

## Initial training of judges in the European Union

This section presents the initial training scheme in the EU Member States for judges: entry conditions, objectives and substance, length and organisation, final evaluation.

Judges are the main guarantors of the proper application of EU law at national level. They apply EU law *ex officio*, put into practice the principles of primacy and direct effect, and refer preliminary questions to the CJEU.

The initial training, training for future or newly appointed judges, should provide:

grounding in the EU legal system and legal culture, helping build a practical understanding of the role of EU law in national legal systems

the rule of law *acquis*

information on their role as European justice practitioners.

### Related links

#### [Initial judicial training in 10 maps](#)

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## Initial training of judges in the European Union - Belgium

### General description

Initial training is mandatory for all judicial trainees and newly appointed magistrates. It is organized by the Belgian Judicial Training Institute in both main national languages (French or Dutch).

### Access to the initial training

The initial training has two target groups:

The judicial trainees

The judicial trainees are selected after a competitive entrance exam organized annually by the High Council of Justice. The number of available places is set every year by the Ministry of Justice for each language role. Only the appropriately qualified candidates can start the judicial traineeship, which starts on October 1st each year and lasts for two years. The mandatory initial training takes place during their traineeship.

Newly appointed magistrates

The High Council of Justice organizes annual aptitude exams for candidate magistrates with at least 5 years (in prosecutors' offices) or 10 years (in courts) of professional experience, as well as oral evaluation exams (so called "*third way exam*") for lawyers with at least 20 years of experience. The successful candidates receive a certificate which allows them to apply for a vacancy in the magistracy within 5 years after receipt of the certificate. The selection procedure is also organized by the High Council of Justice. After their appointment, they have to follow a [tailor-made initial training programme](#) (French or Dutch).

### Format and content of the initial training

**For judicial trainees**, the initial training lasts 2 years, with an annual start on October 1st to end on 30 September two years later. It starts with an 11-month traineeship at a public prosecutor's office, during which the trainee performs the duties of a public prosecutor under the supervision of a trainee mentor. At the end of the traineeship at the public prosecutors' office, the trainee mentor draws up an internship report. From September to December of the following year, the trainee goes on a three-month external traineeship at judicial services (courthouse, prison, police forces, etc.). From December onwards, the internship starts at the court where the trainee prepares judgments, also under the supervision of a trainee mentor at the court, who then also draws up an internship report at the end of the internship (end of September).

In the course of this 2-year traineeship, trainees must follow a [mandatory training programme](#) (French or Dutch) of 60 days in total, including 3 residential seminars of one week each and a number of training days on specific topics. A special training course is devoted to international cooperation in criminal matters. The other mandatory training courses also deal with European legislation, when applicable.

Participation in the AIAKOS programme of the EJTN is also mandatory: the trainees go one week on an exchange abroad, after which they also participate in the AIAKOS week in Belgium organized by the Belgian Judicial training Institute (IGO-IFJ) for foreign participants, which mainly focuses on European law, language skills and networking.

If the trainee successfully completes the traineeship and has followed all mandatory training courses, he will receive a traineeship certificate which allows him to apply for vacant positions to become a magistrate. There is no more additional examination.

**For newly appointed magistrates**, who apply on the basis of their certificate of aptitude examination and then start directly as a magistrate upon appointment, an abbreviated training programme is provided. It includes mandatory training courses relevant to their function.

Both judicial trainees and newly appointed magistrates can take language courses, however these are not mandatory.

Most of the training courses are taught by magistrates in function and external experts. All training courses pay close attention to the practical application of the acquired skills, by organizing workshops, exercises or role plays.

### Termination of the initial training and qualification process

All vacancies for magistrates are published in the Belgian Official Gazette.

Successful candidates of the professional aptitude examination and the oral evaluation examination, trainees in possession of a traineeship certificate and already appointed magistrates can apply to these vacancy positions through the Ministry of Justice.

The Ministry of Justice requests some opinions about the candidate, for example at the Bar (for lawyers who apply), the future court manager and the current court manager (if applicable).

The candidacy file (including the received opinions) is sent to the High Council of Justice, who then invites the candidates to a hearing where they can motivate and provide further information on their candidacy.

On the basis of all these elements, the High Council proposes the best ranked candidate to the Minister of Justice in view of an official appointment.

The High Council of Justice is responsible for the selection and nomination of magistrates.

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## Initial training of judges in the European Union - Bulgaria

### General description

Information if there is any initial training, if yes if it is compulsory, what are the categories of trainees (does initial training differentiate between professions, e. g., for ordinary and administrative judges, prosecutors, in-house lawyers and advocates); types of entities responsible for initial training and links to the statutory basis, number of trainees.

Initial training of junior judges, junior prosecutors and junior investigating magistrates is compulsory according to art. 249 (1) p.1 and 258, Judiciary System Act (attached in English). The trainees follow curricula, differentiated by the professions they are preparing for: junior judges, junior prosecutors and junior investigating magistrates. The status of the candidates for junior judges, junior prosecutors and junior investigating magistrates is regulated by the Rules for the Training of the Candidates for Junior Judges, Junior Prosecutors, and Junior Investigating Magistrates (attached in Bulgarian). The number of trainees fluctuates each year and is determined by the vacant positions, designated by the respective chamber of the Supreme Judicial Council (SJC).

NIJ also conducts a mandatory training for the regional and district judges, prosecutors, and administrative judges appointed by a centralized competition for initial appointment, as per art. 249(1) p.2, JSA. They are required to undergo during the first year after entry into office a mandatory induction training (art. 259, JSA). The training curricula are differentiated according to the magistrates' functions (judges, administrative judges, prosecutors, investigating magistrates) and the level of competence (regional, district).

Initial and introductory training (in [English](#) and [Bulgarian](#))

JSA (in [English](#) and [Bulgarian](#))

[Internal Rules for Organization and Procedure of the Training Activity of the Institute](#) (in Bulgarian)

[Rules for the Training of the Candidates for Junior Judges, Junior Prosecutors, and Junior Investigating Magistrates](#) (in Bulgarian)

The training of lawyers is conducted by the [Attorney's training Centre "Krustiu Tsonchev"](#).

### Access to the initial training

Information on main access conditions, main recruitment procedure, if competitive - who runs it, existing alternative access routes.

The primary route for recruitment in the judiciary is the institute of the junior judges, junior prosecutors, and junior investigating magistrates. The candidates seeking to become junior magistrates have to successfully pass centralized competitions, organized by the respective chamber of the Supreme Judicial Council (SJC). According to article 176, par. 1, JSA, the respective chamber of the SJC announces the annual competition. Applicants should be Bulgarian citizens; they need to have a university degree in law and to have obtained the legal competency completing the internship under the JSA, and to possess the required moral and professional qualities, according to the Code for Ethical conduct of Bulgarian Magistrates (attached in Bulgarian).

The conditions, requirements, and organization of the centralized competitions are set out in Section II of the JSA. According to article 184, JSA the competition consists of a written and oral exam, graded on a 6-point scale. The written exam consists of a case study, assessing the candidate's knowledge and skills. An integral part of the competition is the test on EU law and human rights. The oral exam constitutes an interview with the candidate on questions of the respective fields of law, as well as on questions of the Code of Ethical Behavior of Bulgarian Magistrates, according to a compendium published in advance. Those who pass the exams then become candidates for junior judges, prosecutors, and investigating magistrates and are supposed to complete the compulsory 9-month initial training at the NIJ. Upon successful completion of the initial training course, the trainees become junior judges, junior prosecutors, and junior investigating magistrates and work for 2 years under the supervision of an experienced mentor. The mentorship practice plays an integral part in the training of junior judges, junior prosecutors, and junior investigating magistrates. The mentors receive in-depth practical training by NIJ on how to most effectively perform their role.

Another route for recruitment in the judiciary is the procedure set out in art. 178, para.1, JSA. The respective chamber of the SJC designates vacant positions in the regional, district courts, respective prosecution offices, administrative courts and in the investigating authorities to be occupied by competition for an initial appointment. The number of vacant positions is determined by taking into consideration the needs of the respective judicial authority. The selection is based on a competitive examination, including written and oral examination (art. 184 JSA). The successful candidates are appointed as judges, administrative judges, prosecutors, and investigating magistrates. Unlike the competition for junior magistrates, there is a requirement for professional experience: 3 years for becoming a magistrate at regional level and 8 years for becoming a district judge, administrative judge, district prosecutor or investigating magistrate. The appointed candidates are required to undergo during the first year after upon into office a mandatory induction training (art. 259, JSA) at NIJ. A mentor judge or prosecutor is assigned to them as per art. 259 JSA.

