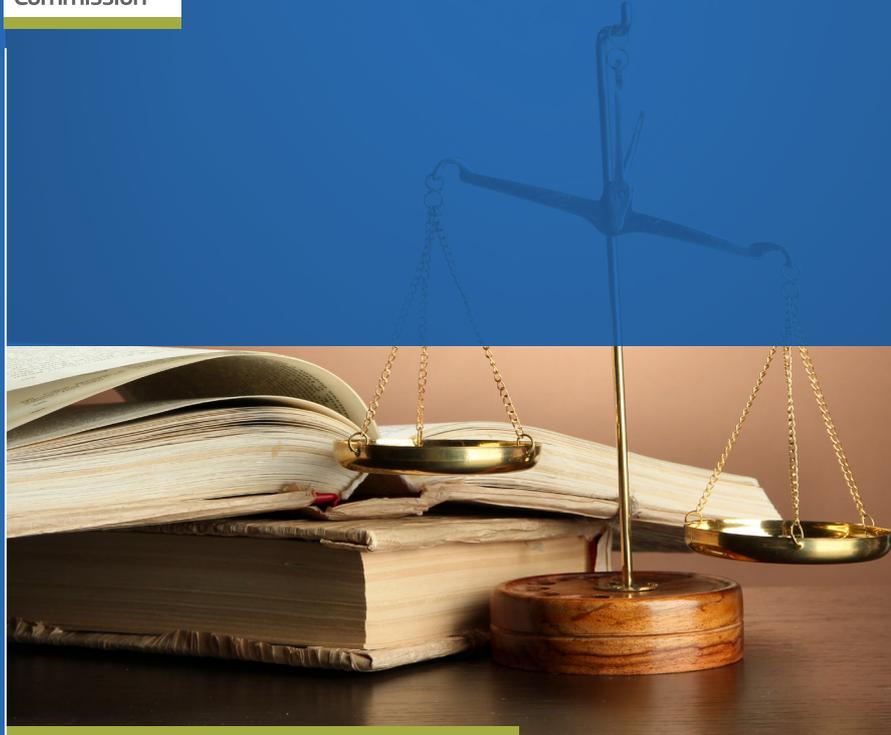




European  
Commission



# European judicial training 2014

*Justice*

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The third edition of the report on European judicial training is issued at an important time for training: when the European Council recognised in its June 2014 conclusions that it is necessary to enhance training for practitioners.

Since the entry into force of the Lisbon Treaty, great progress has been made towards a true European area of Justice. Fundamental rights are promoted. EU citizens' rights have been strengthened: free movement, electoral rights and consumer protection. Civil law instruments have been adopted to facilitate citizens' lives and fair trial rights reinforced. Many aspects of EU Justice policy are contributing to strengthening economic growth across the European Union by facilitating the mobility of people and by helping businesses work crossborder ensuring that companies know which court is competent, which law it will apply and that the resulting judgment will be recognised and enforced in all Member States.

My portfolio of Justice, Consumers and Gender Equality puts people at the centre. It enhances and protects people's rights. Citizens need to have trust in judicial systems so that they work and carry out business freely across borders. And judicial systems need to trust each other to ensure mutual recognition and smooth cross-border proceedings.

The European area of Justice has developed substantially over recent years and a lot of new legislation has been adopted. This is why I intend to give a renewed push to the training of legal practitioners so that the new legal instruments are used, put into practice and serve their purpose. All professionals in the area of justice must be aware of the EU law aspects of their work and apply them correctly, from judges, prosecutors, lawyers and notaries to court staff and bailiffs. Legal practitioners involved in cross-border proceedings must be confident that instruments on judicial cooperation work well. They need to increase knowledge of each other's legal system, which is an important element of building trust.

Good progress has already been made. This report shows that in 2013 more legal practitioners were trained than in previous years as you will see from this report. The 2011 objective to train 50% (700,000) of all EU legal practitioners by 2020 is attainable. However, more still needs to be done in order to ensure that training in EU law is evenly offered in all Member States and for the different legal professionals.

The Commission will ensure that the good training practices identified in recent studies on European judicial training supported by the European Parliament, will be shared widely across professions. The European e-Justice Portal already includes training material for legal practitioners and will be further developed to give access to online training. The new Justice programme will boost the financial support for European judicial training and many more projects involving legal practitioners from several Member States will see the light of day in 2015.

The Commission will work with all stakeholders – Member States, training providers and the legal professions – to further foster European judicial training.

I trust you will enjoy reading the 2014 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 in European law or in the law of another Member State and to support this training with EU funds for 20 000 legal practitioners per year by 2020.
- Results after the first three years show that this target is achievable on average across the whole EU and legal professions, but that there are **considerable differences** in the level of participation in training among Member States and among the different legal professions.
- More than **94 000 legal practitioners** were **trained** in EU law or the national law of another Member State **in 2013**. The improvement must be recognised while it must be noted that an important part of this increase (compared to the figures in the first two reports) is due to contributions of more training providers (mainly for the training of lawyers).
- Training for around **22 000 participants** was **funded or co-funded by the EU** in 2013. The biggest project funded by DG Justice concerned the training of notaries, which contributed to doubling of the number of trained notaries in comparison with the previous report.
- 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 third 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 in 2014 to Member States' authorities, European networks of legal professionals and the main training providers at European level regarding training of legal practitioners in 2013. 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<sup>1</sup>](#) of ensuring that half (around 700 000) of all legal practitioners in the EU are trained in EU law or in the national law of another Member State by 2020; this is equivalent to 5 % (70 000) of all practitioners per year, on average. The Communication was endorsed by EU Member States in the [Conclusions of the Justice and Home Affairs Council of 27–28 October 2011<sup>2</sup>](#). The European Parliament, too, has always backed European judicial training, as in its [resolution on judicial training of 14 March 2012<sup>3</sup>](#).

<sup>1</sup> COM(2011) 551 final.

<sup>2</sup> 2011/C 361/03.

<sup>3</sup> 2012/2575(RSP).

