



The Tenth Annual Eurojustice Conference joining the General Prosecutors and other high representatives of the Public Prosecution Services of the Member States of the European Union and invited Organizations, took place in Portorož, Slovenia from 24-26 October 2007.

In the light of the discussions, the following conclusions were adopted:

I. Good governance: Petty crime

1. The conference took note that nearly all prosecution offices in all European countries face the problem of a large workload and backlogs in dealing with large amounts of petty offences.
2. To solve this problem greater consideration could be given to decriminalizing conduct and moving cases from the penal system to an administrative or civil law system.
3. We could pursue greater use of interventions offered by prosecutors and could, where legally permissible, delegate responsibility in relation to some offences to the police, under supervision of the prosecutor. This might include “on the spot” fines.
4. Crime prevention is often more effective than responding to minor crime. Corporate businesses in particular should be encouraged to organise the way in which they do business in order to reduce the possibility of offending and to take action to recover payment without prosecution or police action.
5. We could make greater use of Mediation or discretionary powers of prosecutors as an alternative to court proceedings. This has been very successful in some jurisdictions.
6. Any system of administrative penalties without judicial proceedings should allow the offender to challenge the decision or opt for judicial proceedings.
7. We should pursue reduction of the number of working stations and personnel involved in the process and the co-location of working stations or personnel of the police, prosecutors and other criminal justice elements, in order to reduce the waiting time in the system and to allow for quick decisions and action.
8. We should generally minimise the number of persons involved in handling cases and we should simplify procedures within prosecution offices.
9. Prosecutors can organise their own work better – e.g. by introducing computerised case management systems and simplification of prosecution decision making, by the use of guidelines and computer assisted decisions and by having different procedures for different levels of cases.

10. Prosecutors should also distinguish the personnel who are involved in prosecutorial decision making. In simple cases, there may be no need to use fully qualified prosecutors, provided there is proper training and there are clear decision making rules. But additional training will be required for qualified prosecutors in cases involving greater specialisation, such as economic, environmental or organised crime.

11. In cases which are prosecuted, consideration should be given to simplification of court procedures and very short timetables for dealing with particular cases. This can include, where permissible, a system of plea bargaining and reduced sentences for early pleas of guilty, taking into account, however, the rights of the victim.

12. Prosecutors General should set standards for case management and organisation of their business and that of the police, where they have responsibility for the police and they should measure and review performance and follow up on the lessons from reviews. Prosecutors General should develop assessment tools for those purposes.

13. Performance related salaries for prosecutors should be considered, where legally permissible, as an incentive to efficiency

II. Environmental crime

1. Noting the proposals of the EU Commission to introduce a Directive obliging Member States to treat serious offences against the environment as criminal acts and to ensure they are effectively sanctioned, the conference supported the view that criminal sanction should be ultima ratio after education, prevention and administrative enforcement but they should play a vital part in combating environmental crime.
2. Preventive measures and the detection of offences are essential but the view was expressed that many crimes go undetected coming to light only where the crime has led to an incident which cannot be ignored. The reluctance of courts in many countries to impose prison sentences even in serious cases was noted.
3. There is a need to increase public awareness that environmental crime must also be seen as financial crime and treated as such as well as to provide effective measures to protect those who report them.
4. Not only the individuals but also the companies who commit these crimes should be made amenable and punished appropriately. Sanctions should be dissuasive and should provide for general as well as specific deterrence. There should be a concentration on the restitution of any environmental damage caused and forfeiture of the proceeds of the criminal behaviour.

5. As with other economic crimes including crimes of corruption, outside pressures can be brought to bear on prosecutors particularly in the light of the economic and social consequences of successful prosecution. It is therefore necessary to ensure and protect the independence of the prosecutor from such influences.
6. The proper approach is to concentrate on serious offences leaving lesser infringements to regulatory control.
7. The conference emphasized the important role of education, training and specialization which are regarded as interlinked. There is a need not only for specialized prosecutors and investigators but also for specialized courts or judges, particularly in the light of the fact that environmental crime presents many technical complexities. It is essential to provide the resources for these needs as well as specialized technical assistants and appropriate training at the national, regional and international level and public education may help to address these problems.
8. Publicity for court proceedings and their outcome is a useful deterrent.
9. There is a need for a very close cooperation between the investigator and the prosecutor especially where these two functions are not combined in the same agency.
10. There is no successful prosecution without competent experts. International pool of experts should be of a great importance.
11. The need for better exchange of information, co-operation and co-ordination was emphasised, especially under the auspices of Eurojust and Europol. Moreover, there is a need for the exchange of expertise and it was suggested that this could be provided by Eurojust and Europol.

Bringing the Prosecutors General closer to EU structures

Hans G. Nilsson addressed this issue in his lecture where he talked about the idea of creating Prosecutors General Task Force (similar to the police cooperation Police Chief Task Force). Since EU has an impact on every day prosecutorial practice it is important that the Prosecutors General of EU member states have a possibility to influence the development and express their views. The meetings could be held once a year, the first one could take place in the spring 2008 during Slovenian presidency of the EU. Possible topics for the agenda could be new initiatives, OCTA, information on new trends in the EU, training, use of financial resources, topical issues.

The discussion expressed general consent for the idea, also mentioned by the State Prosecutor General of the Republic of Slovenia, Mrs. Barbara Brezigar in her opening speech, that it is necessary to bring prosecutors at the highest level closer to EU structures, whereas the concept of the Eurojustice conference will be continued in the present form.

IV. Business section of the conference

It has been decided that the next host of the Eurojustice conference will be The Crown Office and Procurator Fiscal Service for Scotland