NADAL NETWORK

NETWORK OF THE PROSECUTORS AT THE SUPREME JUDICIAL COURTS OF THE EUROPEAN UNION

The role of prosecutors general and judicial networks in strengthening the rule of law in Europe

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Introduction

The protection of the rule of law is a shared responsibility that extends beyond national judicial institutions. In an increasingly interconnected European legal environment, cooperation between prosecution services plays an important role not only in facilitating the effective administration of justice, but also in promoting common legal principles, strengthening institutional resilience and fostering mutual trust between judicial authorities.

European judicial networks have progressively become important forums for professional dialogue, the exchange of experience and the development of a common understanding of the challenges facing justice systems. While their structures, mandates and activities differ, these networks provide opportunities for judicial authorities operating within distinct legal traditions to identify common concerns, share institutional practices and develop collective responses to emerging challenges.

Established in 2008, the NADAL Network brings together prosecutors general and equivalent authorities of European supreme jurisdictions. Its creation reflected the conviction that regular exchanges between senior prosecution authorities could

strengthen mutual understanding, encourage cooperation and contribute to the protection of fundamental legal principles.

Over the years, the Network has developed into a forum for high-level dialogue on judicial independence, European criminal justice and the institutional challenges confronting prosecution services.

Beyond facilitating exchanges between its members, the Network has the potential to contribute to broader European reflections on the rule of law. Its particular value lies in bringing together prosecutorial authorities representing different constitutional traditions, while providing a setting in which common challenges can be examined from both legal and institutional perspectives.

This report examines the contribution of judicial networks to strengthening the rule of law and considers the evolving role of the NADAL Network in European judicial cooperation.

I. The contribution of judicial networks to the rule of law

1.1. Fostering dialogue, mutual trust and a common European judicial culture

The diversity of European prosecution systems reflects different constitutional traditions, institutional arrangements and approaches to the administration of criminal justice. The status of prosecutors, their relationship with the executive and their position within the judicial system vary considerably between Member States.

These differences, however, do not prevent prosecution services from sharing fundamental responsibilities relating to the administration of justice, the protection of fundamental rights and respect for the rule of law.

Judicial networks provide an important framework for dialogue between institutions that may otherwise have limited opportunities for direct exchanges. By bringing together senior judicial authorities from different legal systems, they facilitate a better understanding of national institutional arrangements and encourage reflection on principles and challenges that transcend domestic boundaries.

Such exchanges contribute to mutual trust, which remains an essential condition for effective judicial cooperation within Europe.

The establishment of the NADAL Network in 2008 illustrates this approach. The Network was conceived as a permanent forum for dialogue between prosecutors general of European supreme jurisdictions, extending beyond the exchange of technical expertise to broader reflection on the institutional role of prosecution services, judicial independence and fundamental rights.

The experience of other European judicial networks demonstrates the practical value of this approach. The European Network of Councils for the Judiciary and the

Francophone Network of Councils for the Judiciary, for example, facilitate exchanges on judicial governance, professional ethics and institutional safeguards while encouraging the identification and dissemination of good practices.

Their contribution extends beyond the comparison of national systems. They provide opportunities to develop shared understandings of judicial responsibilities and the conditions necessary for the effective functioning of justice.

Professional exchanges and judicial training also play a central role in developing a common European judicial culture. European training activities, exchanges and specialised programmes enable judges and prosecutors to develop professional relationships and become more familiar with different legal systems.

The relationship between judicial networks and training institutions is particularly significant. While networks bringing together senior judicial authorities provide opportunities for strategic reflection on institutional challenges, training networks contribute to translating shared principles into professional knowledge and practice.

These activities are complementary, connecting high-level institutional dialogue with the everyday exercise of judicial functions.

The development of a common European judicial culture does not require the harmonisation of national prosecution systems or the elimination of their institutional differences. Rather, it rests on a shared commitment to fundamental legal principles, accompanied by an understanding of the diversity of arrangements through which those principles are implemented.

1.2. Promoting judicial solidarity and defending the rule of law

Beyond facilitating professional dialogue, judicial networks can play an important role in supporting judicial institutions confronted with threats to their independence, integrity or ability to fulfil their constitutional responsibilities.

Their contribution becomes particularly significant when institutional pressures risk isolating national judicial authorities or undermining public confidence in the administration of justice.

The protection of the rule of law remains primarily the responsibility of national institutions operating within their respective constitutional frameworks. European judicial networks do not possess the powers of courts, supervisory bodies or political institutions, nor can they substitute themselves for mechanisms established under national or European law.

Their value lies instead in their capacity to provide a forum for collective reflection, facilitate institutional solidarity and draw attention to challenges affecting the functioning of justice.

