



European
Commission

European judicial training 2012

Justice

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European judicial training remains crucial in ensuring legal certainty for citizens and businesses across the European Union and promoting the coherent and uniform application of EU law. It strengthens mutual trust among legal practitioners of different nationalities, who are increasingly cooperating in cross-border judicial proceedings, and also advances the smooth enforcement of decisions. And, of no less importance, it may prevent infringement proceedings for incorrect transposition of EU directives into national law.

The [2011 Communication on European judicial training](#) created a momentum for boosting the training of legal practitioners in EU law, with all stakeholders agreeing that more needed to be done.

This second report on the participation of legal practitioners in training in EU law shows that much has already been achieved, especially in the training of judges and prosecutors, and that improvements are on-going. Regrettably, however, there are still some gaps in training, which differ among professions and Member States.

I call on all stakeholders to make sure that training in EU law is systematically incorporated into initial and continuous national training. Exchanges and training activities abroad are the best ways of learning about the need for a uniform interpretation of EU law and about the legal systems of other Member States. In this respect, time and resources are essential in enabling participation in training events.

The European Commission will do its part by making European judicial training one of the priorities of the next Justice financial programme. As of 2014, one third of the Justice programme budget will go towards European judicial training projects for legal practitioners. For the pilot project proposed by the European Parliament, the European Commission will look after the spread of the identified best practices and the follow-up of the recommendations to improve European judicial training. The European e-Justice Portal will be put to full use for sharing training modules and ready-to-use tools among legal practitioners and their trainers.

A European area of justice based on trust can only function with well-trained legal practitioners. Let's continue to work towards achieving this goal.

Viviane Reding

*Vice-President of the European Commission
Commissioner for Justice, Fundamental Rights and Citizenship*

- In 2011 the European Commission set a target of training **half of all legal practitioners** (around 700 000) in the EU in European law and in the law of another Member State by 2020.
- Results after the first two years show that this ambitious target is achievable, but that **more needs to be done**.
- More than **64 000 legal practitioners** were **trained** in EU law or the national law of another Member State in 2012.
- Training for around 12 600 participants was funded or co-funded by the EU in 2012.
- In view of the **considerable differences** in the level of participation in training among Member States and among the different legal professions, efforts to increase judicial training are needed in some Member States and legal professions more than in others.

Objectives of this report

This is the second report on training for legal practitioners (notably judges, prosecutors, court staff, bailiffs, lawyers and notaries) in EU law or in the national law of another Member State. It is based on the results of a questionnaire sent to the Member States' authorities, the European networks of legal professionals and the main training providers at European level. It describes the progress towards the target set by the European Commission in its 2011 [*Communication Building trust in EU-wide justice. A new dimension to European judicial training*](#) of ensuring that half of all legal practitioners in the EU (around 700 000 practitioners) are trained in EU law or in the national law of another Member State by 2020.¹ The Communication was endorsed by EU Member States in the [*Conclusions of the Justice and Home Affairs Council of 27–28 October 2011*](#). The European Parliament, too, has always backed European judicial training, as in its [*resolution of 14 March 2012 \(2012/2575\(RSP\)\)*](#).

¹ This is equivalent to 5 % (70 000) of all practitioners per year, on average.

Main results of the survey

64 000 legal practitioners trained

In 2012, at least 64 000 legal practitioners (judges, prosecutors, court staff, lawyers, bailiffs, notaries) took part in training activities on EU law or the national law of another Member State. This figure is a minimum estimate.²

Development towards 2020 goal

Building on experiences with the first report, the questions in the data collection process for 2012 have been refined, for example by defining ‘initial training’ and specifying the features of a training activity ‘related to EU law’.

The data for 2012 are hence more accurate than those for 2011, which largely explains why the overall number of practitioners trained in EU law in 2012 is lower than that given in the 2011 report.

The target set in 2011 to train 700 000, i.e. half of all legal practitioners, by 2020 has proven to be realistic, but will only be reached if more legal professionals are trained in EU law per year than the number trained in 2012.



In this second survey, the quality of the data has improved. However, there is still room for enhancing the availability and accuracy of data, particularly with regard to professions other than judges and court staff. The same is true for initial training, for which it was not possible to gather data for all Member States. This is why general trends are presented rather than numbers for each individual Member State.

² Due to some gaps in the data. All collated data are based on information received from Member States, training providers and professional organisations and may be incomplete.

