European Commission

European judicial training 2016

Justice and Consumers

Europe Direct is a service to help you find answers to your questions about the European Union.
Freephone number (*):
00 800 6 7 8 9 10 11

(*) The information given is free, as are most calls (though some operators, phone boxes or hotels may charge you).

PDF ISBN 978-92-79-64102-2 doi:10.2838/148256 DS-AX-17-001-EN-N

European Commission - Directorate-General for Justice and Consumers

More information on the European Union is available on the Internet (http://europa.eu)

Luxembourg: Publications Office of the European Union, 2016

Cover photo © Sondem - Fotolia / ©Africa Studio - Fotolia

The Juncker Commission set its priorities to focus on the big things, where effective European action can make a real difference. That is why we are stepping up our efforts on enforcement, because even the best law is useless unless it delivers results on the ground.

Member States have primary responsibility for correct transposition, application and implemention of EU law. National courts are "the common courts" for upholding EU law and contribute effectively to enforcing EU law in individual cases. In order to help Member States in their efforts, the Commission deploys a wide array of tools including European judicial training.

Training legal practitioners on EU law is just one example of the Commission's efforts to make a difference to citizens' and businesses lives. It helps ensure the coherent application of EU law everywhere in the EU, ensure mutual trust in cross-border judicial proceedings, and spread knowledge of good practices to joint problems in the judicial world.

I am happy to announce that the 2016 report on European judicial training confirms that for many legal practitioners and in most Member States, the target of the 2011 Communication on European judicial training – meaning that at least 5% of the legal practitioners should attend training on EU law every year – is significantly exceeded, and rightly so. Legal practitioners must stay up-to-date with the latest in EU legislation and the growing amount of case law. More than 124 000 of these legal practitioners were trained on EU law in the EU in 2015, and close to 500 000 legal practitioners between 2011 and 2015.

European judicial training policy is a continuous priority of the Commission and will continue to be supported by EU funds for high quality cross border training projects. The Commission will also support the training for prison and probation staff on matters of EU relevance. Though not part of the collected data in this report, they are key actors for example to ensure certain minimum standards in prisons or to treat radicalised offenders.

I hope you will enjoy reading the 2016 report.

Věra Jourová
Commissioner for Justice, Consumers and Gender Equality

- In 2011 the European Commission set the target that **half** (700 000) **of all legal practitioners** in the EU should have attended training on European law or on the law of another Member State and that this training should be supported with EU funds for at least 20 000 legal practitioners per year by 2020.
- More than **124 000 legal practitioners** received **training** on EU law or on the national law of another Member State **in 2015**. Whereas this average number remains relatively stable compared to the previous year, in some legal professions in some Member States the training on EU law has increased significantly, whereas for other professions or other Member states it has dropped dramatically. This can be seen in more details in the breakdown per Member State, which is also available for the first time for court staff and notaries in this edition.
- Training for **25 000 participants** was **(co)-funded by the EU** in 2015. The slight increase is mainly due to significantly more participants in training activities funded by the Justice programme and by the Jean Monnet grant to the Academy of European Law, even if the number of legal practitioners profiting from training funded by the European Social Funds (25% of all funded participants in 2014) has halfed.
- Results since 2011 continue to show that the 2020 target can be achieved on average across the whole EU and legal professions with ongoing efforts in the years to come. However, **considerable differences** in the level of participation in training among Member States and among the different legal professions remain. More efforts to increase European judicial training are needed in some Member States and more for some legal professions than others.

Objectives of this report

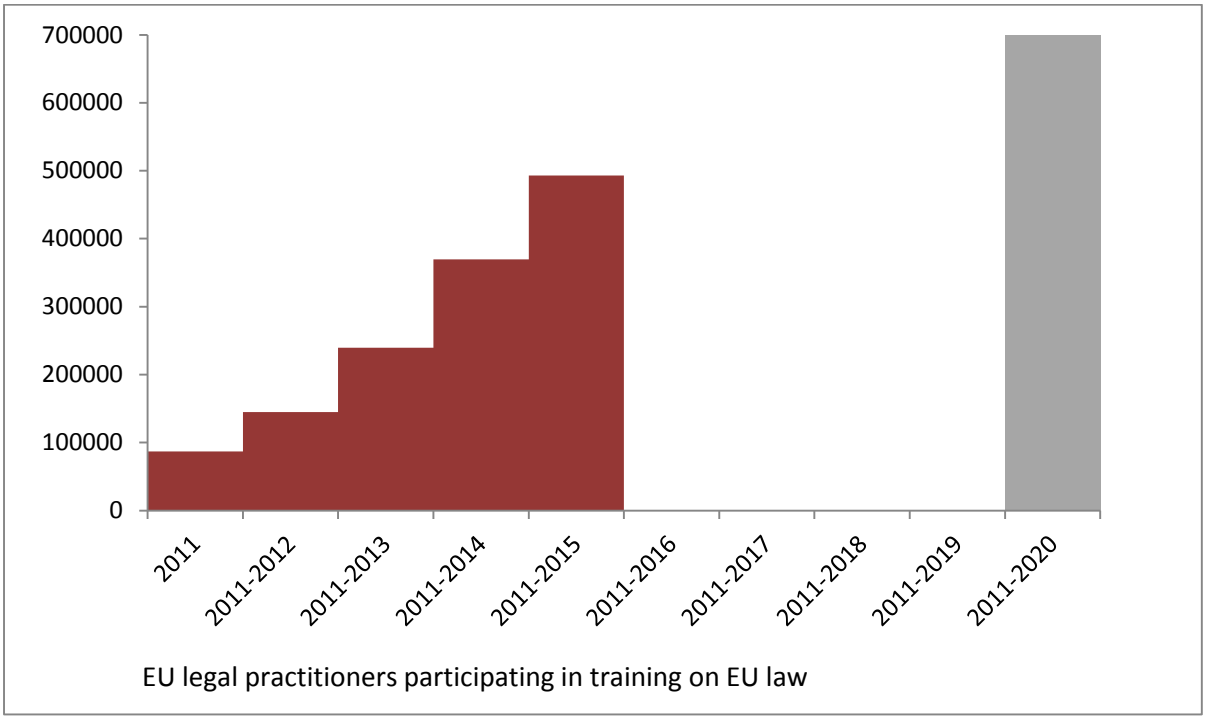
This is the fifth report on training for legal practitioners (judges, prosecutors, court staff, bailiffs, lawyers and notaries) on EU law or on the national law of another Member State. It is based on the results of a questionnaire sent in 2016 to Member States' authorities, European networks of legal professionals and their members and the main training providers at European level regarding training of legal practitioners in 2015. 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*[1] of ensuring that half (around 700 000) of all legal practitioners in the EU are trained on EU law or on the national law of another Member State by 2020; this is equivalent to 5 % (70 000) of all practitioners per year, on average. This objective was backed by conclusions of the Justice and Home Affairs Council in 2011 and again in 2014[2], where EU Member States underlined the importance of the training of legal practitioners. The European Parliament has also been constant supporter of European judicial training, as expressed in its resolution on judicial training of 14 March 2012[3].

[1] COM(2011) 551 final.
[2] 2014/C 443/04, recalling the Council conclusions of 27 October 2011 on European judicial training (2011/C 361/03)
[3] 2012/2575(RSP).

Main results of the survey

More than 124 000 legal practitioners trained

In 2015, more than 124 000 legal practitioners (judges, prosecutors, court staff, lawyers, bailiffs and notaries) as well as trainees of these professional groups took part in training activities on EU law or on the national law of another Member State. This figure is a minimum estimate.[4] 36 000 legal practitioners were trained on EU law during their initial training, and almost 89 000 received continuous training[5] on EU law. Statements that EU law had been part of the training of all trainees or of all training activities have been taken into account to the extent that information on the length of time or topics devoted to EU law was provided.



EU legal practitioners participating in training on EU law

In this fifth survey, data for slightly more national legal professions were available. However, there is still room for improvement as to the completeness of these data, in particular for initial training in general and for training of lawyers by private providers.

Progress towards the 2020 goal

Building on the experience of the first reports, the data collection process for 2015 was refined, in particular by better explaining that e-learning activities where participants can be counted are included in the data collection.

Both increase and decrease of reported participation in Member States and legal professions can be either due to more or less participation in training or, in single cases, to gaps in data (when the available data covers a broader or smaller scope of legal practitioners than in the year before). Data for training of a legal profession in a Member State might only be available from certain training providers, for certain regions or for a certain type of practitioners of the legal profession.

