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

**Thematic study of the CCPE  
on management practices of prosecution services  
in member states in connection  
with prosecutorial independence and impartiality**

## Introduction

1. The Consultative Council of European Prosecutors (CCPE) has stressed on many occasions that the independence and autonomy of the prosecution services constitute an indispensable corollary to the independence of the judiciary. Therefore, the general tendency to enhance the independence and effective autonomy of the prosecution services should be encouraged.<sup>1</sup>
2. The CCPE has previously outlined that prosecution services should be enabled to estimate their needs, including technological means and human resources, negotiate their budgets, and decide how to use the allocated funds transparently to achieve their objectives in a speedy and effective 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 for that purpose.<sup>2</sup>
3. A common feature of public prosecution services is their hierarchical organisation, which is linked to the nature of their tasks. At the same time, relationships between the different layers of the hierarchy must be governed by clear unambiguous rules so that personal considerations do not play an unwarranted role.<sup>3</sup>
4. Considering that in many legal systems, public prosecution services are structured as highly hierarchical institutions, led by top-ranking prosecutorial officials, typically prosecutors general, the independence and impartiality of prosecution services largely depend on the transparency of the appointment and dismissal procedures of prosecutors general, the duration of their tenure and safeguards against any form of undue interference in their work.
5. Based on the above-mentioned considerations, the CCPE decided to explore and highlight, in its Opinion No 19 (2024), the guiding principles for the management of prosecution services in order to ensure their independence and impartiality.
6. In parallel to the aforementioned Opinion, the CCPE launched this thematic study on management practices of prosecution services in member states in connection with prosecutorial independence and impartiality pursuant to the terms of reference received from the Committee of Ministers and the recent decision of the 18<sup>th</sup> plenary meeting of the CCPE on the initiative of the CCPE President, Ms Jana Zezulova (Czechia). The CCPE is grateful to Ms Zezulova for her substantial contribution and support throughout the process leading up to the adoption of this thematic study.
7. The thematic study explores various aspects, including:

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<sup>1</sup> Opinion No. 9 (2014) of the CCPE on European norms and principles concerning prosecutors, Rome Charter, Section IV.

<sup>2</sup> Opinion No. 9 (2014) of the CCPE on European norms and principles concerning prosecutors, Rome Charter, Section XIX.

<sup>3</sup> Recommendation Rec(2000)19 on the role of public prosecution in the criminal justice system, Explanatory Memorandum, § 9.

- Institutional framework regarding the management of prosecution services in different jurisdictions;
  - Diverse approaches in different jurisdictions towards the appointment/election, term of office, discipline and safeguards against removal/dismissal of prosecutors general;
  - Functions and tasks of prosecutors general in different jurisdictions;
  - Accountability mechanisms for the prosecutors general in different jurisdictions.
8. Thus, the thematic study aims to explore diverse legal systems and models existing across Europe regarding the role of prosecutors general in the management of prosecution services. It does not express a preference for one system or model over another but rather identifies similarities and differences, including in terms of practices, in member states.
  9. At the same time, the CCPE wishes to signal certain restrictions concerning this thematic study. First of all, it is not meant to assess or monitor the situation in member states. Nor does it contain ratings or rankings of member states' performance.
  10. Secondly, the study relies entirely on the responses of the CCPE members to the questionnaire prepared and distributed by the CCPE Secretariat. Since not all member states have submitted responses, the thematic study is limited to those member states having provided information. At the same time, there is a sufficient number of responses to reflect the diversity of situations existing across Europe.
  11. Furthermore, while the analysis of the responses to the questionnaire does not go into the details of each individual practice reported by CCPE members in respect of their states, it aims to offer examples of best practice by showcasing relevant and successful approaches.

## Executive summary

12. In many jurisdictions, provisions guaranteeing the independence of prosecution services are established by legislation of the highest legal force, typically enshrined in the Constitution. The management of these services is further regulated by specialised laws, by-laws and other regulations.
13. In the vast majority of member states, prosecution services are organised as centralised bodies, based on hierarchy, and led by prosecutors general.<sup>4</sup>
14. Various approaches are used for the appointment/election of prosecutors general and different measures are employed for minimising political influence in this process and ensuring its transparency and a merit-based approach. In many member states, eligibility criteria exist for candidates to this position.
15. The role of the ministry of justice in the management of prosecution services varies among member states owing to the differences in legal systems and legal culture. In some member states, there is no involvement of their ministry of justice in the management of prosecution service, while in others, there may be varying degrees of involvement.
16. Many member states appoint/elect prosecutors general for a fixed term, pre-defined by law. In several member states, restrictions are in place as regards the reappointment of the same individuals for this position.
17. In several member states, there are disciplinary procedures for prosecutors general in case of misconduct.
18. Various rule-based grounds exist in member states for the removal of the prosecutors general. While these grounds vary from one jurisdiction to another, they can be classified as administrative/non-conduct related (such as, for example, reaching the age limit, completing tenure, loss of nationality, resignation) and conduct-related (such as, for example, the ill-performance of duties, repeated breach of rules, proven disability to fulfil assigned functions).
19. Responses to the questionnaire reveal that in many jurisdictions, prosecutors general are assigned important managerial tasks, including those related to financial management and representation of the services internally and externally. In some jurisdictions, prosecutors general are also dealing with matters related to prosecutorial careers.

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<sup>4</sup> Nomenclature used for the top-ranking prosecutorial official can vary from one jurisdiction to another. While prosecutor general is the most commonly used title for this position, in some member states, other titles are used including attorney general, state attorney, supreme state prosecutor, chief prosecutor, director of public prosecutions etc.