Large differences among Member States and the different legal professions

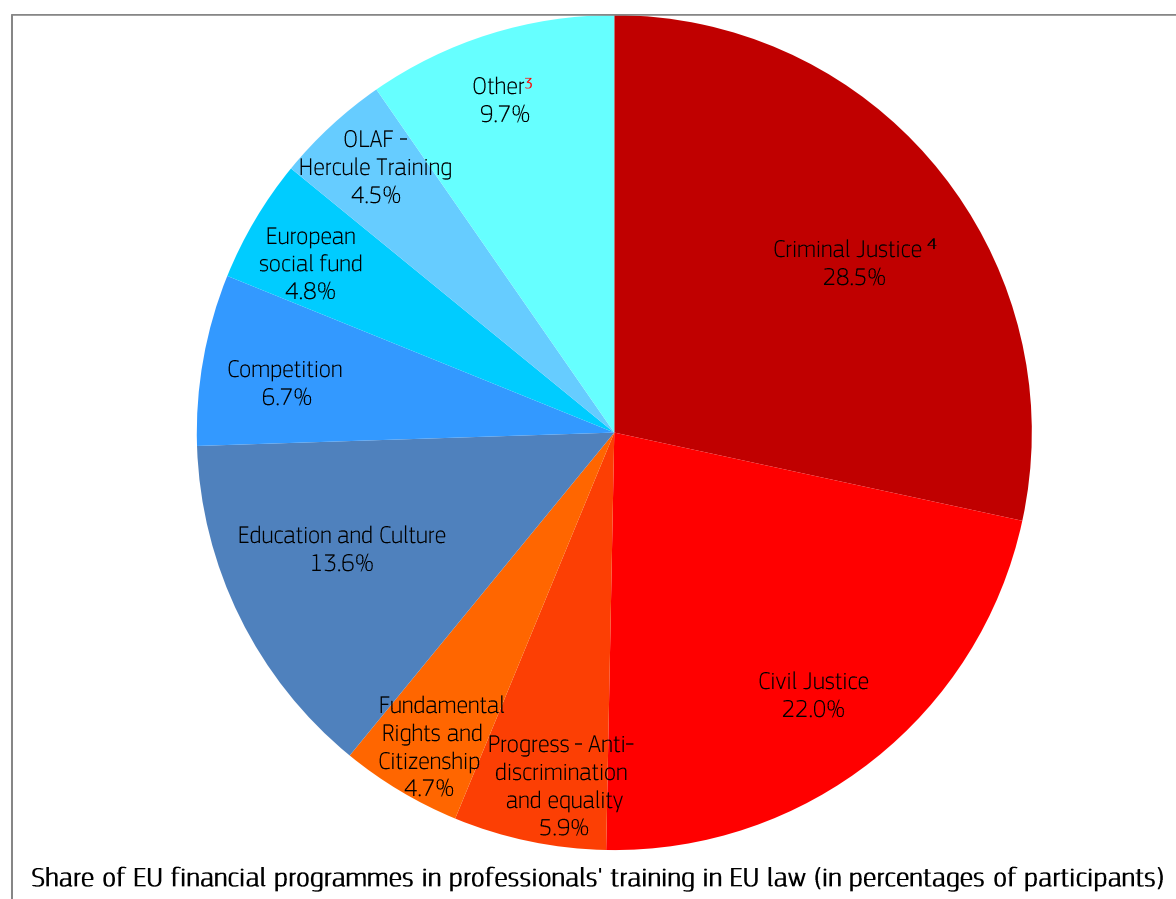
The participation rate shows considerable differences between the various legal professions and among Member States. To some extent, the uneven distribution reflects different training needs or missing data; however, for some of the legal professions and in some Member States, participation in training clearly needs to be increased.

EU-funded training

In 2012 the EU funded the training of around 12600 legal practitioners, equivalent to 19% of all those who took part in European judicial training activities during 2012.

The European Commission gives most financial support to the main provider of judicial training in EU law: the European Judicial Training Network (EJTN). Operating grants were also awarded to the Academy of European Law (ERA) and the European Institute of Public Administration (EIPA) to support their training activities in 2012. The European Patent Office and the Office for the Harmonisation of the Internal Market also used EU funds for their training of legal professionals.

In addition, the Commission awarded action grants under several of its financial programmes (civil justice, criminal justice, fundamental rights and citizenship, Hercule II, training of national judges in EU competition law) and financial support through the European Social Fund for specific training projects. In individual cases, the Commission ordered training activities under service contracts (for the creation of training modules on EU law).



