



Strasbourg, 24 November 2010

CCPE(2010)3REV

## CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS (CCPE)

### Terms of Reference 2011

*As approved at the 1099th meeting of the Minister Deputies  
(23 November 2010)*

<b>Name of Committee</b>	Consultative Council of European Prosecutors (CCPE)
<b>Compliance with Resolution Res(2005)47</b>	YES
<b>Programme</b>	Programme Independence and Efficiency of Justice (Rule of Law/Ensuring Justice)
<b>Relevance</b>	<p>1. Third Summit Action Plan: Chapter I.3 – Strengthening democracy, good governance and the rule of law in member States</p> <p>2. Contribution to core values: Defending the rule of law, human rights and an independent and impartial judicial system</p> <p>3. Committee of Ministers' decisions: decision of the Ministers' Deputies at their 935th meeting (13 July 2005) (creation of the CCPE) and at their 981st meeting (29 November 2006) (approval of the framework overall action plan for the work of the CCPE)</p> <p>4. Political justification/framework:</p> <ul style="list-style-type: none"> <li>• Main Recommendation No. 23 in the Wise Persons' report of 1998 concerning the reinforcement of direct co-operation with national judicial institutions</li> <li>• Conclusions and follow-up action agreed by the Committee of Ministers in 2000 on the respect of commitments of member states concerning the functioning of the judicial system</li> </ul>
<b>Added Value</b>	<p>The CCPE, consultative body concerning public prosecution, highlights the essential role of the prosecution services in the justice system in a democratic society. The CCPE is a body composed exclusively of prosecutors, representing the various existing systems of prosecution in the 47 member States.</p> <p>The CCPE prepares opinions for the attention of the Committee of Ministers on thematic issues which concern often difficulties concerning the implementation of Recommendation Rec(2000)19 on the role of public prosecution in the criminal justice system; when dealing with the improvement of the prosecution services in member states, the CCPE is a direct and privileged interlocutor of the prosecutors in member States and of national bodies entrusted with the management of the prosecution services. According to 81% of replying delegations to the survey on steering and ad hoc committees, the CCPE enables prosecutors from all European countries to exchange experience on matters of common interest and contribute with best practices to the improvement of prosecution services around Europe.</p> <p>Considering its specific tasks and members, the CCPE is also a necessary contact for other committees of the Council of Europe dealing with justice matters as CEPEJ, CDPC, CDCJ, CCJE, etc.</p>

	The CCPE also promotes the implementation of Recommendation Rec(2000)19, in particular by the organisation of conferences on topics of common concerns to the profession, and collect useful information about the concrete functioning of prosecution services in Europe. CCPE delegations, in the survey on steering and ad hoc committees, recognised that the CCPE allows for the feeding of debates at national level through conferences with the participation of representatives from the ministries of justice, judges' and prosecutors' associations, academia and lawyers.
<b>Financial Information</b>	Annual estimated budget: € 80.000 1 annual plenary meeting; 2 annual meetings of limited members of the CCPE (max. 9 members), to prepare the draft Opinion; 1 annual meeting of limited members of the CCPE (max. 4 members) to provide practical assistance to enable States to comply with Council of Europe standards concerning prosecutors; 2 annual meetings of the Bureau of the CCPE (4 members); 1 European Conference of Prosecutors every 2 years.

### Terms of Reference of the Consultative Council of European Prosecutors (CCPE)

1. **Name of committee:** Consultative Council of European Prosecutors (CCPE)
2. **Type of committee:** Ad Hoc Committee
3. **Source of terms of reference:** Committee of Ministers
4. **Terms of reference:**

#### Having regard to:

- the Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods, adopted by the Committee of Ministers on 14 December 2005;
  - the Warsaw Declaration, in particular item 4, and the Action Plan adopted at the Third Summit of Heads of State and Government (Warsaw, 16-17 May 2005), in particular Chapter 1.3 "Strengthening democracy, good governance and the rule of law in member states";
  - the Recommendation Rec(2000)19 on the role of public prosecution in the criminal justice system, adopted by the Committee of Ministers on 6 October 2000;
  - the framework overall action plan for the work of the CCPE, approved by the Committee of Ministers on 29 November 2006.
- Within the framework of the Council of Europe Programme and Budget 2011, under programme Independence and Efficiency of Justice (*Rule of Law/Ensuring Justice*), the Committee is instructed to:
- i. adopt an opinion, in 2011, for the attention of the Committee of Ministers on the relationships between prosecutors and prison administration, in particular in the light of the Recommendation Rec(2006)2 on the European prison rules;
  - ii. promote the implementation of Recommendation Rec(2000)19, in particular by gathering information on the functioning of public prosecution offices in Europe and through the organisation of conferences on topics of common concern to the profession; if appropriate, it could initiate a reflection, on the opportunity to propose to relevant committees of the Council of Europe an updating of this Recommendation ;

- iii. assist member states, where appropriate, to be in conformity with the Council of Europe standards concerning prosecutors;
- iv. to draft texts or opinions concerning prosecutors, at the request of the Committee of Ministers or other bodies of the Council of Europe.

## **5. Composition of the Committee:**

### **5.A. Members**

Governments of member states are entitled to appoint a representative of the highest possible rank within the prosecution system. Members should be chosen in contact, where such authorities exist, with the national authorities responsible for prosecutors and with the national administration responsible for managing the prosecution service, from among serving prosecutors having a thorough knowledge of questions relating to the functioning of the prosecution system combined with utmost personal integrity.

The Council of Europe budget will bear the travel and subsistence expenses of one representative from each member state.

### **5.B. Participants**

The following committees may each send (a) representative(s) to meetings of the Committee without the right to vote and at the charge of the corresponding Council of Europe budget sub-heads:

- the European Committee on Crime Problems (CDPC);
- the Consultative Council of European Judges (CCJE);
- the European Commission for the efficiency of justice (CEPEJ);
- the European Committee of Legal Co-operation (CDCJ).

### **5.C Other participants**

- i. The European Union, and in particular EUROJUST, may send (a) representative(s) to meetings of the Committee without the right to vote or defrayal of expenses.
- ii. The states with observer status with the Council of Europe (Canada, Holy See, Japan, Mexico, United States of America) may send (a) representative(s) to meetings of the Committee without the right to vote or defrayal of expenses.

### **5.D. Observers**

The following non-governmental organisations may send a representatives to meetings of the Committee without the right to vote or defrayal of expenses:

- the International Association of Prosecutors (IAP);
- l'Association « Magistrats européens pour la démocratie et les libertés » (MEDEL).

## **6. Working Methods and Structures**

The CCPE is an advisory body of the Committee of Ministers. The Consultative Council works in co-operation, in particular, with the CDPC and the CCJE and also, depending on the subjects dealt with, other committees or bodies. The CCPE reports on its activities to the Committee of Ministers and to the CDPC. In the framework of its activity and in particular in the drafting of its opinions, the CCPE will ensure the proper co-ordination and consistency with the CDPC on matters relating to criminal justice policy. The CDPC will be given the opportunity to comment on adopted CCPE opinions on criminal policy matters before they are transmitted to the Committee of

Ministers.

The CCPE has a Bureau consisting of the Chair, the Vice-Chair and two other members of the Committee.

To discharge its terms of reference, the CCJE may, within its budgetary appropriations, entrust a limited number of committee members with specific tasks, and in particular the preparation of draft texts, and organise hearings. It may also make use, if appropriate, of scientific specialists.

**7. Duration**

These terms of reference will expire on 31 December 2011.