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

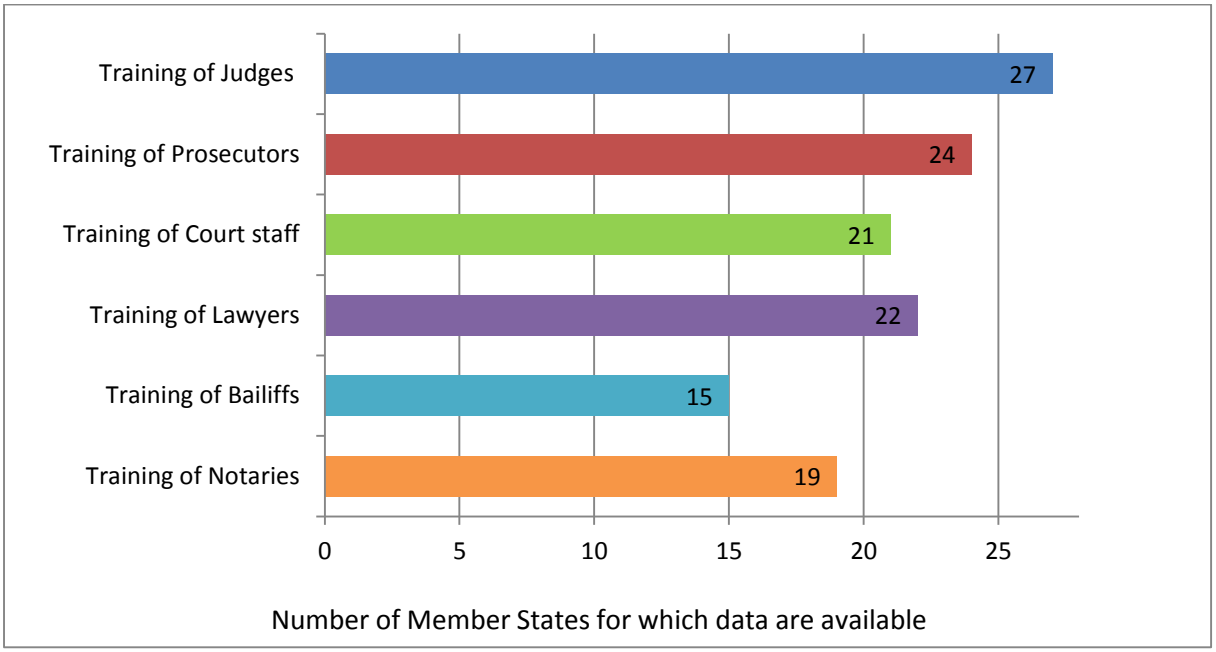
[5] Continuous training is the training received after appointement as fully qualified legal professional, without basic training right after appointment.

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 for court staff;
- the Council of Bars and Law Societies of Europe (CCBE) and the Fédération des Barreaux d´Europe (FBE), for lawyers;
- the International Union of Bailiffs (UIHJ) and the European Chamber of Judicial Officers (CEHJ), 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 Union Intellectual Property Office (EUIPO), the European Patent Office (EPO), the European Asylum Support Office (EASO) and the European Police College (CEPOL) concerning their courses on EU law for legal practitioners;
- 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 was available from the contact points mentioned above.[6]



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, even if the needs of the different professions in training on EU law differ (for example less for court staff than for judges), the supply for some professions and in some Member States may need to be increased to match the training needs of each professional group in all the Member States.

[6] Replies to the Commission's request were received from providers from all Member States, but did not always provide all the requested data.

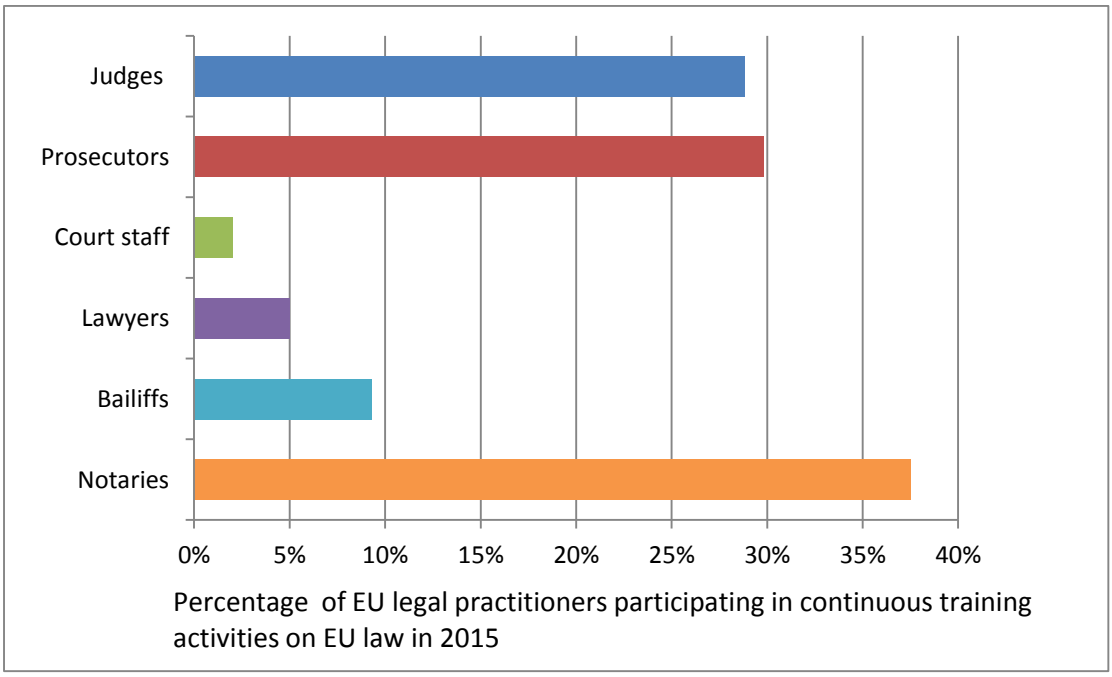
Participation by profession at EU level

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 on 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 as well as the definition of the legal professions were taken from the 2016 CEPEJ study on European judicial systems (data 2014): Efficiency and quality of Justice[7], unless more recent figures were given.

The ratio of practitioners participating in **continuous** training activities on EU law and on judicial systems of another Member State to all existing practitioners per profession is approximately:

- 28 % (24 130) of all **judges** working in the respondent Member States;
- 30 % (9 011) of all **prosecutors** working in the respondent Member States;
- 2 % (7 313) of all **court staff** working in the respondent Member States;
- 5 % (37 337) of all **lawyers** in private practice in the respondent Member States;
- 9 % (1 643) of all **bailiffs** practising in the respondent Member States;
- 37 % (9 411) of all **notaries** practising in the respondent Member States.

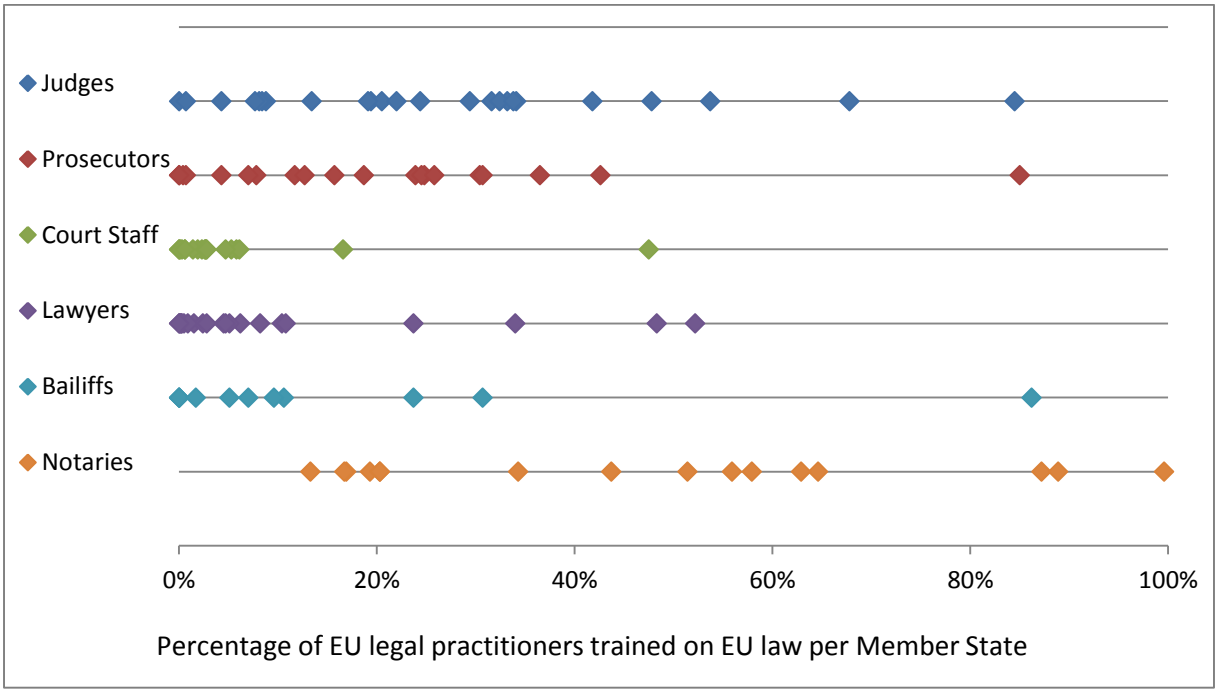


Judges, prosecutors and notaries are far more often trained on EU law or on the law of another Member State than other legal professions. Compared to the year before, the main development has been a significant further rise of the EU law training for notaries, partly due to a large series of cross-border seminars for notaries, funded mainly by the European Commission. We also note a decrease in the training of judges (mainly due to three Member States) and bailiffs (in 2014 all Portuguese bailiffs had participated in an e-learning course on EU law unlike in 2015). As for lawyers, the data of many private training providers is still not available.

[7] Where the 2016 CEPEJ report had data gaps, figures from the previous CEPEJ report were used.