# Main results of the survey

## 94 000 legal practitioners trained

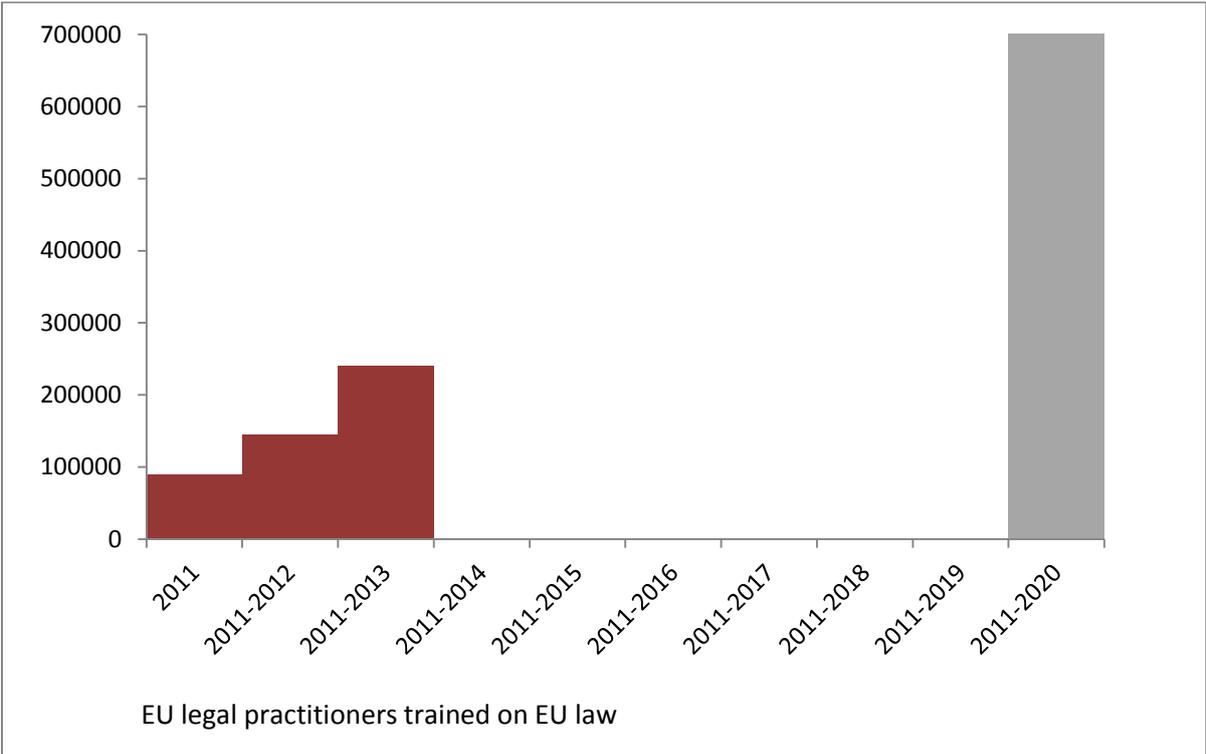
In 2013, at least 94 000 legal practitioners (judges, prosecutors, court staff, lawyers, bailiffs and notaries) took part in training activities on EU law or the national law of another Member State. This figure is a minimum estimate.<sup>4</sup>

## Progress towards the 2020 goal

Building on the experience of the first two reports, the questions in the data collection process for 2013 have been refined, for example by defining 'initial training' and specifying the features of a training activity 'related to EU law'. Furthermore, data were collected from even more training providers, both at national as well as at EU level.

The data for 2013 is therefore more accurate and complete, which explains why, for the most part, the overall number of practitioners trained in EU law in 2013 is significantly higher than in the previous reports.

The target set in 2011 to train 700 000, i.e. half of all legal practitioners, by 2020 is realistic.



In this third survey, the quality of the data has improved. However, there is still room for improvement with better availability and accuracy of data, particularly for professions other than judges and prosecutors. The same is true for initial training, for which it was not possible to gather data for all Member States. This is why this report publishes for the first time the number of judges and prosecutors who took part in continuous training in EU law per individual Member States but still publishes in general terms the numbers of participants for the other professions.

