).

The Section of Prosecutors endorses, in accordance with law, the proposal of the Minister of Justice for the appointment and removal from office of the chief public prosecutors. It also has powers regarding the organisation and functioning of prosecutors' offices.

The Superior Council of Magistracy (as a whole) must draw up an annual report on the state of justice and a report on its own activities.

Evaluation and disciplinary measures: the sections of the Superior Council of Magistracy have a power to settle appeals against the ratings awarded by the committees (i.e. specialised committees, acting as specialised preparatory structures) for the evaluation of the professional activities of judges and prosecutors.

As regards the disciplinary measures, the sections act as a court of law with regard to the disciplinary liability of judges or prosecutors, for acts provided by law as disciplinary misconduct. The disciplinary actions for misconduct are exercised by the Judicial Inspection (through the judicial inspector), which initiates a prior disciplinary investigation. The sections of the Superior Council of Magistracy must regulate the disciplinary action by a decision which may be appealed before that Council. The decision through which the appeal is settled must be final. The sections of the Council must ensure the enforcement of the disciplinary sanctions.

The power to consider situations of conflict: the appropriate sections of the Superior Council of Magistracy have the right (and also the obligation) to take action, with a view to protecting judges and prosecutors against any act of interference in their professional activity or in connection therewith, which might affect their independence or impartiality, as well as against any act which might create suspicions about both of those. The Plenum of the Superior Council of Magistracy, its sections, President and Vice-President, upon the request of a judge or prosecutor who considers that his/her independence, impartiality or professional reputation are affected in any way, or *ex officio*, must refer the matter to the Judicial Inspection for verification. Where the independence, impartiality or professional reputation of a judge or prosecutor are affected, the appropriate section of the Superior Council of Magistracy must order the required measures and ensure their publication on the website.

Instructions: the prosecutor may apply to the Superior Council of Magistracy if the independence, impartiality or professional reputation of a prosecutor is affected (see above).

Decisions: decisions of the Superior Council of Magistracy are taken in plenary session or in sections, according to their functions. The sessions of the sections are legally constituted in the presence of the majority of their members and are chaired by the President or the Vice-President. Proceedings of the Plenum are held in the presence of at least 15 members. Decisions of the Plenum and of the sections are taken by a majority vote of the members present. In order to carry out the functions of the Superior Council of Magistracy, specialised committees, acting as specialised preparatory structures, are organised through the plenum and the sections, made up of members of the Superior Council of Magistracy. The Prosecutor General attached to the High Court of Cassation and Justice and the Minister of Justice participate in the proceedings of the Prosecutors' Section. The decisions of the Plenum and of the sections are taken by direct and secret vote and must be reasoned.

The individual decisions of the plenum and sections concerning the career and rights of judges and prosecutors must be drawn up, communicated immediately and published on the website

of the Superior Council of Magistracy. They may be challenged by any interested person before the court.

In cases where the law requires the approval or consent of the Superior Council of Magistracy, its decision is binding. If the law provides for the consultation or opinion of the Council, then it is not binding.

The sections of the Superior Council of Magistracy must settle the disciplinary action by a decision which may be appealed before the High Court of Cassation and Justice. The decision by which the appeal is settled must be final. The sections must ensure the enforcement of the disciplinary sanctions.

Mechanisms that ensure independence: the Superior Council of Magistracy is independent and operates solely within the framework of law. There are legal provisions regarding its independence. The Superior Council of Magistracy and the Ministry of Justice must co-operate loyally in the exercise of their respective competences relating to the proper organisation and administration of justice as public service.

Transparency: the proceedings of the plenum and of the sections the Superior Council of Magistracy are (as a rule) public. Public plenum and section meetings must be broadcast live on the website of the Superior Council of Magistracy and recorded and published on that website. Individual decisions of the plenum and sections concerning the career and rights of judges and prosecutors must be drawn, communicated immediately and published on the website of the Superior Council of Magistracy. The Council prepares an annual report on the state of justice and a report on its own activities. The members representing civil society do not take part in the meetings of the sections but they ensure that civil society organisations are constantly informed about the activities of the Superior Council of Magistracy, and they consult civil society organisations as regards their proposals and suggestions. The President of the Superior Council of Magistracy must designate, by a decision, a person from his/her own staff responsible for the relations with civil society. The Superior Council of Magistracy has a Public Information and Media Relations Office which is headed by the spokesperson. Information of public interest is provided to media representatives via the spokesperson.