Participation by profession broken down by Member State

The percentage of legal practitioners belonging to the same profession participating in **continuous** legal training on EU law or on 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, the ratio between the number of participants and the total number of existing members of a legal profession exceeds 100 %, meaning that participants took part in more than one training activity on EU law in that year.

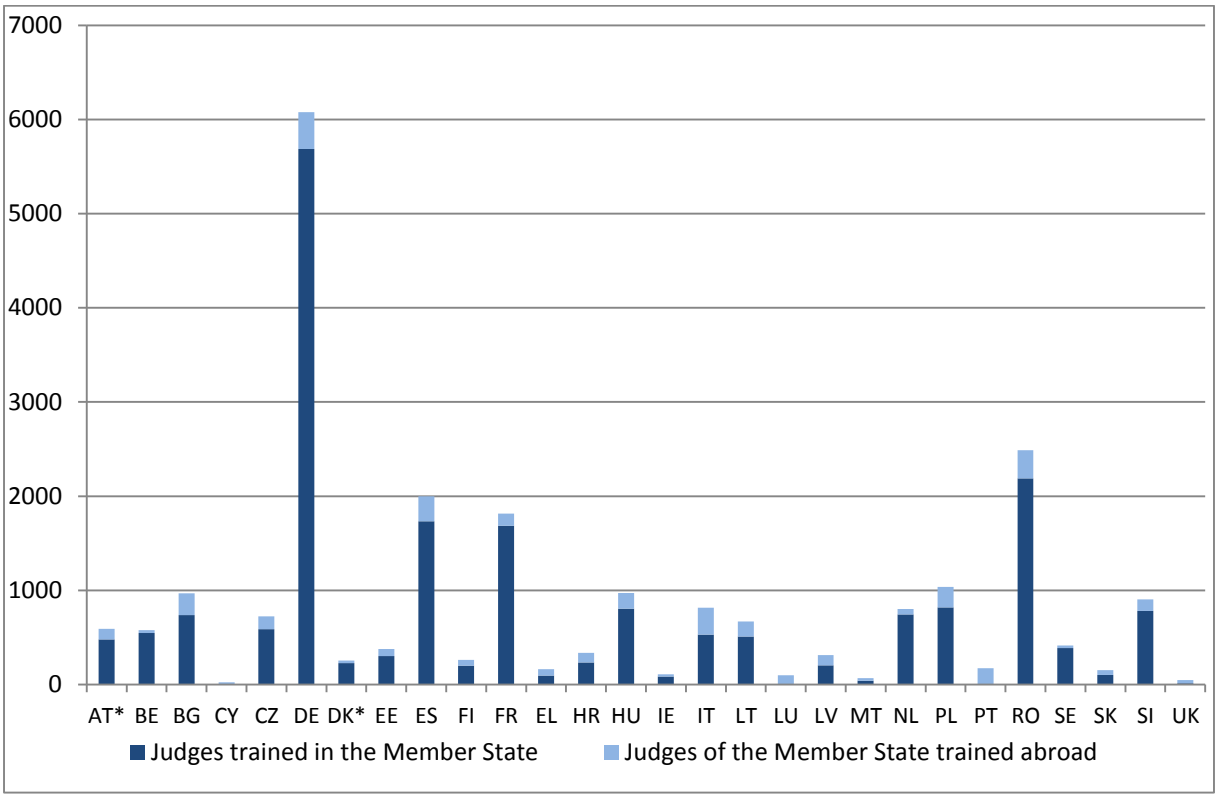
Below, the report presents the numbers of participants in continuous training per Member State for the professions of judges, prosecutors, lawyers, notaries and court staff, since for these professions the data were received from most of the Member States. To present a complete picture of the situation, we display the participants in absolute numbers and in percentage of all practitioners of their profession.

Participation of judges and prosecutors by Member State[8]

As to the **absolute number**, we show additionally this year on top of the column the number of judges and prosecutors that have participated in EJTN training activities abroad, since these training participations add to the training possibilities that are offered in a given Member State.

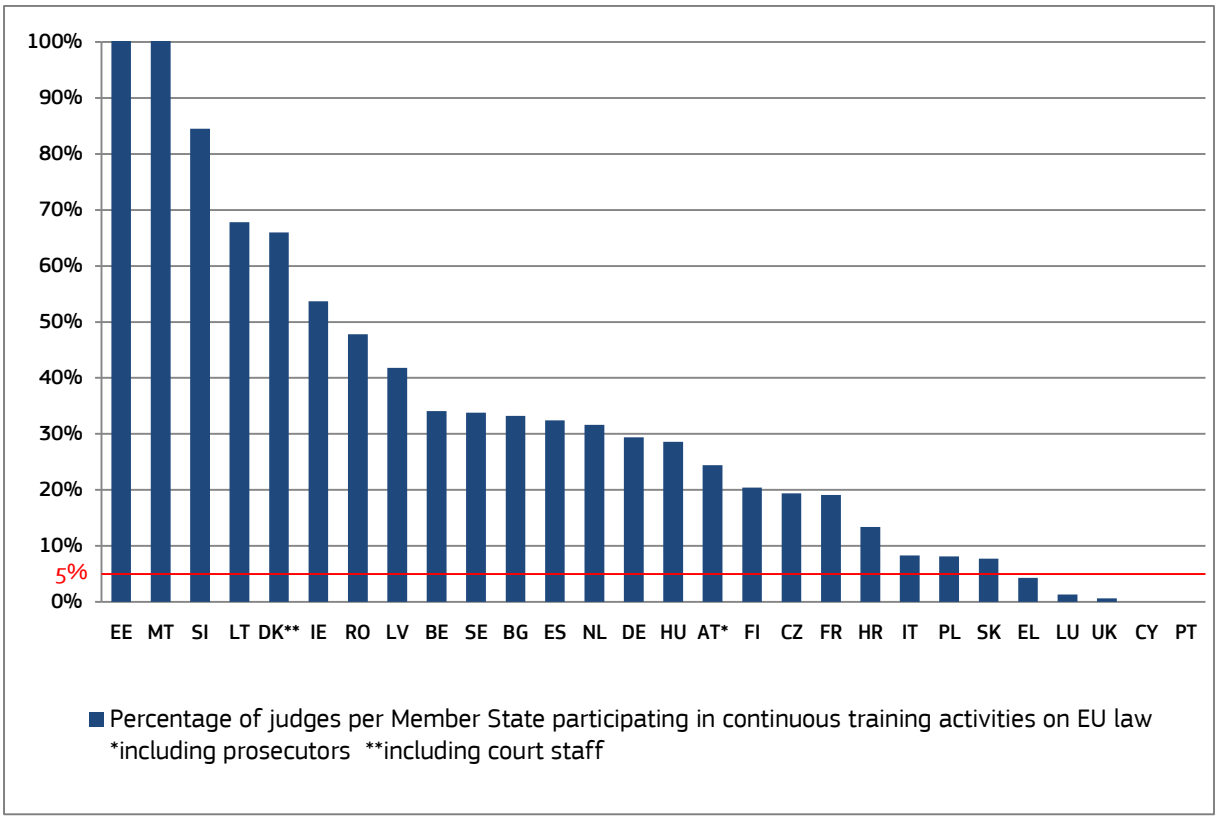
In the tables with **percentages,** a red line indicates the minimum percentage of trained participants needed to reach the 2020 target of training half of the practitioners on EU law or on the law of other EU Member States: 5% per year between 2011 and 2020. As reflected, this target is currently reached by almost all Member States sending data for judges and prosecutors. It can be noted that Member States with a small absolute number of judges and prosecutors can reach high percentages of trained practitioners with the organisation of only a few training activities. For the same reason, percentages in these Member States can easily change from one year to the other, since small differences in absolute numbers cause significant changes in percentage.