## **Brief analysis of the replies to the questionnaire**

### ***General aspects related to the administration of prosecution services***

20. **The above-mentioned questionnaire invited the CCPE members to briefly describe their legal framework for the administration of prosecution services. Many CCPE members indicated that the status of their prosecution services is established by their constitutions, with administrative details being governed by specialised laws, by-laws and other regulations.**
21. In Albania, the Constitution establishes the framework for the organisation and operation of state institutions, including the prosecution service. It enshrines principles such as independence of the service, while the Law on the Organisation and Functioning of Prosecution Service sets out the details of its structure, organisation and powers. The law also defines the roles and responsibilities of prosecutors and other employees.
22. In Armenia, the Constitution stipulates that the Prosecutor's Office is a unified system, headed by the Prosecutor General, and lists the powers of that office, as well as specifies the procedure for the election of the Prosecutor General by the National Assembly (Parliament). More detailed regulations are primarily contained in the Law on Prosecution Service and other relevant laws, supplemented by individual and internal acts established by the Prosecutor General (e.g. the Charter of the Prosecution Service).
23. In Bosnia and Herzegovina, the administration of the prosecution service is regulated by a special law passed by the Parliament.
24. In Estonia, the administration of prosecution service is regulated by law, specifically by the Prosecutor's Office Act and Statute of Prosecutor's Office established by the Minister of Justice.
25. In Czechia, the Constitution states that the public prosecutor's office represents the public prosecution in criminal proceedings. It also performs other tasks if the law so provides. The position and competence of the public prosecutor's office should be determined by law (Public Prosecutor's Office Act).
26. In France, the administration of the prosecution service is regulated at both legislative (organic law) and regulatory levels. Each Prosecutor General attached to a court of appeal ensures that criminal law is applied throughout the jurisdiction of this court of appeal and that the public prosecutor's offices within its jurisdiction operate smoothly. He/she leads and coordinates the work of public prosecutors, both in terms of preventing and punishing breaches of criminal law. He/she specifies and, where necessary, adapts the general instructions of the Minister of Justice to the specific context of the jurisdiction. He/she assesses the implementation of these instructions by the public prosecutors.
27. In Georgia, the Constitution and the Law on the Prosecution Service regulate the administration of the prosecution service. Within the prescribed limits and areas, the by-laws

issued by the Prosecutor General provide additional rules and procedures regarding the functioning of the prosecution system.

28. In Ireland, the prosecution system is grounded in the Constitution and legislation, notably the Prosecution of Offences Act which established the Office of the Director of Public Prosecutions. The Director of Public Prosecutions is independent in the performance of his/her functions.
29. In Italy, the status of the public prosecutors is regulated firstly by the Constitution. It stipulates that prosecutors enjoy the guarantees established by the provisions concerning the organisation of the judiciary which are laid down by law and ensure the independence of judges and prosecutors. The administration of the prosecution service is regulated by law. The financial, material and human resources are assigned by the Ministry of Justice to every prosecution office (at the first instance, appeal and national levels), but each Prosecutor General or Chief Prosecutor, according to the level of the office, is in charge of the management of all resources.
30. In Malta, the administration of the prosecution service is also primarily regulated by the Constitution, which safeguards the constitutional independence of the Attorney General as Chief Prosecuting Officer.
31. In Montenegro, the administration of the prosecution service and prosecutorial council are introduced by the Constitution and further elaborated by the Law on State Prosecution Service, along with numerous by-laws or other regulations.
32. In Spain, the Constitution regulates the Public Prosecutor's office, although from a very general perspective referring to the main tasks of prosecutors, the application of the principle of hierarchy, subject to the principles of legality and impartiality, etc.
33. In Switzerland, the Public Prosecutor's office of the Confederation is an independent criminal prosecution authority that is not attached to a court, according to the Code of Criminal Procedure. In the context of criminal proceedings, the Public Prosecutor's office of the Confederation is, like the courts, independent in the application of the law and is subject only to the legal rules. It is therefore absolutely impossible for political authorities to interfere in the actual activity carried out by the Public Prosecutor's office in matters of criminal prosecution.
34. In Ukraine, the administration of the prosecution service is also regulated at the constitutional level. The Constitution defines the powers of the prosecution service, stating that the organisation and procedure of its activities are determined by law. The Law on Prosecution Service establishes the legal basis for the organisation and activities of the prosecution service, the status of prosecutors, the procedure for exercising prosecutorial self-government and the system of prosecutor offices.
35. **CCPE members were also asked to indicate which officials head the prosecution services in their respective countries. Many of them referred to prosecutors general. In several member states, either prosecution services are headed by the ministers of**

**justice or ministries play significant roles in the administration of prosecution services. Several CCPE members indicated prosecutors general as the highest-ranking officials of their prosecution services, while also outlining that some top management functions are carried out by other bodies or officials.**

36. In Albania, although the prosecution service is headed by the Prosecutor General, the High Prosecutorial Council is responsible for managing careers, disciplinary matters and movements of prosecutors. The Prosecutor General manages other human resources, such as administrative staff or other professionals, through competitive selection procedures.
37. In Austria, the budget and the number of posts within the judiciary, which includes prosecution offices, are allocated to the Federal Ministry of Justice by law. The Federal Ministry of Justice then distributes these means amongst the different sectors of the judiciary, including courts, prosecution offices and jailhouses. Prosecutorial system is based on a hierarchical structure, headed by Federal Minister of Justice.
38. In Armenia, Georgia, Latvia, Liechtenstein, Lithuania, Malta (Attorney General), the Republic of Moldova, Montenegro (Supreme State Prosecutor), North Macedonia (Public Prosecutor of the Public Prosecutor's Office), Poland, Portugal, the Slovak Republic (Attorney General), Slovenia (State Prosecutor General), Spain (Attorney General), Sweden, Switzerland and Ukraine, the prosecutor general is the head of the prosecution service.
39. In Bulgaria, the prosecutor general serves as the head of the prosecutorial system and is the administrative head of the Supreme Prosecutor's Office.
40. In Czechia, the law stipulates that the Prosecutor General's Office is headed by the Prosecutor General and the Prosecutor General serves as the head of the prosecutorial system. The Ministry of Justice serves as the supreme body of prosecutorial administration. The Ministry is responsible for ensuring the administrative functioning of prosecution offices, including organisational, personnel, budgetary and information systems matters. The administration of the Prosecutor General's Office is carried out by the Ministry through the Prosecutor General. The administration of High, Regional and District Public Prosecutor's Offices is carried out by the Ministry directly or through the respective heads of prosecution service. This cannot be equated with the superiority of the Ministry of Justice (or the Minister of Justice) in relation to any prosecution service or public prosecutor (as regards the exercising of prosecutorial jurisdiction).
41. In Denmark, in practice, the Director of Public Prosecutions heads the prosecution service. According to the Administration of Justice Act, the Minister of Justice serves as the hierarchical superior of public prosecutors with the authority to determine provisions about the prosecutors' fulfilment of their assignments and to give them orders regarding the handling of specific cases, including initiating, continuing, refraining from, or halting legal proceedings. Any order must be in writing and accompanied by a reason, with the speaker of the Danish Parliament being informed in writing. However, the Minister of Justice has only used this authority twice in the last 30 years.