Serbia

Administration of the Public Prosecutor's Office: judicial administration tasks are performed by the Ministry of Justice, with the exception of tasks related to ensuring financial conditions for the work of public prosecution, which are performed by the State Council of Prosecutors. The State Council of Prosecutors proposes the scope and structure of budget necessary for the work of public prosecution offices for current expenses, except for personnel expenses, with the previously obtained opinion of the Ministry of Justice, and distributes these funds to public prosecution offices.

Functions and powers: the National Assembly, on the proposal of the State Council of Prosecutors, elects a person who is elected for the first time as a deputy public prosecutor. The State Council of Prosecutors elects deputy public prosecutors for the permanent performance of their duties. It also determines the list of candidates for the election of the Republic's Public Prosecutor and public prosecutors, decides on the termination of the function of deputy public prosecutors, decides on the dismissal of the Public Prosecutor of the Republic, proposes the scope and structure of the budget, adopts the Code of Ethics, appoints and dismisses the Disciplinary Prosecutor and his/her deputies and members of the Disciplinary

Commission and their deputies, and proposes a training program for public prosecutors and deputy public prosecutors.

Evaluation and disciplinary measures: the State Council of Prosecutors adopts the Rulebook on criteria for evaluating the work of public prosecutors and deputy public prosecutors. It makes a decision on the legal remedy against the decision on the evaluation of the work of the public prosecutor and deputy public prosecutor.

As regards the disciplinary measures, the State Council of Prosecutors appoints and dismisses the Disciplinary Prosecutor and his/her deputies and members of the Disciplinary Commission and their deputies. It makes decisions on legal remedies in disciplinary proceedings.

Decisions: the State Council of Prosecutors mostly decides by public ballot. A decision is made if at least six members voted for the proposal. When the State Council of Prosecutors makes decisions against which it is allowed to conduct an administrative dispute, a special record of deliberation and voting is drawn up in accordance with the provisions of law regulating the general administrative procedure. It is also possible to file a constitutional appeal against decisions of the State Council of Prosecutors. The decisions are binding in nature.

Transparency: decisions and general acts of the State Council of Prosecutors are published in the "Official Gazette of the Republic of Serbia" and on the internet website of the State Council of Prosecutors.

Slovak Republic

Administration of the Public Prosecutor's Office: the bodies dealing with issues of prosecutorial self-governance, including the Assembly of Prosecutors of the Prosecutor General's Office, the Prosecutor General's Council, the Assembly of Prosecutors of the Regional Prosecutor's Office and the Regional Prosecutor's Council have an exclusive authority to administer the Prosecutor's Office.

Functions and powers: the Prosecutor General's Council comments on draft budget of the prosecutor's office and co-operates with leading prosecutors in deepening and increasing qualifications of prosecutors. It also comments on the temporary assignment of a prosecutor to another prosecutor's office.

Evaluation and disciplinary measures: as regards the evaluation of the work of prosecutors, the Prosecutor General's Council decides on the prosecutor's objections to the content of the evaluation, which the head of the office did not comply with, and co-operates with leading prosecutors in deepening and increasing qualifications of prosecutors.

The power to consider situations of conflict: the task of self-governance bodies is to proactively ensure and protect the rights and legitimate interests of prosecutors. To this extent, they can assess conflict situations within the prosecutor's office system and comment on prosecutors' actions.

Decisions: members of the Prosecutor General's Council have equal voting rights. A decision can be taken if a majority of members is present. The consent of the majority is required for the decision to be valid. Some decisions are of a recommendatory nature, some are binding, there is no judicial review by a court.

Mechanisms that ensure independence: the representative of the union body has the right to participate in the proceedings of the Prosecutor General's Council with an advisory vote. The Council can organise public meetings for the purpose of transparency.

Transparency: minutes from the meetings of self-governance bodies are publicly accessible on the website of the prosecutor's office. The Prosecutor General's Council has established a Facebook page and uses press spokesperson and other media communication methods.

Slovenia

Administration of the Public Prosecutor's Office: the State Prosecutorial Council is an autonomous state body and the highest body of the prosecutorial self-governance. Some issues belong exclusively to its competence, while as regards the other issues, it co-operates with the State Prosecutor General, the Government and the Minister of Justice through a system of checks and balances.