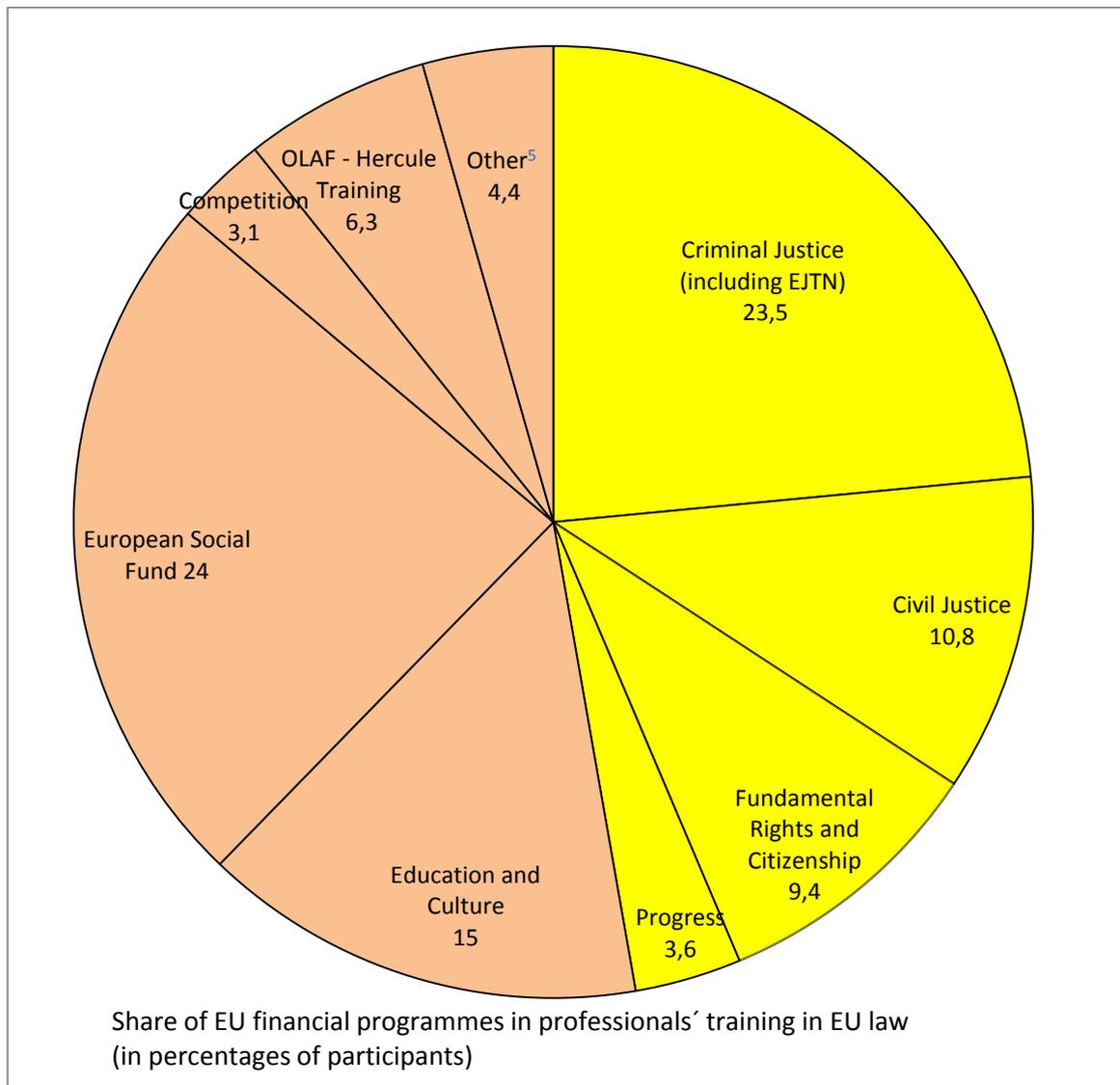
<sup>4</sup> Due to some gaps in the data. All collated data are based on information received from Member States, training providers and professional organisations and may be incomplete.

## EU-funded training

In 2013 the EU funded the training of around 22 000 legal practitioners, equivalent to 24 % of all those who took part in European judicial training activities during 2013.

The provider of judicial training in EU law that received the biggest single financial support by the European Commission in 2013 was 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 2013. The Office for the Harmonisation of the Internal Market, 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 professionals.

In addition, the Commission awarded action grants under several of its financial programmes (civil justice, criminal justice, fundamental rights and citizenship, Hercule III, 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 or for the organisation of training seminars).



<sup>5</sup> Other: Office for Harmonization in the Internal market; DG Home (Prevention and fight against crime - ISEC); DG Environment; DG Connect; European Patent Office; European Asylum Support Office; European Police College.

## 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), 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 Patent Office (EPO), the Office for the Harmonisation of the Internal Market (OHIM) and the European Asylum Support Office (EASO) 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.<sup>6</sup> For lawyers, some data is available for many Member States, but does often not cover all the training providers or all of the activities, particularly since data of private training providers is missing.



## 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.

<sup>6</sup> 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.

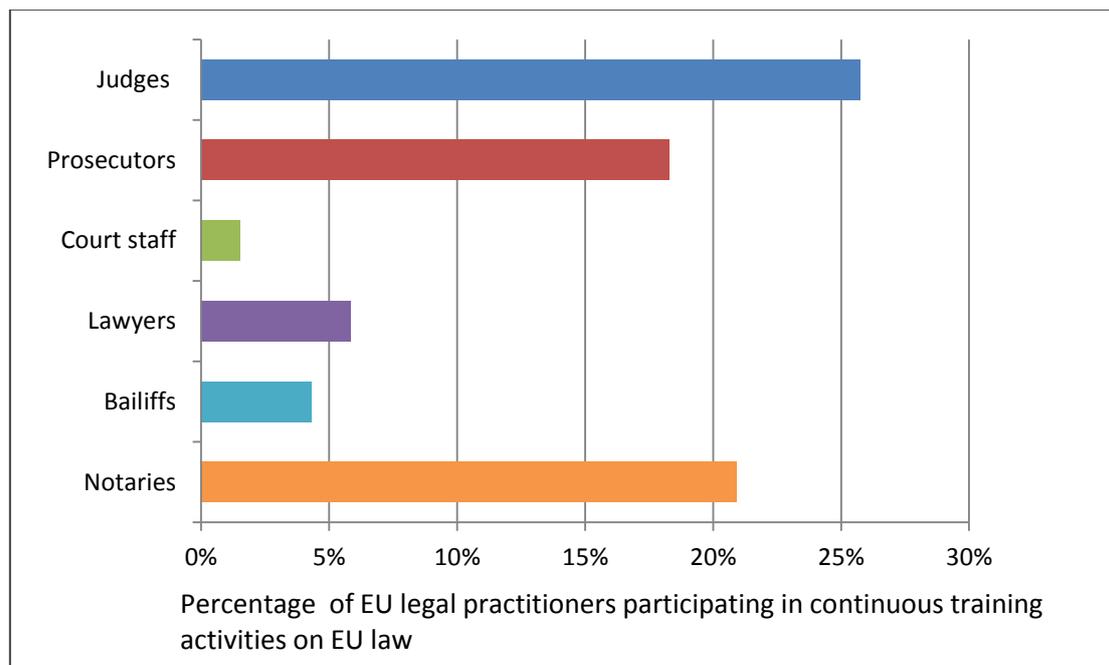
## Participation by profession at EU level

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 [2014 CEPEJ report on European judicial systems \(data 2012\): Efficiency and quality of Justice](#).<sup>7</sup>

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 is approximately:<sup>8</sup>

- 26 % (21 030) of all **judges** in the respondent Member States;
- 18 % (5 594) of all **prosecutors** in the respondent Member States;
- 1 % (5 267) of all **court staff** working in the respondent Member States;
- 6 % (42 403) of all **lawyers** in private practice in the respondent Member States;
- 4 % (782) of all **bailiffs** practising in the respondent Member States;
- 21 % (5 271) of all **notaries** practising in the respondent Member States.



