

Home>Trainings, judicial networks and agencies>Training of justice professionals>National training systems>

Initial training of judges and prosecutors in the European Union

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Italy

General description

In Italy, the initial training of ordinary judges and public prosecutors is carried out separately from other legal professions (lawyers and notaries) and other jurisdictions (administrative judges, military judges, auditors and fiscal judges). Likewise, competitions for access to these professions.

The initial training of ordinary judges and prosecutors lasts 18 months and is reserved to the winners of a competition, which is usually launched every year by the Ministry of Justice. The training is provided by the [Italian School for the Judiciary](#) (Scuola Superiore della Magistratura, SSM) with the [High Council for the Judiciary](#) (Consiglio Superiore della Magistratura, CSM) and is regulated by Legislative Decree No 26 of 30 January 2006.

Generally, each competition foresees the appointment of around 300 trainees who will achieve, at the end of their training, the judicial functions.

Access to the competition is regulated by:

[Legislative Decree No. 160 of 5 April 2006](#) *New rules on access to the judiciary, as well as on economic progression and functions of judges and prosecutors, pursuant to Article 1(1)(a) of Law No. 150 of 25 July 2005 (Articles 1-9).*

The **traineeship** is regulated by:

[Legislative Decree No 26 of 30 January 2006](#), *Institution of the Scuola Superiore della Magistratura, as well as provisions on the traineeship and training of the judicial auditors, professional development and training of judges and prosecutors, pursuant to Article 1(1)(b) of Law No 150 of 25 July 2005 (Articles 18-22).*

Regulation for the initial training of ordinary judges and prosecutors

For a general overview of the initial training of ordinary judges and prosecutors:

[The organisation of the initial training of judges and prosecutors in Italy. Good practices of training in the Scuola Superiore della Magistratura](#)

Access to the initial training

Appointment as an ordinary judge or prosecutors, in accordance with Article 106 of the Constitution, is achieved by means of a competitive public competition, regulated by Legislative Decree No 160 of 5 April 2006, which sets forth the conditions for participating in the exam (Articles 2 and 7), the phase of submitting applications (Article 4), the composition and functions of the Examining Committee (Articles 5 and 6) and the written and oral examination proceedings (Articles 1 and 3).

The current examination system may be considered a second level selection, since a degree in Law is a prerequisite of the public competition .

Candidates who pass the examination carry out their traineeship in accordance with the rules laid down by Legislative Decree No 26 of 30 January 2006.

Format and content of the initial training

The training period lasts eighteen months. It is divided in sessions - six months at the SSM and twelve months in judicial offices; the rules for their implementation are defined by a resolution of the CSM (Article 18 of Legislative Decree no. 26 of 2006).

In the session held at the School, the trainees attend in-depth theoretical and practical courses on topics identified by the CSM through the directives drawn up for each class of newly appointed trainees, and topics identified by the Board of Directors of the SSM in the annual programme. The session at the SSM has the aim of improving both professional skills as well as ethics (Art. 20).

The session in the courts is divided into three periods (Article 21).

The first, lasting four months, is carried out in courts and consists of participation in the judicial activity relating to litigation or offences falling within the jurisdiction of the court in a panel and single-chamber composition. It includes participation in hearings.

The second period, of two months, takes place in the offices of the public prosecutor.

The last period, of six months, is carried out in the office that corresponds to the trainees first allocation.

The programme for each group of appointed trainees is set forth by the CSM within the framework of the training guidelines (Article 2, paragraph 1, letter o).

Methodology

The training of judges and prosecutors should not be understood only as "technical" training, limited to knowledge of the rules and their application; it is also a fundamental opportunity for the development of a common legal culture that can also be expressed in the harmonisation of case law, in order to achieve the goal of legal certainty (rule of law) and predictability of decisions.

Rather than holding conferences or series of refreshment lectures, SSM organises professional training courses, offering opportunities for discussion and participation with the aim of sharing professional experiences.

In these courses, classroom discussion and working groups, coordinated by an expert, play a key role.

Besides classroom activities, the School's session includes internships at organisations that are useful to trainees. Through the decentralised training structures in each Court of Appeal district, internships are organized at public administrations, detention centers, forensic laboratories, foreign judicial authorities and international bodies. Training initiatives are also organized at Courts of Appeal in cooperation with the Bar and its institutions, at Juvenile courts, at Specialised sections in Courts, at the Court of Cassation and at the CSM.

In the initial phase of the so-called general traineeship, the emphasis is on providing trainees with the necessary tools to consciously perform their functions, taking for acquired the basic skills in substantive and procedural law.

In the context of the so-called targeted traineeships, the focus is on the specific functions that each trainee will be called upon to perform at the end of the positive evaluation of the entire period, giving priority to the constitution of groups of judges and prosecutors that are homogeneous in terms of type of office, functions and fields.

EU law training, European, cross-border training components, participation in EJTN/CCBE/others activities, linguistic training

SSM offers specific interdisciplinary sessions introducing the judicial system and judicial functions, dialogue with the European Courts (Court of Justice and European Court of Human Rights) and an in-depth study of the European dimension of law. In this way, the topics of preliminary rulings to the Court of Justice are addressed in a theoretical and practical perspective (thematic sessions in working groups with Court of Justice referendaires are planned) as well as the specificities of the system of the European Convention on Human Rights and the Strasbourg Court. Starting from 2020, in collaboration with the

Council of Europe, a one-week internship is dedicated to the attendance of HELP programme distance learning modules in English, aimed at training legal professions on Human Rights.

At international level, the trainees also participate in specific programmes for initial training run by the European Judicial Training Network. These include both the THEMIS competition (two to four teams of three members with a mentor confronting other training institutions on topics of general interest such as the rule of law, ethics, criminal and civil cooperation) and the AIAKOS one-week exchanges where trainees visit other European training institutions with other trainees or newly appointed judges and prosecutors from other European training institutions (Each year participation for 50 trainees with appropriate language skills is foreseen).

Further international exchanges are also planned bilaterally with other European and non-European Institutions.

According to the Recommendation No 4 of 2003 of the Consultative Council of European Judges (CCJE) on initial and continuous training of judges at national and European level, theoretical and practical programmes for newly appointed judges and prosecutors are not to be limited to techniques in the purely legal field, but should also include ethical training and opening up to other areas relevant to judicial activities, such as work management and judicial administration, information technology, foreign languages, social sciences and alternative dispute resolution methods.

With regard to extra-legal issues, both judicial system and ethics play a central role in the SSM's programmes.

Work management is the common thread linking the classroom weeks planned for each area within general training (civil, criminal and prosecution proceedings), and also legal and judicial IT is an important part of the training programme.

In addition to the specific programmes in the international field dedicated to initial training, foreign languages are included in the training programme and all trainees follow an annual Legal English course.

Termination of the initial training and qualification process

At the end of the traineeship, the CSM assesses whether the trainee may be conferred judicial functions on the basis of the reports on the activities carried out during the traineeship period drafted by the appointed tutors in the judicial offices and by the SSM tutors.

If the assessment is positive, judicial functions are conferred and an assignment is made.

If the assessment is negative, the trainee is admitted to a new one-year training period. A second negative assessment leads to dismissal from employment (Article 22 of Legislative Decree 26 of 2006).

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