Functions and powers: the State Prosecutorial Council has powers regarding the recruitment, promotion, transfer, evaluation, discipline and budgetary aspects. Namely, it participates in the process of appointing state prosecutors by providing an opinion on proposals for appointment. It provides for the evaluation of work of the state prosecution service, decides on all promotions of state prosecutors (except in some cases), decides on the transfers of state prosecutors and on their secondments to another state prosecutor's office or to another body, appoints and dismisses the heads of district state prosecutors' offices and of the Specialised State Prosecutor's Office and their deputies, participates in the process of appointing and dismissing the State Prosecutor General and his/her Deputy, appoints and dismisses disciplinary bodies, provides opinion on the proposed joint financial plan for state prosecutors' offices, provides opinion on acts regulating the status, rights and obligations of state prosecutors, adopts the working quality criteria for state prosecutors in order to evaluate their work, and criteria to assess the effectiveness of prosecution on the part of state prosecutors' offices, provides opinion on the joint annual report on the work of state prosecutors' offices, adopts the Code of Ethics for state prosecutors, appoints the Ethics and Integrity Commission and performs other functions as well.

Evaluation and disciplinary measures: the State Prosecutorial Council has the sole competence for evaluating the work of state prosecutors which is prepared on the basis of statistical data, an expert review of the work of the state prosecutor and the opinion of the head of the state prosecutor's office.

The State Prosecutorial Council appoints and dismisses disciplinary bodies, submits a proposal for the initiation of a disciplinary procedure and implements the imposed disciplinary sanctions.

The power to consider situations of conflict: it is not allowed to interfere with the decisions of a state prosecutor in specific cases, and he/she cannot be forced to make a certain decision. Under conditions specified by law, the Prosecutor General or the head of the District Prosecutor's Office may take over the case. A state prosecutor who believes that his/her autonomy has been violated may request the State Prosecutorial Council to consider the issue. If the State Prosecutorial Council determines that the request is justified, it may eliminate the violation, depending on its nature, or may request or propose its elimination and, if necessary, publish its findings.

Instructions: see above.

Decisions: the State Prosecutorial Council is a collegial body that adopts decisions during its sessions. Members have equal voting rights. The State Prosecutorial Council adopts decisions mostly by majority vote of all members (in some cases two-thirds majority is required). The quorum is secured if at least 6 members are present at the session (7 members if two-thirds majority is required). Voting is public. Secret voting is prescribed for the elections and special situations. Each vote is preceded by a debate. The decisions of the Council may be binding or consultative (for example, decisions regarding the evaluation and promotion of state prosecutors, the appointment of heads and deputy heads of district state prosecutors' offices, assignments and transfers of state prosecutors are binding). Administrative dispute before the competent court is possible against those decisions of the Council as prescribed by law, as well as against decisions that have a nature of an administrative act.

Mechanisms that ensure independence: the State Prosecutorial Council is an autonomous state body. A member cannot be held accountable for his/her opinion when making a decision.

Transparency: the State Prosecutorial Council has a website that presents its basic information, core competences, composition, adopted acts and meeting agendas. All decisions of the Council relating to the position, rights and duties of state prosecutors are also published on the website in an anonymised form. The website also contains the recommendations and opinions of the Commission for Ethics and Integrity at the State Prosecutorial Council. The Council publishes press releases on the website and also informs the public about its work through press briefings.

Sweden

Administration of the Swedish Prosecution Authority: there is no Council of Prosecutors or any other body dealing with prosecutorial self-governance. However, there are following instruments for securing it: legislation (the independence of the prosecution service and individual prosecutors is reflected in law), employment matters (appointment, selection, dismissal of prosecutors, disciplinary boards), supervision (the Supervision Department at the Swedish Prosecution Authority, external bodies, official misconduct, whistleblowing, ethical guidelines), revision/review by a superior prosecutor, budgetary allocations.

The Prosecutor General and Deputy Prosecutor General are appointed by the Government. Other prosecutors are appointed by the Prosecution Authority. There is an advisory board within the Swedish Prosecution Authority and the Swedish Economic Crime Authority in charge of giving advice on the appointment to some leading positions, such as the Chief Public Prosecutor, Deputy Chief Public Prosecutor, Senior Public Prosecutor and higher prosecutors, who are appointed by the Prosecutor General. The promotion to a position of Senior Public Prosecutor (public prosecutor concerned on the difficult cases) is exercised by the Prosecutor General. A Senior Public Prosecutor can be promoted to a Special Advisor (he/she is expected to contribute to the legal development within the Swedish Prosecution Authority) by the Swedish Prosecution Authority.

