



European
Commission



Report on European judicial training 2011

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In times of economic crisis, efficient justice systems – which are the foundation of a functioning market economy – are all the more necessary. Efficient justice systems are what allow citizens and businesses to trust in the functioning of a State and its institutions. And it is this trust that allows for growth and investment.

For EU law to be effective, it has to be applied properly in practice. And that starts with the judges, lawyers, prosecutors and notaries working throughout the European Union.

Europe's legal diversity is a source of strength. Through more cooperation between legal practitioners from the different Member States, exchanges of experience and judicial training, we can promote the rule of law and strengthen mutual trust between our different legal systems. European judicial training is a crucial tool for achieving that goal.

Legal practitioners must have a good knowledge of EU law in order to correctly apply European law all over the European Union. And given the diversity of national legal traditions and systems, this requires, first of all, well-informed and well-trained legal practitioners in all our Member States.

With this in mind, in 2011, the European Commission set the objective of training 700000 legal practitioners – half of all those in the EU - in European law or the law of another member state, by 2020.

In this report, you will find out how much has already been achieved in the first year of this period. There are very positive results in many areas, but the report also reveals where more needs to be done. The European Commission will continue to support judicial training and thereby contribute to the effective practical application of EU law across all member states.

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** in the EU in European law and in the law of another Member State by 2020. This goal envisages that at least 700,000 legal practitioners will access such training by 2020. The results from the first year of this period show that this ambitious target is achievable.*
- *At least **87 000 legal practitioners** — more than expected — were trained in EU law or the national law of another Member State in 2011; the training of 10 000 of these participants was (co-) funded by the EU.*
- *There were **big differences** among Member States and among the different legal professions in respect of the level of participation in training. This indicates that further European judicial training is needed in some Member States more than in others, particularly for lawyers, court staff and bailiffs.*

Objectives of this report

This is the first 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 aims to report on the process of reaching the target set by the European Commission in its [Communication Building trust in EU-wide justice. A new dimension to European judicial training](#) of September 2011 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 followed a [resolution adopted by the European Parliament on 25 November 2010 \(2010/2076\(INI\)\)](#) calling for judicial training to be enhanced to ensure the correct implementation of EU law and to improve mutual trust between legal practitioners in different Member States. The Communication was endorsed by EU Member States in the [Conclusions of the Justice and Home Affairs Council of 27-28 October 2011](#), which urged Member States to share information with the Commission each year on training in EU law. The Council also asked the Commission to consider presenting an annual report on European judicial training.

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

Main results of the survey

87 000 legal practitioners trained

In 2011, at least 87 000 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. Due to some gaps in the data, this figure represents a minimum estimate.²

Big differences among Member States and the different legal professions

While the target set last year to train 700 000, i.e. half of all legal practitioners, by 2020 has proven to be realistic, the participation rate shows wide discrepancies between the various legal professions and among Member States. Although the uneven distribution can to some extent be accounted for by different training needs or missing data, it is clear that participation in training for some of the professions, namely lawyers, court staff and bailiffs, and participation in training in some Member States needs to be increased.

Given that this was the first survey of its kind, there is still room for improving the availability and accuracy of data, particularly with regard to professions other than judges and prosecutors, for which it was not possible to gather data for all Member States. This is why, in this first report, general trends are presented rather than participation numbers for each individual Member State.

EU-funded training

The European Judicial Training Network (EJTN), the Academy of European Law (ERA) and the European Institute of Public Administration (EIPA) are among the main providers of judicial training in EU law, and all received financial support from the Commission through an operating grant for carrying out their activities in 2011.

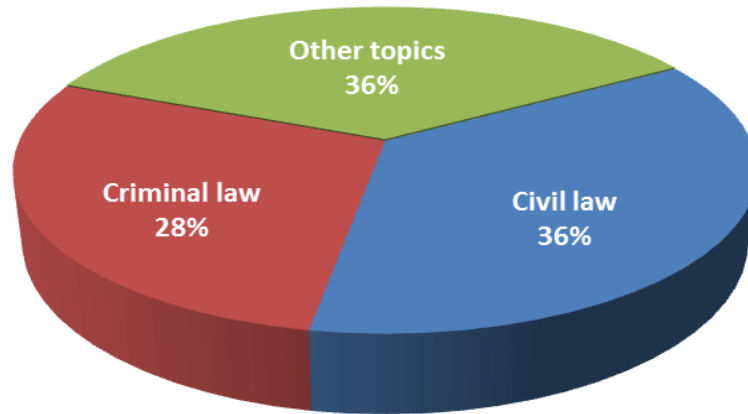
In addition, in 2010 the Commission awarded action grants to several training providers for specific training activities, which mostly took place during 2011.