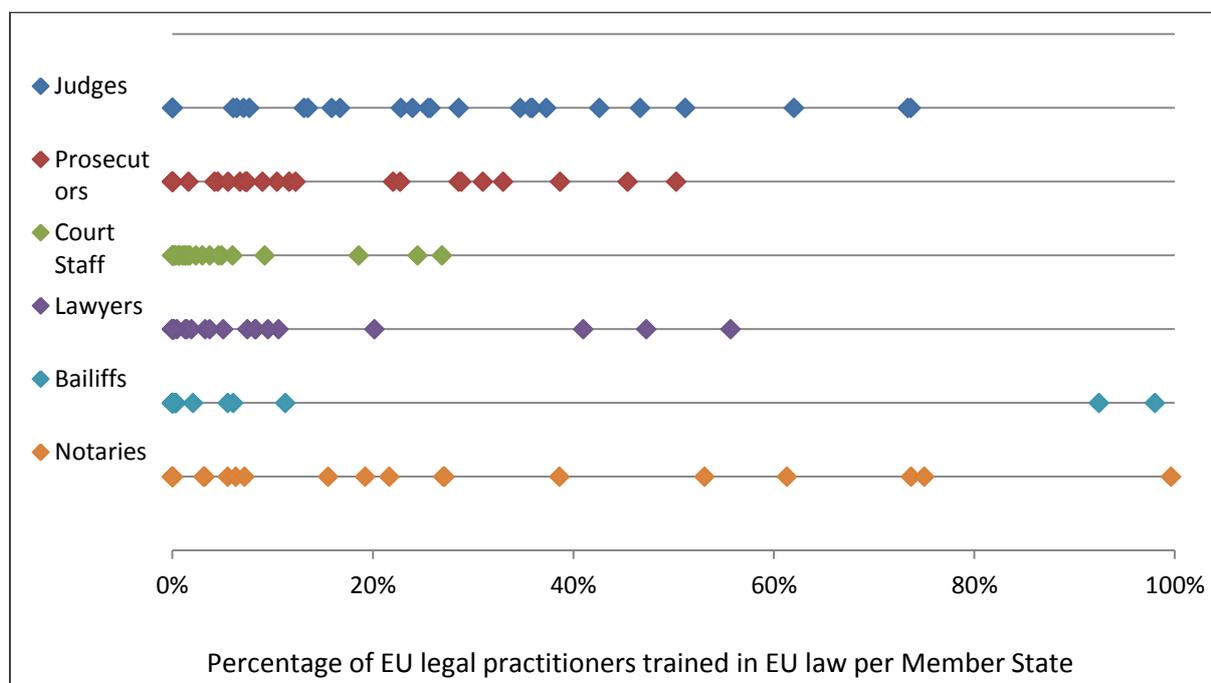
Judges, prosecutors and – for the first time - notaries are more often trained in EU law or in the law of another Member State than other legal professions. Compared to the year before, the main development has been a doubling of numbers for the notaries, which is partly due to a training project run by the Council of the Notariats of the European Union (CNUE) that has received the biggest grant of the Justice programme in the training area in the last years. As to the other legal professions, the reason for lower percentages remains to be seen. The doubling of numbers for lawyers is mainly due to more contributions to the data collection by training providers for lawyers. Some training opportunities 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 in all the Member States.

<sup>7</sup> Where the 2014 CEPEJ report had data gaps, figures from the previous CEPEJ report were used.

<sup>8</sup> In one Member State, the number of judges trained includes the prosecutors.