Solidarity constitutes one of the principal strengths of judicial networks. Through exchanges of information, public statements and initiatives promoting common standards of judicial independence and professional ethics, such organisations can reinforce the collective commitment of judicial authorities to the protection of the rule of law.

Declarations supporting judges and prosecutors of the International Criminal Court, as well as initiatives responding to intimidation and pressure directed at judicial actors through the media, provide concrete illustrations of this function.

Such initiatives demonstrate how judicial networks may contribute to protecting judicial institutions by expressing collective concern and reaffirming principles that extend beyond the interests of any individual national system.

The NADAL Network was conceived not merely as a forum for professional exchanges, but also as a means of strengthening the institutional role of prosecution services and encouraging collective vigilance in the face of threats to the rule of law.

This solidarity must nevertheless be exercised with due regard for the independence and institutional responsibilities of the authorities concerned. The credibility of judicial networks depends on their ability to distinguish the defence of fundamental legal principles from political intervention.

Collective positions are most persuasive when grounded in established legal standards, supported by reliable information and expressed in a manner consistent with the impartiality expected of judicial institutions.

Judicial networks can also contribute to broader European efforts to assess and strengthen the rule of law. Professional exchanges and institutional expertise may inform discussions surrounding instruments such as the European Commission's Rule of Law Reports and the EU Justice Scoreboard.

By sharing national experiences and identifying recurring challenges, judicial authorities can contribute practical perspectives to European debates on the quality, independence and effectiveness of justice systems.

The contribution of judicial networks is therefore both preventive and supportive. Regular exchanges may help identify emerging institutional difficulties before they develop into more serious crises, while established relationships of trust can facilitate communication and mutual support when judicial authorities face exceptional pressure.

II. The evolving role of the NADAL Network in European judicial cooperation

2.1. From an annual conference to a permanent forum for strategic reflection

Since its establishment in 2008, the NADAL Network has progressively developed into a recognised forum for dialogue between prosecutors general and equivalent authorities of European supreme jurisdictions.

Its annual conferences have provided opportunities to exchange views on major legal and institutional developments, compare national experiences and examine challenges affecting the administration of criminal justice across Europe.

Over the years, the subjects addressed by the Network have reflected the evolution of European justice systems and the growing complexity of the responsibilities exercised by prosecution services.

Judicial independence, European criminal justice, cybercrime, data protection, digitalisation and environmental justice have progressively become subjects of common reflection. More recently, increasing attention has been devoted to the protection of the rule of law and the capacity of judicial institutions to respond to political, technological and societal challenges.

The Network's development reflects the conviction that dialogue between prosecutors general has a value extending beyond the exchange of information. It provides a space for high-level institutional reflection grounded in the shared constitutional heritage of European judicial systems.

Despite differences in national prosecutorial arrangements, its members are confronted with challenges that frequently transcend national boundaries and benefit from collective examination.

The annual conference remains an essential component of this dialogue. It enables members to meet directly, establish professional relationships and exchange views in a setting conducive to open discussion.

Such personal contacts are particularly valuable at the level of senior prosecution authorities, where mutual trust and familiarity with different institutional systems can facilitate communication on sensitive questions.

However, the growing complexity of the issues addressed by European prosecution services also highlights the value of ensuring greater continuity between annual meetings.

A permanent framework for strategic reflection can allow questions raised during conferences to be examined in greater depth, enable members to maintain regular exchanges and encourage the progressive development of comparative legal analysis.

The experience of structured cooperation between prosecution authorities at national level illustrates how sustained institutional dialogue can facilitate coordination and the examination of common legal and organisational challenges.

The establishment of thematic working groups represents one possible means of strengthening continuity without fundamentally altering the Network's character.

Such groups could bring together interested members around selected subjects, facilitate the exchange of national experiences and contribute to the preparation of comparative legal notes or analytical papers.

Their purpose would not be to impose common positions or harmonise national prosecutorial systems, but to provide a structured setting for reflection on issues of shared concern.

This approach could reinforce the substantive contribution of the Network to European judicial cooperation. By identifying recurring legal questions, examining different institutional responses and making the results of selected discussions accessible to a wider professional audience, the NADAL Network could progressively consolidate its role as a source of high-level prosecutorial expertise.

The Network's recent institutional development provides an opportunity to support this evolution. Its establishment as an association in 2023, the development of a dedicated website and the financial support provided by the European Union have strengthened the framework within which its activities can be organised.

The operational assistance of the Siracusa International Institute, particularly in relation to coordination, conference organisation, reporting and communication, contributes to ensuring the continuity and visibility of these activities.

These developments do not imply a transformation of the NADAL Network into a permanent operational body or a formal decision-making authority.

Its distinctive contribution remains rooted in the professional standing of its members, the quality of their exchanges and their capacity to identify issues of common European interest.

The challenge is therefore to develop a more continuous framework for cooperation while preserving the characteristics that have shaped the Network since its creation.