Altogether, this means that more than 10 000 legal practitioners were financially supported by the EU, i.e. around 12% of all those who took part in European judicial training activities during 2011.

² All collated data are based on information received from Member States and professional organisations and may therefore not be complete.

Wide range of training topics

The training covered a wide range of EU law topics: training sessions were shared almost equally between civil law, criminal law and horizontal law issues/specialised areas of law (commercial, labour, social and administrative law, fundamental rights).



Distribution of training sessions on EU law by specific topics

Share of initial training

Around one quarter (25.8 %) of all participants in judicial training were legal practitioners in the initial stages of their professional training, while the remaining three quarters (74.2 %) were practitioners who had already completed their initial professional training.



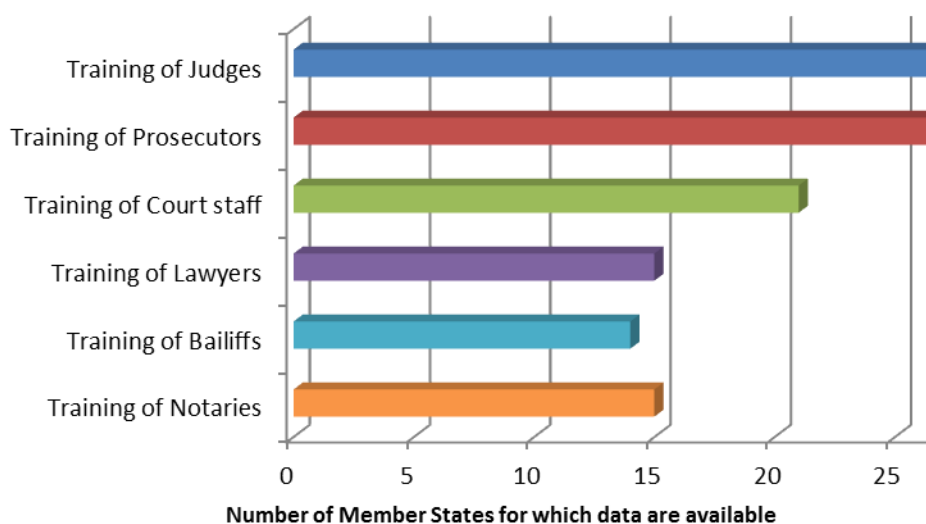
Percentage of practitioners trained in EU law divided by type of training

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:

- Member States, particularly for court staff (although data for other legal professions were often also provided);
- the European Judicial Training Network (EJTN), for judges and prosecutors;
- the Council of Bars and Law Societies of Europe (CCBE), for lawyers;
- 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), concerning its courses on EU law for judges, prosecutors and lawyers;
- the European Institute of Public Administration (EIPA), concerning its courses on EU law for judges, prosecutors and lawyers.

The diagram below illustrates the number of Member States for which data on European judicial training of legal professionals were available from the contact points mentioned above.³ Data concerning judges and prosecutors are fairly complete; data concerning court staff are available for three quarters of the Member States, while data concerning lawyers, bailiffs and notaries are only available for roughly half of the Member States.



The number of participants in training sessions is not necessarily identical to the number of individuals trained, since the same person may have taken part in more than one training session (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 session on EU law or the national law of another Member State in any one year.

The proportion of participants in initial training⁴ compared to all training in EU law or in the national law of another Member State ranges from 0% to 83%. These huge

³ All Member States except for 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.

