



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*

Recommendations



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*"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"*

EUROPEAN COMMISSION

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Recommendations for future development

The recommendations' target audience is varied and even in training in EU law much can be done at local, regional¹ and national level to create a general culture and understanding of the relevance of EU law in court staff tasks and duties.

The objectives of these recommendations are the following:

- To increase awareness of the EU law aspects of court staff' duties and tasks amongst court staff themselves as well as their managing structures with a view to ensuring that EU law aspects of national court cases are recognised and addressed;
- To enhance court staff's competences and skills in the use of national rules and procedures flowing from transposed EU directives as well as from direct use of EU regulations, thus making them comfortable with applying EU law in order to ensure that cases are dealt adequately, speedily, transparently and cost efficiently;

¹ Within a region of a Member State, a district court or a court of appeal can also develop actions for a European judicial culture.

- To strengthen court staff's competences in general in order to enhance cross-border cooperation to provide citizens and firms with quality service throughout the European area of justice in cross-border cases;
- To propose practical solutions to establish or improve cross-border cooperation between training providers dealing with court staff;
- To propose avenues of work for future developments in training of court staff in EU law at national or regional level;
- To increase understanding of the usefulness of enhancing court staff's capacity to apply EU rules and procedures as well as the visibility of both existing and future training offers for court staff.

1. Recommendations addressed to the structures at the national or regional level responsible for overall organisation and development of training of court staff²

- 1.1 It is recommended to put in place a multi-annual strategy to develop training of court staff, including on the EU law aspects of their tasks.
- 1.2 The multiannual strategy should establish concrete targets and indicate how the strategy should be funded as well as the human resources and tools necessary for its implementation.
- 1.3 In order to facilitate the implementation of the training strategy, it is recommended:
 - to develop descriptions of the various court staff's positions, of their responsibilities and tasks, including any specific tasks derived from EU law instruments and cross-border cooperation.
 - to introduce an analysis of the training needs of court staff in both EU law instruments and cross border cooperation through:
 1. surveys done at regular intervals – these surveys could target not only court staff themselves but also other legal professions working with them, civil society organisations or even citizens - to help evaluating the existing gaps in the current training offer;
 2. online forms where court managers could indicate which topics need to be covered by the training offer in order for court staff to fulfil specific tasks or to meet specific needs of court staff;

² They may be ministries of justice, ministries of public administration, ministries of finances, court services.

3. questions about training needs in the documents used during existing assessment processes of court staff.

1.4 It is recommended that **structures responsible for the overall organisation and training of court staff** support actively and concretely projects on cross-border cooperation between training providers by including these projects in their business strategy, budgets and reports.

1.5 It is recommended to enhance the necessary linguistic skills of court staff and trainers by:

- assessing the need for linguistic skills amongst court staff to ensure proper direct cross-border contacts and thus the smooth implementation of cross-border judicial cooperation;
- establishing targets on the basis of these assessments and including them in their overall strategy for cross-border cooperation;
- assessing the need for development of linguistic skills to ensure proper participation of their national training providers' staff in cross-border cooperation projects;
- providing financial support to training providers to ensure development of training in legal terminology in one or several EU languages.

2. Recommendations addressed to the training providers of court staff

2.1. It is recommended 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.

2.2 It is recommended to communicate with heads of courts, directors of staff, and all persons managing court staff on a day-to-day basis

- to raise awareness about the necessary competences to ensure a quality level of service of justice by court staff;
- to raise awareness about the EU law aspects of certain court staff tasks and duties;
- to raise awareness about the usefulness and cost efficiency of training of court staff;
- to raise awareness about the existing European online resources which can support the work of court staff.³

³ Such as :

European e-Justice Portal <https://e-justice.europa.eu/home.do?action=home&plang=en>

European Judicial Atlas in civil matters

http://ec.europa.eu/justice_home/judicialatlascivil/html/index_en.htm

Solvit http://ec.europa.eu/solvit/index_en.htm

2.3 It is recommended that each **training provider**:

- determines realistic objectives for development of court staff training in EU law and development of cooperation with training providers in other Member States and European level training providers;
- designates one member of their staff as responsible for overseeing the implementation of that strategy;
- communicates on a yearly basis with the European Commission on the activities developed to reach those objectives;
- includes information about these activities in its yearly report.