The Prosecutor General and Deputy Prosecutor General may be dismissed by the Government and other prosecutors by the Government's Disciplinary Board for Higher Officials.

Disciplinary boards of the Swedish Prosecution Authority and the Swedish Economic Crimes Authority decide, in certain cases, whether a prosecutor should be removed from office due to

disciplinary reasons. The Government's Disciplinary Board for Higher Officials *inter alia* tries cases of disciplinary responsibility of prosecutors.

The Prosecutor General has a Supervision Department which can review any decision made by a prosecutor within the Swedish Prosecution Authority. The Swedish Economic Crime Authority has its own supervision unit, the Director of Public Prosecution's office. Other external bodies which could be considered as a mechanism for monitoring and ensuring prosecutorial independence are the Parliamentary Ombudsperson, the Chancellor of Justice, the Committee of the Constitution, the Swedish Commission on Security and Integrity Protection.

A prosecutor can be prosecuted for official misconduct. In 2014, a set of ethical guidelines was issued by the Prosecutor General regarding all prosecutors and other employees of the Swedish Prosecution Authority and the Swedish Economic Crime Authority. The ethical guidelines are constantly updated.

The Swedish Prosecution Authority provides, on annual basis, the Ministry of Justice with background information concerning budget, specifying the budgetary needs for the next year. The Prosecutor General decides on how to divide the budget between different units within the Prosecution Authority.

The power to consider situations of conflict: the conflict of interest is handled through a system with three levels of prosecutors with different assignments. The Directors of Public Prosecution are responsible for examining issues regarding conflict of interest against prosecutors. The Prosecutor General is responsible for examining issues regarding conflict of interest against the Directors of Public Prosecution.

Instructions: unlawful/incorrect/unauthorised influence of the prosecutorial independence may be handled by the Government Disciplinary Board for Higher Officials, as an official misconduct or via the whistleblowing function which provides an opportunity for anyone to report suspicions of severe misconduct.

Türkiye

Administration of the Public Prosecutor's Office: prosecutors have no relation with the Ministry of Justice as regards their professional functions. Their appointment and promotion are carried out by the Council of Judges and Prosecutors. In some places, chief prosecutors and prosecutors carry out administrative tasks (e.g. salary and assignment procedures of the courthouse personnel, procedures related to courthouse service buildings, purchases of consumables used in the courthouses, etc.). Chief prosecutors and prosecutors are, in the case of administrative work, related administratively and financially to the Ministry of Justice in terms for fulfilment of these duties and they are inspected by the Ministry.

The Ministry of Justice is in charge of the budget of the prosecution service and administrative fulfilment of prosecutorial duties. The internship and employment procedures for prosecutors are carried out by the Ministry of Justice.

Functions and powers: the Council of Judges and Prosecutors is in charge of the following procedures and activities, as regulated by law according to the principles of independence of courts and tenure of judges and carried out by the Council of Judges and Prosecutors for prosecutors within the same framework: appointment procedures, rights and duties, promotion, permanent or temporary change of duties and the place of duty, initiation of disciplinary prosecutions in relation to their professional activities and imposition of disciplinary sanctions,

carrying out investigation for the crimes they commit during or in relation to their duties and taking the decision to adjudicate, inabilities and crimes requiring dismissal, in-service training and all other personnel affairs.

Evaluation and disciplinary measures: every 2 or 3 years, prosecutors work is routinely evaluated for promotion. In this process, chief prosecutors (related to responsibilities and duties) and also the Promotion Bureau of the Council of Judges and Prosecutors (related to statistics) evaluate the work of prosecutors. In addition to this, inspectors also evaluate the work of prosecutors during this period, if the prosecutors' offices inspections coincide with the promotion term. Following this, the Promotion Bureau presents the results to the 2nd Chamber of the Council of Judges and Prosecutors, and this Chamber decides on the prosecutors' promotion. The decisions are communicated to the prosecutors and declared in the Official Gazette. Prosecutors have the right to object and to request re-evaluation. As regards disciplinary measures, the Inspection Board of the Council of Judges and Prosecutors is responsible for inspecting whether civil and administrative judges and prosecutors perform their duties in compliance with laws, regulations, by-laws and circulars. It examines whether they commit offenses in connection with or during the exercise of their duties, or whether their behaviour and acts are in compliance with the requirements of their capacities and duties, and if necessary, launches examinations or investigations.