⁴ In its Communication the European Commission referred to **initial training** as the training delivered before or on taking up duties, which must be complemented by **continuous training**, that is, lifelong learning to help legal practitioners to stay up-to-date and to know where and how to acquire new skills and information.

differences cannot be explained solely by the fact that some Member States have no initial training for certain legal professions (e.g. common-law countries for judges) or that some countries already have more courses on EU law integrated into university legal studies. They might also indicate different conceptions as to what constitutes initial training. For this reason it is difficult to provide an overall picture concerning initial training.

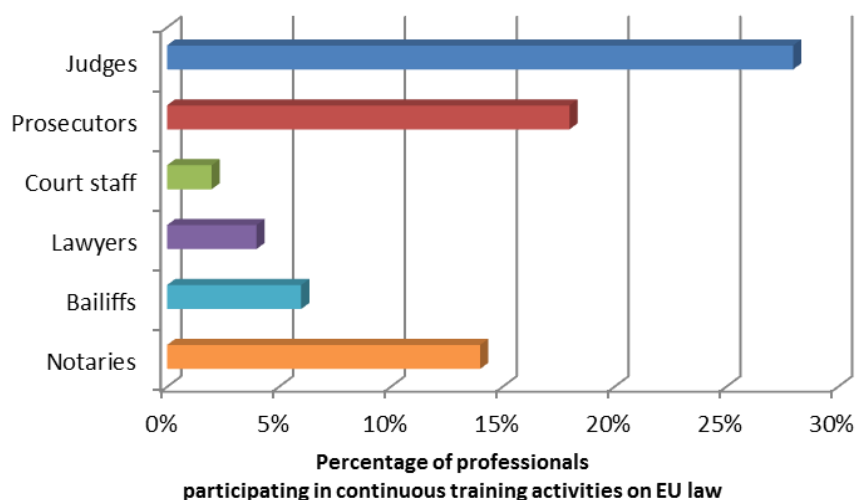
The ratio of training days (called 'sessions' in the questionnaire and defined as six hours of training) to participants in initial training covers a very wide range. This huge difference clearly indicates that what was considered one 'session' in initial training was very diverse, so that the numbers of initial training sessions cannot have any significance. For this reason, it was difficult to draw definitive conclusions on initial training.

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](#).

Participation by profession at EU level

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 approximately⁵:

- 28 % (25 613) of all judges in the EU;
- 18 % (7 987) of all prosecutors in the EU;
- 2 % (6 902) of all court staff working in the respondent Member States;
- 4 % (26 664) of all lawyers in private practice in the respondent Member States;
- 6 % (7 484) of all bailiffs practising in the respondent Member States;
- 14 % (4 969) of all notaries practising in the respondent Member States.



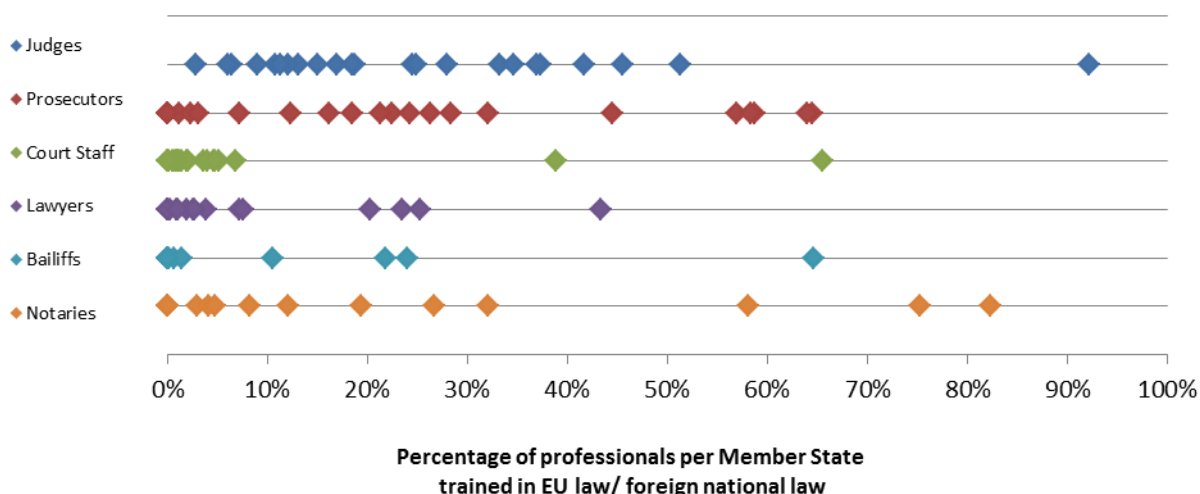
⁵ As far as information about participants' professions was reported.

