



COUNCIL OF EUROPE      CONSEIL DE L'EUROPE

CCPE(2011)

Strasbourg, 24 November 2011

## CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS (CCPE)

### 2012-2013 Terms of Reference of the CCPE

Extract from Doc. CM(2011)131Final

#### Consultative Council of European Prosecutors (CCPE)

*Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods*

Terms of Reference valid from: **1 January 2012 until 31 December 2013**

#### MAIN TASKS

The CCPE is a consultative body composed exclusively of prosecutors, representing the various existing systems of prosecution in the 47 member states and a direct and privileged interlocutor of the prosecutors in member states and of national bodies entrusted with the management of the prosecution services.

The CCPE is entrusted with the proper implementation of Recommendation [Rec\(2000\)19](#) on the role of public prosecution in the criminal justice system, and shall, in this respect :

(i) prepare and adopt two opinions in 2012 and 2013 respectively for the attention of the Committee of Ministers on issues which relate to the difficulties concerning the implementation of Recommendation [Rec\(2000\)19](#) when dealing with the improvement of the prosecutions services in members states, in particular:

- a. the relationships between prosecutors and media,
- b. the management of the means of the prosecution services;

(ii) promote the implementation of Recommendation [Rec\(2000\)19](#), in particular by gathering information on the functioning of prosecution services 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) provide targeted co-operation at the request of member states, CCPE members, prosecutorial bodies or relevant associations of prosecutors, to enable states to comply with Council of Europe standards concerning prosecutors;

(iv) prepare texts or opinions concerning the specific situation of prosecutors at the request of the Committee of Ministers or other bodies of the Council of Europe such as the Secretary General or the Parliamentary Assembly.

### **Pillar / Sector / Programme**

**Pillar:** Rule of law

**Sector:** Justice

**Programme:** Independence and Efficiency of Justice

### **Expected results**

#### **Expected results 2012-2013**

The status, role and function of prosecutors are protected and strengthened in the member states according to European standards:

(viii) at least two Opinions to the Committee of Ministers on issues regarding the status of prosecutors and the exercise of their functions are to be adopted by the end of 2013, based on the analysis of the current situation and debate in member states and taking into consideration the European standards including [Rec\(2000\)19](#);

(ix) specific opinions on given situations in one or several member states concerning the status, the role or the functions of prosecutors are to be adopted by the end of 2013, following the request of Council of Europe bodies or member states.

## **COMPOSITION**

### **Members:**

Governments of member states are entitled to appoint one or more representatives 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 will bear the travel and subsistence expenses of one representative from each member state.

Each member of the committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

### **Participants:**

The following may send representatives without the right to vote and at the charge of their corresponding administrative budgets :

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

The following may send representatives without the right to vote and without defrayal of expenses:

- European Union (one or more representatives, including, as appropriate EUROJUST);
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America.

### **Observers:**

The following non-governmental organisations may send representatives without the right to vote and without defrayal of expenses:

- International Association of Prosecutors (IAP);
- Association "*Magistrats européens pour la démocratie et les libertés*" (MEDEL).

## **WORKING METHODS**

The CCPE is an advisory body of the Committee of Ministers. It 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. In the framework of its activity and in particular in the drafting of its opinions, the CCPE ensures the proper co-ordination and consistency with the CDPC on matters relating to criminal justice policy. The CDPC is given the opportunity to comment on adopted CCPE opinions on criminal policy matters before they are transmitted to the Committee of Ministers.

### **Plenary meetings:**

47 members, 1 meeting in 2012, 2 days

47 members, 1 meeting in 2013, 2 days

### **Bureau:**

Consisting of the President, the Vice-President and two other members of the Council.

4 members, 2 meetings in 2012, 1 day

4 members, 2 meetings in 2013, 1 day

### **Additional working methods:**

(i) 2 meetings of limited members of the CCPE (max. 9 members) per year, to prepare the draft Opinion;

(ii) 1 meeting of limited members of the CCPE (max. 4 members) per year to provide targeted cooperation with member states to comply with Council of Europe standards concerning prosecutors;

(iii) 1 European conference of prosecutors.

The Committee will also appoint a Gender Equality Rapporteur from amongst its members.

The rules of procedure of the Committee are governed by Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.