2.4 It is recommended that **groups of training providers** organise cross-border projects – according to their capacities, resources and objectives – either bilaterally or multilaterally.

Indeed it is recommended that **training providers** establish cross-border cooperation to

- develop common e-learning modules on the EU law aspects of certain court staff tasks and duties;
- organise common train the trainers activities;
- develop in common training contents on EU law matters which could be used in face-to-face, distance or blended learning activities at national, regional or even local level;
- evaluate how to lower financial burdens by sharing IT resources or human resources;
- build the basis of an informal EU network of court staff training providers.

2.5 It is recommended that **training providers** work with existing European level networks relevant to specific tasks of court staff according to the way they are organised at national level⁴. These networks can be relevant for all Member States, but sometimes only for one or a few types of court staff.

⁴

For instance :

EULIS – European Land Information Service <http://eulis.org/>

EBR – European Business Register <http://www.ebr.org/>

EJN – European Judicial Network in civil and Commercial matters
http://ec.europa.eu/civiljustice/index_en.htm

EJN- European Judicial Network in criminal matters <http://www.ejn-crimjust.europa.eu/ejn/>

EUPAN – European Public Administration Network <http://www.eupan.eu/>

Europe Direct - http://europa.eu/europedirect/index_en.htm

Pan European Networks <http://www.paneuropeannetworks.com/>

European Network of ombudspersons for children <http://www.crin.org/en/enoc>

Network of Presidents of Supreme Courts <http://www.networkpresidents.eu/>

ACA Europe – Association of Councils of State <http://www.aca-europe.eu/index.php/en/>

ENCJ – European Network of Councils of the Judiciary <http://www.encj.eu/>

EUR – European Union of Rechtspfleger <http://www.rechtspfleger.org/>

CEHJ – European Chamber of Judicial Officers <http://www.cehj.eu/>

UIHJ – International Union of Judicial Officers <http://www.uhj.com/en/>

3. Recommendation addressed to Ministries of Justice

It is recommended that **Ministries of justice** ensure that any project regarding reform of justice or strategies for improvement of service of justice involve representatives of court staff at all stages to ensure that the training activities necessary to the proper implementation of said reforms are determined and implemented in due time.

4. Recommendation addressed to the European Institutions

4.1 It is recommended that the **Member States** adopt in Council a resolution dedicated to training of court staff, underlining specifically its importance for a quality and cost efficient service of justice to citizens and firms undertaking a court case in another Member State than their Member State of origin.

Indeed, the training of legal professionals, including court staff, should be settled as a priority of the program post-Stockholm 2015-2020.

4.2 It is recommended that the **European Commission** support the development of cross-border cooperation between court staff training providers by:

- providing them with a dedicated venue at least once every two years to meet, exchange experiences, discuss which legislative initiatives might trigger new developmental needs and/or new training methodologies and technologies;
- inviting a few of their representatives to events organised for instance in the context of the Forum of Justice or when a new relevant EU legislation is about to come in force;
- supporting quality cross-border projects by funding partially through financial programmes of DG Justice and other relevant DGs;
- supporting the translation of quality training contents to be put at the disposal of training providers through the European e-Justice Portal;
- including information about European level, national and regional court staff training providers on the European e-Justice Portal to ensure that contacts can be easily taken.

4.3 It is recommended that the **European Parliament** continue to support the development of training of court staff in EU law by:

- mentioning the topic in their resolutions relative to the European Area of Justice
- insisting that it is included in discussions with other EU institutions
- having MEP visit the national and European level training providers of court staff to give those institutions more visibility and status and to bring Europe closer to court staff

5. Recommendations addressed to individual court staff

5.1 It is recommended that individual court staff strive to participate regularly in training activities, in order to enhance their competences and to keep up-to-date with legal and organisational evolutions.

5.2 It is recommended that individual court staff inform themselves on the EU law aspects of their tasks and duties, with a view of implementing in their tasks and duties the EU fundamental rights.

5.3 It is recommended that court staff inform themselves on the way judicial systems are organised in other EU Member States.

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