Judges, prosecutors and — to a slightly lesser extent — notaries are more often trained in EU law or in the law of another Member State than other legal professions. This remains true even if the figures provided by some Member States include all training sessions, since the overall trend is reflected in almost every Member State.

As to the other legal professions, it remains to be ascertained whether some training opportunities in EU law or the national law of another Member State are missing in the survey, whether these professions have less need for training in these topics, and/or how the supply of training in EU law or the national law of another Member State can be increased, particularly for those professions.

Participation by profession broken down by Member State

The percentage of legal practitioners belonging to the same profession participating in 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:



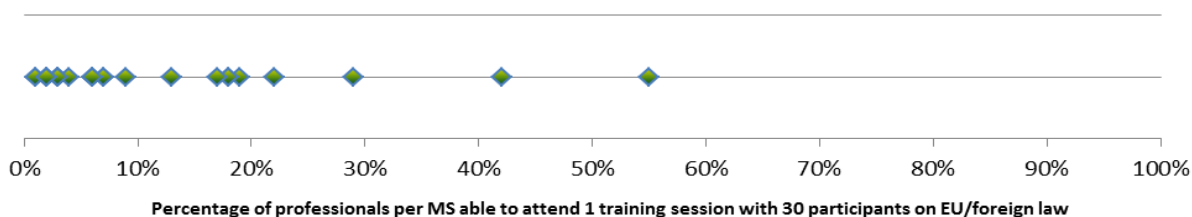
The results displayed in the diagram above show that in most Member States the rate of participation in European judicial training is significantly above 10% for judges and prosecutors, while it is significantly lower for lawyers, court staff and bailiffs. This confirms the findings outlined in the previous section regarding the overall percentages per profession. Even bearing in mind that different professions may have different training needs as regards EU law, these results allow the provisional conclusion to be drawn that more effort could be made to train lawyers, court staff and bailiffs in EU law and in the law of other Member States.

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. Some of the exceptionally high figures may suggest that the data delivered concern training in all subjects and not just in EU law, as requested.

Training in small groups as an indicator of quality

The Commission set the target of 700 000 legal practitioners, or half of the total, taking part in at least one European judicial training session by 2020. This purely quantitative goal must be achieved with training of good quality. One possible indicator of quality is the average number of participants attending a training session, since interaction and participation usually achieves more than mere didactic lecturing⁶ and this is facilitated by smaller training groups. To make an assessment of this quality factor possible, for the purpose of this report it is assumed that an average of 30 participants per session is appropriate. In order to evaluate whether enough training sessions are being offered to reach such a target, the percentage of practitioners per Member State who could have taken part in one session, if there had been 30 participants per session on average, was calculated. This was done by using the aggregate number of training sessions 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 session on EU law or on the law of another Member State, if the sessions offered in the Member States had 30 participants on average. The percentages range between 1% and 57% in the different Member States. This percentage would be 100% if there had been enough training sessions available to enable all legal practitioners in a Member State to take part in one European judicial training session with 30 participants in 2011.



In the medium term, pilot studies on judicial training (under contracts to be awarded by the Commission at the time of writing) 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.

Next steps

The Commission will continue to support judicial training 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 being 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 the borderline between initial and continuous training, in order to make data more comparable.

The Commission invites all providers of training for legal practitioners to step up training in EU-related areas of law and in the law of other Member States. This effort is necessary to reach the goal of training half of all legal practitioners in these areas by 2020 for all legal professions. It appears from the data upon which this report is based that a

⁶ Council of Europe, "Training Manual on the European Convention on Human Rights", page 44

particular focus on providing training to lawyers, court staff and bailiffs is required to ensure the targets are met for all legal professions.

In order to achieve these aims, in the short term the Commission plans to invite representatives of the different legal professions to a conference on judicial training in the spring of 2013.



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