[JSA](#) (in English)

Code for Ethical Conduct of Bulgarian Magistrates (in [English](#) and [Bulgarian](#))

### Format and content of the initial training

Information on duration and time structure, organization, learning content and the learning objectives, methodology and trainers used and specificities regarding EU law training, European, cross-border training components, participation in EJTN/CCBE/others activities, linguistic training.

The compulsory initial training for the candidates for junior magistrates is nine-month as per art. 258 (1), JSA.

The induction training under art. 249 (1), p.2 JSA for newly appointed judges, administrative judges, prosecutors, and investigating magistrates at regional and district level, is with an average duration of one month, consisting of online modules and face-to-face training sessions.

A programme council provides the NIJ with advisory support on preparation and update of the training programs for initial and induction training. They are endorsed by the NIJ management board after coordination with the SJC.

The aim of the initial and induction training programs is to develop multifunctional competences, including legal professional skills, judicial ethics and non-legal competencies related to the awareness of the economic, social and cultural context. EU law training is essential for ensuring the trainees' understanding of the role of EU law in national legal systems and the rule of law. The European law is integrated into the national training program as well as delivered in standalone modules. The NIJ elaborated a set of EU self-learning resources on European law, which are accessible 24/7 to all entrants in the judicial professions:

National courts and the law of the EU

Procedures of the European Court of Justice

Administrative courts and the law of the EU

European citizenship and internal EU policies

Judicial cooperation in civil matters in EU

Judicial cooperation in criminal matters in EU

A legal language self-learning resource in English is also available on the online training platform, consisting of video-presentations, self-study exercises and self-testing tools.

The training of candidates for junior magistrates is delivered by permanent and temporary trainers of the Institute. The rules for the selection of NIJ trainers are set out in JSA and the Internal Rules for Organization and Procedure of the Training Activity of the Institute (attached in Bulgarian). The training is predominantly delivered by judges and prosecutors; experts outside the judiciary are seconded temporarily on specialized topics where such expertise is needed.

The methodology of training is hands-on, including mock trials, role plays, assigning practical tasks and exercises, cooperative learning, small group activities, discussions, study visits, case studies, brainstorming, snowball, disputes, etc.

The NIJ actively participates in the EJTN AIAKOS Program in the THEMIS competition. Bilateral cooperation with judicial training institutions across Europe also plays an important role in the initial training program of the Institute in terms of exchange of good practices and professional experiences. In 2021 Bulgarian candidates for junior judges along with their peers from the Escuela Judicial, Spain participated in a joint online mock trial, discussing the recognition and enforcement of a request under the European investigation order.

Compulsory initial training (in [English](#) and [Bulgarian](#))

[Internal Rules for Organization and Procedure of the Training Activity of the Institute](#) (in Bulgarian)

#### Termination of the initial training and qualification process

Providing information on final exam, who is responsible for the exam, further recruitment procedure to become a judge/prosecutor/lawyer upon completion of the initial training.

After completing the 9-month training, the candidates for junior judges, prosecutors and investigating magistrates take the final examination. The SJC is responsible for the final exams in coordination with the NIJ initial training department. The exam commissions are appointed by the respective chamber of the SJC by a draw. They select cases and formulate questions for the trainees. The exam commissions are composed by:

for the written and oral exams of the candidates for junior judges - 5 judges from the district and appellate courts and 2 reserve members

for the exams of the candidates for junior prosecutors - 5 prosecutors from the district and appellate prosecution offices and 2 reserve members;

for the exams of the candidates for junior investigating magistrates - 5 prosecutors from the district and appellate prosecution offices and 2 reserve members.

The candidates for junior judges have written exams in civil law and procedure and criminal law and procedure. During the 6-hours written exams the candidates for junior judges are required to write a judgment. In the course of the oral exams the trainees are expected to give legal solutions to real cases.

The candidates for junior prosecutors have written and oral exams in criminal law and procedure. They are required to write an indictment or other prosecutorial act and answer the questions of the exam commission.

The candidates for junior investigating magistrates have written and oral exams in criminal law and procedure. They should prepare a motion for an indictment of the accused person. The oral exam includes answering practical questions on a real case.

The results of the exams are graded on a six-point scale. An average grade is obtained based on the marks from the written and oral examination, which is further submitted to the respective chamber of the Supreme Judicial Council. A candidate for junior judge, junior prosecutor, and junior investigating magistrate needs to have an average grade not lower than "very good 4.50". Those who fail to pass the exams, take a new written and oral examination, scheduled for a date which is not earlier than one month and not later than two months after the announcement of their grade. If a candidate receives again a score lower than "very good 4.50" s/he shall not be appointed for a junior judge, prosecutor or investigating magistrate. The Rules for the organization and procedure for conducting exams of the candidates for junior judges, junior prosecutors, and junior investigating magistrates at the end of the training in the NIJ regulate the exam procedure (attached in Bulgarian).

The newly-appointed judges, administrative judges, prosecutors, and investigating magistrates at regional and district level are required to actively participate in the induction training at the NIJ. During the training, their progress is assessed by various measures and tools of formative assessment, including feedback from participation in discussions, case studies, group activities, questions and answers sessions and self-presentation.

[Rules for the organization and procedure for conducting exams of the candidates](#) for junior judges, junior prosecutors, and junior investigating magistrates at the end of the training at the NIJ. (in Bulgarian)

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### Initial training of judges in the European Union - Czech Republic

#### General description

In the Czech Republic the initial training is provided by the [Czech Judicial Academy](#).

The Judicial Academy provides initial training for **trainees**, namely judicial trainees (future judges) and legal trainees (future prosecutors), and, more recently, **judicial candidates** (future judges).

**Judicial and legal trainees** undergo a three-year preparatory service during which they practice in a court/state prosecutor's office and participate in training events organised by the Judicial Academy and the courts/state prosecutor's offices. The amendment to the Act on courts and judges (No.6/2002 Sb.) abolished the position of judicial trainee with effect from 1st January 2022. Judicial trainees who were admitted to the preparatory service prior to this date will complete their preparatory service in accordance with the existing preparatory service plan.

The above mentioned amendment newly introduced the position of **judicial candidate**. A judicial candidate undergoes a training course lasting 1 year. Its purpose is to prepare the judicial candidate for the office of judge in the best possible way. This is ensured both by working in various departments of the courts of first instance and courts of appeal and by attending training events of the Judicial Academy, which mainly take the form of practical seminars.

Attendance at some Judicial Academy seminars is mandatory for judicial candidates. The first selection processes for judicial candidates are currently underway in some courts. We anticipate that in 2022 there will be approximately 30 judicial candidates in the Czech Republic at the end of this first stage of the selection process. Further selection processes will take place in the autumn 2022. On the 1st January 2022 there were 74 legal trainees.

Legal framework for initial training of judicial candidates see in Act no. 6/2002 Coll., on Courts, Judges, Lay-judges and Administration of Courts, as amended (<https://www.zakonyprolidi.cz/cs/2002-6>) and in Regulation no. 516/20021 Coll., on selection, traineeship and examination of judicial candidates,

as amended (<https://www.zakonyprolidi.cz/cs/2021-516>); Legal framework for initial training of legal trainees see in Act no. 283/1993 Coll., on Public Prosecutor's Office, as amended (<https://www.zakonyprolidi.cz/cs/1993-283>) and in [Regulation no. 383/2017 Coll.](#), on selection, traineeship and examination of legal trainees.

#### **Access to the initial training**

The selection process for admission to the **Legal Trainee** Preparatory Service is announced by the Regional Public Prosecutor in consultation with the Ministry of Justice, when there is the need to fill the vacancies of legal trainees. A legal trainee must meet the following requirements: citizenship of the Czech Republic, full legal capacity, good character and a Czech university degree in law. The selection process includes a written test, an interview and a psychological examination. A written test and an interview are used to verify the applicant's professional knowledge and aptitude for admission to the preparatory service. Passing the written test is a prerequisite for advancing to the oral part of the selection process. The result of the interview will be submitted by the examination committee to the Regional Public Prosecutor, who will accept the successful candidate for a three-year preparatory service.