42. In France, as already mentioned, every Prosecutor General attached to a court of appeal ensures that criminal law is applied throughout the jurisdiction of this court of appeal and that the public prosecutor's offices within its jurisdiction operate smoothly.
43. In Greece, the General Prosecutor's office of the Supreme Court is headed by the General Prosecutor of the Supreme Court.
44. In Hungary, the prosecution service is headed and managed by the Prosecutor General. While the Prosecutor General can delegate some powers to the two Deputy Prosecutors General and the Secretary General, but other powers, such as the management of prosecutorial activity in relation to Parliament, are reserved for the Prosecutor General.
45. In Ireland, the Director of Public Prosecutions heads up the prosecution service. The Office of the Director of Public Prosecutions consists of four divisions: the Directing Division consisting of prosecutors who examine criminal investigation files and decide whether or not to take a prosecution; the Solicitors Division consisting of prosecutors and legal executives who prepare and conduct cases on behalf of the Director in all courts sitting in Dublin; the Prosecution Support Services Division incorporating the International Unit, the Prosecution Policy and Research Unit, including the library, information and knowledge management services, and the Victims Liaison Unit; and the Corporate Services Division consisting of general civil services grades and professions providing services and supports for the Office in the area of human resources, organisational development, IT, finance, communications, governance and accommodation.
46. In Italy, the structure of the prosecution service is not strictly hierarchical. The head of each prosecution office (Chief Prosecutor at the first instance level, Prosecutor General at the appeal or cassation levels) is responsible for organisational initiatives. Some competences are assigned to the High Council of the Judiciary (CSM), including general resolutions, appointment of Chief and General Prosecutors, transfer of assistant prosecutors.
47. In the Netherlands, the prosecution service is managed by a board consisting of at least three and at most five Prosecutors-General. One of the Prosecutors-General is designated as the President of the Board.
48. In Türkiye, there is no centralised chief public prosecution system. Instead, the Chief Public Prosecutor serves as the head of prosecution services in settlements where an office of Chief Public Prosecution exists, such as provinces or cities. The Council of Judges and Prosecutors is responsible and authorised for the personnel affairs, including appointment, promotion and leave of Chief Public Prosecutors.
49. **In addition to the question regarding the heads of prosecution services, CCPE members were asked to describe the extent of the possible involvement of their ministries of justice in the administration or operations of the prosecution systems. While many reported no or insignificant involvement, several countries indicated some functions carried out by their ministries of justice.**



50. In Albania, the Ministry of Justice does not have direct authority over the prosecution service, it plays a supportive and coordinating role in matters related to legal reform, policy development and resource allocation within the broader justice system. Additionally, the Ministry of Justice collaborates with the prosecution service and other justice sector institutions on initiatives aimed at enhancing the efficiency, effectiveness and integrity of the justice system as a whole.
51. In many countries, including Armenia, Bosnia and Herzegovina, Bulgaria, Finland, Georgia, Hungary, Ireland, Latvia, Lithuania, Malta, North Macedonia<sup>5</sup>, Portugal, the Slovak Republic, Spain, Sweden, Switzerland, and Ukraine, the ministries of justice do not play any role in the administration or operations of prosecution services. However, in other countries (see below), there are varying degrees of involvement or powers exercised by their ministries of justice in this regard.
52. In Czechia, the prosecution service falls within the Ministry of Justice's ambit, which is the central authority for its administration of the prosecution service. The Ministry of Justice, and in certain statutory cases, the Minister of Justice himself, retain significant powers within the public prosecutor's office, particularly in respect of personnel, financial resources and organisation. The Minister of Justice may at any time ask any public prosecutor's office to provide information on the state of proceeding (only on the state of proceeding and not on the evidence or steps in proceedings) of each case the public prosecutor's office is engaged in, if such information is needed to fulfil objectives of the Ministry of Justice or if the Minister of Justice needs such information as a member of the Government. However, the Ministry of Justice (Minister of Justice) cannot issue binding instructions to public prosecutors (prosecution service). The Minister of Justice is not superior to the Prosecutor General and does not supervise the activities of the prosecution service (as regards the exercising of prosecutorial jurisdiction).
53. In Estonia, the Ministry of Justice exercises supervisory control over the prosecutor's office, with certain exceptions. This supervision does not extend to activities such as planning surveillance, pre-trial criminal proceedings and representing the public prosecution in court. The Prosecutor General is required to submit a consolidated activity report of the Prosecutor's Office to the minister in charge of the policy sector once a year. In accordance with the Statute of the Ministry of Justice, the Minister of Justice holds authority to establish the Statute of the Prosecutor's Office, determine the structure of the Office of the Prosecutor General and the District Prosecutor's Offices, decide the number of prosecutors, propose candidates for the position of Prosecutor General to the Government for appointment, appoint Chief State Prosecutors, Chief Prosecutors, and State Prosecutors, and supervise the Prosecutor's Office. However, the Minister of Justice does not issue binding instructions regarding pre-trial proceedings. Information may be requested within the limits stipulated by law for the purpose of conducting supervisory control.
54. In France, the prosecution service is administered centrally by the Ministry of Justice (Judicial Services Directorate) and, for certain financial aspects, by the regional administrative service

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<sup>5</sup> The Public Prosecutor of North Macedonia has an obligation to submit the annual report regarding the work of all prosecutors' offices and the situation with the crime to the Ministry of Justice, for introduction.

(SAR) established in each of the 36 appeal courts. As regards the day-to-day operations and activities of public prosecutor's offices, the internal management and administrative tasks are the responsibility of public prosecutors as heads of the public prosecutor's offices, and of the Prosecutors General (who are their hierarchical superiors) as heads of the general public prosecutor's offices (at the level of the courts of appeal).