## Participation by profession break 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 in that year.

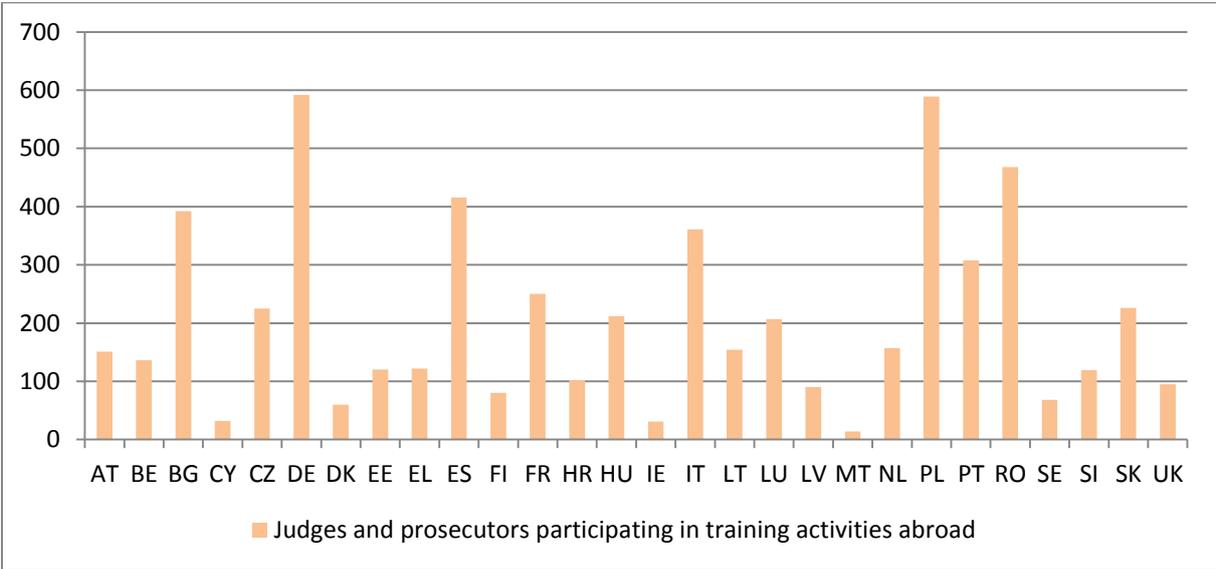
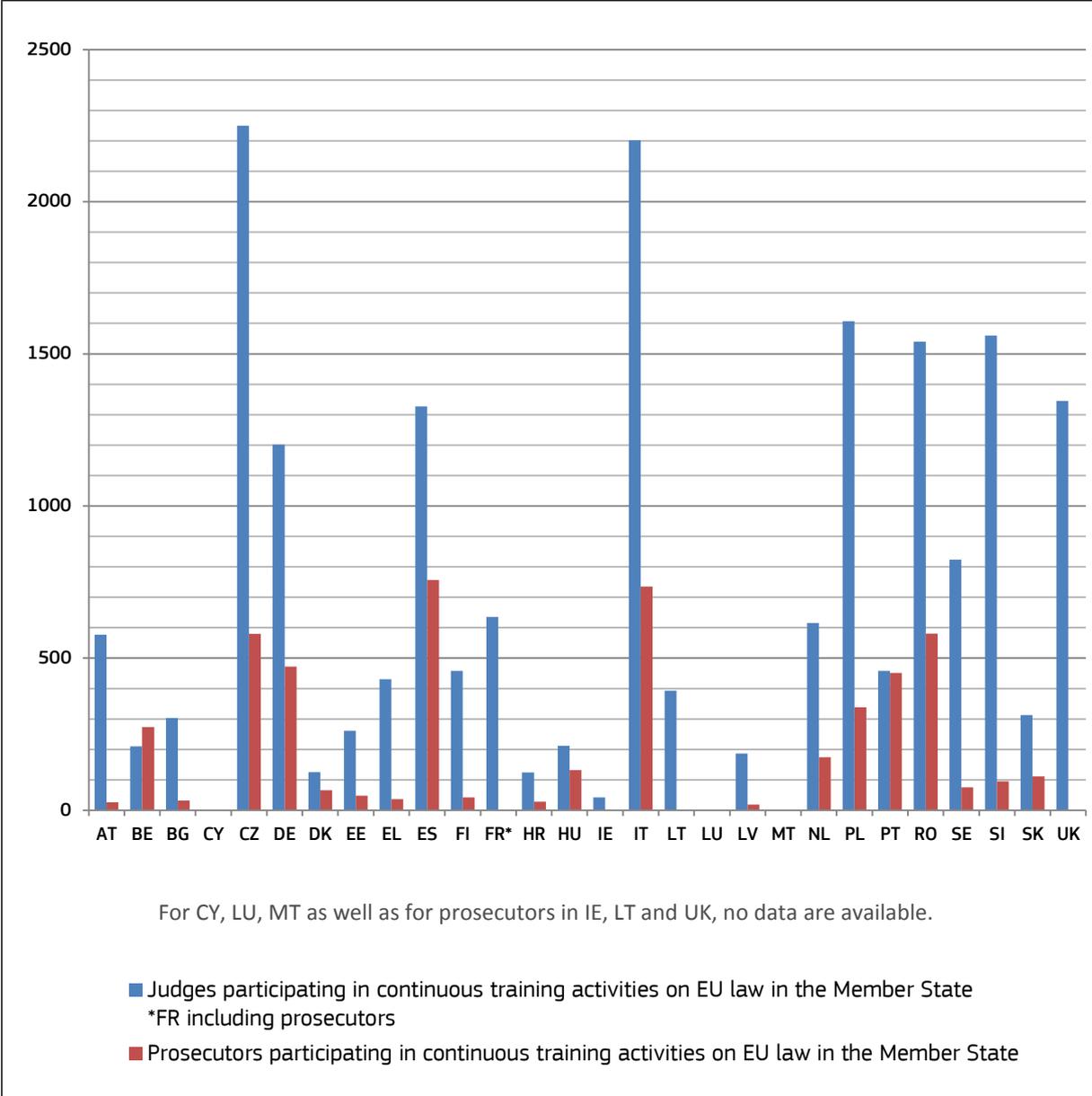
### Participation of judges and prosecutors by Member State

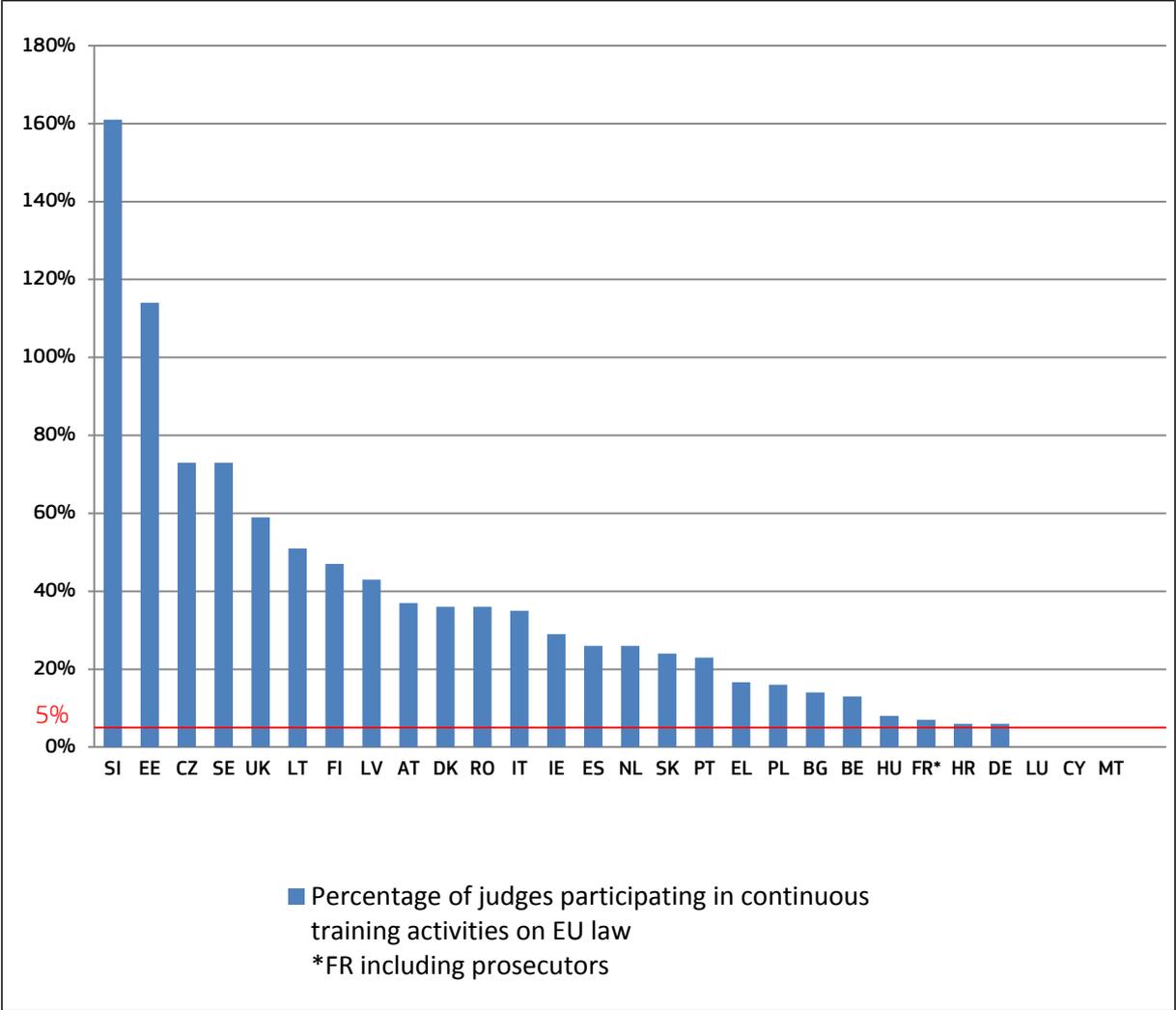
In this report, we present the numbers of participants in continuous training per Member State<sup>9</sup> for the professions of judges and prosecutors, since these are the professions for which the available data are the most complete. To present a complete picture of the situation, we display the participants in absolute numbers and in percentage of all practitioners of their profession.