The selection process for admission to the **judicial candidate** preparatory service is announced by the President of the Regional Court according when there is the need to fill vacancies of judicial candidates. The requirements for a judicial candidate are: citizenship of the Czech Republic, a university degree in law from a university in the Czech Republic, a professional judicial examination (or other comparable professional examination), legal capacity and good character, his/her experience and moral qualities give a guarantee that s/he will hold his/her position properly, succeed in the selection process for a judicial candidate, and take an oath in the hands of the President of the Regional Court. The selection process consists of a written part, a psychological examination and an interview. The written part includes case studies of a basic level of difficulty in civil law, criminal law, administrative law and insolvency law, as well as questions testing logical reasoning. The written part of the selection process is provided and organised by the Judicial Academy. Passing the written test is a prerequisite for advancing to the oral part of the selection process. A candidate who advances to the oral part of the selection process must undergo a psychological examination prior to being admitted to the oral part of the selection process. The result of the psychological examination is one of the documents submitted to the selection committee. The members of the selection committee ask questions about the written part of the selection process, as well as questions about the candidate's professional knowledge and personal qualities. Each member of the committee marks the candidate between 0 and 10 points. All the documents available to the selection board, the results of the written part drawn up by the candidate, the results of his/her psychological examination and the candidate's answers in the oral part of the selection process, including his/her overall presentation and expression, will be taken into account. The results of the selection process for the post of judicial candidate are published by the President of the Regional Court in pseudonymised form on the Court's website.

#### **Format and content of the initial training**

The initial training of **legal trainees** lasts for 3 years. During this time, they can attend training courses offered by the Judicial Academy, which are designed specifically for this target group.

These include seminars on the application of substantive and procedural law, adaptation courses, workshops and webinars. Legal trainees also have access to a range of distance learning materials, video courses, methodologies or recordings of lectures in the form of audiobooks. The adaptation course, which is compulsory, takes place in the first 6 months of initial training. Its aim is to familiarise newly recruited legal trainees with the content of the preparatory service and the basic legislation governing the work of the prosecution service. Among the training activities offered to this target group are also mock trials, a seminar focused on practical training in sentencing, regular seminars focused on amendments to criminal legislation, and final preparatory courses for the final professional examination. Each legal trainee has a trainer at the prosecutor's office, who supervises the level of the preparatory service from a professional and pedagogical point of view. The trainer also guides the trainees in learning the principles of professional ethics. The trainer is appointed and removed by the regional prosecutor and chosen from among the most experienced prosecutors.

**A judicial candidate** is obliged to attend specified seminars during the one-year initial training. Among the compulsory ones is a seminar introducing new judicial candidates to the judiciary and the basics of professional ethics. Subsequently, the judicial candidate must attend a five-day practical, interactive seminar on civil procedure called "Proceedings from the statement of claim to the judgment", which focuses on the civil proceedings held in the civil court of first instance. In addition, the judicial candidate is required to attend an interactive seminar on criminal procedure called 'Proceedings from the indictment to the judgment', which focuses on the procedural process in a first instance criminal court. Subsequently, the judicial candidate is obliged to attend one mock hearing, namely "Civil Law Mock Hearing" or "Criminal Law Mock Hearing". These mock hearings take place in a mock courtroom and are based on the active role of the participants. In addition to the compulsory seminars, judicial candidates may attend optional seminars. These seminars focus on courtroom representation, the basics of rhetoric and effective communication, writing skills, and practical tips on using major legal information systems. The seminar "Administrative Justice" serves as a preparation for future administrative judges. A number of e-learning study materials, methodological guidelines and training videos are also available to them. They can also participate in other training events offered by the Judicial Academy and designed for other target groups.

A judicial candidate also has trainers throughout his/her preparatory service at the court who supervise the level of the preparatory service from a professional and pedagogical point of view. A judicial candidate has a trainer in each of the judicial departments in which he or she works. The trainers are judges appointed and dismissed by the President of the Regional Court. The trainers also draw up an evaluation of the judicial candidate's performance in that department.

#### **Termination of the initial training and qualification process**

The initial preparatory service of a legal trainee lasts 3 years. After completing the three-year preparatory service, the **legal trainee** takes a final exam. It consists of a written test and an interview before a selection committee. In the written part of the final examination, the legal trainee drafts an indictment, other decision or motion in a criminal case or a motion in a civil case in which the public prosecutor is authorised to act, and an appeal against the decision of the court of first instance. The oral part of the final examination tests the candidate's knowledge of

constitutional law,

substantive and procedural civil law,

labour law and social security law,

family law,

substantive and procedural criminal law,

commercial law,

administrative justice and substantive and procedural administrative law,

financial law,

notarial law and the Code of Enforcement,

the rules of procedure of courts and public prosecutors, their internal and office rules and the organisation of courts and public prosecutors.

Basic knowledge of the European Union law and an orientation in the basic sources of international law are also acquired. It also takes into account the applicant's general orientation in the legal system and the rules of procedure of the public prosecutor's office, the applicant's ability to correctly apply and

interpret legal provisions and his/her verbal expression. The result of the final examination is graded as 'excellently qualified', 'qualified' and 'not qualified'. The successful candidate will receive a certificate of completion from the Ministry of Justice. Passing the final examination is a prerequisite for the subsequent performance of the office of public prosecutor. The conditions for performing the function of a prosecutor include: citizenship of the Czech Republic, legal capacity, good character, age of at least 25 years, a university degree in law from a university in the Czech Republic, passing the final examination, his/her moral qualities give a guarantee that s/he will hold the function properly, and s/he agrees to his/her appointment as a prosecutor and to his/her assignment to a particular prosecutor's office. A public prosecutor is appointed by the Minister of Justice for an unlimited period of time on the proposal of the Supreme Public Prosecutor.

The training of a judicial candidate lasts 1 year. At the end of this period, a judicial candidate may apply for a selection process for the post of judge, which is announced by the Minister of Justice. Not only judicial candidates, but also other persons may apply for the selection process for the post of judge. For example, persons who have held the office of public prosecutor, attorney, notary, bailiff and judge of the Constitutional Court for 5 years, as well as persons who have been engaged in legal practice or scientific or teaching activities for 10 years in a legal field related to the decision-making activities of courts. The selection process consists of a written and an oral part. The written part of the selection process is organised by the Judicial Academy and includes case studies of a higher level of difficulty in civil law, criminal law, administrative law, insolvency law and constitutional law. The written examination verifies the candidate's professional knowledge and aptitude for the post of judge. A candidate who succeeds in the written test and advances to the oral part will undergo a psychological examination prior to being admitted to the oral part of the selection process (if he or she has not already undergone it in the selection process for the post of judicial candidate). The oral part of the selection process for the post of judge takes the form of an interview. The selection committee has 5 members (judges and experts from the Ministry of Justice). During the interview, the members of the selection committee ask questions focused on the written part of the selection process, as well as questions focused on the professional aspect of performing the function of a judge and on the personal qualifications of the candidate. Each member of the selection committee marks the candidate on a scale of 0 to 10, taking into account the documents available to the selection committee, the results of the written part drawn up by the candidate, the results of his/her psychological examination and the candidate's answers in the oral part of the selection process, including his/her general demeanour and expression. The number of points awarded determines the success or failure of a candidate in the selection procedure. Successful passing of the selection process for judges is a prerequisite for the possible performance of the judicial function. When being appointed, a candidate must be at least 30 years old. A judge is appointed to the office by the President of the Republic.

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## Initial training of judges in the European Union - Denmark

### General description

In Denmark we offer initial training for our deputy judges in training. There are 9 modules of initial training covering the various areas in the court. The training is compulsory with few exceptions. Deputy judges in training undergo a period of 3 years where they work in a court alongside completing the 9 modules finalized with and oral exam at the end of the 3 year-period.

### Access to the initial training

HR at the Danish Court Administration oversees the recruitment of deputy judges for positions all over the country.

### Format and content of the initial training

The 9 modules in the different areas of the law is in total 32 days of training that is organized by the Danish Court administration. The trainers are primarily appointed judges or Court presidents. In some modules external experts is also part of the team of trainers.

### Termination of the initial training and qualification process

The final exam consists of a rapport that the deputy judge in training must write to demonstrate knowledge and considerations regarding one's own practice and is completed with an oral exam on the rapport.

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## Initial training of judges in the European Union - Germany

### General description

Firstly, it should be noted that it is difficult to give precise information in this regard as competence for detailed questions of initial legal training lies with the *Länder* (our federal states). The German Judiciary Act (*Deutsches Richtergesetz*, DRiG) contains only fundamental rules concerning the initial training of jurists. The details are regulated by the laws of the 16 *Länder*.

