

Consultative Council of European Prosecutors (CCPE)



Bucharest (Romania), 12 - 16 May 2001

“Harmonisation and co-operation between prosecutors at European level”

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2nd Pan-European Conference of Prosecutors General of Europe organised by the Council of Europe in co-operation with the Prosecutor General of Romania

Conclusions

The Second Pan-European Conference of Prosecutors General of Europe was held in Bucharest, from 12 to 16 May 2001, under the aegis of the Council of Europe and Romania, with a view to pursuing in particular the following objectives:

- to contribute to the harmonisation of the principles that guide prosecutor’s functions and statute, in particular by ensuring follow-up action to Recommendation (2000) 19;
- to improve international co-operation in criminal matters, both in terms of efficiency and in terms of abidance to human rights and other standards;
- to organise co-operation between public prosecutors at European level, in order to achieve the above objectives, and also to ensure horizontal exchanges between them.

The Conference was opened by the President of Romania, Mr Ion Iliescu.

The Programme of the Conference, as well as the list of participants, are appended to this document. The Proceedings of the Conference will be published in due time.

The Conference accepted with gratitude the invitation from Mrs Zdenka Cerar, Prosecutor General of Slovenia, to hold the next session in her country.

Recalling the terms of Recommendation Rec (2000) 19 of the Committee of Ministers of the Council of Europe to member States, on the Role of Public Prosecution in the Criminal Justice System, and in particular the notion of “public prosecution” that is developed therein, the Conference decided as follows as follows:

I. FRAMEWORK

The Conference invites the Committee of Ministers of the Council of Europe to set up, within this Organisation, a “Conference of Prosecutors General of Europe” that would stand upon the following ideas:

The Conference would:

- gather State Prosecutors General, Regional Prosecutors General and Prosecutors of great areas;
- promote closer ties between prosecution authorities in the different member States, both at a general level and in more specific areas; efforts should also be made to promote either closer territorial ties across the main European regions or closer operational ties (cf. for example: meetings of Supreme Court prosecutors, meetings of prosecutors specialising in economic and financial matters, etc.);
- on its initiative or at the request of the Committee of Ministers, prepare opinions for the latter on matters pertaining to the role and status of Public Prosecution;
- gather information and put forward suggestions for preparing and implementing Council of Europe activities relating to Public Prosecution;
- ensure that Public Prosecution can play its role in the field of international co-operation in criminal matters;
- provide the necessary links between public prosecutors specialising in organised crime or corruption;
- provide follow-up to Recommendation Rec(2000) 19;
- ensure appropriate links with EUROJUST and other bodies of judicial co-operation;
- encourage links and exchanges between Supreme Councils for Public Prosecution or equivalent;
- constitute a framework for setting up subject-oriented or region-based working parties.

Concerning the follow-up to Recommendation Rec(2000) 19, the Conference would :

- see to it that the Recommendation is disseminated as widely as possible;
- assess the practical effects of the Recommendation and support its implementation in each member State, by using appropriate questionnaires, ad hoc meetings or mutual evaluation exercises consisting of on the spot verifications;
- update current documentary information by means of the systematic compilation of new texts relating to Public Prosecution in each member State (laws, codes of conduct, case-law etc) and making such information available, as a first stage in the setting up of a genuine data base on Public Prosecution in Europe;
- make suggestions, as appropriate, aimed at developing given points of the Recommendation.

Concerning international co-operation in criminal matters, the Conference thinks that an informal, yet tangible, structure as mentioned below should be set up.

A Coordinating Bureau could be given the following executive tasks:

- to organise the plenary sessions of the Conference;
- to organise the meetings of the sections of the Conference;
- to provide the necessary follow-up to the work of the Conference and its sections;
- to liaise with the competent bodies of the Council of Europe, in particular the European Committee on Crime Problems (CDPC), the European Committee on Legal Co-operation (CDCJ) and the Consultative Council of European Judges (CCJE).

The Coordinating Bureau could be made up as follows:

- one member of the Public Prosecution from the country that organised the last Conference;

- one member of the Public Prosecution from the country that will organise the next Conference;
- two members of the Public Prosecution appointed by the Conference for a period of two years;
- two members of the Public Prosecution appointed by the Secretary General of the Council of Europe for a period of two years.

Membership of the Coordination Bureau shall respect the principles of geographical distribution and rotation.

Subject to the approval of these proposals by the Committee of Ministers of the Council of Europe, the Conference appoints Mr Vito Monetti, Deputy Prosecutor General at the Court of Cassation in Rome (Italy) and Mr Marc van Erve, Chief Public Prosecutor in the National Prosecutor's Office, at Rotterdam (Netherlands) as members of the Coordination Bureau for a period of two years.

II. INTERNATIONAL LEGAL CO-OPERATION IN CRIMINAL MATTERS

Concerning international co-operation in criminal matters, the Conference thinks that an informal framework should be set up within the Conference of Prosecutors General of Europe designed to:

- improve the efficiency of co-operation, in particular by enabling the activities of the different bodies that are competent in each State to be coordinated;
- improve the standards of co-operation in terms of the rule of law;
- improve the standards of co-operation in terms of human rights;
- if and when necessary, assist in coordinating prosecutorial action at European level;
- organise the exchange of information and summary legal advice before requests are made;
- organise the exchange of information after a request has been made, pending its execution, in the course of execution and after execution;
- ensure appropriate links with EUROJUST and other bodies of judicial co-operation;
- identify, for each country, a point of collection and transmission of information on trans-national criminality, preferably within a central public prosecution office;
- set up a network of points capable of nourishing a permanent exchange of information and organise periodical meetings for the purpose of examining the activities and dynamics of criminal groups;
- to give priority in this respect to the speed of the exchange of information that is useful to investigations in each country.

The framework should comprise three elements, namely:

- one member of Public Prosecution per member State of the Council of Europe (and an alternate);
- a multi-lingual liaison group of prosecutors;
- a secretariat provided by the Council of Europe.

It may set up sub-regional groups.

The Council of Europe should provide further support in those matters through technical co-operation programmes, such as Octopus or PACO.

III. DATA BASE

The Conference tasked its Bureau with studying ways and means of setting up within a short period of time data base including:

(a) comparative law

- i. information on the legislation governing public prosecution in the different countries;
- ii. information on codes of ethics and other rules with the same aim, in the different countries

(b) procedural information

- i. organisation of public prosecution in each country
- ii. geographical jurisdiction
- iii. procedural role of public prosecution.

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