As to the **absolute number**, we show additionally in a separate table the number of judges and prosecutors that have participated in EJTN training activities abroad, since these cross-border training activities with participants from different Member States contribute particularly to a common understanding of European law and trust in the legal systems of other Member States.

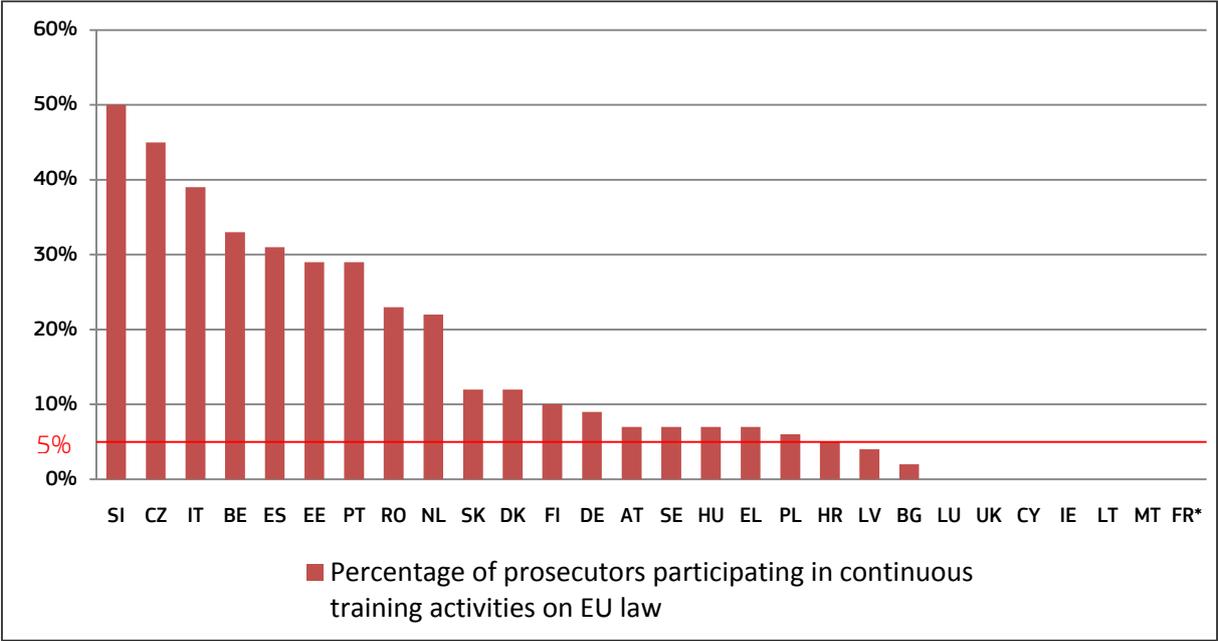
In the tables with **percentages**, a red line indicates the minimum percentage of trained participants needed to reach the 2020 target of training half of the practitioners in EU law or in the law of other EU Member States: 5% per year between 2011 and 2020. As can be seen, this target is currently reached by all Member States sending data for judges and for almost all Member States for prosecutors. In general, prosecutors are less often trained in EU law or in the law of other Member States than judges. 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, but this is not the case of all smaller Member States.

<sup>9</sup> Abbreviations are explained at the last text page of this report.