[8] **Abbreviations are explained in the last page of this report.**



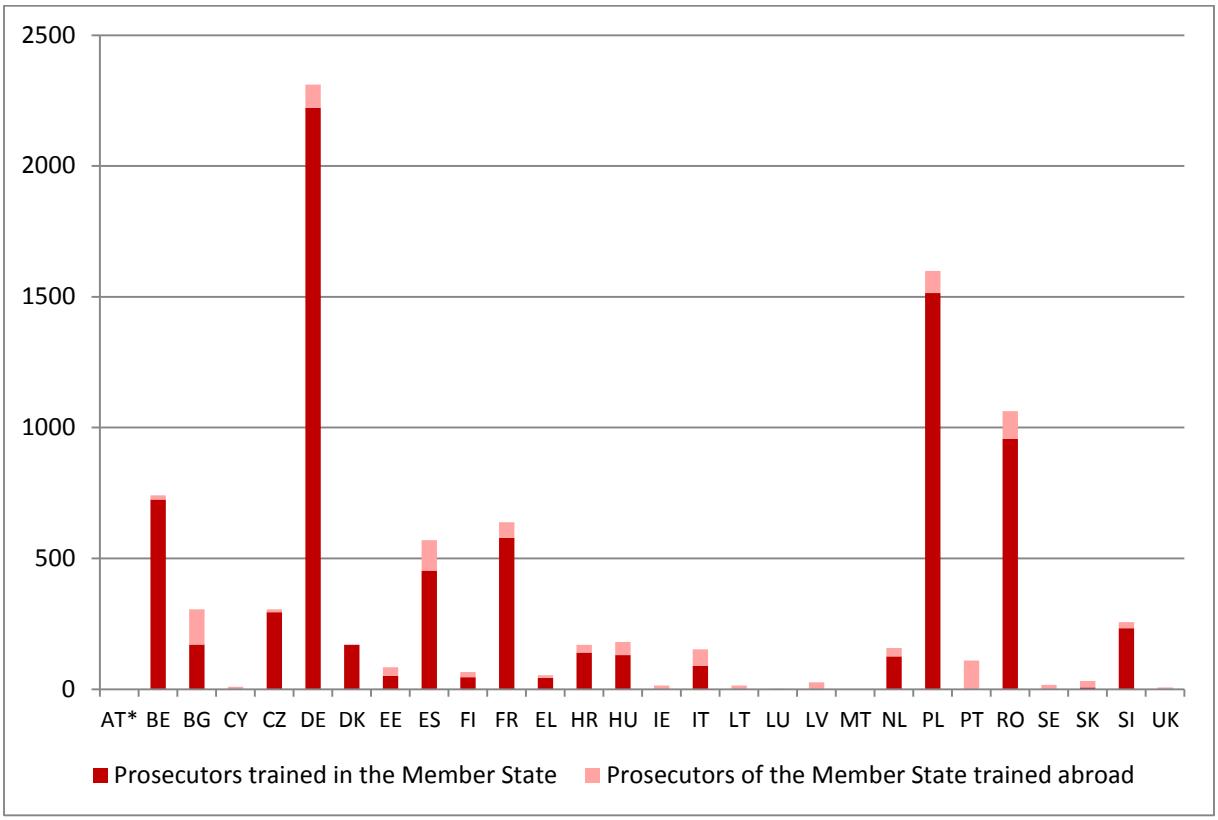
*** AT figure includes prosecutors; DK figure includes court staff**

For judges in PT, no data on training in the Member State are available.



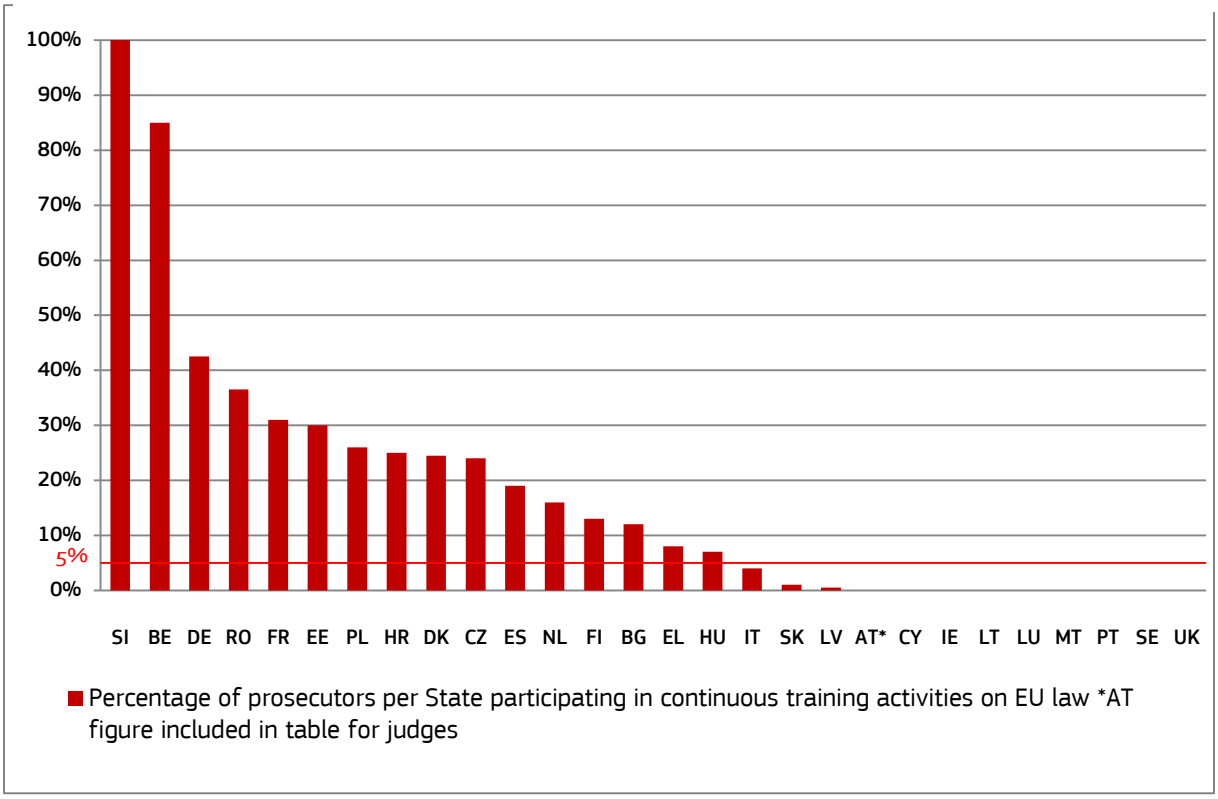
EE: 131%; MT: 102% (some judges have participated in more than one training activity)

5% = minimum needed per year to reach the 2020 target of training half of the practitioners on EU law



*** AT figure included in table for judges**

For prosecutors in CY, IE, LT, LU, MT, PT, SE and UK, no data on training in the Member State is available.



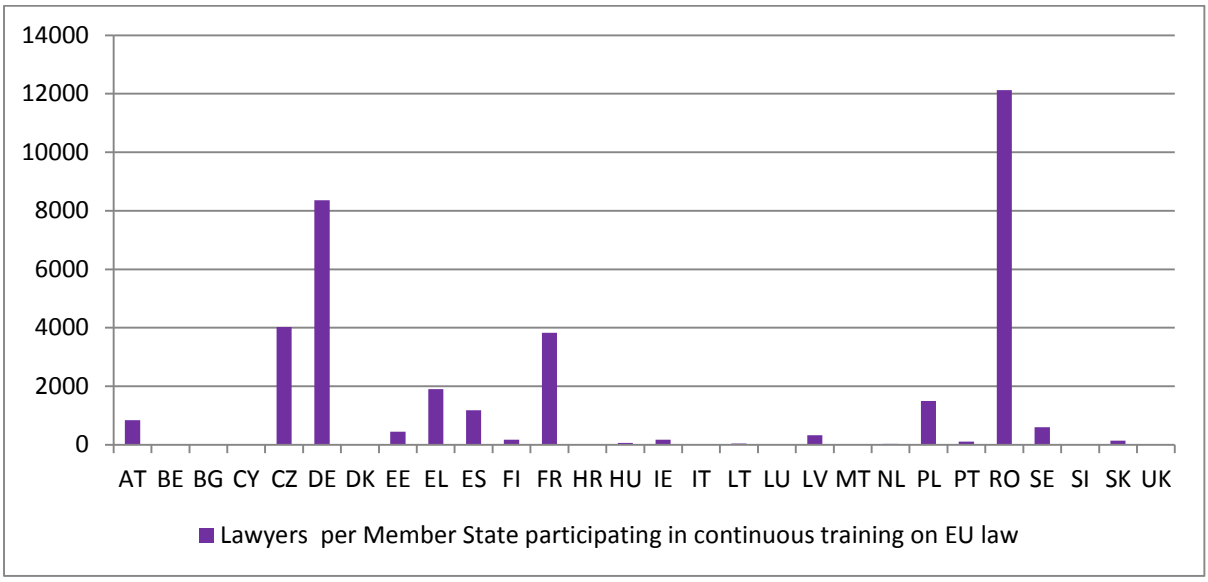
SI: 120% (some prosecutors participated in more than one training activity)

5% = minimum needed per year to reach the 2020 target of training half of the practitioners in EU law

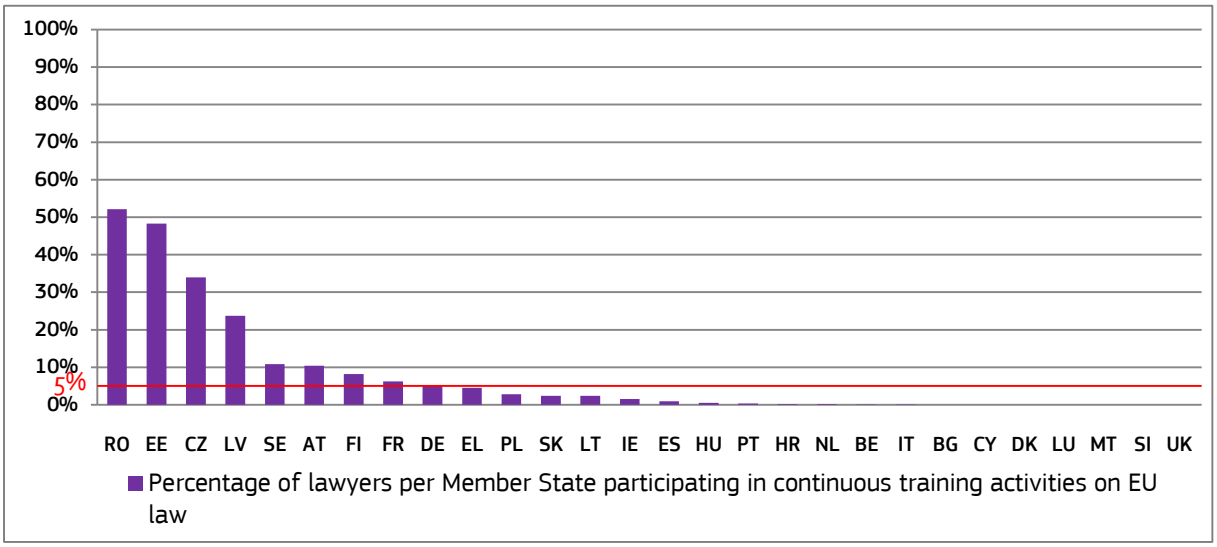
Participation of lawyers by Member State

The numbers regarding the training of lawyers per Member State often offer only a partial picture: private training providers not connected to the Bar seldom contributed with data, although in some Member States lawyers rely on them in significant numbers. Sometimes, data have been available only for certain regions of a Member State or a certain type of lawyer. However, the percentage is always given in comparison with the figure of all lawyers in the Member State.