According to the DRiG, initial legal training in Germany is designed as a common training for all legal professionals; it is undertaken in two stages: university studies (*Studium*) and practical training in the preparatory service (*Vorbereitungsdienst*).

You can find the exact details in sections 5, 5a to 5d and 6 DRiG, see attached the DRiG in English translation.

### Access to the initial training

In order to be able to study law, a general university entrance qualification is required. Students obtain this on completing the *Abitur* or an equivalent qualification. The choice of certain school subjects, however, does not affect enrollment.

### Format and content of the initial training

#### 1. University studies

The university studies stage, which is in general aimed at providing students with a basic knowledge of civil, criminal and public law (including the historical, philosophical, social and economic aspects of those subjects in order to offer an understanding of the legal and judicial system as a whole). Students are also trained in the methodology of analysing facts, applying the law, and finding a just solution in a given case. The studies end with the First Examination in Law (*Erste juristische Staatsprüfung*), which consists of written and oral examinations. The competent authorities for the First Examination in Law are the legal examination authority in each *Land* (*Landesjustizprüfungsamt*) and the university where the candidate studied. The examination authorities are responsible for carrying out exams.

For the First Examination part, the candidates have to sit between five and seven exams (depending on the *Land*), each one lasting five hours. The exams are comprised of fictional cases that are based on real legal cases, which the candidates are required to solve in the form of a legal opinion. Subsequently, they are required to complete an oral examination, which makes up between 63 and 75% (depending on the *Land*) of the overall result.



## 2. Traineeship

After passing the First Examination (which almost one quarter of the candidates fail), almost all candidates enter preparatory service, which lasts two years and is organised individually by the justice departments of the 16 *Länder*. Every candidate who has successfully completed the First Examination has the right to admission to preparatory service. However, applicants may have to wait because there are not enough training places, particularly at the courts. During this practical training, they receive monthly remuneration paid from treasury funds. The goal of the preparatory service is to introduce the participant (trainee, "*Referendar*") to the reality of the different legal professions. It is important to note here that the service is common to all future members of the legal professions, lawyers, judges, public prosecutors, notaries, lawyers in government and so on. Also, the goal is to have a comparable standard of training with an equivalent final examination, the Second State Examination. The trainee will go through several stages – at a civil court, at a criminal court (or public prosecution office), in a practicing lawyer's chambers, at an administrative authority and at an agency of his or her own choice. Although the training is principally of a practical nature, it cannot be denied that only certain aspects of practice are dealt with, which are, however, of great importance. During the various training stages, trainees are as a minimum made familiar with procedural law.

### Termination of the initial training and qualification process

To a greater extent than with the First Examination, knowledge and skills are tested in regard to procedural law in the Second State Examination in Law (*Zweites Juristisches Staatsexamen*). As a rule, the drafting of a judgement or a bill of indictment, based on a real file, form the core of the written examinations. In the oral examinations, cases are again studied with a certain focus on practical questions. The Second Examination is also not easy, although the failure rate is much lower (about eight percent). Nearly 10,000 trainees pass the Second State Examination each year. For the Second State Examination, the candidates have to sit between eight and eleven written exams each lasting five hours; the written examination makes up between 60 and 75% of the final mark. In most of the *Länder*, the candidates have to sit exams in which they are required to solve a given case. Quite often they have to give a judgement. In the oral examinations in some *Länder*, candidates are required to respond to questions of law. In other *Länder*, they are also required to prepare a file and present their result to the examiners. Different systems apply. In contrast to the First Examination, most of the *Länder* now allow the use of predetermined commentaries in the Second State Examination in Law. The Second State examination of Law confers the "qualification for judicial office" (*Befähigung zum Richteramt*). In spite of the term, this qualification is the prerequisite for practicing nearly all legal professions, as provided by statute. Having attained the qualification for judicial office, the candidate is able to apply for the position of a judge or prosecutor in the *Länder*. The preconditions for appointments of judges in Germany are set out by Section 9 of the German Judiciary Act. Beyond this, each *Land* establishes more precise provisions (grades in both examinations, further qualifications demanded, job interviews or assessment centres) to select the best candidates."

For more information, please see Division 2, sections 5 and 6 of the [German Judiciary Act](#).

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### Initial training of judges in the European Union - Estonia

There is no initial training for the Estonian judges prior to beginning their work as a judge. Once the new judges have been appointed, they'll get access to the training of judges organized by the Supreme Court's Legal Information and Judicial Training Department and the Judicial Training Council.

A short overview of the training of judges can be found [here](#).

There's a special training program for new judges to improve their professional knowledge and skills. This is a compulsory training program for newly appointed judges and it includes legal training and skills training.

The program includes the following training activities:

The conduct of court proceedings and court hearings

Compiling a resolution

The ethics of judges

Time management skills training

Social skills and conflict management skills training

Mediation skills training

How to use legal information databases

Public speaking and media training

Estonian language training.

The first six trainings are mandatory for the new judges and must be passed within three years.

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### Initial training of judges in the European Union - Ireland

#### General description

The legal system in Ireland is adversarial not inquisitorial. There is no joint training for the judiciary and the State prosecution service (the office of the DPP), which bodies are independent of each other. All judges serve full time and are appointed after years in practice.

The relevant training body is the Judicial Studies Committee of the Judicial Council and it only trains judges not prosecutors, lawyers or court staff.

The Judicial Council was created in 2019 and, since then, there has been a formal process of judicial training. Since the appointment of a Director of Judicial Studies, every newly appointed judge has been offered induction training. This induction training has been created for all new judges, regardless of jurisdiction. While not compulsory, each judge is required to abide by the reasonable directions of her President. All heads of court in Ireland support the training function very strongly. In practice, judges are enthusiastic about attending and keen to undertake induction courses.

All judges undertaking the courses are familiar with litigation and, usually, are appointed to a particular court to take advantage of that judge's specialty or skill. Therefore, the initial training is to ensure excellence in approach to ethics and judicial conduct and to allow training in court management for those who have had little or no experience in decision-making. There are ethics workshops, court dynamics and management workshops and procedural justice workshops. Mentors are assigned to all new judges and the mentors themselves are formally trained in effective mentoring and communication skills, also with a focus on ethical conduct.

Judicial training is entirely judge-designed and judge-led. The Director of Judicial Studies, who is a serving High Court Judge, is assisted by the Committee of Judicial Studies, which group comprises judges from every jurisdiction, in creating an annual programme of training for all judges. As it is only in its second year, this is in its earliest stages of development hence there are areas of training yet to be addressed.

The number of trainees depends entirely on the appointments in a given year. Ireland has the smallest number of judges per capita in Europe as well as having a small population. It is not unusual for training to be provided at a week's notice, to a single judge. There are under 170 judges in the country and months may pass between appointments making it difficult to schedule for induction training in advance or to arrange training in groups.

Visit the website for the Judicial Studies Committee [here](#).

#### Access to the initial training

In order to be appointed to the judiciary, one must have served a minimum period in practice as a lawyer and have displayed in practice a degree of competence and a degree of probity appropriate to and consistent with the appointment concerned. Therefore, some of the questions posed about access and recruitment are difficult to apply to the judiciary in Ireland. There is a Judicial Appointments Advisory Board, an independent statutory body made up of judicial and lay members which receives applications, selects those with the appropriate qualifications and sends those names to the Government for appointment in accordance with the Constitution. It is possible for a candidate to be appointed to the ranks of the judiciary without making an application to the Judicial Appointments Advisory Board but this is very rarely exercised.

In order to be appointed to the Supreme Court, the Court of Appeal or the High Court a person must have practiced law for a minimum of 12 years. To be appointed to the Circuit Court or District Court a person has to have practiced law for a minimum of 10 years. In reality those appointed have many more years in practice than the minimum requirement. All persons recommended by the board must have displayed in legal practice, a degree of competence and a degree of probity appropriate to and consistent with the appointment concerned and be suitable on grounds of character and temperament. The annual report of the Board is [here](#).

Visit to website for the Judicial Appointments Advisory Board [here](#).

#### Format and content of the initial training

Judicial training for new judges, now in its second year, has prioritized ethics, mentoring, induction and vulnerable witnesses in court. During the past month, all training took place online but until then it had been possible to arrange face to face induction training in small groups. Mentoring and ethics training has taken place mostly online.