55. In Italy, the Minister of Justice has no role in the administration of the prosecution service. However, the Minister has authority to inspect the proper functioning of judicial services and can initiate disciplinary action in cases of violations of duties by any prosecutor or judge.
56. In Liechtenstein, the Ministry of Justice plays a crucial role in providing financial and human resources to the prosecution service. During the annual budgetary process, the Prosecutor General proposes the budget which is then discussed during a dedicated meeting with the Ministry of Justice. The Ministry of Justice then presents the proposed budget to the Government as a whole, with the final decision resting with Parliament. Over the past 20 years, both the Government and Parliament have consistently allocated the necessary financial resources to the prosecution service. Regarding prosecutors, the government's power to terminate their employment is limited by law to exceptional circumstances, and this power has not been exercised in the past 30 years. The Ministry of Justice does not have the authority to issue general instructions regarding policies, such as prioritising certain prosecutions or determining penalties. In individual cases, the Minister of Justice does not have any power to give instructions to the Prosecutor General. However, this power is reserved for the Government, requiring the Ministry of Justice to seek majority approval.
57. In Luxembourg, since the revision of the Constitution, which came into effect on 1 July 2023, the Minister of Justice no longer plays any role in the organisation or operation of the prosecution service. They no longer exercise any authority or oversight over prosecutors and are no longer involved in their appointment, including to the most important positions within the prosecution service. Decisions on appointments are now made by the National Council of Justice, composed of nine members, including six prosecutors elected by their peers. The decisions made by this Council on appointments cannot be challenged by the government, which is required to comply with them.
58. In the Republic of Moldova, the Prosecutor's Office operates independently from the legislative, executive and judicial powers as well as from political parties, socio-political organisations and other institutions or individuals. However, the Minister of Justice is a *de jure* member of the Superior Council of Prosecutors. This inclusion, based on the principle of cooperation among state bodies, aims to enhance efficiency in dialogue within the justice sector.
59. In Montenegro, the Minister of Justice has the authority to conduct regular inspection supervision in accordance with the annual supervision plan. Additionally, they can carry out extraordinary inspection supervision upon the proposal of the Supreme State Prosecutor, the head of the immediately higher prosecution service or the President of the Prosecutor's Office.

60. In North Macedonia, the Ministry of Justice has a certain supporting role connected to the work of the Public Prosecution Office in the area of legal reforms. The Ministry of Justice has started the Development Sector Strategy Reform for Jurisdiction (2024-2028) that, among other things, includes the work of the Public Prosecution Office. The aim of this Strategy is to ensure the implementation of the recommendations of the European Commission and to provide harmonisation with the legislation of the European Union, especially in the area of the rule of law, independence of the judiciary and the autonomy of the Public Prosecution Office, and also to guarantee the efficiency of the judicial system in line with European Union standards.
61. In Spain, the Ministry of Justice does not have any power to issue general instructions, except for security in the buildings, safety matters, etc. However, the budget of the prosecution service is under the authority of the Ministry of Justice, and the prosecution service has little financial capacity.
62. In Switzerland, the Minister of Justice plays absolutely no role in the administration of the Public Prosecutor's Office of the Confederation, which is independent. The Prosecutor General, his/her two deputies and the chief prosecutors are, according to the legislation, the only ones authorised to give instructions relating to the opening, conduct or closure of proceedings, the support of the prosecution or the use of legal remedies. The Prosecutor General also has the power to issue more specific directives necessary for the administration and conduct of proceedings. As a matter of principle, the Prosecutor General communicates operational directives in writing in individual cases. In urgent cases and when consent can be reached with the prosecutor concerned, the Prosecutor General communicates operational directives verbally. Organisational or personal directives or instructions, which do not affect the operational activities of the Public Prosecutor's Office of the Confederation, are issued in writing without exception.
63. In Türkiye, the Minister of Justice is authorised to inspect non-judicial administrative affairs of prosecution services. Such inspections are carried out by justice inspectors who are experienced in the fields of judging and prosecuting and work within the Ministry of Justice. Within this framework, matters such as the management of courthouses, renovation and furnishing needs, and supervision of tenders conducted by the Offices of Chief Public Prosecution fall under the scope of administrative affairs. The Minister of Justice can also issue circulars on non-judicial administrative matters to ensure better provision of prosecution services. Furthermore, information can be obtained from relevant Offices of Chief Public Prosecution to serve as the basis for press releases aimed at informing the public.

### ***Appointment/election, tenure, discipline and safeguards against removal/dismissal of prosecutors general***

64. CCPE members were asked to provide information on their domestic practices concerning the appointment/election, disciplinary and dismissal procedures, and terms of office of prosecutors general. CCPE members reported diverse models and approaches in this regard. Various safeguards aimed at minimising the politicisation of these processes and various methods for selecting the prosecutor general,

**including direct appointments by the heads of states and competitive procedures involving prosecutorial councils or parliaments, have been mentioned.**

65. In Albania, the procedure for appointing the Prosecutor General starts with the High Prosecutorial Council establishing a selection process. This process may involve issuing a call for applications or nominations, inviting qualified candidates to apply. Candidates undergo evaluation based on criteria such as qualifications, experience and professional reputation as established by law or regulations. Following the evaluation, the High Prosecutorial Council submits a list of three recommended candidates to the Assembly. The Assembly then reviews the nominations and votes to elect the Prosecutor General from among the proposed candidates.
66. In Armenia, the Prosecutor General is elected by the National Assembly (Parliament) upon recommendation of the competent standing committee of the National Assembly. The election requires at least three-fifths of the votes of the total number of Deputies.
67. In Bosnia and Herzegovina, the Chief Prosecutor is selected and appointed by the High Judicial and Prosecutorial Council from the Prosecutors of the Prosecutor's Office.
68. In Bulgaria, the Prosecutor General is appointed and dismissed by the President of the Republic based on a proposal by the Supreme Prosecutorial Council.
69. In Czechia, the Prosecutor General is appointed by the Government upon the proposal of the Minister of Justice for a term of office of seven years. No one may be appointed as Prosecutor General more than once. The heads of other structural entities within the prosecution service are appointed by the Minister of Justice either on the proposal of the Prosecutor General or on the proposal of the immediate superior heads within the prosecution service, for a term of office of seven years. The selection of the Head of High, Regional and District prosecution service should be made exclusively through selection procedures.
70. In Denmark, the Director of Public Prosecutions is employed as a public servant and employment conditions are regulated in the Civil Servants Act. The Minister of Justice assesses all the applications and recommends the most qualified candidate for the position to the Government Hiring Committee. The Committee must approve the selection of the new Director of Public Prosecutions.
71. In Estonia, the Government appoints the Prosecutor General to the office based on the proposal of the Minister of Justice, after considering the opinion of the Legal Affairs Committee of the Parliament.
72. In Finland, the President of the Republic appoints the Prosecutor General upon the proposal of the government.
73. In France, with regard to the appointment of members of the prosecution service, including the heads of the public prosecutor's offices (Prosecutors General and public prosecutors), the appointing authority is the President of the Republic, acting on a proposal of the Minister of Justice after receiving the opinion of the High Council of the Judiciary (CSM). Proposals

are made by the Minister of Justice (Directorate of Judicial Services) and then submitted to the CSM for opinion. In the event of an unfavourable opinion, the Minister may in theory overrule the CSM, but a practice has now been established (over the last ten years) whereby the Minister systematically follows the opinion of the CSM.

