

Strasbourg, 26 November 2021

CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS (CCPE)

16th plenary meeting
Hybrid and virtual event, 25-26 November 2021
Room 6, Main Building (Palais)

ABRIDGED MEETING REPORT

A. FOREWORD

1. The Consultative Council of European Prosecutors (CCPE) held its 16th plenary meeting in the format of hybrid and virtual event on 25-26 November 2021. It was chaired by Antonio VERCHER NOGUERA (Spain), President of the CCPE. The agenda is appended to the present report.

B. ITEMS SUBMITTED TO THE COMMITTEE OF MINISTERS FOR DECISION

2. The CCPE invited the Committee of Ministers:
 - a. to take note of the Opinion No. 16 (2021) on the implications of the decisions of international courts and treaty bodies as regards the practical independence of prosecutors, which will be forwarded to the competent authorities in the member States while encouraging its translation into appropriate languages if need be, and to the relevant bodies of the Council of Europe, in order that they may take account of it in their work;
 - b. to take note of this report as a whole.

C. LIST OF ITEMS DISCUSSED AND DECISIONS TAKEN BY THE CCPE

The CCPE

3. **adopted** agenda of its plenary meeting, as it appears in Appendix 1;
4. **adopted** Opinion No. 16 (2021) on the implications of the decisions of international courts and treaty bodies as regards the practical independence of prosecutors, subject to possible amendments on the form by its Bureau, which was entrusted to have any such amendments introduced if needed, in order to ensure consistency between the English and French versions;

decided to submit it to the Committee of Ministers to take note of it and to invite member States to ensure its dissemination as widely as possible among decision-makers and professionals of justice, including its translation where needed;
5. **took note** of the introductory remarks by Mr Daniele CANGEMI, Head of Department for Human Rights, Justice and Legal Co-operation Standard-Setting Activities and **welcomed** the Strategic Framework of the Council of Europe and noted that its priority 6 on independence, efficiency and resilience of the judicial systems in the member states is directly relevant for the CCPE mandate and activities;
6. **further noted** that, in the context of this priority, the ongoing COVID-19 crisis has further shown the importance of strengthening the judicial and prosecutorial systems, as it is rightly mentioned in the Strategic Framework. The overall preservation and further promotion of relevant European standards related to the rule of law, including in emergency situations, is in fact at the core of the CCPE mandate and work in particular as regards the development of standards for the independence and impartiality of prosecutors and promotion of their work in the context of emergency situations;
7. **underlined** that the Opinion No. 15 (2020) of the CCPE on the role of prosecutors in emergency situations, in particular when facing a pandemic, is directly relevant in this context. It is all the more important for prosecutors to continue ensuring respect for the European Convention on Human Rights in member States during a pandemic, as well as its aftermath, in line with the recommendations put forward in this, as well as in other Opinions of the CCPE;
8. **took into account** also that several other priorities of the Strategic Framework are also directly relevant for the CCPE mandate and work, such as Priority 1- Implementation of the European Convention on Human Rights; Priority 4 - Non-discrimination and ensuring the protection of vulnerable groups; Priority 5 - Fighting inequality, racism, xenophobia and discrimination on grounds of religion or belief or any other ground; and Priority 7 - The fight against corruption and money laundering;
9. **welcomed** the Terms of Reference of the CCPE for 2022-2025, adopted by the Committee of Ministers of the Council of Europe, and noting the changes as a result of the four-year programming cycle and those introduced, as of January 2022, by the CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods;

10. **welcomed** the information provided by the CCPE President and Vice-President, as well as by other members, about their efforts to disseminate the CCPE Opinions and standards and promote their implementation at national level;
11. **welcomed** the information provided by the CCPE President about his participation in the 9th annual meeting between the Secretary General of the Council of Europe and the Heads of monitoring and advisory bodies on 25 October 2021, and in other events where the CCPE President presented and explained the key standards and norms developed by the CCPE;
12. **welcomed** the invitation by Mr Giovanni SALVI, Prosecutor General at the Italian Supreme Court, which was presented by Mr Antonio MURA, member of the CCPE in respect of Italy and Prosecutor General of the Court of Appeal of Rome, addressed to the CCPE to designate one of its members to take part in the Scientific Committee for the preparation of the high-level event for Prosecutors General of Europe which will be held on 6-7 May 2022 in Palermo, organised in the framework of the Italian Chairmanship of the Committee of Ministers of the Council of Europe;
13. **welcomed** the continued close co-operation between the CCPE and other bodies and institutions of the Council of Europe, and in particular with the Venice Commission;
14. **took** into account the information on the situation of prosecutors and justice system reforms presented by the CCPE members in respect of Moldova, Georgia, Denmark, Liechtenstein, Luxembourg, Romania, Ireland, Albania;
15. **took note** of the information provided by the President of the CCPE and by the member of the CCPE in respect of the Russian Federation regarding the Conference of Heads of Prosecutors' Offices of European States, held from 6 to 9 July 2021 in Saint Petersburg, and issues discussed therein as reflected in final document¹.
16. **recalled**, in the context of threats to the judicial independence in the Council of Europe member States, the 2021 Report by the Secretary General of the Council of Europe on the State of Democracy, Human Rights and Rule of Law in Europe;
17. **underlined** that it was at the disposal of the Committee of Ministers and other bodies of the Council of Europe (particularly the Secretary General and the Parliamentary Assembly) or of the CCPE members and observers to prepare opinions and other texts concerning the specific situation of prosecutors in given member States;
18. **entrusted**, in this regard, the Bureau of the CCPE to prepare, adopt and publish such opinions and other texts concerning the specific situation of prosecutors in given member States;
19. **decided** to focus its 2022 Opinion on the role of prosecutors in protection of environment and **instructed** its Bureau and the Working Group of 2022 to prepare a draft Opinion on this issue for adoption at its 17th plenary meeting;