**Ethics** – the trainees are directed to the Constitution of Ireland and the European Convention on Human Rights but the ethics discussion revolves around the Bangalore Principles. A slide presentation was created, initially modelled on a presentation created by the Judicial College of England and Wales but now containing far more national material and references. Groups meet, no greater than 6 judges in each group, to discuss the slides, which move through the principles in turn, looking at various practical examples of ethical issues. A series of cases are then distributed, along with the slides, in order to remind the participants of the contents of the course. The learning objectives are to ensure that judges are familiar with the principles that guide judicial conduct and are able to apply these principles to any ethical dilemmas which arise during their time on the bench.

**Mentoring** – all judges of first instance are assigned a mentor for their first year. Collegiate courts have a different dynamic and, usually, the appointee has already served as a judge of first instance. The training is undertaken by an experienced mentoring coach, a former solicitor who won the position after a competitive procurement process in which three entities applied for the contract to train judicial mentors.

**Court Induction** – each new judge undertakes the ethics course as a priority and is also afforded half a day in court with colleagues during which procedural justice and court dynamics are explained and discussed and the new judge has the opportunity to sit and hear various enacted applications and discussing them with colleagues before her first sitting.

**Vulnerable Witnesses** – the Dutch Judicial Training school, the SSR, has assisted in designing a programme to better implement the Victims Directive in Ireland and this consists of a full day of experiential training culminating in a role play with an actor in the part of the victim. The initial training comprised 2 days as the judges being trained were also learning to provide the training in turn to their colleagues. The learning objective was, primarily, to avoid unnecessary re-traumatisation of victims in court hearings. The methodology was a combination of speakers from relevant non-governmental organizations (giving the views of victims as regards the court process), exercises and information to broaden and deepen the judicial understanding of trauma, reviews of the relevant Irish and EU law on victims and role play to put the information to practical use. For the last two such courses, the trainers have been Irish judges trained by our Dutch colleagues who remain available for supervision and review.

The Director spent most of her first year of appointment attending judicial training courses, focusing initially on training principles, induction and ethics. In this regard, the Director has attended at least 15 EJTN courses and lectures in 2020 / 21, 3 courses run by the Judicial College of England and Wales and also various seminars in Scotland and Northern Ireland.

As new judges all have a qualification in law and have practiced law for many years, linguistic training in legal English is not necessary. Following their appointment, specific courses have been made available to judges who wish to improve their linguistic skills in the first official language, Irish, so as to assist them in presiding over cases conducted in the Irish language.

Apart from the above, the judiciary have available to them various bench books and handbooks which have been compiled by judicial researchers employed by the Courts Service.

For 2022, there will be more focus on EU law and substantive law projects for new judges in the training provided by the Judicial Studies Committee.

#### Termination of the initial training and qualification process

The final question regarding an exam or further recruitment procedure on completion of training is not applicable in Ireland. Once appointed, judges cannot be removed save by a process of impeachment for stated misbehavior or incapacity which would require a resolution to be passed in each of the two houses of the Oireachtas (the Irish parliament).

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#### Initial training of judges in the European Union - Greece

##### General description

In Greece, compulsory initial training for judges and prosecutors is offered by the [National School of Judges](#), which was founded in 1995 in Thessaloniki as a public entity, supervised by the Minister of Justice. There are four categories of trainees:

Administrative judges (Council of State, Court of Audit, administrative courts)

Civil/Criminal judges

Prosecutors

Justices of peace.

The current statutory basis of the training is art. 88 of the Constitution and [Law no. 4871/2021](#), that was adopted recently (10.12.2021), amending former legislation. The number of trainees of each class (one per year) varies depending on the number of judges expected to retire within the following year.

Usually 130-200 trainees of all categories are trained per class (year).

#### **Access to the initial training**

Three different entry exams are organized every year, one for administrative judges, one for prosecutors and one for ordinary judges (common exam for civil /criminal judges and justices of peace). Eligible to apply are: a. lawyers having practiced law for at least 2 years, unless they hold a PhD in law, in which case only 1 year of practice is needed, b. judicial staff holding a law degree and having served at least 3 years in courts, c. members of the State Legal Service, d. justices of peace (for any other category). All candidates must be 28-40 years old (in the year of the exam) and must not have a criminal record.

Each exam is run by a panel of 5 (6 for administrative judges), members of which are in their majority senior judges and prosecutors, and comprises both written and oral exams. Written exams are conducted in 2 phases. In phase 1, candidates take a foreign language exam (choice between English, French, German and Italian). Those who have succeeded in this phase, take part in phase 2, that includes 4 tests in different areas of domestic law, relevant to each category. All written exams take place in Thessaloniki. Candidates who have succeeded in written exams take part in oral exams conducted on the same subjects as the written ones (plus EU law), in public before the respective panel. Oral exams take place in the Council of State (for administrative judges) and in the Supreme Civil and Criminal Court (for all other categories).

There are currently no alternative access routes to the Judiciary.

#### **Format and content of the initial training**

The duration of the training is 16 months and is structured in 2 phases. During the first phase (10 months), trainees undergo mainly theoretical training in the National School of Judges. This period is further divided in 2 parts. During the first 5 months, the trainees undergo a general training, while during the remaining 5 months, the trainees of each category are specialized in the object of the courts they are going to serve (based on the entry exam grade and the average grade of the first part of phase 1) and take their final exams. During the second phase (6 months) they undergo practical training in designated courts, depending on their category.

Training objectives include mastering case and time management, being up-to-date in (both domestic and EU) law and case-law and information technology issues (including AI), being able to work in an international environment, and also developing important soft skills, such as independence and adherence to the fundamental principles of the republic and judicial ethics, proper conduct towards colleagues, court staff, lawyers and parties, communication and cooperation skills etc. These objectives are attained, *i.a.*, via receiving linguistic training, participating -under the guidance of experienced trainers- in mock trials and deliberations, workshops, workgroups, educational visits, EJTN/ERA activities, exchange programs etc. Trainers include mainly judges, while academics and experts may also be involved, depending on the subject. During the second phase of the training (practical training), the trainers are judges who serve in the respective courts, supervised by a senior judge.

#### **Termination of the initial training and qualification process**

During the first phase of the initial training, trainees are evaluated by 7 trainers. At the end of the first phase, the successful trainees (those who achieve an average of 8/15) take a final written exam, run by a panel of 3 judges. This exam comprises 3 tests on 3 hypothetical cases (passing grade: average of 8/15). At the end of phase 1, ranking in each category is based on a. entry exam grade, accounting for 30% of the final grade, b. first phase evaluation grade, accounting for 30% of the final grade and c. final exam grade, accounting for 40% of the final grade. Ranking at this stage is particularly important for the administrative judges, because depending on their ranking, the vacant positions in each court (Council of State and administrative courts) and their preference, trainees are placed in different courts for phase 2 of the initial training (practical training).

Evaluation during the second phase of the training is done by allocating each trainee in one of 4 tiers, depending on their performance. Those placed in tier 1 receive a 1,2 boost to their phase 1 grade, those placed in tier 2 receive a 1,15 boost, those placed in tier 3 receive a 1,1 boost and those placed in tier 4 don't receive any.

Thus, the final grade is calculated and the final ranking is determined.

Final ranking is important for the subsequent appointment of administrative courts judges, ordinary judges and prosecutors to First Instance Courts and courts of peace all over the country for a trial period of 10 months (before they are appointed for life). All appointments are formally performed by a presidential decree following a decision of the Supreme Judicial Council (art. 90 of the Constitution, art. 67 and 78 of Law no. 1756/1988). The Council in appointing judges and prosecutors is bound by the above ranking.

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### **Initial training of judges in the European Union - Spain**

#### **General description**

The Spanish Judicial School has two different headquarters. The one in Barcelona, located in Vallvidrera, is the Spanish Judicial School for new candidate judges, and offers a compulsory initial training for those who wish to access the Spanish Judicial Career. The Judicial School every year has a new class of trainees comprised of around 150 judges per year.

The headquarters of the Judicial School located in Madrid offers continuous training for all judges of the Spanish Judicial Career who desire to improve or update their knowledge, both in legal and non-legal areas. Unlike the initial training, which is compulsory, the continuous training is optional, and some of the sessions are offered in different places around the country, in order to facilitate access to all members of the Judicial Career to this continuous training.

The Spanish Judicial Schools depend on the Spanish Judiciary General Council (CGPJ), which is the maximum responsible for both the initial, and the continuous training of Judges.

