



European Commission 2010 Consultation on European judicial training Executive summary of responses

Disclaimer: This document summarises the responses received and opinions expressed by stakeholders only. It does not necessarily represent the views of the European Commission and in no way anticipates any future policy decisions in this area.

1) Scope of European judicial training activities

- The primary responsibility to deliver initial and continuous training of legal practitioners lies with the Member States and the respective legal professions.
- The scope of European judicial training activities should integrate EU substantive and procedural law as well as national legal systems.
- EU law should be part of university curricula and of initial and continuous judicial training.
- There was no consensus with regard to EU law as a prerequisite for appointment.
- The need for EU support (including financial) was widely acknowledged in order to strengthen judicial cooperation among Member States.

2) Target audience of European judicial training activities

- Priority should be given to the training of judges and prosecutors.
- The target audience should include other legal professions: a majority of respondents includes lawyers, solicitors, barristers and court judicial staff; most include notaries; some mention mediators, bailiffs.
- Training of legal translators and interpreters is essential, but given its specificities it should be carried out separately.

3) Training needs of the different legal practitioners

- Judicial training should be practice-oriented and adapted to the specific needs of the different legal professions and to their respective fields of law.
- Practical tools should be developed to facilitate training activities, e.g. checklists, forms, handbooks on good practice.
- While there was no agreement on basic training on EU law, there was consensus on the need for specialised seminars. Some added the need for training on national judicial systems.
- Numerous possible priority areas for training were identified, notably how to apply EU law in national cases in civil and criminal law, but also: data protection, environment law, competition, free movement of services, tax and customs fraud, intellectual property, etc.
- Practical topics were also indicated: how to know when EU law must be applied, how to find information sources and EU wide e-tools, etc.
- Training should also enhance mutual trust and mutual recognition of judicial decisions and tackle EU judicial cooperation instruments.
- To strengthen the European culture of legal practitioners, interaction with colleagues from other Member States is of high importance: to meet and exchange experiences, to create networks and build mutual trust and to practise skills on how to solve concrete problems.
- IT training tools should be developed.
- The [European Judicial Training Network \(EJTN\)](#) has a primary role concerning the training of judges and prosecutors.

4) Increase the number of European judicial training activities

- Increased funds both at national and EU level would increase the number of participants. However, the current budgetary context must be taken into account.
- Grant procedures should be simplified. Funding should be granted according to certain criteria (quality, training needs, content, etc) to ensure that funds are well allocated.
- Time constraints and human resource issues are the major obstacles for judges and other legal practitioners to participate in training. Costs of salaries for judges and other participants during training should be recognised as part of eligible costs.
- Monitoring is crucial to control the quality of training.

5) Increase participation in European judicial training activities

- European judicial training should be considered as part of in-service training by Member State authorities and professional associations.
- Training courses should be of high quality and address the concrete needs of the audience. They should not be too time-consuming and should be advertised well in advance. Trainers/speakers should preferably be practitioners themselves.
- Courses should be offered in multiple languages or interpretation should be provided, with EU financial help to cover the corresponding costs.
- New technologies should be promoted to increase participation in judicial training. The European e-Justice portal should be used to publicise and disseminate information.
- The different types of activities involving practitioners from different nationalities may include: seminars, training courses, exchanges, internships, study visits, regional activities, train the trainer, etc., organised at national, regional or European level.
- The essential tool to increase participation of judges and prosecutors in European judicial training activities is the EJTN, which should further develop its activities: exchanges, training sessions organised jointly with the national judicial schools, train the trainer and benefit from a more active involvement of Member States.
- Use existing judicial networks and European level associations.
- Financial support from the EU was widely acknowledged as essential.

