



**JUST/2012/JUTR/PR/0064/A4**

# **Implementation of the Pilot Project – European Judicial Training**

Lot 3

*STUDY ON THE STATE OF PLAY  
OF COURT STAFF TRAINING IN EU LAW AND  
PROMOTION OF COOPERATION  
BETWEEN COURT STAFF TRAINING PROVIDERS AT EU LEVEL*

**Executive summary**



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OF COOPERATION BETWEEN COURT STAFF TRAINING PROVIDERS AT EU LEVEL"*

**EUROPEAN COMMISSION**

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## **Implementation**

# **of the Pilot Project – European Judicial Training**

### Lot 3

## *“STUDY ON THE STATE OF PLAY OF COURT STAFF TRAINING IN EU LAW AND PROMOTION OF COOPERATION BETWEEN COURT STAFF TRAINING PROVIDERS AT EU LEVEL”*

### **Executive Summary: A journey of discovery**

The current study has been a journey of discovery: for the project’s team and participants it meant learning about the various professions and tasks of the personnel working with judges and/or prosecutors (court staff) but it has also been a journey of discovery for all parties involved, including court staff, about the increasing importance of EU law for court staff in performing their duties.

The study involved the participation of training providers from all Member States - except Cyprus – who answered three questionnaires and participated in regional meetings and European conferences – showing that the topic at hand is of high interest in the EU. Many training providers expressed a thirst for cross-border cooperation and access to more European level information and support.

Through the study court staff discovered that their profession is a priority at EU level and that their contribution to an efficient and professional justice service in the benefit of citizens and enterprises is visible and of great importance.

For the first time 133 factsheets have been drafted, presenting the state of play and work of different categories of court staff in all Member States, providing a tool to be used in the future for cross border comparisons or possibly joint training activities on common EU law topics. While some court staff categories may still be missing as some Member States provided information only about court staff with legal backgrounds, the delivered results are an important step forward for the visibility and recognition of the various professions.

A short list of tasks with potential EU law aspects had been integrated in the questionnaires. The answers we received allowed us to present the activities with EU law aspects for each listed category of court staff. In some cases it might be just one task amongst a multitude of tasks with no EU law aspects, but by doing this EU law specificities are highlighted and can be addressed by training providers.

These are positive outcomes and in terms of monitoring the current state of play, the study can be considered a benchmark for future developments regarding training in EU law.

About half the court staff undertaking an induction period<sup>1</sup> in 2012 did follow at least one training activity with EU law aspects (3046 out of 6826). However these sessions are of very short duration, very fragmented and cannot be considered structured enough to build the habit of considering EU law in national procedures amongst the newly recruited court staff.

The training in EU law available through continuous training is so limited that it cannot be considered that continuous training can compensate the lack of EU law training during induction period. The comments from respondents to the questionnaires revealed and underlined that, in general, one of the main problems is that there are too few training activities for court staff, let alone when talking about EU law training.

Mapping out the tasks of court staff around a list of topics which have some EU law aspects provides the necessary arguments for increasing the number of training activities on EU law since now it can be demonstrated that in each Member State there are court staff who need a thorough training in EU law to fulfil their tasks and duties.

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<sup>1</sup> See definition in glossary

In the mapping document (see annex C), the original names of each court staff category have been carefully preserved<sup>2</sup> as communication with and between national judicial authority regarding training of court staff will be easier if the precise national titles are used. This will ensure for instance that communication will go beyond the stage of "there is no need for such training", since the interlocutors will be aware of precisely which category is being discussed and which of their tasks have EU law aspects.

One direct result of the project is seen in the comments received with the answers to the questionnaires – in several Member States, there are now plans afoot to reassess how training can provide the right tools for court staff, or at least some categories of court staff, to address court cases which have more and more EU law aspects.

This is why things can only improve in the future, but they have to improve in time to ensure that the training of court staff will achieve the target set by the European Commission, that of training at least half of all legal practitioners in EU law by 2020, target set in its Communication of 13 September 2011.

This will require the development of a real proactive support from some Member States as there is a general need for additional funding to train court staff, in particular in those Member States where dedicated yearly programmes, objectives and funding for training of court staff are non-existent.

The future needs assessment performed by the respondents underlines the fact that further action is hampered by the lack of funding and human resources. While in certain Member States, analysis is on-going on how to use more efficiently the available resources and develop training activities in EU law, this is not a possible course of action in the Member States where there is not even a dedicated budget for training of court staff. Such a lack of funding undermines the competences of court staff in such Member States, with a direct impact on the quality of justice in the European Area of Justice.

A look into the future was envisaged by assessing the current situation, by collecting information on the needs still to be answered and through discussions during meetings and workshops.

All these elements were taken into consideration when drafting a set of recommendations for future development. These recommendations can be considered as the first cross-border activity of the Court Staff training providers.

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<sup>2</sup> Names in Greek or Cyrillic alphabet have been transliterated

The project team has strived to draft recommendations in a very practical way, addressing them to different target audiences, be they Member States, national training providers, European Institutions, individual court staff and to reach a coherent collective set of actions that can reinforce each other.

Recommendations addressed to the different structures responsible for setting the general context and organisation of training of court staff aim to develop national multiannual strategies with concrete targets, dedicated funding and human resources.

Recommendations targeting national or regional training providers focus on the need for overall awareness of the EU law aspects of court staff duties and tasks. The answers to the questionnaires show that training providers themselves are not really aware of this so the first recommendation to training providers is based on the need to organise training of trainers focused on the way EU law aspects can be integrated and made visible in existing and future training activities pertaining to the legal procedures in which court staff intervene.

The recommendations also target the European Institutions, asking first that the European Parliament and Council underline in their resolutions that training of court staff and training of court staff in EU law has an important role to play for the development of an efficient service of justice to citizens and firms undertaking a court case in another Member State than their Member State of origin. Second, the recommendations request that European projects regarding training of court staff in EU law are supported by the existing European financial programmes.

It is also stated that individual court staff have a responsibility in the development of their competences in EU Law.

All actors in training of court staff are also requested to develop the visibility of EU law aspects in the tasks and duties of court staff in each Member State.

There is a need to make these recommendations visible also online as court staff remain interested in the outcomes of the study and will be searching online for results.

A plan of action by the European Commission might be helpful to maintain the high level of interest, to ensure that training providers explore further the possibilities for cross-border cooperation, to help make the issue a EU level priority in the Council and European Parliament.

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