Again, in the tables with **percentages**, a red line indicates the minimum percentage of trained participants needed to reach the 2020 target of training half of the practitioners in EU law or in the law of other EU Member States i.e. 5% per year between 2011 and 2020. According to the available data, this target is currently reached only for a minority of Member States. As for judges and prosecutors, Member States with a small absolute number of lawyers can reach high percentages of trained practitioners with the organisation of only a few training activities. A bigger group size or a significant e-learning offer with counted participants can be other reasons leading to bigger numbers of participants.



For lawyers in BG, CY, DK, LU, MT, SL and UK, no data are available. % in PT, HR, NL, BE and IT are tiny.

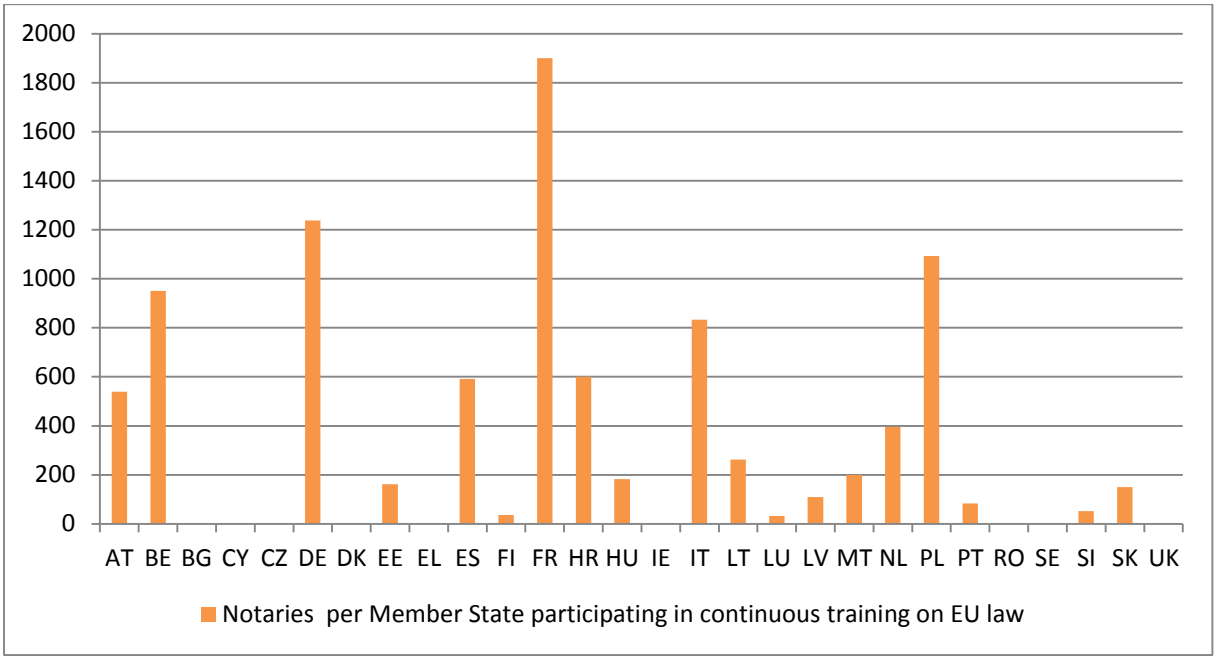


5% = minimum needed per year to reach the 2020 target of training half of the practitioners on EU law

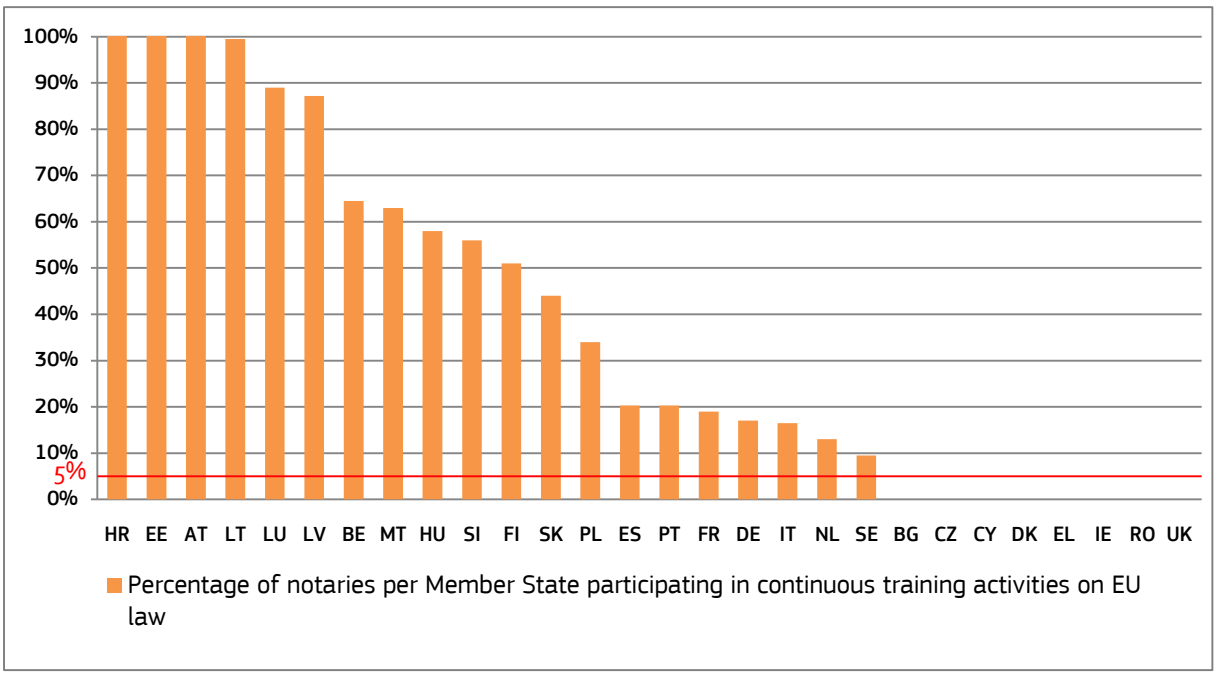
Participation of notaries by Member State

This report refers to the definition of a notary by the 2016 CEPEJ study on European judicial systems: Efficiency and quality of Justice - a legal official who has been entrusted by the public authority with the safeguarding of the freedom of consent and the protection of the rightful interests of individuals. Depending on the system of the Member State, the notary can be private or public, albeit with different competences.

In all Member States for which data are available, the target of training 5% of the practitioners on EU law or on the law of other EU Member States has been reached.



For notaries in BG, CZ, EL, and RO, no data are available. CY, DK, IE, SE and UK have a different legal system.

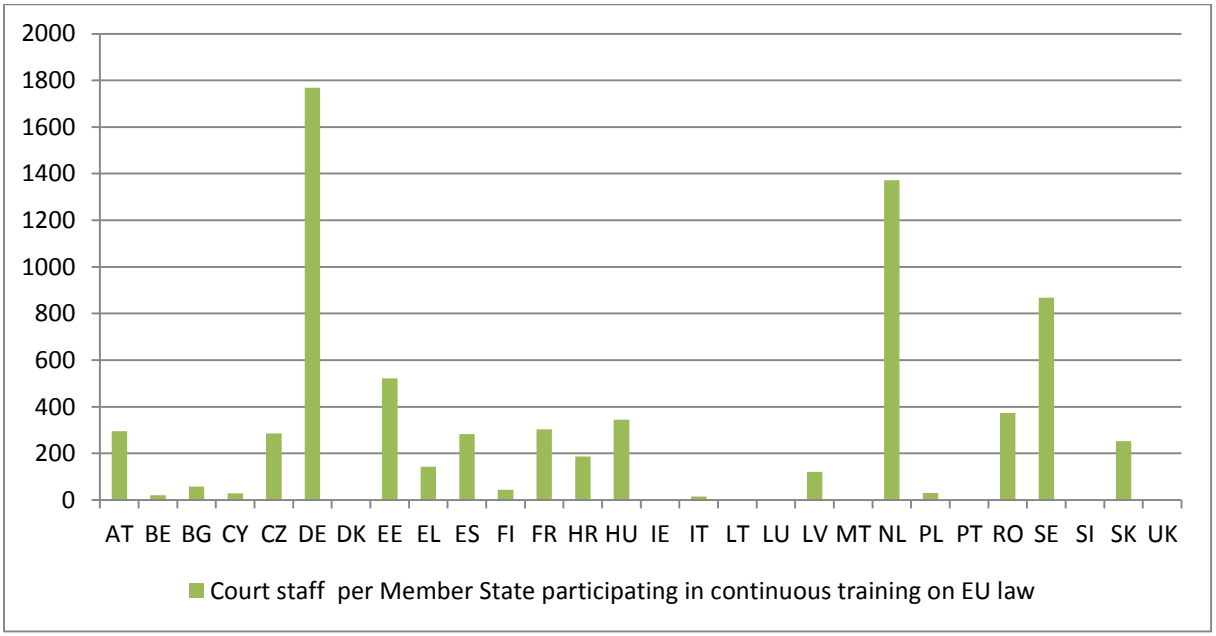


HR: 191%; EE: 172%; AT: 109% (some notaries participated in more than one training activity)