¹ <https://rm.coe.int/saint-petersburg-conference-7-july-21-en-final-document-publication/1680a368c8>

20. **agreed** to continue discussing the selection of the topic of its 2023 Opinion through further consultations and instructed its Bureau to make progress on this matter before the next plenary meeting ;
21. **decided**, as regards the specific topics for prospective thematic studies of the CCPE in 2022-2025, to entrust the Bureau of the CCPE to further examine the areas of interest discussed and to identify the topics to focus on, taking into account the following proposed list: non-discrimination and fight against racism, cybercrime, communications and new technologies in the work of prosecutors, issues related to the hate speech, the role of prosecutors in fighting domestic violence;
22. **appointed** Alessandra GIRALDI (Denmark), Denis GRUNIS (Russian Federation), Mikael JÄRETOFT (Sweden), Davit MELKONYAN (Armenia), Antonio MURA (Italy), Aivars OSTAPKO (Latvia), Peter POLT (Hungary), Ali RIZA ÜLKER (Turkey), Laura VAIK (Estonia) as members, and Milica ANDJELIĆ-MANDIĆ (Montenegro) as a substitute member of the Working Group responsible for preparing the 2022 draft Opinion to be submitted to the 17th plenary meeting of the CCPE;
23. **elected**
 - Antonio VERCHER NOGUERA (Spain) as President, for a second term of one year,
 - Jana ZEZULOVA (Czech Republic) as Vice-President for a first term of one year;
 - Robert WALLNER (Liechtenstein) as member of the CCPE Bureau for a first term of two years (2022-2023); and thanked Han MORAAL (the Netherlands), former Vice-President, for his contribution to the Bureau and the Committee's work as a whole;
24. **designated** Gordana BOSILJCIC (Bosnia and Herzegovina) as Gender Equality Rapporteur for 2022;
25. **expressed** its satisfaction with the manner in which its activities were implemented in a timely manner in 2021, despite the challenging context arising from the COVID-19 pandemic and online setting, and **thanked** all members and observers for their constant and active involvement in the CCPE's work;
26. **decided** to hold its 17th plenary meeting on 6-7 October 2022;
27. **decided** to hold the 30th and 31st meetings of the Working Group on 24-25 March 2022 and 16-17 June 2022, respectively.

AGENDA

1. Opening of the meeting

2. Adoption of the agenda and order of business

3. Information by the President and the Secretariat

- Introduction of Mr Daniele Cangemi, Head of Department for Human Rights, Justice and Legal Co-operation Standard Setting Activities, Directorate General Human Rights and Rule of Law

4. Draft Opinion No. 16 (2021) on the implications of the decisions of international courts and treaty bodies as regards the practical independence of prosecutors (specific task i)

- Examination, with a view to its adoption, of draft Opinion No. 16 (2021)

5. Exchange of views on topical developments in member States in the area of prosecution reforms and independence of prosecution (main task i) & Annual exchange of views to evaluate the CCPE activities and future priorities and to advise the Committee of Ministers on future priorities in this sector (main task ii)

- Tour de Table on topical developments in member States in the area of prosecution reforms and independence of prosecution and other relevant events

Members and observers are invited to present, through a Tour de Table, to the CCPE recent legal and institutional developments, as well as on various events (since November 2020).

- Discussion of the current situation and challenges for the prosecution and the key strategic priorities under the four-year strategic framework of the Council of Europe

6. Exchange of views on CCPE's proposed workplan for 2022-2023 and focus areas

- Introduction to the CCPE's draft terms of reference and the new Council of Europe programme and budget (2022-2025), by Ms Livia Stoica Becht, Head of Legal Co-operation Division
- Discussion on the role of prosecutors in protecting the environment as a prospective topic for the CCPE Opinion No. 17 (2022), already discussed and approved by the CCPE Bureau, and which is in line with key strategic priorities 1, 6 and 10 of the above-mentioned four-year strategic framework (see above).
- Discussion of possible topics for prospective studies of the CCPE in 2022-2025 (to be coordinated with the CCPE Bureau).

7. Elections (Bureau) and appointments (Rapporteurs)²

7.1 Election of the President and of the Vice-President

7.2 Election of members of the Bureau

7.3 CCPE's Working Group for 2022

7.4 Appointment of a CCPE Gender Equality Rapporteur

8. Information from other Council of Europe bodies and committees and observer organisations

9. Any other business

10. Date and place of next meetings

11. Approval of the draft meeting report

² Their terms of office will start on 1st January 2022 subject to the adoption of the terms of reference by the Committee of Ministers on 23-25 November 2021.