2.2. Addressing emerging challenges while preserving the Network's independence and flexibility

The evolution of European criminal justice presents prosecution services with challenges that increasingly transcend national boundaries.

Digitalisation, artificial intelligence, cybercrime, environmental crime and geopolitical developments are transforming both the nature of criminal activity and the institutional environment in which prosecutors operate.

These developments require not only appropriate legal and operational responses at national level, but also sustained exchanges between judicial authorities confronted with similar questions.

The capacity of judicial networks to anticipate and examine these developments constitutes an important dimension of their contribution to European cooperation. By providing a forum for strategic reflection, networks such as the NADAL Network can help identify emerging legal and institutional challenges, facilitate comparisons between national approaches and encourage the exchange of expertise before common difficulties become more acute.

Thematic working groups could play a particularly useful role in this respect.

Rather than seeking to harmonise national prosecutorial practices, thematic cooperation could focus on identifying common legal questions, analysing different national responses and examining their implications for fundamental rights, procedural safeguards and the effective administration of justice.

Artificial intelligence and digitalisation provide particularly relevant examples. The increasing use of digital technologies within justice systems raises questions concerning transparency, accountability, procedural fairness and the professional responsibilities of prosecutors.

At the same time, the growing importance of electronic evidence and increasingly sophisticated forms of cybercrime require prosecution services to adapt their expertise and strengthen cross-border cooperation. Environmental crime presents another field in which the complexity and transnational character of investigations may benefit from sustained exchanges between prosecutorial authorities.

The expertise developed by other European institutions and professional networks can complement these reflections.

Specialised judicial training in areas such as cybercrime, electronic evidence, digital tools, artificial intelligence and cooperation with the European Public Prosecutor's Office illustrates the potential complementarity between strategic exchanges among prosecutors general and the development of specialised professional expertise.

Cooperation with established European partners can therefore help the NADAL Network connect institutional reflection with practical developments in judicial cooperation while avoiding unnecessary duplication of existing initiatives.

The partnership between the NADAL Network and the European Judicial Training Network (EJTN), established through a Memorandum of Understanding in 2015, provides an existing framework upon which further exchanges may be developed.

The strengthening of thematic activities nevertheless raises a broader institutional question: how can the Network develop more continuous and structured forms of cooperation without losing the characteristics that have contributed to its success?

Since its establishment, the NADAL Network has been characterised by its capacity to bring together senior prosecution authorities in a setting conducive to open discussion, professional trust and the exchange of views across different legal traditions.

Institutional consolidation should serve the Network's substantive objectives rather than become an end in itself.

A stronger organisational framework can facilitate cooperation and ensure continuity, but it should not impose unnecessary procedural constraints on exchanges between members.

Equally, external financial support must remain compatible with the Network's autonomy in defining its priorities, selecting subjects for discussion and determining the nature of its collective activities.

The future relevance of the NADAL Network will therefore depend on its capacity to combine institutional consolidation with the preservation of its independence and flexibility.

Greater continuity should not necessarily entail greater formalisation. A proportionate approach, based on selected priorities, voluntary participation in thematic activities and cooperation with complementary institutions, would allow the Network to strengthen its contribution while respecting the diversity of its membership.

Conclusion

European judicial networks play an increasingly important role in strengthening the rule of law by fostering dialogue, mutual trust and solidarity between judicial authorities operating within different constitutional and legal traditions.

Their contribution extends beyond the exchange of professional experience. They provide a framework for collective reflection on common institutional challenges, promote shared commitments to judicial independence and fundamental rights, and help develop a common European judicial culture.

The experience of the NADAL Network illustrates the particular value of sustained dialogue between prosecutors general. Since its establishment in 2008, the Network has provided a forum for high-level exchanges on issues affecting prosecution services and the administration of justice throughout Europe.

Its continued development offers an opportunity to build upon this experience by strengthening the continuity of its activities, encouraging thematic cooperation and developing comparative legal reflections on matters of common concern.

The increasing complexity of European criminal justice, particularly in areas such as digitalisation, artificial intelligence, cybercrime and environmental crime, reinforces the relevance of such cooperation.

At the same time, continuing challenges to judicial independence and the rule of law underline the importance of maintaining strong professional relationships and mechanisms of institutional solidarity across Europe.

The future development of the NADAL Network should seek to combine greater organisational continuity with the preservation of the independence, flexibility and freedom of dialogue that have characterised the Network since its creation.

Ultimately, the strength of the NADAL Network lies in its capacity to bring together senior prosecutorial authorities around shared legal principles while respecting the diversity of national systems. By progressively reinforcing its role as a forum for strategic reflection, professional cooperation and judicial solidarity, the Network can continue contributing to the protection of the rule of law and the development of European judicial cooperation.