³ Other: Office for Harmonization in the Internal market; Instrument for pre-accession (Croatia); Prevention and fight against crime (ISEC); Environment; Information society; European Patent Office.

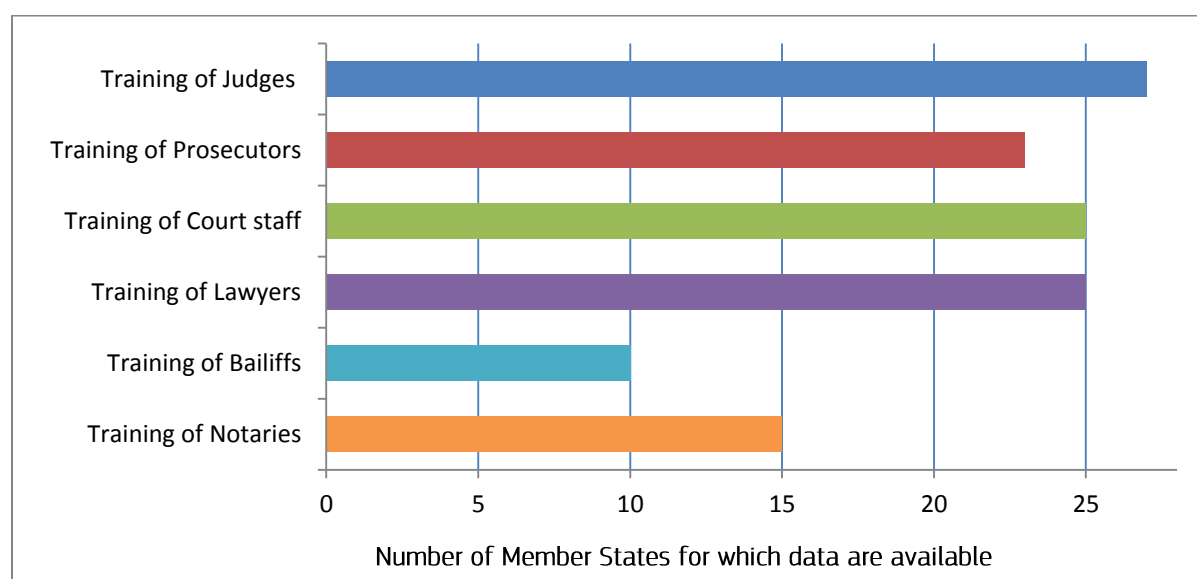
⁴ Including the operating grant for the European Judicial Training Network

Method of data collection and coherence of collected data

The Commission used various sources to collect data for each legal profession. Figures were requested from:

- the European Judicial Training Network (EJTN), for judges and prosecutors;
- Member States, particularly for court staff;
- the Council of Bars and Law Societies of Europe (CCBE), for lawyers, complemented by figures collected in the course of the pilot project on European judicial training;
- the International Union of Bailiffs (UIHJ), for bailiffs;
- the Council of Notariats of the European Union (CNUE), for notaries;
- the Academy of European Law (ERA), the European Institute of Public Administration (EIPA), the European Patent Office (EPO) and the Office for the Harmonisation of the Internal Market (OHIM), concerning their courses on EU law for judges, prosecutors and lawyers;
- the European Commission Directorate Generals which dedicate funds to support European judicial training activities.

The diagram below illustrates the number of Member States for which at least some data on European judicial training of legal professionals were available from the contact points mentioned above.⁵ Data concerning judges and court staff are fairly complete; data concerning prosecutors are available for three quarters of the Member States, while data concerning bailiffs and notaries are only available for roughly half of the Member States. For lawyers, some data is available for many Member States, but do not always cover all of the training providers or all of the activities.



⁵ All Member States except one replied to the Commission's request, but did not always provide all the requested data, nor did they necessarily reply to all questions asked.