74. In Georgia, the Parliament elects the Prosecutor General upon the nomination of the Prosecutorial Council. The Prosecutorial Council is comprised of 15 members. Among these members, eight are elected by the Conference of Prosecutors from among prosecutors and investigators, five are elected by the Parliament (including two Members of Parliament, two civil society representatives, and one individual nominated by the Minister of Justice), and two are elected by the High Council of Justice as judge members.
75. In Greece, the Council of Ministers selects candidates for the position of the Prosecutor General from among those who possess the required legal qualifications. The selection is made among the 10 most senior Vice Prosecutors General of the Supreme Court or Vice Presidents and Judges (Areopagites) of the Supreme Court who have at least two years of service at the Supreme Court, following the opinion of the Conference of the Presidents of the Parliament and the recommendation of the Minister of Justice.
76. In Hungary, the Prosecutor General is elected by secret ballot with the votes of two-thirds of the Members of the Parliament.
77. In Ireland, the Director of Public Prosecutions is appointed by the Government under the terms set out in the Prosecution of Offences Act. A Committee is established, when requested by the Taoiseach (Prime Minister), to select candidates for appointment to the Office of Director of Public Prosecutions. The Committee consists of the Chief Justice, the Chairman of the General Council of the Bar of Ireland, the President of the Incorporated Law Society, the Secretary to the Government, and the Senior Legal Assistant in the Office of the Attorney General. The Government appoints the candidate proposed by this Committee.
78. In Latvia, a competitive procedure for the selection of the Prosecutor General is organised. The selection process for candidates to the office of the Prosecutor General takes place through an open competition. Individuals who meet the criteria outlined in the law can apply. The Judicial Council approves the competition's rules. After confirming that the candidates meet the legal requirements, the Judicial Council requests the competent state security institution to provide an opinion on their compliance with the Law on Official Secrets for obtaining security clearance. The Judicial Council determines the procedures and criteria for evaluating the candidates. Subsequently, the Judicial Council assesses the candidates and selects the most suitable one. The Judicial Council presents the selected candidate for appointment to the Saeima (Parliament) no later than one month before the end of the Prosecutor General's term of office.
79. In Liechtenstein, the position is advertised publicly. Applicants who meet the legal requirements undergo a thorough external assessment procedure. This process includes at least one interview conducted by the Minister of Justice, with the assistance of a human resource professional. The Minister of Justice may also seek advice from the current Prosecutor General. Subsequently, the Minister proposes a candidate to the government,

which makes the final decision collectively in a government meeting chaired by the Prime Minister.

80. In Lithuania, the Prosecutor General is appointed and dismissed by the President of Republic, with the approval of the Parliament.
81. In Luxemburg, the State Attorney General and state prosecutors are appointed by the National Council of Justice.
82. In the Republic of Moldova, there is a public competition for the selection of the candidate for the position of Prosecutor General which is organised by the Superior Council of Prosecutors. This competition comprises stages of pre-selection and interview by the Council.
83. In North Macedonia, the Public Prosecutor is appointed by the Parliament, upon proposal of the government.
84. In Slovenia, the State Prosecutor General is appointed by the National Assembly on the reasoned proposal of the State Prosecutorial Assembly.
85. In Spain, the Attorney General is appointed and dismissed by the King, based on the proposal of the Government, after consulting the General Council of the Judiciary and following an assessment of their suitability by the corresponding Committee of the Congress of Deputies (Parliament). Thus, all three branches of government are involved in their appointment.
86. In Switzerland, while until 2011, federal prosecutors were elected by the Federal Council, the election mechanism was changed with the entry into force of the unified Code of Criminal Procedure on 1 January 2011 and any link with the executive power was removed. This change was intended to guarantee the complete independence of the Public Prosecutor's office of the Confederation. The Federal Assembly (joint chambers) elects the Prosecutor General of the Confederation and the two Deputy Prosecutors General for an administrative period of four years, on the proposal of the Judicial Committee. They may be re-elected until they reach the ordinary retirement age (end of the calendar year in which the prosecutor reaches the age of 68).
87. **In many member states, there are dedicated criteria for candidates for the position of the prosecutor general.**
88. Although these criteria may vary from one jurisdiction to another, they can be grouped into general criteria (such as nationality, ability to speak a specific language, reaching a certain age, having no criminal record) and specific legal and professional qualifications (including legal educational background, work experience, prosecutorial background and proven managerial skills). In several member states, candidates are also required to possess high moral qualities and integrity.
89. According to the Constitution of Armenia, the candidate for the position of the Prosecutor General must be a legal professional with higher education, having attained the age of 35 years, holding citizenship of only of Armenia, having the right of suffrage, with high

professional qualities and at least 10 years of professional work experience. The law may prescribe additional requirements for the candidates for the position of the Prosecutor General. According to the Law on the Prosecutor's Office, the Prosecutor General should also comply with the following requirements: he or she has obtained a Bachelor's Degree or a qualification degree of a certified specialist of higher legal education in Armenia or has obtained a similar degree in a foreign state, the recognition and approval of equivalence whereof have been carried out in Armenia as prescribed by law; knows Armenian language, and there must be no existing restrictions provided for by the law.