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

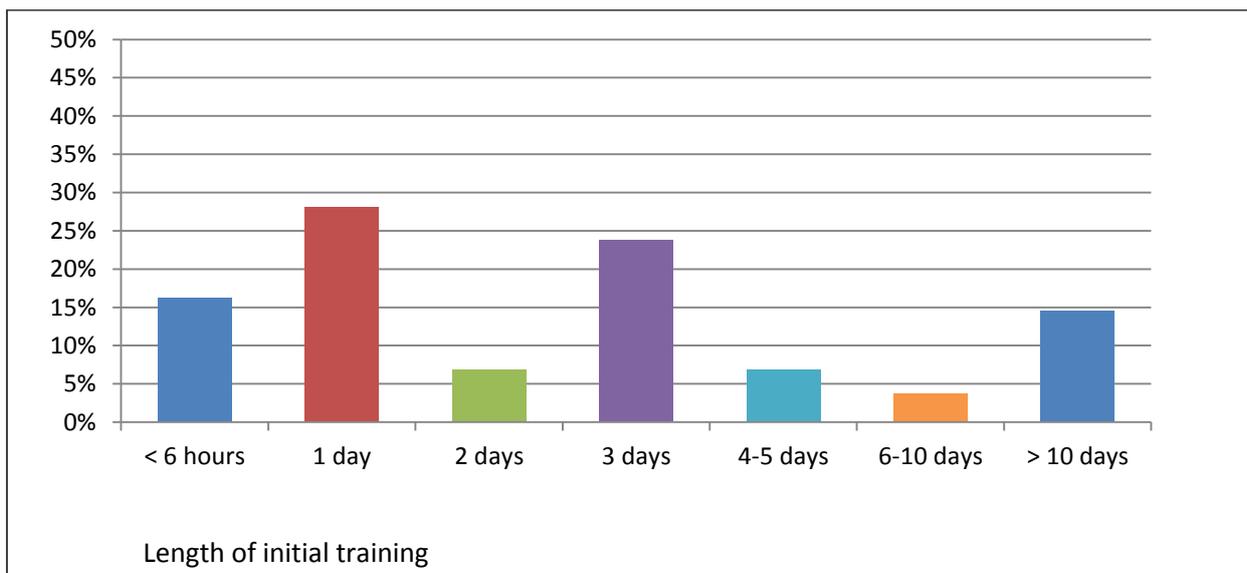


## Length of training in EU law

The duration of training activities on EU law is quite short: 75% 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 most Member States, training activities on EU law generally last one or two days, while in seven Member States the majority of activities last even less than six hours. Only in four Member States, at least every third training activity on EU law lasts more than two days.<sup>10</sup>



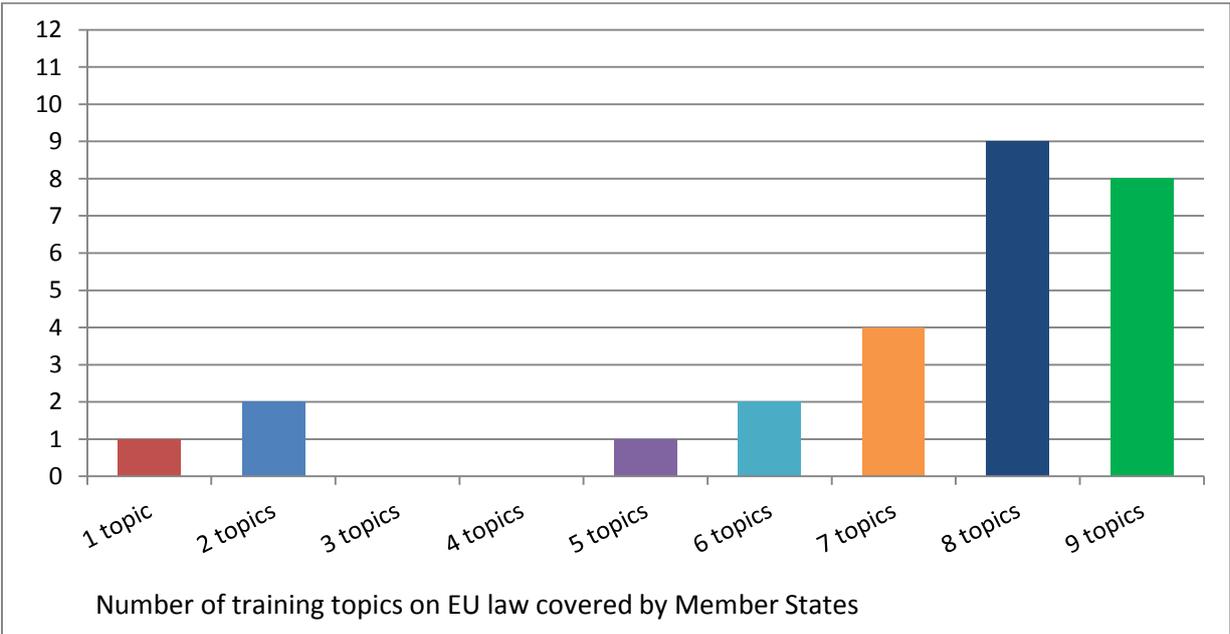
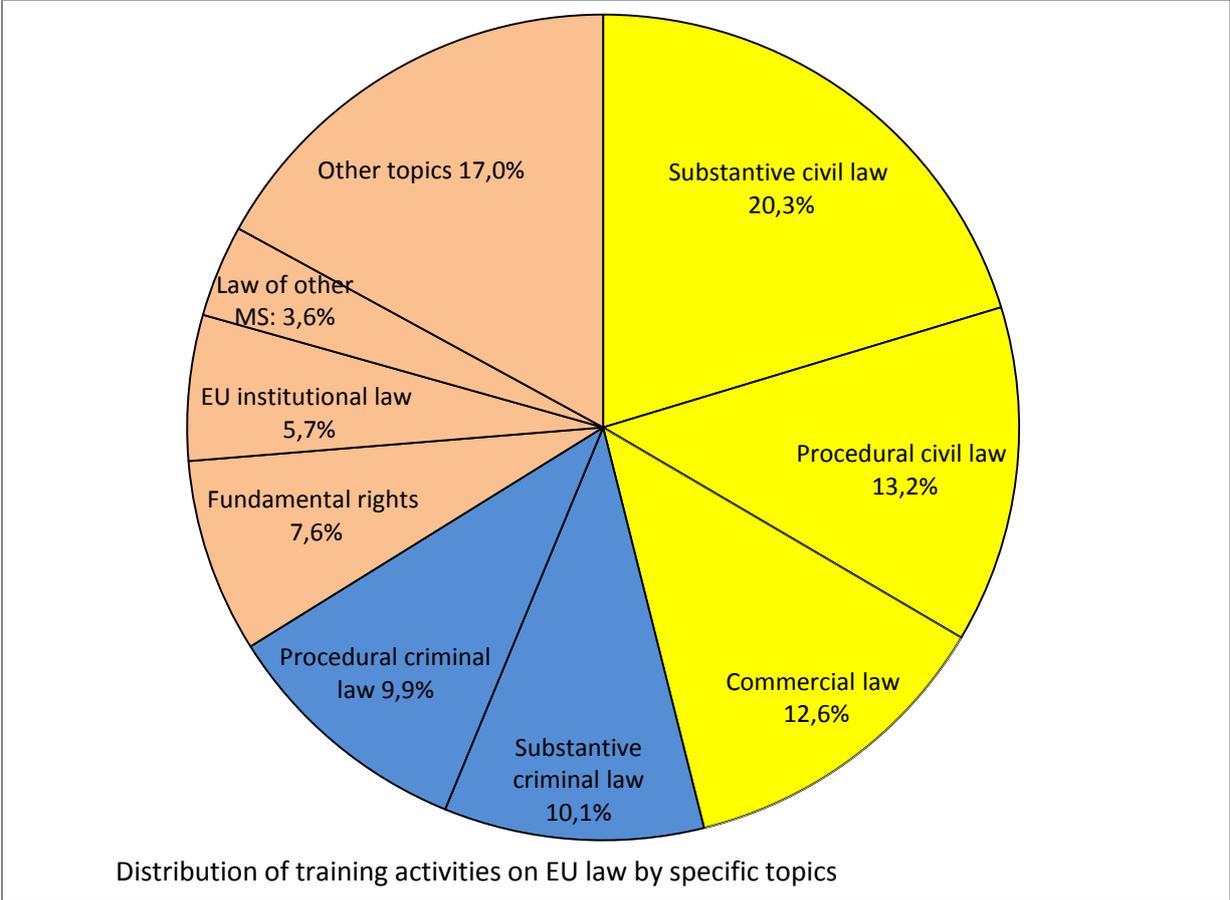
Even during their whole **initial** training, half the participants do not receive more than two days of training in EU law. However, in initial training, the participants' limited time resources should not prevent them from following more training in EU law. Compared to the overall length of the initial 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.