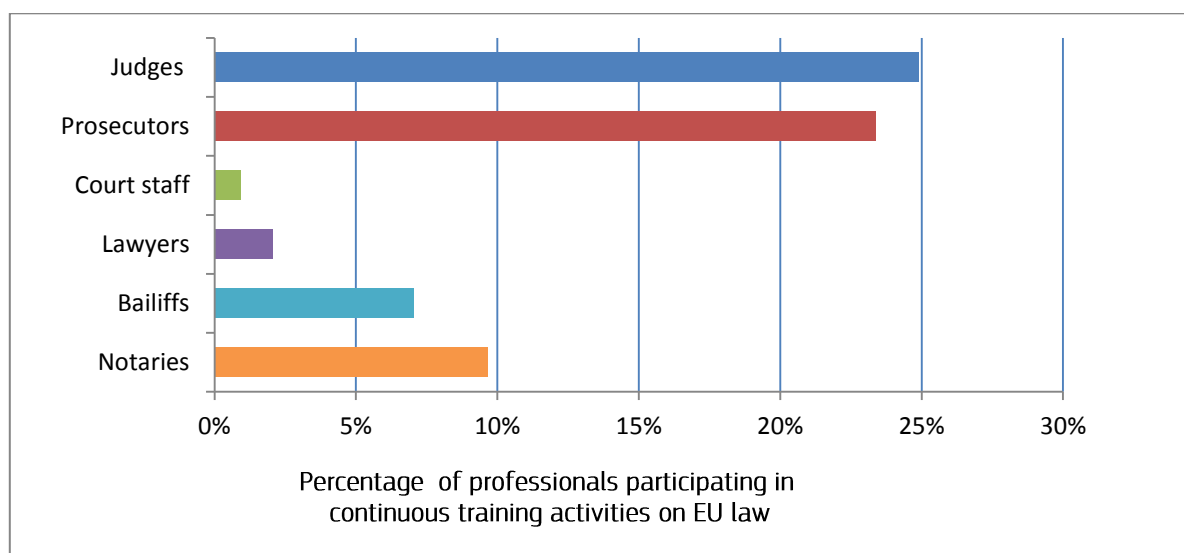
Participation by profession at EU level

The number of participants in training activities may not correspond to the number of individuals trained, since the same person may have taken part in more than one training activity (problem of double counting). However, for a given year the figures are likely to be similar, since it is fair to assume that few legal practitioners are likely to take part in more than one training activity on EU law or the national law of another Member State in any one year.

The figures for existing practitioners in each legal profession used for calculating the percentages were taken from the [2012 CEPEJ report *European judicial systems. Edition 2012 \(data 2010\): Efficiency and quality of Justice*](#).⁶

The ratio of practitioners participating in **continuous** training activities on EU law and judicial systems of another Member State to all existing practitioners per profession (as shown in the diagram below) is approximately:⁷

- 25 % (20 431) of all **judges** in the respondent Member States;
- 23 % (6 720) of all **prosecutors** in the respondent Member States;
- 1 % (2 612) of all **court staff** working in the respondent Member States;
- 2 % (13 597) of all **lawyers** in private practice in the respondent Member States;
- 7 % (1 115) of all **bailiffs** practising in the respondent Member States;
- 10 % (2 419) of all **notaries** practising in the respondent Member States.



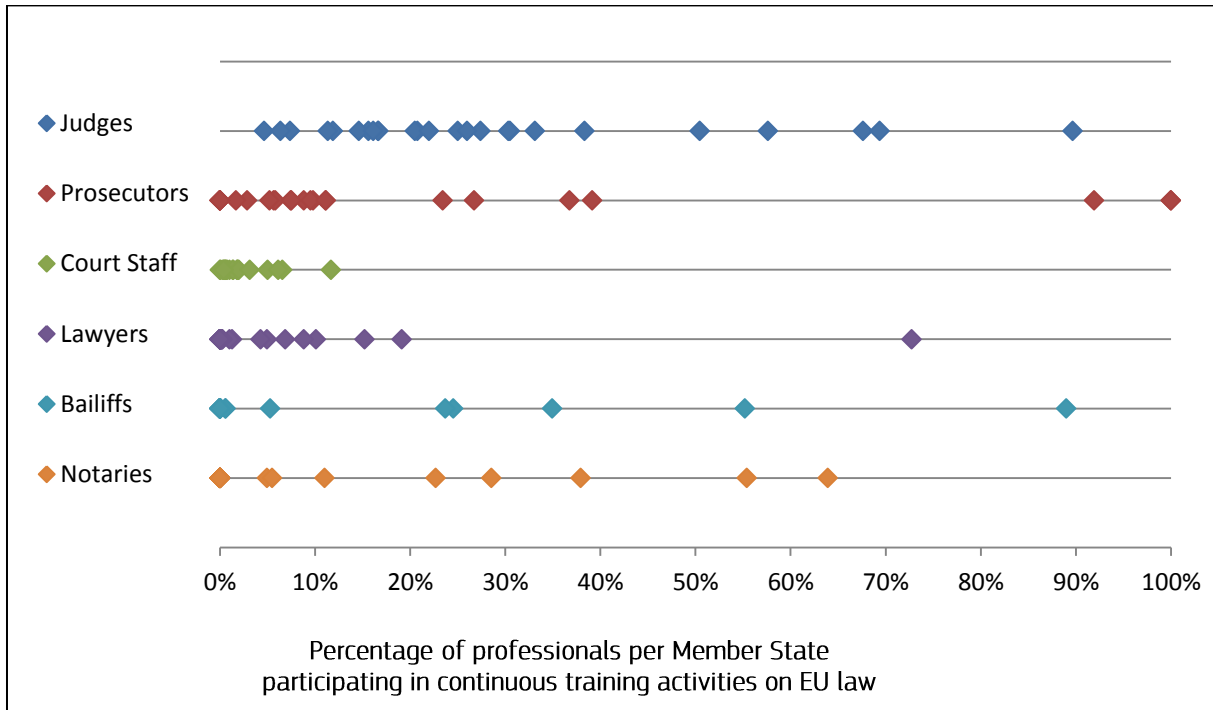
Judges and prosecutors are more often trained in EU law or in the law of another Member State than other legal professions. As to the other legal professions, the reason for lower percentages remains to be seen. Some training opportunities in EU law or the national law of another Member State are missing in the survey. On the other hand, the supply of training in EU law or the national law of another Member State may need to be increased to match the training needs of each professional group.