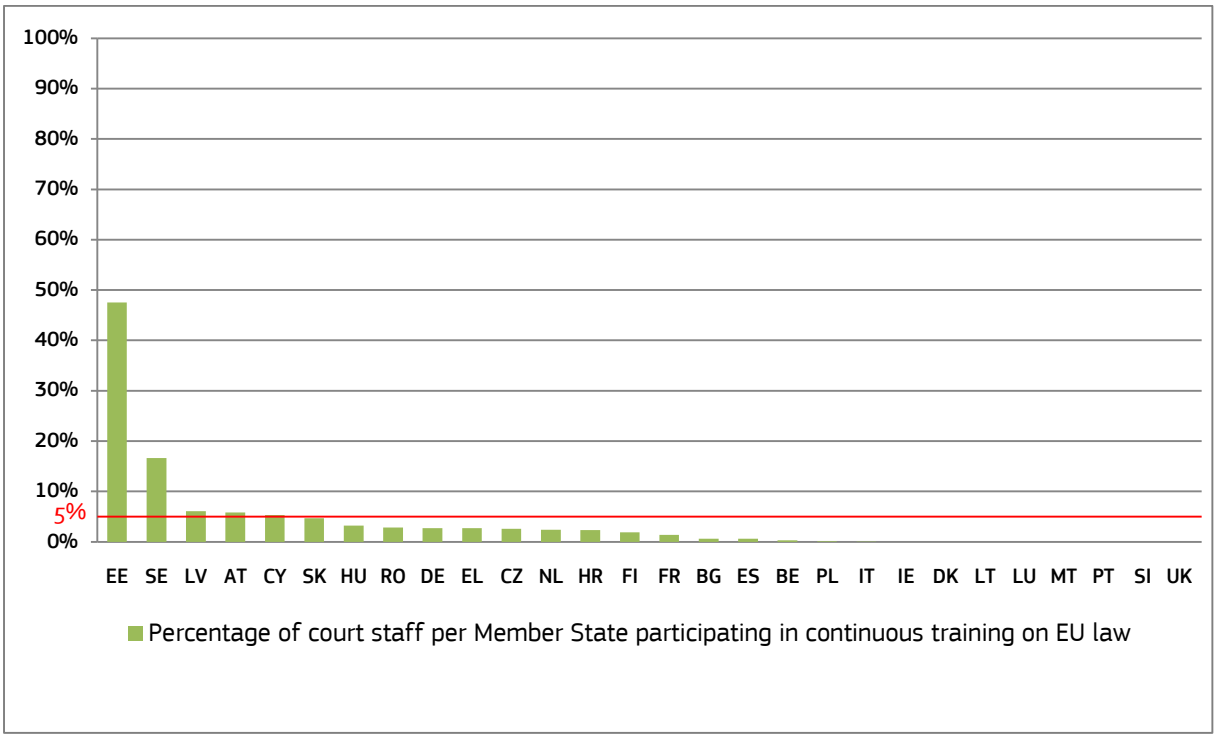
5% = minimum needed per year to reach the 2020 target of training half of the practitioners on EU law

Participation of court staff by Member State

Each Member State has different types of court staff. They range from court wardens and technical staff to assistants for judges and partially independent clerks taking judicial decisions, in particular in the area of registers and execution of judgements. This diversity entails a wide variety of training needs on EU law or the law of another Member State for the different types of court staff. Although there are court staff needing training on EU law in all Member States, the target of training 5% of the practitioners on EU law or on the law of other EU Member States has been reached only in five Member States for which data are available.



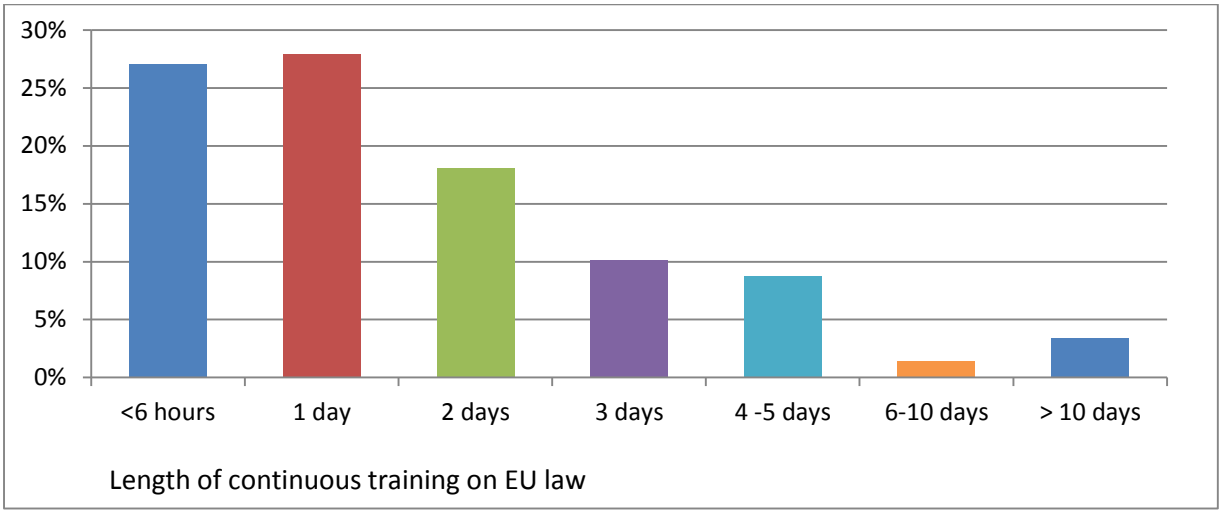
For court staff in DK, LT, LU, MT, PT, SI and UK, no data are available. % in PL, IT and IE are tiny.



5% = minimum needed per year to reach the 2020 target of training half of the practitioners on EU law

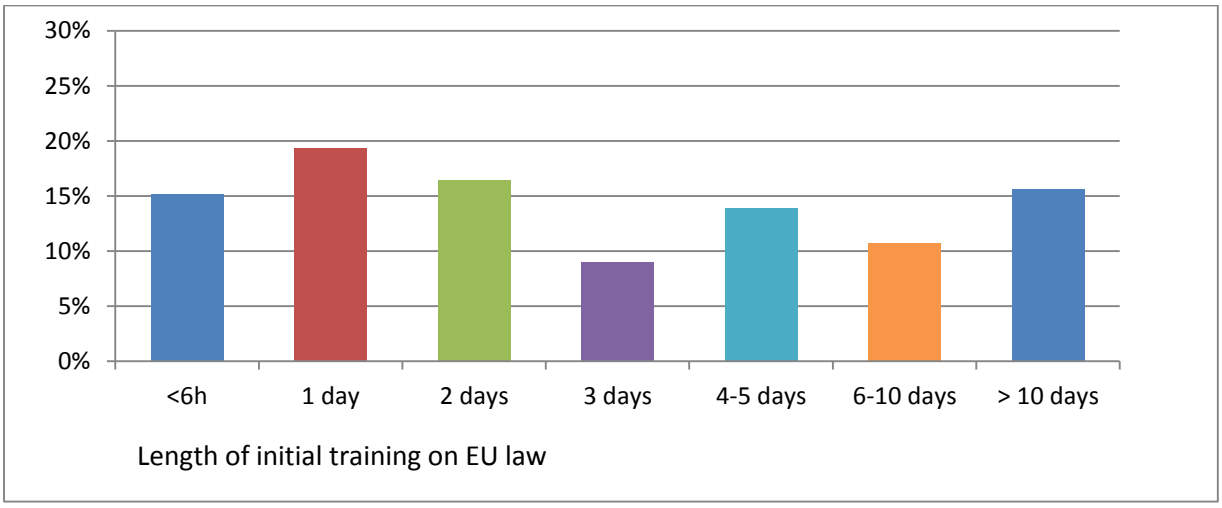
Length of training on EU law

The duration of training activities on EU law is quite short: 73 % of all **continuous** training activities on EU law last for two days or less, 55% of the training activities last even 1 day or less, perhaps because some legal practitioners find it difficult to participate in training for longer periods due to work obligations. In five Member States the majority of activities last even less than six hours. However, in five other Member States at least every third training activity on EU law lasts more than two days.[9] A Member State that offers longer training activities may have less participants, compared to a Member State offering the same amount of training days in more numerous and shorter shorter training activities..



Length of continuous training on EU law

Even during their whole **initial** training, half of the participants do not receive more than two days of training on EU law. However, in initial training, the participants' limited time resources should not prevent them from following more training on EU law. Prior training on EU law at the university can decrease the need for comprehensive EU law training as a trainee. Nevertheless the knowledge of EU law needs to be kept up to date and its practical application should be learned during the initial training. Compared to the overall length of the initial training, two days or less for EU law does not seem to reflect the importance of EU law in the professional practice of future legal practitioners.