The power to consider situations of conflict: prosecutors carry out their duties with a tenure similar to that of a judge and they have a status like that of a judge. They cannot be instructed and their decision is evaluated only by the Office of the Chief Prosecutor working as a whole within the framework of judicial system (e.g. remanding of decisions).

Instructions: prosecutors are authorised to file a complaint about their colleagues and they can apply to the Council of Judges and Prosecutors about these complaints. Additionally, according to the Turkish Penal Code, giving illegal instructions to the prosecutors is a crime requiring *ex officio* adjudication.

Decisions: each member has the same voting right (however, *ex officio* members, who are the Minister of Justice and Deputy Minister of Justice, cannot participate in the general assembly meetings regarding disciplinary proceedings and the work of the chambers). Except in emergencies, the chambers work according to a calendar. They gather with the majority of all members and take decisions with absolute majority. Decisions taken by the Council of Judges and Prosecutors are binding and final. Some of the decisions may be reviewed by a court on the basis of the lawsuit of a prosecutor.

Mechanisms that ensure independence: the prosecutorial independence and functioning through guarantees provided for the independence of the judiciary are ensured within the framework of the Constitution.

Transparency: the public is informed through the website of the Council of Judges and Prosecutors and if necessary in the Official Gazette about promotions, appointments, authorisations, disciplinary decisions, ethical codes and guidelines, as well as the recommendations of the inspection board. Every year, the Ministry of Justice explains its activities before the Parliament in connection with the budget. Announcements, various measures (pandemic, emergency situations or natural disasters etc.) and recommendations can also be found on the website of the Council of Judges and Prosecutors.

Ukraine

Administration of the Public Prosecutor's Office: the Council of Prosecutors does not have exclusive powers to exercise the administration of the Public Prosecutor's Office.

Functions and powers: the All-Ukrainian Conference of Prosecutors appoints members of the Council of Prosecutors and the relevant body that conducts disciplinary proceedings, approves the Code of Professional Ethics and Conduct of Prosecutors and regulations on the Council of Prosecutors, adopts regulations on the procedure of work of the relevant body conducting disciplinary proceedings, considers issues of prosecutorial self-governance.

The Council of Prosecutors it makes recommendations on the appointment of prosecutors to administrative positions and considers the issues of threats to the independence of prosecutors. The appointment, transfer and dismissal of prosecutors are considered by the relevant body which also conducts disciplinary proceedings and considers the issue of bringing prosecutors to disciplinary responsibility.

Evaluation and disciplinary measures: the Council of Prosecutors does not resolve the issue of evaluation of the work of prosecutors and disciplinary measures against them. These issues are part of the functions of the relevant body conducting disciplinary proceedings. 5 of 11 members of the mentioned body are appointed by the All-Ukrainian Conference of Prosecutors.

The power to consider situations of conflict: the Council of Prosecutors considers appeals from prosecutors and other reports about threats to their independence and takes appropriate measures following the consideration.

Instructions: prosecutors may complain to the Council of Prosecutors about violations of their independence by the leadership of the prosecution bodies or other persons. Such complaints are considered by the Council of Prosecutors, and necessary measures are taken to eliminate the threat of violation of the prosecutors' independence.

Decisions: meetings of the Council of Prosecutors, where decisions are made, are held in public (except certain cases). The proceedings of the meetings are recorded. The Council of Prosecutors adopts a decision prepared by its rapporteur or secretary through an open voting, by a simple majority of its members present. In case of a tie, the vote of the chairperson is decisive. At least 9 out of 13 members must be present at the meeting to make a decision. In order to appoint a prosecutor to an administrative position in cases specified by law, the Council of Prosecutors must provide its recommendation (it is a condition). Decisions of the Council made on the issues of ensuring the independence of prosecutors, protection against illegal influence, pressure or interference in the exercise of powers of the prosecutor, may be forwarded to the prosecution bodies and are mandatory for consideration within the scope of competence. Other decisions of the Council of Prosecutors are advisory in nature. Decisions of the Council may be reviewed by a court.

Mechanisms that ensure independence: the independent functioning of bodies of prosecutorial self-governance is ensured by collegial decision making of the All-Ukrainian Conference of Prosecutors and the Council of Prosecutors.

Transparency: decisions of the Council of Prosecutors, which do not contain information of restricted access, are published on the official websites of the Prosecutor General's Office and the Council of Prosecutors.