6) Improve the quality of EU co-financed projects

- Further promotion of the opportunities for EU co-funding is needed together with additional assistance on how to submit a grant application.
- Procedures should be simpler, less bureaucratic, harmonised and more transparent; this would help to manage more and higher quality projects and favour diversification of beneficiaries.
- The minimum threshold to co-fund projects should be lowered, to increase cooperation between Member States on specific topics, including via smaller projects.
- The applicant's financial contribution in projects for training of judges and prosecutors should be facilitated by considering some costs eligible, such as salaries of participating judges and prosecutors. The Commission should increase its co-funding share to 90% or even consider full funding. A specific financial programme could be devoted to European judicial training.
- The profile of project promoters and training providers should be strictly evaluated.
- Longer-term projects should be allowed.
- There should be greater visibility on the schedules of calls for proposals (date of publication, extended submission deadlines, duration of the evaluation phase, publication of results, etc).
- Calls for tender should be published on a more regular basis.
- The European Commission should publish booklets with best and worst practices/projects, indicators, applicants' guides. It should better communicate on its award decisions.
- The Commission could elaborate non-binding recommendations on training of legal practitioners, with the help of an expert group.
- Projects should be assessed, evaluated and monitored, according to quality criteria.

7) Common curricula on EU legislation

- The current work of the EJTN on curricula for training of judges and prosecutors should be further developed and regularly updated.
- For some respondents, common curricula for different legal professions could enable a common approach and a consistent interpretation and implementation of EU law. Each legal profession would make use of the common curricula according to its needs.
- Common curricula could cover: core EU legislation, EU institutions' roles, EU decision-making, case law of the Court of Justice of the EU, instruments of judicial cooperation, etc.
- Responsibility of defining training curricula lies with the Member States and the legal professions themselves.

8) Training methodologies

- Choice of methodology should be made taking account of the target audience and the training objectives.
- No one-size-fit-all methodology exists. Courses should be practically-oriented, interactive and comprise different types of activities. Recommendations: activities in small groups, seminars, lectures combined with workshops, group discussions, round tables, role-plays, moot courts, case studies, internships, etc.
- Train the trainer activities are considered to be of great value.
- New technologies should be used as a cost-effective way to meet training needs while respecting time and budgetary constraints: e-learning courses, videoconferences, websites, e-libraries, databases, etc. Nevertheless, face-to-face training remains essential to enhance mutual trust. Recognised best practice is to use blended learning – the combination of face-to-face courses with e-learning.

9) Language training

- Knowledge of a second language is extremely important; it is considered a prerequisite of a good command of EU legislation as well as efficient cooperation between Member States.
- English is a possible common foreign language or possibly English and French.
- Priority should, however, be to direct resources to training in law rather than languages.
- The responsibility for language training lies with the Member States. It could be complemented by some EU level schemes. For example, the EJTN could develop language projects for judges and prosecutors at European level.
- Language training should build on previously acquired knowledge and focus on legal terminology, but never start from scratch.
- There was no consensus with regard to whether a second language should be a prerequisite for appointment or on the level at which any language objectives could be set.

10) Exchanges

- Exchanges between legal practitioners should be developed and enhanced: to help acquire knowledge of EU law and different national judicial systems as well as to deepen mutual trust.
- Types of exchanges: between experienced judges/prosecutors in courts/prosecution services, between newly appointed judges/prosecutors, between national judicial training institutions.
- The EJTN is highly appreciated for its organisation and management of exchanges in courts.
- Duration of exchanges: two weeks for short-term exchanges in courts; one to two weeks for exchanges between national judicial training institutions.
- Other possible forms of exchanges are: European classes, exchange of trainers, European twinning programme, Erasmus-style exchanges, etc. Other means of interaction between legal practitioners: in European level professional networks.
- More opportunities for exchanges between national judicial training institutions will contribute to increased numbers of participants.
- Financial support from the EU is fundamental.
- Programmes for lawyers could comprise placements in law firms, in courts, in EU institutions or short study visits, of different durations, for junior and senior practitioners. Some stakeholders indicated that exchanges for lawyers should be organised by the bar associations themselves. Other stakeholders recommended the inclusion of their profession in exchange programmes: Rechtspfleger, judicial officers, notaries.