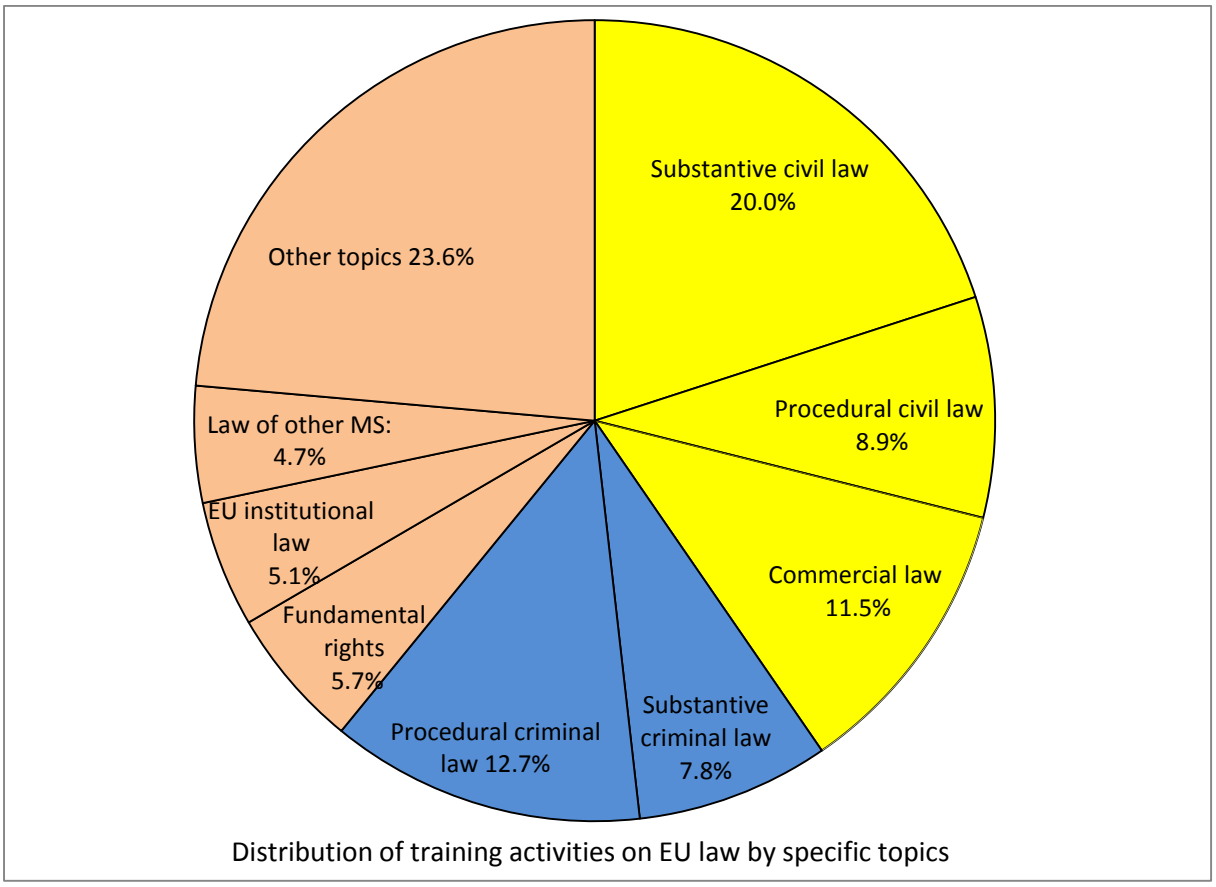


Length of initial training on EU law

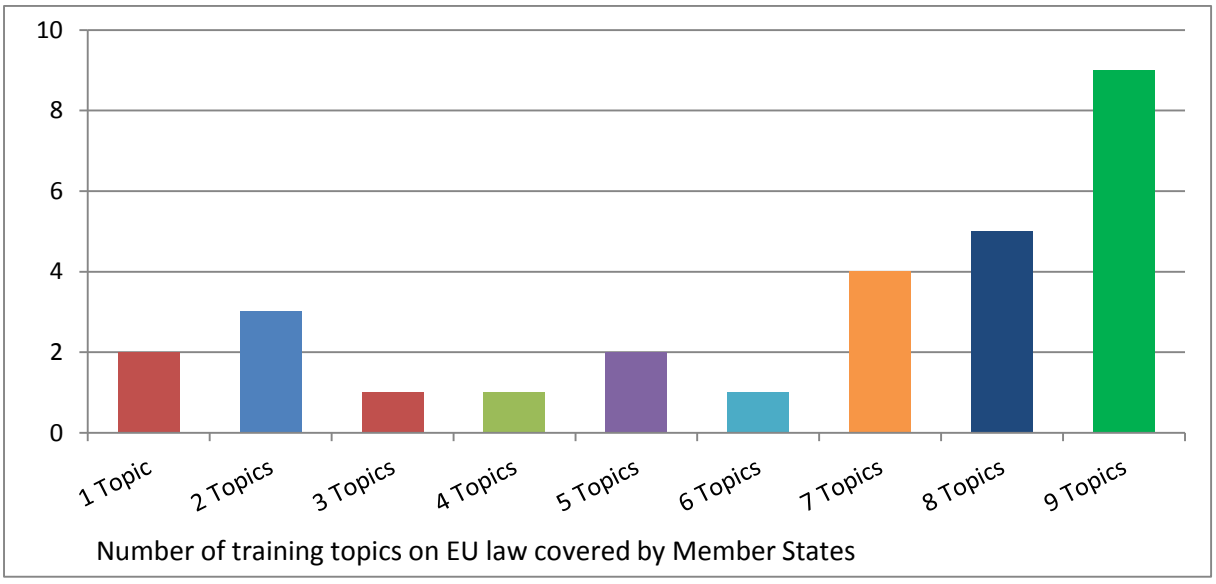
[9] A breakdown of the length by profession is not possible as, for most Member States, only aggregate data on training activities for several professions are available, in some cases because training providers cater for a range of professions.

Wide range of training topics

Training covered a wide range of EU law topics in 2015, but slightly less than in the year before. Out of nine topic areas (including law of other Member States), in half of the Member States training was offered in at least eight areas, while seven Member States offered training in less than five topics. Specific training in the law of other Member States (including legal language training) represents only 4.7 %.[10] 2014´s increase in criminal EU law has not been maintained.



Distribution of training activities on EU law by specific topics



Number of training topics on EU law covered by Member States

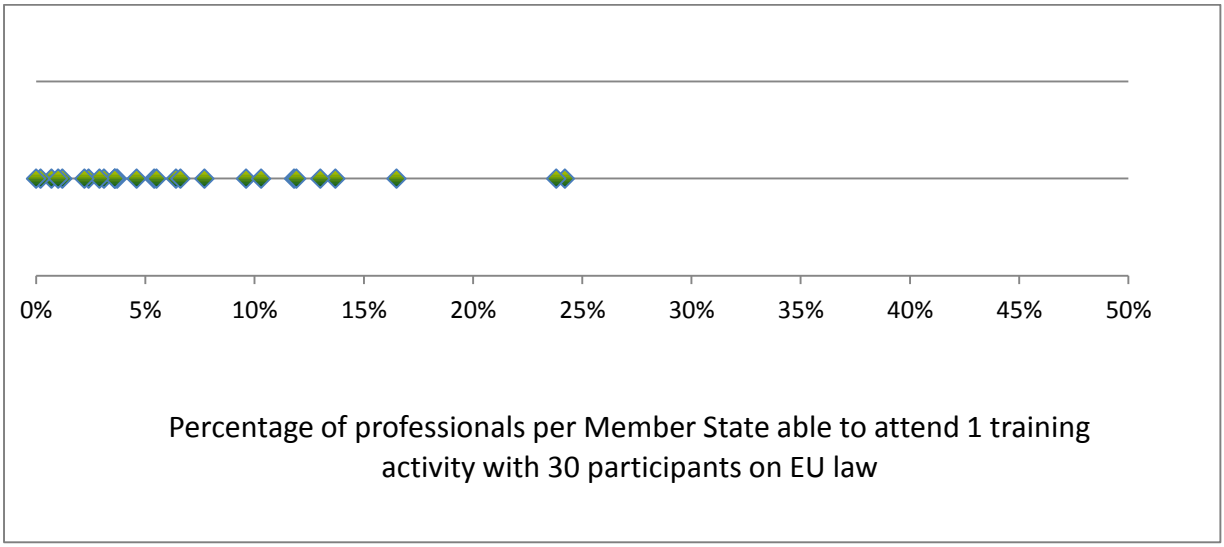
[10] For the same reason as given in the previous footnote, a breakdown by profession is not available.

Training in small groups as an indicator of quality

European judicial training is not only about the numbers of participants. The training activities 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 lecturing[11] 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 turn, a smaller number of participants per training activity on average can be one reason for a smaller percentage of participants compared to a Member State offering the same amount of activities.

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, with 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 trained in a 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 2015. As shown in the chart below, with percentages ranging between 1% and 25% in the different Member States, this is far from being the case.