90. The Law on the Prosecutor's Office of Bosnia and Herzegovina does not specify formal qualifications and eligibility criteria for the Chief Prosecutor. However, the High Judicial and Prosecutorial Council has established certain criteria for their election. The candidate must be a citizen of Bosnia and Herzegovina and have a minimum of eight years of experience as a prosecutor, judge or advocate after passing the second state examination as a lawyer. Additionally, the candidate must demonstrate the capacity to lead and represent an administration at the state level. The Chief Prosecutor is selected and appointed by the High Judicial and Prosecutorial Council from among the prosecutors of the Prosecutor's Office.
91. In Czechia, a candidate to the position of Prosecutor General must have expertise, professional experience, human management skills and moral qualities which provide guarantees for the proper performance of the office of Prosecutor General. A prerequisite for appointment to the office of Prosecutor General is legal experience of at least 10 years, of which at least six years as prosecutor. The law sets out the basic requirements for a candidate to the position of Head Prosecutor: professional knowledge, professional experience and moral qualities guaranteeing the proper performance of the function, the absence of a non-expunged disciplinary measure and a minimum required period of experience. For a candidate to the position of Prosecutor General, the requirement of managerial skills is also emphasised.
92. In Estonia, the candidate for the position of Prosecutor General must meet the general requirements for prosecutors set forth by domestic regulations. Additionally, they should be experienced and prominent legal professionals.
93. In Finland, the Prosecutor General and the Deputy Prosecutor General are required to hold a Master's degree in Law, excluding a Master's degree in International and Comparative Law. Additionally, candidates must possess diverse experience relevant to the position, as well as demonstrated leadership skills and management experience.
94. In France, the eligibility criteria for the appointment of the heads of the public prosecutor's offices (Prosecutors General and public prosecutors) relate, in particular, to the professional experience of candidates and their suitability to carry out managerial and executive functions in a public prosecutor's office. The Directorate of Judicial Services of the Ministry of Justice applies these criteria when selecting the candidates proposed to the High Council of the Judiciary (CSM), and the CSM takes these same criteria into account when interviewing the candidates prior to the opinion that the CSM is then required to give.

95. In Georgia, eligibility criteria for the position of Prosecutor General include being a citizen of Georgia with a higher legal education and no criminal record. Additionally, candidates must have at least five years of experience working as a judge on criminal cases, as a prosecutor or as a criminal defence lawyer. Alternatively, individuals meeting the requirements of citizenship, education and absence of a criminal record are also eligible if they are recognised criminal law experts from an academy or a civil society organisation, with at least 10 years of experience in the legal profession. In both instances, a candidate's reputation for integrity and professional qualities is essential.
96. In Hungary, the Prosecutor General is chosen from among experienced prosecutors, with strict eligibility criteria prescribed by law. These requirements include holding a university degree in law, passing the bar exam and having a set period of professional experience. Additionally, candidates must provide an asset declaration, successfully complete an aptitude test and take a formal oath. They must also adhere to regulations regarding political, economic and personal conflicts of interest. Moreover, individuals with a criminal record, those prohibited from practicing law or those undergoing criminal or severe disciplinary proceedings are ineligible for the position of the Prosecutor General or as prosecutors.
97. In Ireland, to be appointed as Director of Public Prosecutions, the candidate must, at the date of his/her appointment, be a practicing barrister or a practicing solicitor and have practiced as a barrister or as a solicitor for at least ten years. Following his/her appointment, the Director must be a civil servant in the Civil Service of the State.
98. Under the Maltese Constitution, eligibility for the position of Attorney General requires a minimum of 12 years of legal practice as an Advocate in Malta.
99. In Portugal, the appointment and dismissal of the Prosecutor General are within the responsibility of the President of the Republic, upon recommendation of the Prime Minister. While there are no specific recruitment areas or training requirements prescribed for this position, precedent indicates that appointees have typically been judges from the Supreme Court of Justice or members of the Public Prosecution Service (Assistants to the Prosecutor).
100. In Sweden, there are typically no formal requirements for the position of the Prosecutor General. However, individuals appointed to this role often have a background as senior or chief judges.
101. In Switzerland, the law requires that candidates for the position of the Prosecutor General have Swiss nationality as a selection criterion. In practice, professional criteria (legal training, professional experience, management and negotiation skills) and personal criteria (working methods, extract from the debt enforcement register and criminal record) as well as linguistic criteria are also taken into account. Political criteria play no role in the selection of candidates to the Public Prosecutor's office of the Confederation.
102. **The responses to the questionnaire revealed that the majority of member states appoint/elect the prosecutor general for a long term of office. At the same time, some member states implement restrictions on reappointments of the same persons for this position.**



103. CCPE members generally report employing fairly long terms for prosecutors general. Some member states additionally indicate that reappointment of the same person for this position is not possible, whereas, in other jurisdictions, this can be the case. The terms of office for the prosecutor general in member states are as follows:

<b>Member state</b>	<b>Term of office for the prosecutor general</b>	<b>Possibility of re-election/reappointment</b>
Albania	7 years	No possibility of reappointment
Andorra	6 years	Mandate renewable once
Armenia	6 years	Possibility of re-election for one consecutive term
Austria	N/A <sup>6</sup>	N/A
Bosnia and Herzegovina	6 years	Possibility of reappointment
Czechia	7 years <sup>7</sup>	No possibility of reappointment
Denmark	5 years	Possibility of reappointment
Estonia	5 years	Possibility of reappointment
Finland	N/A <sup>8</sup>	N/A
France	7 years	Possibility of reappointment (but in a different district)
Georgia	6 years	No possibility of reappointment for consecutive terms
Hungary	9 years	Possibility of reappointment
Ireland	N/A <sup>9</sup>	N/A
Latvia	5 years	No possibility of reappointment for more than two consecutive terms
Liechtenstein	unlimited <sup>10</sup>	N/A
Lithuania	5 years	No possibility of reappointment for more than two consecutive terms
Luxemburg	unlimited	N/A

<sup>6</sup> In Austria, the prosecutorial system is based on a hierarchical structure, headed by Federal Minister of Justice.

<sup>7</sup> There is fixed term of office for heads of prosecution service, set at seven years for both the Prosecutor General and other heads of prosecution service.

<sup>8</sup> Currently, there is no fixed term for the Prosecutor General. The Prosecutor General can be dismissed by the Government upon proposal of the Ministry of Justice, but only for "especially substantial" reasons. Any dismissal can be appealed to the Supreme Administrative Court.

<sup>9</sup> The Director of Public Prosecutions must hold office upon such terms and conditions as may be determined by the Taoiseach (Prime Minister) after consultation with the Minister for the Public Service as set out in the Prosecution of Offences Act, currently set at ten year's duration.

<sup>10</sup> By law, the appointment is unlimited until the legal retirement age is reached (age of 65).