<sup>10</sup> 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

As in previous years, training covered a wide range of EU law topics in 2013. Out of nine topics (including law of other Member States), 60% of the Member States offered training in eight or all of these areas, while only three Member States offered training in less than five topics. Specific training in the law of other Member States (including legal language training) represents only 3,6%.<sup>11</sup>

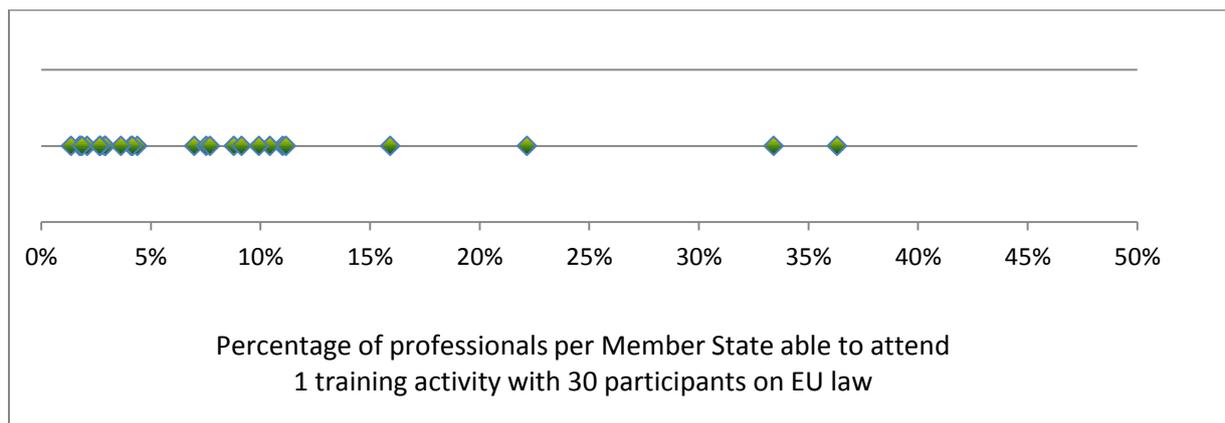


<sup>11</sup> For the same reason as given in footnote 11, a breakdown of the topic data by profession is not available.

## 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<sup>12</sup> 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, 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 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 2013. As shown in the chart below, with percentages ranging between 1% and 36% in the different Member States, this is far from being the case.



The pilot project on European judicial training, initiated by the European Parliament and implemented by the Commission in 2013 and 2014, has taken 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 has led to further recommendations on how the quality of judicial training in these areas can be improved. The studies are accessible on the [judicial training section of the European e-Justice Portal of the European Commission](https://e-justice.europa.eu/content_the_european_judicial_training_policy-121-en.do)<sup>13</sup>.

<sup>12</sup> Council of Europe, 'Training Manual on the European Convention on Human Rights', page 44.

<sup>13</sup> [https://e-justice.europa.eu/content\\_the\\_european\\_judicial\\_training\\_policy-121-en.do](https://e-justice.europa.eu/content_the_european_judicial_training_policy-121-en.do)

## Next steps

This report suggests that concerted efforts are required to ensure that 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 continues to support European judicial training under the new multi-annual financial framework and for the first time within the new Justice programme, there are calls for proposals for action grants exclusively reserved for training projects. The Commission encourages applications of projects offering training on EU law and law of other Member States for those professions and in those Member States where this report has shown that more could be done.

The Commission will undertake this survey in the years ahead 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 across all legal professions and Member States. In cooperation with the training providers, the Commission will try to ensure that data is as complete and coherent as possible.

Beyond numbers, the Commission will strive to work with all stakeholders to continue to improve the quality of the training on offer, in line with legal practitioners' training needs. Additional initiatives will be undertaken to promote European judicial training across Member States and legal professions by elaborating a recommendation and acting on the points of improvement identified by the pilot project on European judicial training.

### 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		