⁶ Where the 2012 CEPEJ report had data gaps, figures from the previous CEPEJ report were used.

⁷ In two Member States, the number of judges trained includes the prosecutors.

Participation by profession broken down by Member State

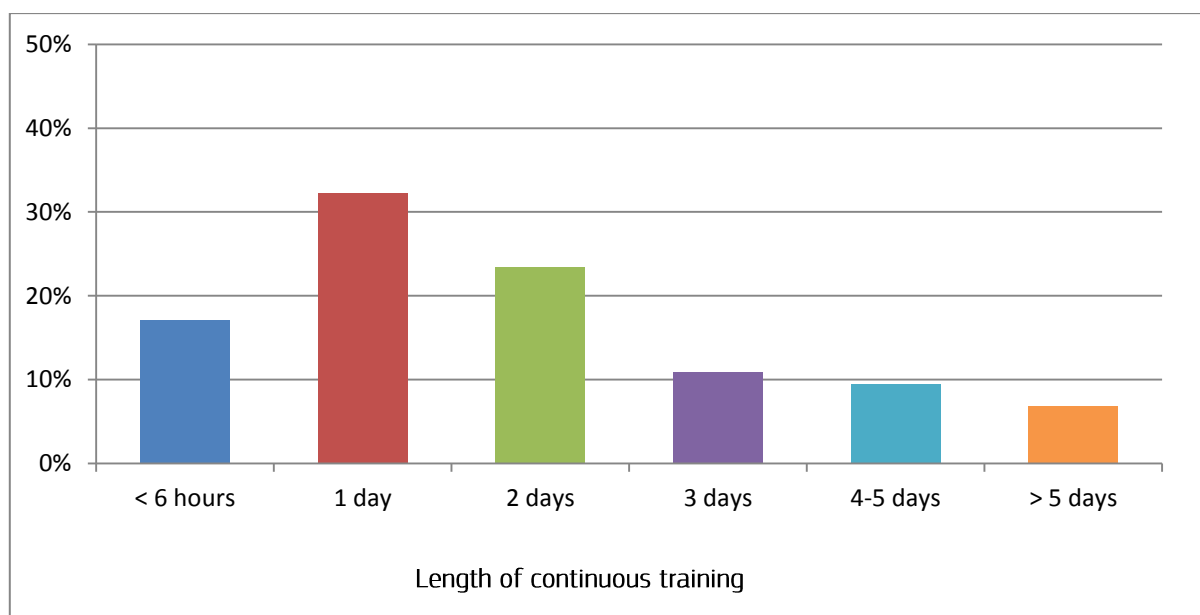
The percentage of legal practitioners belonging to the same profession participating in **continuous** legal training in EU law or in the law of another Member State varies considerably among Member States. In the diagram below each 'point' represents a Member State and the respective participation rate:



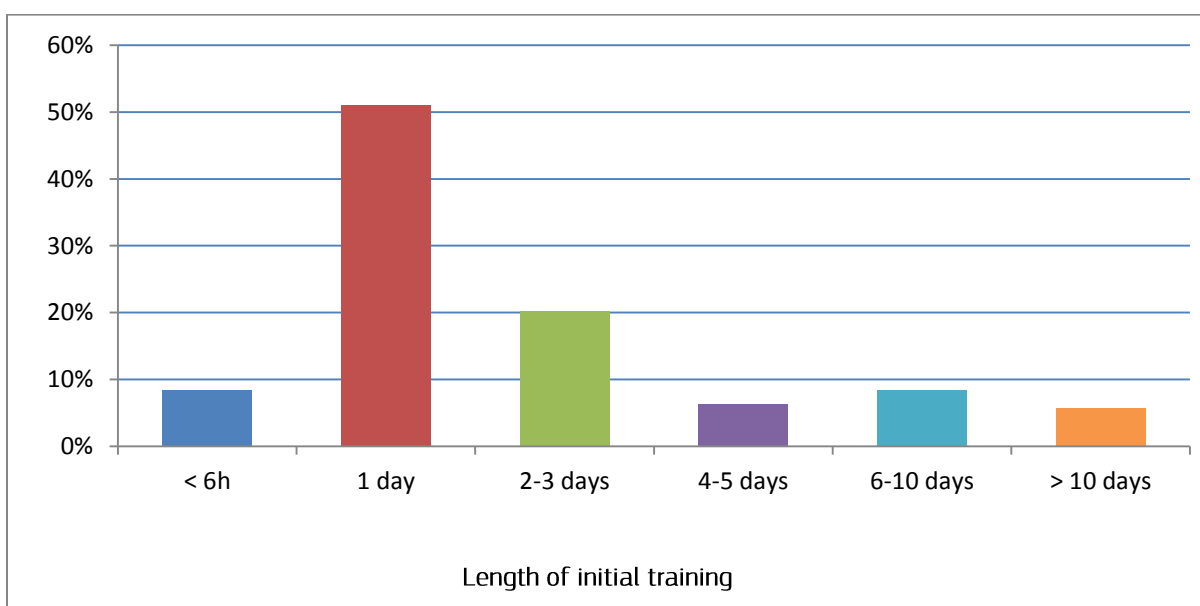
In a few cases reported by the Member States the ratio of participants to existing members of a legal profession exceeds 100%, meaning that participants took part in more than one training activity on EU law. Some of the exceptionally high figures may suggest that, as in the previous survey, the data delivered still concern training in all subjects and not just in EU law.

Length of training in EU law

The duration of training activities on EU law is quite short: more than 70% of all **continuous** training activities on EU law last for two days or less, perhaps because some legal practitioners find it difficult to participate in training for longer periods due to work obligations. In most Member States, training activities on EU law generally last one or two days, while in four Member States they tend to last for even less than six hours. Only one Member State reported that most training activities on EU law last more than two days.⁸



