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

**Report of the 29th meeting
Paris, 7 June 2018**

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

I. INTRODUCTION

1. The Bureau of the Consultative Council of European Prosecutors (CCPE) held its 29th meeting in Paris on 7 June 2018. Mr Peter McCORMICK (Ireland), President of the CCPE, chaired the meeting.
2. The following Bureau members were also present:
 - Mr José Manuel SANTOS PAIS (Portugal), Vice-President of the CCPE
 - Mr Han MORAAL (The Netherlands)
 - Mr Antonio VERCHER NOGUERA (Spain)
3. The agenda is set out in Appendix I.

II. COMMUNICATION BY THE PRESIDENT, MEMBERS OF THE BUREAU AND THE SECRETARIAT

Special tribute to Mr Range

4. The Bureau started its meeting by a minute of silence to respect the memory of Mr Harald Range, former President of the CCPE and member of the Working Group, who died suddenly in his home town in Germany. Even after he retired, he stayed still active and fully aware of the work of the CCPE. Mr Range was even entrusted by the CCPE with preparing the draft 2018 Opinion. Members of the Bureau underlined the outstanding contribution of Mr Range to the work of the CCPE, namely when he chaired the CCPE from 2007 to 2008. They remembered his particular kindness and emphasised that they lost a real friend.

Other items

5. The President stated that there was an increasing flow of requests for assistance in delivering expert advice, either as regards the situation of prosecutors or concerning the draft concerned legislation. The Bureau members discussed how to respond to such requests, in particular through a possible Task Force which would review such situations or the submitted draft laws and provide its expert assessment from the viewpoint of the Council of Europe and CCPE standards.
6. It was emphasised that a distinction should be made between requests concerning the situation of prosecutors for which the CCPE is not in a position to verify the factual basis of the alleged events and requests on draft law which concern something more clear and definite. The President added that in all cases, CCPE replies should be limited to the relevant standards of the CCPE, without making judgments about credibility of factual situation.

III. PREPARATION OF THE OPINION NO. 13 ON THE INDEPENDENCE, ACCOUNTABILITY AND ETHICS OF PROSECUTORS

7. The Bureau examined the preliminary version of the Opinion (document CCPE-GT(2018)4Prov1) prepared by the CCPE Expert, Mr Olivier DE BAYNAST.

8. The Bureau recalled in particular that, as the CCPE had underlined previously, the independence and autonomy of the prosecution services, as well as internal independence of prosecutors, constituted an indispensable corollary to the independence of the judiciary. However, it was still a question when it came to the specific details and modalities of such independence, especially regarding the internal independence of prosecutors.
9. It was agreed to propose to the Working Group to avoid to repeat the standards already developed in Recommendation Rec(2000)19 of the Committee of Ministers on the role of public prosecution in the criminal justice, but also by the CCPE in its various previous opinions, as well as by the Venice Commission, and to concentrate the Opinion on the modern and actual aspects as regards independence, ethics and responsibility of prosecutors.

IV. OTHER WORKS OF THE CCPE

Amendments to the Constitution of Serbia

10. The CCPE received a request of the Prosecutors Association of Serbia to assess the compatibility with European standards of the proposed amendments to the Constitution of Serbia which will affect the composition of the Prosecutorial Council and the functioning of prosecutors.
11. The Bureau examined in-depth its draft Opinion on this subject (document CCPE-BU(2018)3) and made a number of comments. The recommendations voiced in the Opinion would concern election and dismissal/cessation of the term of office of the members of the High Prosecutorial Council; Supreme Public Prosecutor and public prosecutors, autonomy of the Public Prosecutor's Office; hierarchy and instructions within the Public Prosecutor's Office; term of office of the Supreme Public Prosecutor and public prosecutors; term of office and dismissal of deputy public prosecutors; jurisdiction and composition of the High Prosecutorial Council.
12. The key point which the Bureau members strongly emphasised was that the prosecutorial independence was more than a simple autonomy. They agreed that the Opinion would be rather critical as indeed the proposed constitutional amendments were not in line with the CCPE standards, as well as those of the Venice Commission, as already stated by the Prosecutors Association of Serbia. After some revision and approval by the Bureau, the Opinion would be published on the CCPE website and sent to the Prosecutors Association of Serbia.

Law on the Prosecution Service in Georgia

13. The CCPE received a request of the Prosecution Service of Georgia to provide remarks regarding the legislative amendments allowing creation of legal entities within this prosecution service for training, IT and prevention of crime, and particularly related to the question of financing these entities.
14. They recalled in particular that the CCPE always emphasised that the provision of adequate resources, including financial, contributes to ensuring independence of the

prosecution services, and that particularly in times of economic difficulty, sufficient resources should be assigned to provide a quality service. The Bureau members further underlined the necessity of having a separate budget line in the state budget for the prosecution system and close participation of the prosecution service in the elaboration of budgetary needs.

Prosecutorial Councils in Ukraine and Moldova

15. The members of the Bureau also discussed a request by project managers in the Council of Europe responsible for cooperation programmes in Ukraine and Moldova to provide a set of standards available for setting up and operating Prosecutorial Council as bodies of prosecutorial self-governance.
16. The Bureau underlined that at the moment, there wasn't a CCPE Opinion on this specific topic like that of the Opinion No. 10 (2007) of the Consultative Council of European Judges (CCJE) on the Council for the Judiciary in the service of society. Nevertheless this Opinion could serve as a source of inspiration since its general principles might be applied in the case of prosecutors as well, especially regarding how such Councils should be set up and with what kind of membership, competence etc.
17. The Bureau also recalled that one of the objectives of such cooperation programmes is to implement the CCPE standards and tools and that it does not belong to a Council like the CCPE to prepare standards at the request of a specific Department of the CoE, in conformity with its terms of reference approved by the Committee of Ministers.

V. OTHER ITEMS

18. The plenary meeting of the CCPE will take place in Strasbourg on 22-23 November 2018.

Appendix I

AGENDA

1. Opening of the meeting / *Ouverture de la réunion*
2. Adoption of the agenda / *Adoption de l'ordre du jour*
3. Communication by the President, members of the Bureau and the Secretariat / *Communication du Président, des membres du Bureau et du Secrétariat*
4. Preparation of the draft Opinion No. 13 on «Independence, accountability and ethics of prosecutors" / *Préparation du projet d'Avis No. 13 sur « Indépendance, responsabilité et éthique des procureurs »*
5. Other work of the CCPE / *Autres travaux du CCPE*
 - Situation in member States / *Situation dans les Etats membres*
 - Amendments to the Constitution of Serbia / *Amendements à la Constitution de la Serbie*
 - Law on the Prosecution Service in Georgia / *Loi sur le ministère public en Géorgie*
 - Prosecutorial Councils in Ukraine and Moldova / *Conseils des procureurs en Ukraine et Moldova*
6. Any other business / *Divers*