#### **Access to the initial training**

There are two basic pathways to access the Spanish Judicial Career

The first one is called "Access from Judge Category". It requires to pass an exam and a selection training in the Spanish Judicial School.

The exam is held every two years, minimum.

To apply to the initial exam, the candidate must be of Spanish nationality, of legal age, without any criminal record and have a law degree.

It takes around 4/5 years to prepare the exam.

The exam consists of three eliminatory parts.

The first one is a questionnaire with 100 questions concerning knowledge of general law (10 about constitutional law, 40 about civil law, 30 about criminal law and 20 about procedural law) Each question has 4 possible answers and only one of them is correct.



The second and the third part consist of oral examinations. For the second part, specifically, one must prepare, and defend in front of the Supreme Court, subjects on constitutional law, civil law and criminal law. And in the third part of the exam, one must prepare, and defend in front of the Supreme Court, subjects on both civil and criminal procedural law, commercial law and administrative and labor law.

After the exam, there is a compulsory initial training that lasts two years. The first year takes place, for all the trainees unequivocally, in the Spanish Judicial School, which is in Barcelona. During the second year, there is a one-on-one mentoring training, in which each trainee has his/her own training with a mentor specialized in a certain area of law. During the mentoring, the trainee spends different periods with several different mentors, each of them focusing in a specific area of law: Civil, criminal, administrative, commercial, labor, family.

There is a second pathway of access to the Spanish Judicial Career that is called "Access from Senior Judge Category". To apply, one must be a jurist with recognized competence and with 10 or more years of professional exercise. Once the merits are validated, one must elaborate a graded technical report and pass an interview. After that, one has a compulsory training period in the Spanish Judicial School, that lasts around 12 weeks, and includes a mentoring period.

#### **Format and content of the initial training**

The initial training for new trainee judges has a compulsory training, in the Spanish Judicial School, that lasts one year, and a mentoring period that lasts for another year. Both, in the Spanish Judicial School and in the mentoring, we strive to train our trainees in technical competences as well as in soft skills, in abilities and attitudes, and specially in what we call "judgecraft".

In the Spanish Judicial School, we try to focus on a very practical way of training. It is for that reason that in our sessions we prepare the trainees to think, debate, discuss and argue. And for that we use real judicial files. We also organize mock trials with our judge trainees and lawyer trainees.

In the Judicial School we offer the trainees a preparation that is:

Focused: Regarding main topics such as civil law, criminal law and constitutional and EU law

Specialized: In topics such as administrative, labor, minors, family law

Complementary: In topics such as international cooperation, accounting, mass media, data protection, forensic medicine, organic law

Multidisciplinary: In topics such as ethics, oral expression, leadership, mindfulness, English, local languages, risk prevention

Short stays: In Law Enforcement Environments, in prisons, with Prosecutors, Lawyers, Court Clerks, Public Notaries

Stays in the European Court of Human Rights and in the Court of Justice of the European Union, as well as international activities such as Themis or Aiakos programmes.

#### **Termination of the initial training and qualification process**

The initial exam that all candidates must pass to enter the Spanish Judicial School represents 50% of the final grade.

The other 50% comes from the initial training period, divided as it follows:

The initial training in the Judicial School - 40%

13% civil law

13% criminal law

7% constitutional and UE law

2% administrative law

2% labor law

2% participation and involvement

1% assistance

The mentoring training - 10%

In order to be graded in the Judicial School, one must have attended, physically, at least the 80% of the training period.


The evaluations in the Judicial School consist of anonymous legal resolutions that are revised, corrected, and graded by the trainers of the Spanish Judicial School.

And during the mentoring period, the mentor is the one who evaluates the candidate, considering 40 different topics related with different training areas.

With the final grade (coming from the 50% of the exam and the 50% of the initial training) the trainees are ranked. Following the order of this list, once they have finished their initial training, they can choose their first new court destiny amongst the destinies offered by the Spanish Judicial Council.

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### **Initial training of judges in the European Union - France**

#### **General description**

L'École nationale de la magistrature est l'unique école de formation des magistrats de l'ordre judiciaire. Elle forme à la fois les juges et les procureurs. La formation initiale est obligatoire pour devenir magistrat de l'ordre judiciaire.

L'École forme ainsi différents publics dont la durée de la formation dépend de l'origine de recrutement.

La méthode d'enseignement de l'ENM est fondée sur une combinaison de différents formats pédagogiques complémentaires dont le principal est la direction d'études ou l'atelier de travail en sous-groupes.

La direction d'études propose des séquences de travail en petits groupes sur des mises en situation. Ces groupes composés d'une vingtaine d'apprenants aux profils diversifiés, sont constitués pour toute la période d'études de 7 mois environ à Bordeaux pour la principale promotion. Les formateurs ont ainsi la possibilité d'assurer une animation efficace du groupe et d'effectuer un suivi individuel personnalisé où l'interactivité constitue le cœur de la pédagogie.

S'ajoutent à ce format d'enseignement des cours ou conférences en amphithéâtre, des ateliers thématiques, des mises en situation ou simulations d'audience, des débats et tables rondes, des travaux écrits ou encore des apprentissages en ligne.

À Bordeaux, l'École possède un corps enseignant permanent de 25 formateurs: les coordonnateurs de formation. 23 sont magistrats, détachés à l'ENM pendant six ans maximum, ce qui garantit un enseignement en phase avec la réalité des pratiques professionnelles en juridiction. Un directeur des services de greffe judiciaires et un responsable enseignant de langue complètent cette équipe pédagogique. Rattachés à l'un des huit pôles de formation, ces coordonnateurs de formation assurent une expertise, supervisent l'élaboration de la documentation pédagogique et dispensent ou font animer les enseignements.

L'École dispose également d'un corps de magistrats enseignants associés composé d'une cinquantaine de magistrats, qui interviennent régulièrement dans le cadre des directions d'études et simulations d'audiences tout en conservant leur activité. Elle a également recours à des intervenants professionnels divers: avocats, médecins, enseignants, chercheurs. Chaque année, ce sont plus de 750 intervenants qui apportent leur expertise en droit, histoire, sociologie, psychologie, psychiatrie, médecine légale ou encore criminologie.

La formation des futurs magistrats vise à apprendre les pratiques professionnelles spécifiques aux fonctions du magistrat telles que la rédaction de jugements et réquisitoires, la direction d'entretiens judiciaires, la présidence d'audiences ou encore la conduite d'actes utiles à l'avancement d'un dossier civil ou pénal. Ainsi, elle se compose à 70 % de périodes de stage dont la grande majorité est réalisée en juridiction. Ces stages de plein exercice sont essentiels à l'apprentissage pratique des fonctions en immersion dans le futur environnement de travail. Ils sont encadrés par des magistrats de la juridiction, les maîtres de stage, sous la coordination d'un directeur de centre de stage.

Les apprenants relèvent à la fois du statut de la magistrature et du statut général de la fonction publique. Dès leur nomination, ils entrent dans le corps judiciaire et prêtent le serment de garder le secret des actes dont ils auront connaissance. Rémunérés pendant leur formation, ils s'engagent à servir l'État pour une durée minimum de dix ans.

#### **Access to the initial training**

L'entrée dans la magistrature judiciaire est subordonnée à la réussite d'un concours ou à une procédure d'admission sur titres ou sur dossier. La multiplicité des voies d'accès à l'ENM permet de recruter des candidats aux parcours variés, qu'ils soient post-études ou professionnels. Cette diversité des profils est garante d'une représentation fidèle de la société française.

Le nombre de places offertes aux différents concours est déterminé, annuellement, par le ministère de la Justice, en fonction des besoins prévisionnels en magistrats et des impératifs budgétaires.

L'ENM organise chaque année trois concours d'accès et le concours complémentaire :

Le premier concours pour les étudiants : il est ouvert aux personnes titulaires d'un master ou d'un diplôme équivalent, âgés au plus de 31 ans ; il bénéficie du plus grand nombre de candidats.

Le deuxième concours pour les fonctionnaires, ayant quatre années d'ancienneté, âgés de 48 ans et 5 mois au plus au 1er janvier de l'année du concours et le troisième concours, ouvert aux personnes justifiant de huit années d'activité professionnelle dans le secteur privé ou d'un mandat électif ; leurs épreuves sont communes aux deux concours.

Le concours complémentaire, pour les personnes âgées de plus de 35 ans justifiant d'au moins sept années d'expérience professionnelle.