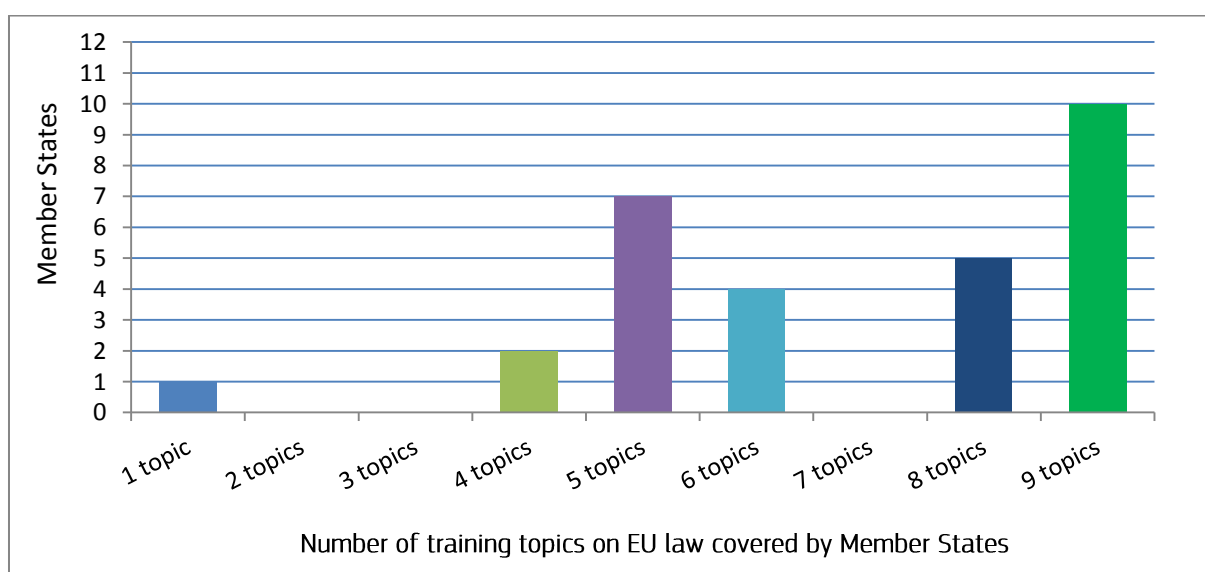
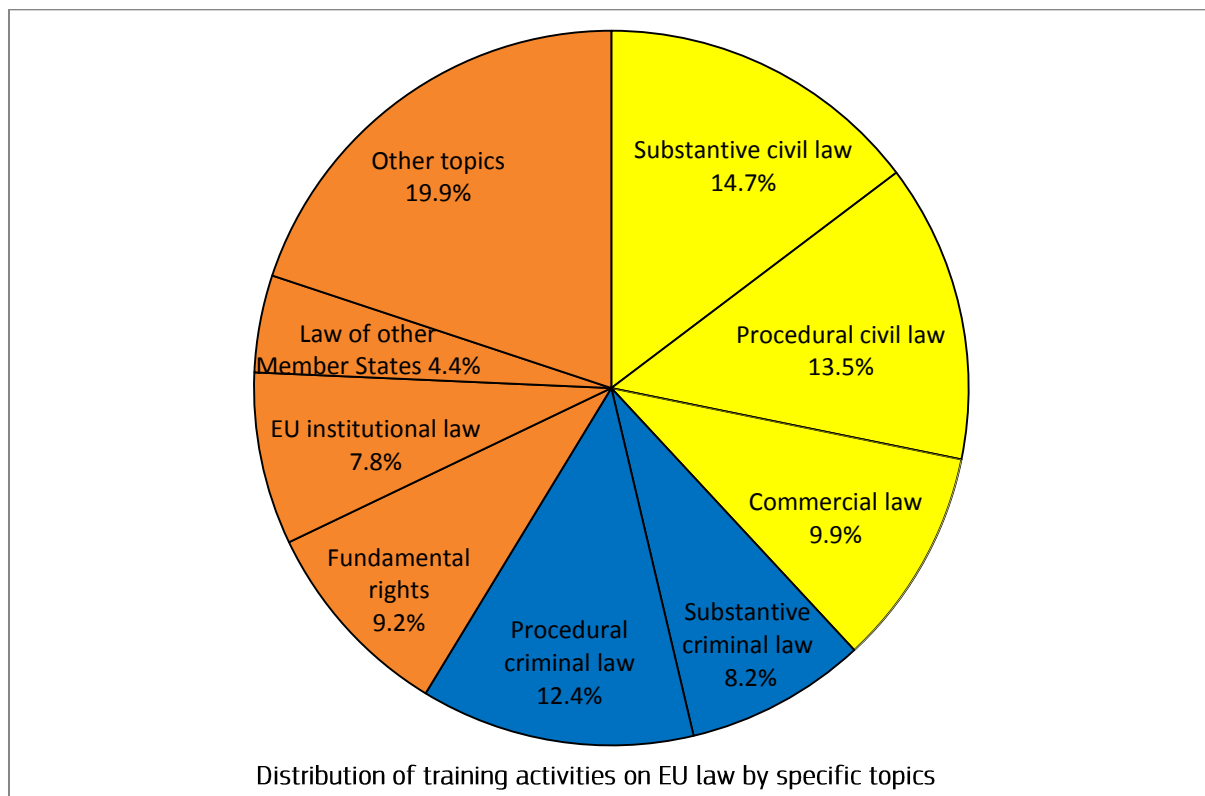
Even during their **initial** training, more than half of the participants receive less than six hours of training in EU law. In initial training, the participants' limited time resources should not stop them from following more training in EU law. Compared to the overall length of the initial training, one day or less for EU law does not seem to reflect the importance of EU law in the professional practice of the future legal practitioners.



⁸ A breakdown of the length by profession is not possible as, for most Member States, only aggregate data on training activities for several professions are available, in some cases because training providers cater for a range of professions.