Republic of Moldova	7 years	No possibility of reappointment
Netherlands	3 years	The president of the Board can be reappointed once
North Macedonia	6 years	Possibility of re-election for one consecutive term
Poland	N/A <sup>11</sup>	N/A
Slovenia	6 years	Possibility of reappointment
Spain	4 years	Reappointment is not possible, except when he/she has been previously in term for less than two years
Sweden	unlimited <sup>12</sup>	N/A
Switzerland	4 years	Re-election is possible without limitation on the number of terms, until reaching retirement age (the end of the year in which he/she turns 68)
Türkiye	N/A <sup>13</sup>	N/A
Ukraine	6 years	No possibility for consecutive reappointment

104. **In many member states, grounds are established for disciplinary action and removal of the prosecutor general. Grounds for removal are typically more serious and may include instances of serious or repeated ethical misconduct, as well as convictions for crimes. In many jurisdictions, these proceedings include mechanisms for challenging the outcomes for those involved.**
105. In Albania, the Prosecutor General and members of the High Prosecutorial Council can be dismissed by the Constitutional Court for committing serious professional or ethical violations, or for being convicted by a final court decision for committing a crime. The High Prosecutorial Council is an independent body responsible for overseeing the prosecution service and ensuring accountability of prosecutors. It periodically reports to the Parliament regarding the situation of the prosecution service. The High Inspector of Justice has the authority to initiate the disciplinary process against the Prosecutor General and the Head of Special Prosecution Service in cases stipulated by law.
106. In Andorra, grounds for removal of the Prosecutor General can arise either through resignation or as a result of a disciplinary procedure. The decision-making power in such cases lies with the High Council of Justice.

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<sup>11</sup> The Minister of Justice is the Public Prosecutor General.

<sup>12</sup> The Prosecutor General is appointed through a letter of appointment and serves until reaching the regulated retirement age.

<sup>13</sup> Although Chief Public Prosecutors do not have a fixed term of office determined by law, their tenure is evaluated annually by the Council of Judges and Prosecutors based on the guiding decisions prepared at the beginning of each year, taking into consideration the needs of the prosecution services.

107. In Armenia, the grounds for the premature removal from office of the Prosecutor General are categorised into two groups. The first group consists of grounds that terminate the powers of the Prosecutor General by law (*ipso jure*). The second group includes cases where powers are terminated not by law but based on the decision of the competent authority, primarily as a result of misconduct. In the case of the first group of grounds, upon receiving relevant information, the Chairperson of the National Assembly (Parliament) must disseminate an official message on the early termination of the powers of the Prosecutor General. As for the second group of grounds, the National Assembly may dismiss the Prosecutor General from office by at least a three-fifths vote of all Members.
108. In Czechia, the Prosecutor General may be removed from office by the Government upon proposal of the Minister of Justice if, by a culpable serious breach of his/her duties or by culpable grossly inappropriate conduct, he/she has fundamentally undermined confidence in the proper performance of the office of the Prosecutor General or the prosecution system, in particular confidence in the legality of their actions or in their impartiality or expertise or has fundamentally undermined the dignity and respectability of the office of the Prosecutor General or the prosecution system. The Government's decision to dismiss the Prosecutor General is subject to judicial review in the administrative court system (Supreme Administrative Court).
109. In Denmark, the dismissal of the Director of Public Prosecutions must, like any other civil servant, be based on a reasoned argument relating to the circumstances of the institution (e.g. insufficient funds or restructuring) or to the conduct of the employee (e.g. lack of aptitude, excessive absence due to sickness, or cooperation problems). Regarding professional misconduct, only serious professional misconduct may result in the dismissal of a civil servant.
110. In Estonia, the Minister of Justice may initiate disciplinary proceedings against the Prosecutor General. According to the Prosecutor's Office Act, the person who initiates disciplinary proceedings must conduct the preliminary processing of the disciplinary offense. Subsequently, the Minister of Justice must decide on imposing or not imposing a disciplinary penalty or terminating the disciplinary proceedings if there was no disciplinary offence. In the event of a decision to release the Prosecutor General from service as a disciplinary penalty, the Minister of Justice must propose such action to the Government and must not impose a disciplinary penalty himself/herself.
111. In France, the grounds for premature dismissal (before expiry of the term of office) of the heads of the public prosecutor's offices (Prosecutors General and public prosecutors) are exclusively disciplinary (e.g. professional incompetence, personal misconduct). The body empowered to decide on such dismissal is the High Council of the Judiciary (CSM). As regards the procedure leading to dismissal, the case is referred to the CSM on the initiative of the Director of Judicial Services (Ministry of Justice), where appropriate after an operational inspection or administrative investigation by the Inspector General of Justice.
112. In Ireland, grounds for removal of the Director of Public Prosecutions include disciplinary and criminal offences, incompatibility issues, illness or conduct (both in office and generally) which is considered as requiring his/her dismissal. The Committee consisting of the Chief

Justice, the Chairman of the General Council of the Bar of Ireland, the President of the Incorporated Law Society, the Secretary to the Government and the Senior Legal Assistant in the Office of the Attorney General may, upon consideration, inquiry and investigation, submit a report to the Government recommending removal from office. The Government has the power of ultimate decision.

113. In Lithuania, the Prosecutor General is dismissed by the President upon the proposal of the Parliament. The President requests approval from the Parliament to dismiss the Prosecutor General, and the Parliament decides whether or not to approve it. Grounds for dismissal are stipulated by law.
114. In Spain, the Attorney General, once appointed, cannot be removed. In fact, the reasons for his/her removal are equivalent to those existing for the President of the General Council of the Judiciary (disability or serious illness, serious or repeated breach of duties and other prohibitions etc.).
115. In Switzerland, the proposal not to re-elect the Prosecutor General or his/her Deputies is the responsibility of the two judicial committees of the federal chambers according to the same procedure as for a dismissal. The procedure and conditions for dismissal or non-renewal are the same as those that apply to judges of the Confederation. The Prosecutor General and his/her Deputies may be dismissed if they have committed a serious breach of their duties intentionally or due to gross negligence. It is up to the Supervisory Authority of the Public Prosecutor's office of the Confederation to propose to the Federal Assembly the dismissal of the Prosecutor General or one of his/her Deputies. The latter may also give him/her a warning or reprimand him/her. The decisions of the Supervisory Authority may be appealed before the Federal Administrative Court.
116. **In member states, various mechanisms are used to ensure institutional accountability within the prosecution systems and individual accountability of the prosecutor general. These systems are designed to maintain accountability while respecting the independence of the prosecution services. Approaches vary across jurisdictions, but common practices include parliamentary reporting, where activities of the prosecution services are presented to the legislative bodies, and the compilation of detailed reports on the functioning of the prosecution services. Other country-specific mechanisms are also implemented to ensure that accountability is upheld while maintaining a clear separation of powers and respecting prosecutorial independence.**
117. In Albania, the High Prosecutorial Council plays a key role in ensuring the independence and accountability of the prosecution service by overseeing its functioning. It is responsible for producing reports for the Parliament and providing updates and evaluations on the state of the prosecution service. In addition to the Council, the High Inspector of Justice has the power to initiate disciplinary actions against the Prosecutor General and the Head of the Special Prosecution Office when misconduct is alleged or proven.
118. In Andorra, a specific procedure exists for the exercise of criminal liability of the Prosecutor General due to his/her position (the same procedure as for a judge, magistrate, etc.). The investigation is conducted by the *Tribunal de Corts* (first criminal instance), and cases are