#### **Les classes préparatoires au 1er concours**

L'ENM a mis en place des classes préparatoires "égalité des chances" afin de favoriser la diversité du recrutement et d'accompagner des candidats méritants et motivés issus de milieux sociaux défavorisés. Cinq classes préparent annuellement des étudiants aux épreuves du premier concours d'accès à l'ENM.

#### **Le recrutement sur titres en qualité d'auditeur de justice**

Il est réservé aux personnes âgées de 31 ans au moins et de 40 ans au plus, qui d'une part, justifient d'une expérience dans le domaine juridique, économique ou des sciences humaines et sociales qualifiant pour l'exercice des fonctions judiciaires, et d'autre part sous conditions de diplômes variant selon le statut professionnel du postulant.

Les conditions d'intégration: choix opéré par une commission d'avancement sur la base d'un dossier établi par le procureur général près la cour d'appel de son domicile.

#### **Le recrutement direct**

Peuvent être candidates à une intégration directe, donc sans concours, les personnes titulaires d'un diplôme de type Master 2 et justifiant d'une activité professionnelle qui les qualifie particulièrement pour les fonctions judiciaires. Celle-ci doit être d'au moins sept ans pour une intégration au second grade (âge minimum requis : 35 ans), et d'au moins quinze ans pour une intégration au premier grade.

Les conditions d'intégration : sur dossier auprès du ministère de la justice qui transmet à une commission. Celle-ci peut soumettre un candidat à un stage probatoire de six mois maximum dans un tribunal, avant de se prononcer. Ce stage juridictionnel, organisé par l'ENM, donne lieu à un rapport d'évaluation. À l'issue du stage, le candidat a un entretien avec le jury d'aptitude et de classement des auditeurs de justice, qui émet un avis sur l'aptitude à exercer les fonctions judiciaires. Ensuite, la commission se prononce définitivement sur la candidature.

#### **Format and content of the initial training**

La durée de la formation initiale est variable en fonction de l'origine de recrutement.

Ainsi la formation la plus longue dure 31 mois en totalité à l'ENM et repose sur une alternance des périodes de formation pratique en stage de découverte ou de professionnalisation et des périodes de formation à l'École à Bordeaux. Cette formation s'adresse aux apprenants recrutés par les 1er concours (concours externe), 2ème concours (fonction publique), 3ème concours (8 ans d'activité dans le secteur privé) et les recrutés sur titres (anciens avocats, docteurs en droits, juristes...). Dans cette formation, les deux premières années de formation, dites « phase généraliste », sont communes à l'ensemble des auditeurs de justice. Ils sont formés à l'acquisition des compétences fondamentales du métier de magistrat autres que techniques, d'éléments d'environnement dont la connaissance est nécessaire à l'exercice de la plupart des fonctions et de techniques professionnelles fondamentales communes aux différentes fonctions. Au cours de cette période, les auditeurs effectuent de nombreux stages, notamment en juridiction où ils mettront en application les techniques professionnelles communes et les spécificités fonctionnelles du métier.

Les six derniers mois de formation sont quant à eux consacrés à la spécialisation à une seule fonction, celle que l'auditeur de justice a choisie pour son premier poste. Cette période de préparation aux premières fonctions se déroule d'abord à l'ENM pour la partie théorique. L'auditeur approfondit les techniques professionnelles et le champ de compétence de la fonction qu'il a choisie. Il réalise ensuite en juridiction un ultime stage de préparation à la prise de fonction. Cette dernière étape doit lui permettre une parfaite opérationnalité lors de sa prise de poste.

Voir le séquençage [ici](#).

Les formations proposées aux candidats à l'intégration directe et aux lauréats du concours complémentaire, lesquels sont des stagiaires justifiant tous de plus de 7 ans ou 15 ans d'expérience professionnelle sont plus courtes mais basées sur la même alternance des études à Bordeaux et des stages. Ainsi, les lauréats du concours complémentaires et les candidats à l'intégration directe suivent un mois de formation au titre de la période d'études à Bordeaux avant de partir en stage juridictionnel pendant 4 à 5 mois. Les lauréats du concours complémentaires effectuent également un stage complémentaire une fois le premier poste choisi.

#### **Termination of the initial training and qualification process**

##### **Évaluation probatoire**

La formation initiale pour devenir magistrat est probatoire. Ainsi, en période d'études comme en stage, le stagiaire est évalué tout au long de sa formation. L'objectif est de mesurer son degré d'acquisition des compétences fondamentales du magistrat et sa maîtrise des techniques propres à chaque fonction. À l'École, l'évaluation, avant tout formative, s'effectue également sous forme d'épreuves en fin de période d'études et à l'issue du stage juridictionnel. En stage juridictionnel, l'évaluation est confiée à des magistrats détachés à l'École, les coordonnateurs régionaux de formation. Délocalisés dans douze régions judiciaires rassemblant plusieurs cours d'appel, ces magistrats sont de véritables relais de l'ENM dans les juridictions. Ils organisent les stages des auditeurs, les accompagnent et les évaluent pendant toute la durée de leur stage.

À l'issue de la formation, le jury de l'examen d'aptitude et de classement se prononce sur l'aptitude de chaque stagiaire à exercer, à la sortie de l'École, des fonctions judiciaires après audition de celui-ci et après avis motivé du directeur au vu des rapports du coordonnateur régional de formation et du directeur de centre de stage. L'apprenant déclaré apte à l'exercice des fonctions de magistrat entame alors la dernière étape avant son installation en juridiction, celle de la préparation aux premières fonctions

#### **Première nomination**

L'examen final d'aptitude et de classement donne lieu à un classement par ordre de mérite. C'est à partir de celui-ci que le futur magistrat choisit sa première affectation sur une liste proposée par le ministère de la Justice. Après avoir effectué sa préparation aux premières fonctions, il est installé comme magistrat dans sa juridiction d'affectation. Il prête alors le serment de magistrat, sa nomination dans son premier poste prenant la forme d'un décret du Président de la République, pris après avis du Conseil supérieur de la magistrature.

À l'issue de leur formation initiale, les stagiaires peuvent être nommés à huit fonctions (à l'exception des lauréats du concours complémentaires qui ne peuvent, en première affectation, qu'exercer des fonctions de juge ou de substitut du procureur):

juge;  
juge des contentieux de la protection;  
juge d'instruction;  
juge des enfants;  
juge de l'application des peines;  
substitut du procureur de la République;  
substitut placé auprès du procureur général;  
juge placé auprès du premier président.

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### **Initial training of judges in the European Union - Croatia**

#### **General description**

The State School for Judicial Officials (hereinafter "the State School") is an organisational unit of the Judicial Academy and it is in charge of the initial training of judges and prosecutors. The Judicial Academy is a public institution established by the Ministry of Justice and Administration in 2010 providing the continuous training of judicial officials (i.e. judges and prosecutors) and judicial advisors, the initial training of judicial trainees and candidates for future judges and prosecutors, as well as the professional training of clerks in the judiciary and other participants in the proceedings before judicial bodies (the Judicial Academy Act, *Narodne novine*, the Official Gazette of the Republic of Croatia, No. [54/2019](#)).

The initial training of judges and prosecutors is compulsory and it lasts for one year. In the 2021-2022 generation of attendants of the State School there are 97 enrolled students with the status of civil servants employed as advisors in judicial bodies. The State School provides the acquisition of skills and knowledge that are necessary for autonomous, accountable, independent and unbiased performance of the duties of judges sitting at municipal, commercial and administrative courts, as well as the duties of deputy municipal prosecutors.

#### **Access to the initial training**

The persons employed permanently in the civil service and assigned to the positions of judicial advisors are required to attend the State School. Judicial advisors are employed in the civil service based on the public announcements for these positions in accordance with the Civil Servants Act (*Narodne novine*, the Official Gazette of the Republic of Croatia, Nos. 92/2005, 140/2005, 142/2006, 77/2007, 107/2007, 27/2008, 34/2011, 49/2011, 150/2011, 34/2012, 38/2013, 37/2013, 1/2015, 138/2015, 102/2015, 61/2017, 70/2019, 98/2019). The professional requirements that the candidates applying for the positions of judicial advisors need to meet are completed university studies in the field of law and the passed Bar Exam.