Wide range of training topics

The training covered a wide range of EU law topics. Out of nine topics (including law of other Member States), half of the Member States offered training in eight or all of these areas, while only four Member States offered training in less than five. Training in the law of other Member States (including legal language training) represents only 4%.⁹ Within individual Member States, the distribution of topics is often different from the EU wide picture.

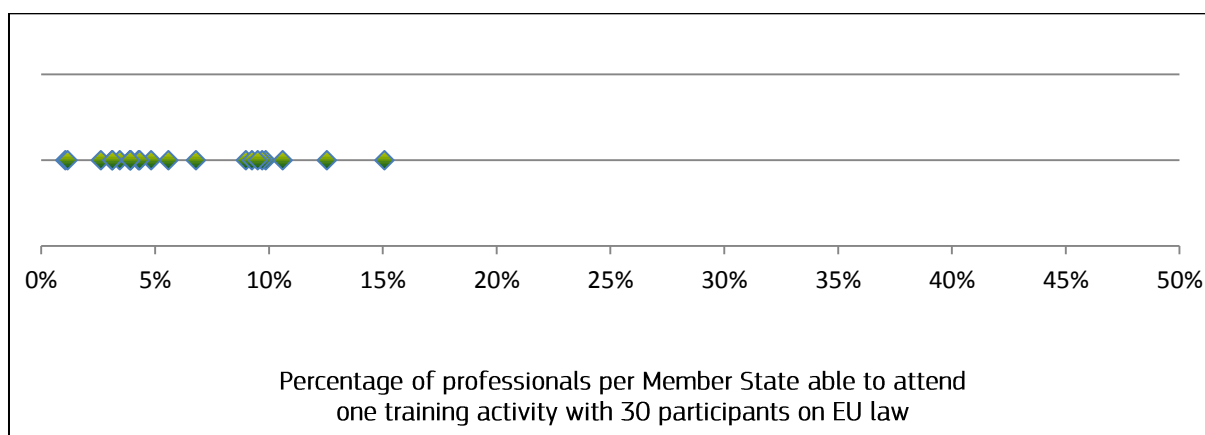


⁹ For the same reason as given in footnote 6, a breakdown of the topic data by profession is not available.

Training in small groups as an indicator of quality

European judicial training must be of good quality. One possible indicator of quality is the average number of participants attending a training activity, since people usually learn more through interaction and participation than through mere didactic lecturing¹⁰ and this is facilitated by smaller training groups. For this report, the quality factor is assessed by assuming that an average of 30 participants per activity is appropriate. In order to evaluate whether enough training activities are being offered to reach such a target, the percentage of practitioners per Member State who could have taken part in one activity, if there had been 30 participants per activity on average, was calculated. This was done by using the aggregate number of training activities per Member State (for all legal professions) and the actual number of participants that were trained by Member State.

The diagram below shows the percentage of legal practitioners per Member State that could have taken part in one training activity on EU law or on the law of another Member State, if the activities offered in the Member States had 30 participants on average. This percentage would be 100% if there had been enough training activities available to enable all legal practitioners in a Member State to take part in one European judicial training activity with 30 participants in 2012. As shown in the chart below, with percentages ranging between 1% and 15% in the different Member States, this is far from being the case.



An ongoing pilot project on judicial training, initiated by the European Parliament and ordered by the Commission, will take stock of the quality of judicial training for judges, prosecutors, lawyers and court staff in EU law and in the law of another Member State in more detail and lead to further recommendations on how the quality of judicial training in these areas can be improved.

¹⁰ Council of Europe, 'Training Manual on the European Convention on Human Rights', page 44.

Next steps

This report suggests that a concerted effort is required to ensure the targets are met for all legal professions and Member States equally. It also shows that, in some Member States, more EU law could be included in the initial training of legal professionals and the range of topics of EU law and the law of other Member States covered in continuous training could be broadened.

From 2014, the Commission will continue to support judicial training in the new multi-annual financial framework and will repeat this survey in the years ahead in order to keep track of the development of training in EU law and in the law of other Member States and to assess if the number of legal professionals trained is on target. In cooperation with the training providers, the Commission will try to ensure that data cover all legal professions and all Member States and to agree on a common understanding of the criteria, such as what constitutes training in EU law, in order to make data more comparable.

In order to reach the goal of training half of all legal practitioners in these areas by 2020 for all legal professions, in the short term the Commission plans to discuss the results of the pilot project on European judicial training (expected in spring 2014) with the different legal professions and their training providers as well as with EU institutions and Member States.



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