

**4<sup>th</sup> Eastern Partnership Panel on Rule of Law**

**Eastern Partnership Platform 1: Strengthening institutions and good governance**

27 November 2018 – Brussels

**AGENDA**

- 09:00 – 09:30      *Registration and welcome coffee*
- 09:30 – 10:00      **I. Opening remarks**  
*Chair: Jeroen Hooijer (DG JUST – Head of Unit)*  
*Keynote speeches by Ms Tiina Astola, Director General, DG JUST*  
*Lawrence Meredith, Director, DG NEAR/ Audrone Perkauskiene, Head of Division EEAS (t.b.c.).*
- 10:00 – 11:00      **II. Key challenges for public prosecution services in the EaP**
- Area 1: Organisational independence and scope of prosecution services**  
*Moderator: Mathieu Bousquet, DG NEAR (t.b.c.)*
- 1. State of play: reform and progress updates interventions from [EaP country x] and [EaP country y]**
- Guiding questions:
- a) How is the relation between the prosecution service and the executive and legislative organised? Is the prosecution service designed as an independent state authority or subordinate/linked to the executive? How is the accountability of the prosecution service to the public ensured?
  - b) How does the procedure to appoint the General Prosecutor look like? Do safeguard mechanism exist to prevent the politicisation of this office (i.e. authorities involved; qualified majorities required; expert advice etc.)? How long is the term of office of the General Prosecutor?
  - c) How does the scope of the prosecution services look like? Which institution is in charge of the general protection of Human Rights?
- 2. Further steps and reform needs: discussion among EaP countries, European Commission and other participants**

**3. Meeting the needs in the EaP - guiding international standards and good practice**

*CoE (CCPE/ Hanne Juncher)*

*Speaker from EU MS ?*

11:00 – 11:30

*Coffee break*

11:30 – 12:45

**Area 2: Possible undue influence and interference by the executive, legislature or hierarchy**

*Moderator: Mr. Petry, DG JUST*

**1. State of play: reform and progress updates - interventions from [EaP country x] and [EaP country y]**

Guiding questions:

- a) External independence: Can the parliament or executive give general guidance on prosecution policy and/or instructions in individual cases?
- b) Internal independence: Who in the hierarchy can give instructions in individual cases to public prosecutors?
- c) Which safeguards are in place to avoid undue guidance/instructions? Is there an obligation to put instructions in writing and to publish them? Is there a possibility to "challenge" an illegal instruction and a decision not to prosecute?
- d) Are there rules in place for the assignment and re-assignment of cases?

**2. Further steps and reform needs: discussion among Eastern Partnership countries, European Commission and other participants**

**3. Meeting the needs in the EaP - guiding international standards and good practice**

**Council of Europe (CCPE/Hanne Juncher)**

**Speaker from EU MS?**

12:30 – 14:00

*Lunch*

14:00 – 15:30

**Area 3: Transparent, merit-based procedures for recruitment and evaluation and of sound disciplinary procedures**

*Moderator: Mathieu Bousquet, DG NEAR (tbc)*

**1. State of play: reform and progress updates - interventions from [EaP country x] and [EaP country y]**

Guiding questions:

- a) Does your national law foresee objective criteria for the selection and career of public prosecutors? How do you ensure that selection and career of public prosecutors are based on merit/ability, integrity and experience? How does the recruitment process look in detail (scope of written exams, structure of interviews, score/point system, integrity checks)?
- b) Which institutions are responsible for the selection of candidate prosecutors and for their appointment? Which body is responsible for the career of public prosecutors and for disciplinary proceedings (e.g. promotion)? Is this institution independent of executive and legislative powers? If a Prosecutorial Council exists: What are the rules for the selection of its members and how is its current composition?
- c) Does your country have procedures in place for the impartial review of all decisions related to the career, disciplinary actions and dismissal of public prosecutors by an independent body?
- d) Does your country have track records of a transparent and merit-based recruitment and promotion system and of the performance of public prosecutors in place?
- e) Does your country have a track record of reported disciplinary cases, proceedings initiated and convictions in place?

**2. Further steps and reform needs: discussion among EaP countries, European Commission and other participants**

**3. Meeting the needs in the EaP - guiding international standards and good practice**

*CoE (CCPE/Hanne Juncher)*

*Speaker from EU MS?*

15:30 - 16:00

*Coffee break*

16.00 - 17.00

**III. Measuring justice sector reform progress in the Eastern Partnership**

*Moderator: Mr Martijn Quinn, DG JUST, Deputy Head of Unit*

- 1. State of play: interventions from [EaP country x]**
- 2. Meeting the needs in the EaP: court surveys and key indicators**
  - a) Measuring independence, quality and efficiency of the judiciaries in the Eastern Partnership: court & court user surveys - World Bank project (with the support of the EU)  
Mr/Mrs. Xxx, [World Bank]
  - b) Measuring efficiency and access to justice – key-indicators on clearing rates, disposition times, pending cases and budget allocation to legal aid

***Comments from Council of Europe***

***Discussion***

17.00 – 17:30

**IV. Conclusions and closing remarks**

*Mr Jeroen Hooijer, DG JUST, Head of Unit,*

*Mr Mathieu Bousquet, DG NEAR, Head of Unit*