Percentage of professionals per Member State able to attend 1 training activity with 30 participants on EU law

Supported by a group of experts on legal training from all legal professions, the European Commission´s DG Justice and Consumers has put together practical recommendations to ensure the quality of judicial training. This "Advice" also contains links to further resources with examples regarding how to implement the recommendations in practice. The document is accessible on the European judicial training section of the European e-Justice Portal of the European Commission[12] in all EU languages except Gaelic.

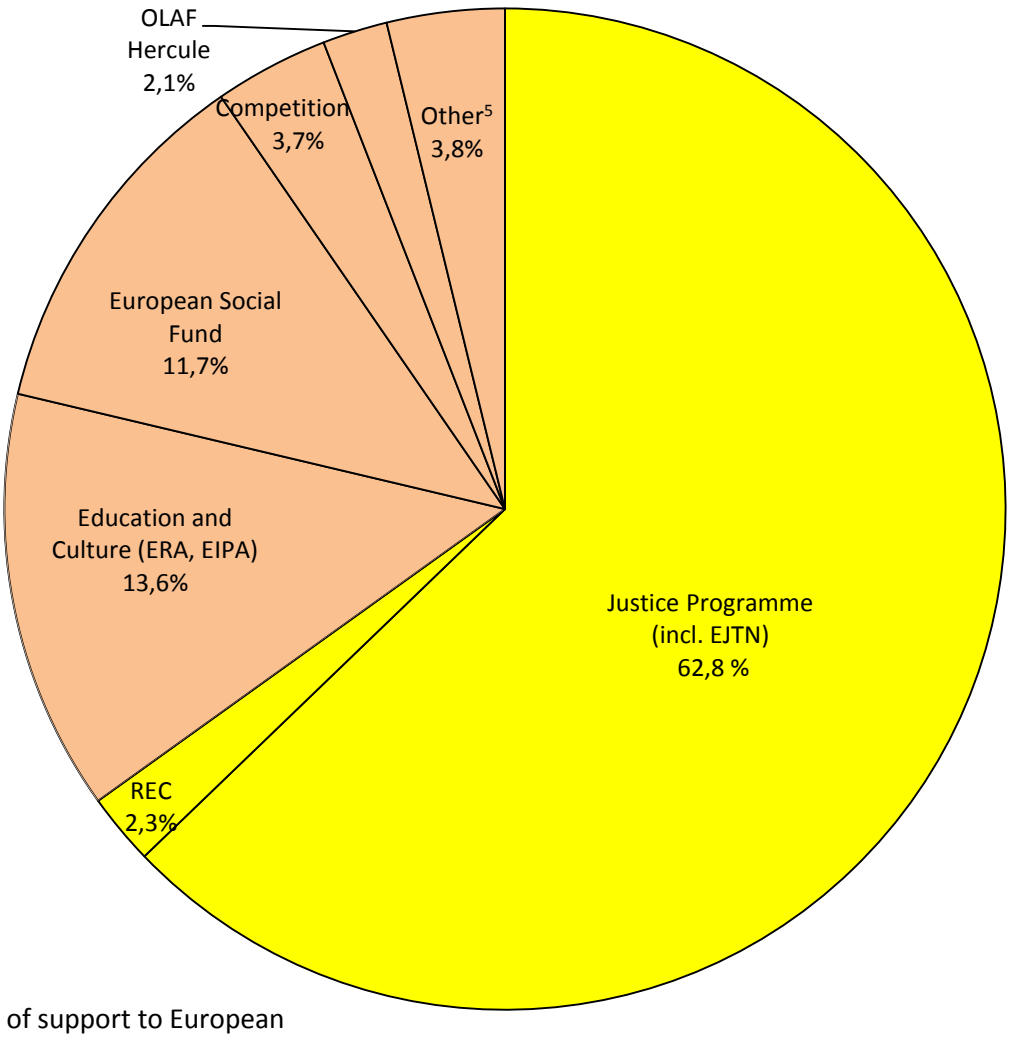
[11] EJTN Handbook on Judicial Training Methodology in Europe, 2016, pp. 21-26.
[12] https://e-justice.europa.eu/content_training_material-252-en.do

EU-funded training

In 2015 the EU funded the training of more than 25 000 legal practitioners, equivalent to 21 % of all those who took part in European judicial training activities during 2015.

The provider of judicial training on EU law that received the biggest single financial support by the European Commission in 2015 was the European Judicial Training Network (EJTN). Operating grants to support their training activities were also awarded to the Academy of European Law (ERA) and the European Institute of Public Administration (EIPA). The European Union Intellectual Property Office, the European Patent Office, the European Asylum Support Office and to a small extent the European Police College also used EU funds to train legal practitioners.

In addition, the Commission awarded action grants under several of its financial programmes (the Justice programme in the areas of civil and criminal justice, fundamental rights and competition law; the Programme REC - Rights, Equality and Citizenship -; Hercule III) as well as financial support in some Member States through the European Social Fund. In individual cases, the Commission ordered training activities under service contracts (for the creation of training modules on EU law or for the organisation of training seminars).



Share of support to European judicial training projects per EU financial programmes (in percentages of participants)

[13] Other: European Union Intellectual Property Office; DG Environment; DG Employment; European Asylum Support Office; European Patent Office; European Police College.

Next steps

This fifth edition of the report shows that the Commission's aim to train 700.000 practitioners is feasible. However, for the first time since 2011 slightly less legal practitioners are trained on EU law than in the previous year on average. This is not a general trend; for some professions and Member States, the reported figures have increased. However, concerted efforts remain to be undertaken to ensure that the targets are equally met for all legal professions and for all Member States. For instance, strengthening EU law in intitial training should be envisaged for some legal professionals in several Member States.

It is important to keep track of the developments of training on EU law across all legal professions and all Member States, to monitor the progress towards the Commission's objective to train half of the EU legal professionals on EU law or the law of another Member State by 2020. A closer cooperation of the training providers for legal practitioners could help improve the comprehensiveness of this report in the years to come.

Beyond numbers, the Commission will strive to work with all stakeholders to continue to improve the quality of the training offer, in line with legal practitioners' training needs. In 2016, a practical guide[14] - the result of the Commission's work with the expert group on European judicial training – has been published with concrete advice and examples regarding how to achieve high quality judicial training.

The implementation of training of legal practitioners does not only depend on the training institutions. The latter can offer the necessary training only if they have the necessary financial and staff resources - for judges, prosecutors, court staff and most bailiffs that is provided by their Member State -, and the training can be followed by justice practitioners only when these get the time and resources by their courts and prosecution services to take part in the training. This can clearly be seen from the "9 principles of judicial training"[15] that were adopted in 2016 by the European Judicial Training Network (EJTN). In the next months, these principles need to be implemented by all those in the Member States who bear the respective responsibilities: Ministers of Justice, Councils of the Judiciary, presidents of courts and prosecution services and, of course, the justice practitioners themselves.

Finally, the European Commission will continue to support European judicial training where EU funds have a clear added value. Taking into account the lessons learnt from the past years and the recommendations stemming from several recent studies[16] and from the Commission's expert group on European judicial training, the Commission is looking into how to shift its financial support under the Justice programme in 2017 towards helping to support structural needs in order to take European judicial training a step further. Funding by action grants could support endeavours, such as the following:

- strengthening sustainable cross-border cooperation of training providers for legal practitioners (judges and prosecutors whose training providers already cooperate in a network tend to participate more frequently in training on EU law),
- including private training providers in the cross-border cooperation for the legal professions where they play an important role, supporting the mutual recognition of training abroad to fulfil national training obligations,
- provide linguistic support in cross-border training activities in order to reach also legal practitioners with less confidence in their foreign legal language abilities, and inciting cross-professional training on EU law in order to create one European legal culture across all legal professions.

[14] "Advice for training providers", available in all EU languages (except Gaelic) on the training section of the European e-Justice Portal.
[15] Available on the EJTN webpage
[16] Notably the Pilot project on European judicial training. See the training section of the European e-Justice Portal.

Abbreviations of Member States

AT	Austria	FI	Finland	NL	Netherlands
BE	Belgium	FR	France	PL	Poland
BG	Bulgaria	HR	Croatia	PT	Portugal
CY	Cyprus	HU	Hungary	RO	Romania
CZ	Czech Republic	IE	Ireland	SE	Sweden
DE	Germany	IT	Italy	SI	Slovenia
DK	Denmark	LT	Lithuania	SK	Slovakia
EE	Estonia	LU	Luxembourg	UK	United Kingdom
EL	Greece	LV	Latvia		
ES	Spain	MT	Malta		

HOW TO OBTAIN EU PUBLICATIONS

Free publications:

- one copy:
  via EU Bookshop (http://bookshop.europa.eu);
- more than one copy or posters/maps:
  from the European Union's representations (http://ec.europa.eu/represent_en.htm);
  from the delegations in non-EU countries (http://eeas.europa.eu/delegations/index_en.htm);
  by contacting the Europe Direct service (http://europa.eu/europedirect/index_en.htm) or calling 00 800 6 7 8 9 10 11 (freephone number from anywhere in the EU) (*).

  (*) The information given is free, as are most calls (though some operators, phone boxes or hotels may charge you).

Priced publications:

- via EU Bookshop (http://bookshop.europa.eu).

DS-AX-17-001-EN-N

Publications Office

ISBN 978-92-79-64102-2

doi:10.2838/148256