

Strasbourg, 2 February 2024

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

Questionnaire

**for the preparation of the CCPE Opinion No. 19 (2024)
on the administration of prosecution services**

In your answers, please do not send extracts of your legislation but describe the situation in a brief and concise manner, including briefly what is happening in practice. Please be brief in general, and please try to limit your whole response to 3 pages at maximum (but it can also be shorter than that).

INTRODUCTION

As stated by the Council of Europe Committee of Ministers' Recommendation Rec(2000)19 on the role of public prosecution in the criminal justice system and stressed by the CCPE on many occasions, member States should take effective measures to guarantee that public prosecutors are able to fulfil their professional duties and responsibilities within adequate legal and organisational framework, as well as with means, in particular budgetary means, at their disposal. Such framework should be established in close co-operation with the representatives of public prosecutors.

In its Opinion No. 9 (2014) on European norms and principles concerning prosecutors, including Rome Charter, the CCPE stressed that prosecution services should be enabled to estimate their needs, negotiate their budgets and decide how to use the allocated funds in a transparent manner, in order to achieve their objectives in a speedy and qualified way. Where the prosecution service is entrusted with the management of resources, it should use modern management methods efficiently and transparently, being also provided with adequate training.¹

Given that the independence and autonomy of prosecution services constitute an indispensable corollary to the independence of the judiciary, States should ensure that the management of the prosecution services is carried out effectively and transparently. Management plays an important role in safeguarding the independence and autonomy of prosecution services. In addition, the appointment/election and dismissal of the heads of prosecution services should be done in a transparent manner, excluding any kind of political interference.

Acknowledging the importance of the management of prosecution services in guaranteeing their independence and autonomy, the CCPE decided, at its 18th plenary meeting (19-20 October 2023), to focus its Opinion No. 19 (2024) on the administration of prosecution services.

The present questionnaire aims therefore to collect information on the various aspects of the management of prosecution services, including appointment/election, terms of office, removal, regular assessment, promotion, posting, roles and tasks of the heads of prosecution services and other relevant issues.

I. GENERAL ASPECTS RELATED TO THE ADMINISTRATION OF THE PROSECUTION SERVICE

1. Please briefly describe the administration of the routine functioning of the prosecution service of your country (in particular, management of the financial, material and human resources of the service).
2. At what legislative level is the administration of the prosecution service regulated? (e.g. through Constitution, legislation, by-laws or other regulations).
3. What official (i.e. Prosecutor General, Chief Prosecutor, Head of Service, or another prosecutorial or non-prosecutorial official, for instance, Minister of Justice) heads the prosecution service² in your country?³

¹ CCPE Opinion No. 9 (2014) on European norms and principles concerning prosecutors, including Rome Charter, Section XIX of Rome Charter.

² It is important to note that by referring to the head of the prosecution service in the present questionnaire, the highest-level official and/or body (please also see below in footnote No. 3) are meant. It is not meant to include the whole hierarchy of officials with some managerial roles within the prosecution service. However, it is also understood that the highest-level official of the prosecution service may have to delegate part of his/her powers under certain conditions and in some cases. If so, such delegation of powers may also be reflected in the responses to the questionnaire.

³ If the country's legislative system delegates the management of the prosecution service to a body (i.e. Council of Prosecutors or other prosecutorial self-governance bodies, or a particular section within the service rather than a particular official), the respondent country is invited to share information on its establishment, functioning and terms of reference.

4. Please briefly describe the legal force of the decisions/orders/instructions issued by the head of the prosecution service based on the following questions:
 - Are his/her decisions/orders mandatory for prosecutors and prosecutorial staff?
 - Can they be challenged? If so, please briefly describe the process for challenging them (by whom and before which body or bodies?)
5. If in particular, the Minister of Justice has any role in the administration of the prosecution service in your country, please briefly describe (e.g. the power of the Minister of Justice to supervise the prosecution service, to issue binding instructions, to request information from the prosecution services, or other powers).
6. Are there any modern means, including electronic ones, used in the course of the administration of the prosecution service? Is the administration process digitalised to some extent? If so, to perform what specific functions? If not, are there any plans to introduce such means in future and to perform what functions?
7. What are, in your opinion, the presumed challenges and/or problems, if any, in the course of the administration of the prosecution service including as regards the use of the above-mentioned modern means, including electronic ones?

II. APPOINTMENT/ELECTION, TERMS OF OFFICE AND REMOVAL OF THE HEAD OF THE PROSECUTION SERVICE

8. Please briefly describe the procedure for the appointment/election of the head of the prosecution service in your country, based on the following questions:
 - Are there any formal qualifications and/or eligibility criteria required from the candidates for the post of the head of the prosecution service?
 - Which body is responsible for the appointment/election of the head of the prosecution service?
 - What is the procedure for the appointment/election of the head of the prosecution service?
9. What are the terms of office of the head of the prosecution service?
10. If applicable, please briefly describe the procedure for the pre-term removal from office (before the expiration of the mandate) of the head of the prosecution service, based on the following questions:
 - What are the grounds for such removal?
 - Which body can decide on such removal?
 - What is the procedure for such removal?

III. FUNCTIONS AND TASKS OF THE HEAD OF THE PROSECUTION SERVICE

11. What is the role of the head of the prosecution service in the recruitment/selection of prosecutors and prosecutorial staff to the prosecution service and in the management of their career (e.g. performance assessments, awarding honours or decorations in recognition of professional achievements, promotions, posting, imposition of disciplinary measures, other human resources issues)? Can his/her decisions relating to these and other matters be appealed by the prosecutor concerned and, if so, before what body and according to what procedure?
12. Please briefly describe the functions and tasks of the head of the prosecution service in your country in relation to the following:
 - Managing the day-to-day operations and activities of the prosecution service;
 - Management of case distribution;
 - Management of financial and material resources of the prosecution service;
 - Representation of the prosecution service internally and externally, including before foreign services and international organisations.
13. Please briefly describe if there are any accountability mechanisms envisaged in your country for the head of the prosecution service.