judged by the Criminal Chamber of the *Tribunal Superior de Justicia* (second criminal instance). In case of appeal, it is decided by the plenary assembly of the *Tribunal Superior de Justicia*. Civil liability may be claimed within the framework of the same criminal procedure. If the facts do not constitute a crime, any civil liability must be claimed by filing a request through ordinary civil proceedings.

119. In Armenia, the Prosecutor General submits an annual report to the National Assembly (Parliament) during the session which is broadcast live. This report is also made available on the website of the Office of the Prosecutor General. It covers the activities of the Prosecutor's Office during the previous year, including information, statistical data, comparative analyses and conclusions related to the office's performance in each area of responsibility. During a session of the National Assembly, the report is discussed, with a presentation provided by the Prosecutor General.
120. In Estonia, the Prosecutor General is required to submit a consolidated activity report of the Prosecutor's Office to the Minister of Justice once a year. The deadlines and specific requirements for these reports are set by a directive issued by the Minister of Justice. Additionally, the Prosecutor General must provide an overview to the Constitutional Committee of the Parliament at the spring session each year. This overview encompasses the performance of the duties assigned to the Prosecutor's Office by law during the previous calendar year.
121. In France, the accountability mechanisms include the political responsibility of the Minister of Justice and the disciplinary responsibility of the Prosecutors General and public prosecutors. As regards reporting, in addition to the specific reports that they draw up either on their own initiative or at the request of the Minister of Justice, the Prosecutors General send the latter an annual criminal policy report on the application of the law and general instructions, as well as an annual report on the activities and management of the public prosecutor's offices in their jurisdictions. At least once a year, they inform the assembly of judges and prosecutors of the conditions under which criminal policy and the general instructions issued for this purpose by the Minister of Justice are implemented in the jurisdiction.
122. In Georgia, the Prosecutor General submits activity reports to the Parliament once a year and to the Prosecutorial Council every six months. During these submissions, the Prosecutor General, the First Deputy Prosecutor General and the Deputies of the Prosecutor General personally present the reports to the Prosecutorial Council, with these meetings being livestreamed online. If requested by the Parliament, the Prosecutor General must attend a Parliamentary hearing to discuss the activities of the Prosecution Service of Georgia. Activity reports include information about the implementation of criminal justice policy, the general crime situation, statistical data, human rights protection, priority areas, etc. The Prosecution Service of Georgia also publishes its activity reports on its website. In addition to regular reporting, both the Parliament and the Prosecutorial Council are entitled to request the Prosecutor General to submit an activity report and attend a hearing, which the Prosecutor General must comply with.
123. In Ireland, the Director of Public Prosecutions is independent in the exercise of his/her functions. Accountability for decisions comes through the courts where trials and proceedings

take place in public. The Director's decisions are regularly challenged through a variety of High Court and Supreme Court proceedings. Further to that, the financial management of the Office of the Director of Public Prosecutions is overseen by the Government through Annual Financial Reports and appearances before the Public Accounts Committee.

124. In the Republic of Moldova, the mechanism for disciplinary action against the Prosecutor General involves multiple checks and balances to ensure due process. When a complaint about an offence committed by the Prosecutor General is received, the examination is conducted by a prosecutor appointed by the Superior Council of Prosecutors. Any prosecuting body that receives such a referral must promptly forward it to the Superior Council of Prosecutors for evaluation. If there are grounds for criminal proceedings against the Prosecutor General, these can only be initiated by the prosecutor specifically appointed by the Superior Council of Prosecutors. This framework is designed to ensure that disciplinary and criminal proceedings against the Prosecutor General are handled with a high degree of oversight and fairness.
125. In the Slovak Republic, the Prosecutor General does not enjoy any substantive or procedural protection against prosecution. The state is liable for damage caused by an unlawful decision of the public prosecutor or his/her maladministration. In cases of compensation for damage caused by an unlawful decision of the public prosecutor or his/her maladministration, the Public Prosecutor's Office must act on behalf of the State in accordance with a special law.
126. In Sweden, the Prosecutor General does not benefit from criminal immunity. If there are reports of criminal activity involving the Prosecutor General, these are investigated by the Chancellor of Justice or the Parliamentary Ombudsman. The Swedish Prosecution Authority has established a whistleblowing mechanism, allowing employees within the Authority to report irregularities that are in the public interest. This can include misconduct or irregularities involving the Prosecutor General. The Prosecutor General has no direct access to this whistleblowing function, ensuring confidentiality and protecting whistleblowers from potential retaliation. Those using the whistleblowing system have the right to remain anonymous and must not face reprisals for their reports.
127. In Switzerland, the Prosecutor General and his/her Deputies are liable for their actions on the basis of three types of liability: 1) concerning disciplinary liability, the Prosecutor General and his/her Deputies may be dismissed if they have committed a serious breach of their official duties intentionally or due to gross negligence; 2) concerning criminal liability, due to their election by the Federal Assembly, the Prosecutor General and his/her two Deputies benefit from relative immunity. This can in fact be lifted on the basis of a decision of the Judicial Committees of each chamber of Parliament. To the extent that immunity is lifted, the Prosecutor General or the Deputy Prosecutor General concerned may be prosecuted criminally; 3) concerning liability arising from damage, the Confederation may be sued for liability for an act of its Prosecutor General or one of his/her two Deputies, as for the act of any other employee of the Public Prosecutor's office of the Confederation. If the Confederation has compensated the damage, the law provides for the possibility of a recourse action against the official who caused the damage due to gross negligence, even after the termination of the employment relationship. The Prosecutor General and his deputies are also subject to the law as regards liability and its consequences.