The Commission for Processing the Public Call is appointed by the head of the competent judicial body. The candidates meeting the formal requirements need to take a written test and present themselves for a structured interview. The written test consists of the assessment of knowledge, competences and skills of the candidates. The best candidates applying for the positions of judicial advisors in public prosecution offices need to undergo a security check conducted by the Security and Intelligence Agency.

#### **Format and content of the initial training**

The professional training is primarily conducted by enhancing the skills and practical knowledge that are necessary for the performance of duties in judicial bodies. It is composed of workshops organised by the Judicial Academy and the practical work in judicial bodies and, if needed, in other state bodies. The theoretical part of the judicial training programme is the same for all the attendants of the State School regardless of the position of the candidates, who may be future judges or future prosecutors, and regardless of the field of law that they deal with in the judicial body in which they work. The Judicial Training Programme is adopted by the Steering Council upon the proposal of the Programme Council of the Judicial Academy. In the course of their practical training, the attendants have their mentors who monitor their work and prepare them for autonomous, accountable, independent and unbiased performance of judicial duties.

In the academic year 2021/2022, a total of 23 one-day workshops are being organised for the attendants of the State School for Judicial Officials encompassing civil and criminal law, administrative law, EU law, ethics and skills. As a rule, the workshops are organised face-to-face and the trainers are judicial officials (i.e. judges and prosecutors), university professors or other experts.

Considering EU law, particular attention is dedicated to the preliminary ruling reference before the Court of Justice of the European Union, cross-border cooperation and CURIA case law search. The participation in the activities of the European Judicial Training Network (EJTN), the Academy of European Law (ERA) and other international activities is voluntary, as well as foreign language training.

#### **Termination of the initial training and qualification process**

The Final Exam is taken before the Commission for Taking the Final Exam at the State School for Judicial Officials (as per the Ordinance on the Final Exam at the State School for Judicial Officials, *Narodne novine*, the Official Gazette of the Republic of Croatia, No. [25/2020](#), [108/2020](#)). The Commission for Taking the Final Exam consists of five members, i.e. two judges of the Supreme Court of the Republic of Croatia, a high court judge and two Deputies of the Chief State Prosecutor. The Commission is nominated by the Steering Council of the Judicial Academy.

The Final Exam consists of a written and an oral part assessing the acquired practical knowledge and skills required for the performance of judicial duties through practical examples and problem situations.

The Final Exam at the State School may also be taken by the persons who have not attended the State School and who, upon passing the Bar Exam, have acquired a minimum of four years of work experience in the field of legal matters. The Final Exam may be taken twice and the candidates who have acquired a minimum of 225 points are considered to have passed the Final Exam. The highest number of points that may be achieved at the Final Exam is 300.

Having passed the Final Exam, the candidates for first-instance judges apply for the vacancies announced by the State Judicial Council, while the candidates for deputy municipal prosecutors apply for the vacancies announced by the State Prosecutorial Council. The candidates may achieve a maximum of 15 points in the structured interview before the State Judicial Council or the State Prosecutorial Council. The candidates with the highest total number of points are directed by the two Councils, respectively, to psychological testing and a security check by the Security and Intelligence Agency.

The candidates for the positions of first-instance judges are then appointed by the State Judicial Council, while the candidates for the positions of deputy municipal prosecutors are appointed by the State Prosecutorial Council.

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## Initial training of judges in the European Union - Italy

### 1 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 for 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:

[https://www.csm.it/web/csm-internet/norme-e-documenti/dettaglio/-/asset\\_publisher/YoFflzL3vKc1/content/regolamento-per-la-formazione-iniziale-dei-magistrati-ordinari](https://www.csm.it/web/csm-internet/norme-e-documenti/dettaglio/-/asset_publisher/YoFflzL3vKc1/content/regolamento-per-la-formazione-iniziale-dei-magistrati-ordinari)

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](#)

### 2 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 access to public competition foresees additional requirements to a degree in Law.

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.

### 3 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).

#### 3.1. 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 granted 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.

### **3.2 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 ALAKOS 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.

### **4 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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## **Initial training of judges in the European Union - Cyprus**

### **General description**

The Cyprus Judicial Training School, officially established in 2020 (Law 101(I)/2020), is responsible for providing training to the Cypriot Judiciary, which currently amounts to 130 Judges. As a School, our main focus is on continuous training which comprises of EU related topics as well as Judgecraft skills and training on national legislation.

Unlike other non-common law Schools in Europe, that provide training to trainee Judges before appointment, Cyprus differs in that Judges do not undergo training prior to judicial appointment. Moreover, given the size of the country and the very small intake of Judges annually, it is not always feasible to organise initial training activities for a very small number of Judges. In this regard, initial training is not offered on an annual or very frequent basis. Usually new Judges are appointed after promotions and retirements of Judges, therefore there may be only 1-2 appointments per year. 2020 and 2021 were an exception where 12-15 new Judges were appointed in each year. Therefore, since 2020 we were able to organise initial training.

Once Judges are appointed, they undergo an induction course by shadowing superior Judges. Following the induction course, initial training is provided, where possible, to newly appointed Judges irrespective of jurisdiction. (See q3 below for the details). This is done within the first 1-2 years of judicial appointment. No differentiation is made with regards to the type of Judges as the initial training comprises of a Judgecraft Programme. The training, when offered, is compulsory and we aim for participation of at least 15 Judges.

Lastly, in Cyprus, as a country that follows the common law system, Prosecutors are not considered part of the Judiciary and therefore the School is not responsible for their training. However, the School coordinates their participation in EJTN training seminars.

### **Access to the initial training**

As mentioned above, initial training of Judges in Cyprus takes place after judicial appointment. In this regard, there are no access conditions or a recruitment procedure for participation in initial training for Judges.

### **Format and content of the initial training**

Newly appointed Judges undergo an induction course for a period of 10-15 days before taking on their official duties on the bench. During this period, they are under the direct supervision of a Supreme Court Judge. The Supreme Court Judge will assign the newly appointed Judge to a Court President who will be responsible for the induction course programme, for answering any questions that will arise during this induction period and guide them on daily matters arising in court procedures. During the induction period, newly appointed Judges shadow Judges in Court, visit Court Registries and meet with other Judges. Since 2020, given the bigger intake of Judges, we offer Judgecraft as part of the initial training of Judges. This course comprises of training on Judicial Ethics and Conduct, Judicial Resilience, Unconscious Bias and delivering ex tempore judgements. Judges are trained by the School's certified trainers who use a mix of teaching skills such as presentations, videos, group exercises, case studies and plenary discussions.

Newly appointed Judges are also selected to participate in ERA, EJTN and other training abroad shortly after their appointment.

### **Termination of the initial training and qualification process**



Cyprus does not follow this model for Judges. The School is not involved, in any manner, in the recruitment process of Judges. As mentioned above, initial training takes place after judicial appointment, thus it is not a step in the recruitment process. There are no final exams or further recruitment process to become a Judge. The School issues a certificate of participation which is filed in the Supreme Court's archives and Judges personal development files.

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## Initial training of judges in the European Union - Latvia

### General description

Since 2020 Latvia provides **induction training** for newly appointed judges (after approval to the judges post) based on the **Law on Judicial Powers** article 89, unit 5 that obliges every newly appointed judge to attend the special training program within the first year of the service. The main audience for the training program are judges from the general jurisdiction. Newly appointed judges from administrative courts join the training program where it is useful and applicable. It is foreseen though to develop a new program specifically targeted to newly appointed administrative court judges.

Training for judges and courts' staff is a responsibility of the Court Administration (CA) of Latvia however this task is delegated to the **Latvian Judicial Training Centre** (LJTC), a non-governmental organization founded in 1995 by international donors and Latvian Judges Association. LJTC has the in-house experience and knowledge to ensure the quality training to newly appointed judges, judges with experience and court staff. LJTC is regulated by the Law of Associations and Foundations as well long term agreement between CA and LJTC on specifics regarding the training provision on national and international level.

On average it is up to 15 trainees per year in both general and administrative jurisdictions.

### Access to the initial training

After the selection of candidates for judges position and as soon as the Parliament (Saeima) voted for the candidates, LJTC is allowed to start the training program. There is no additional or specific selection procedure as it is already done by the Selection Committee. There is only one route to enter the Judiciary – passing all the levels of the selection and being approved by the Parliament.

Initially judges are appointed for the period of 3 years.

### Format and content of the initial training

Training program for newly appointed judges is built from the previously developed more extensive program for candidates to the judges' position.

However, the new program targets five main judicial responsibilities of a judge:

**To prepare the case for the hearing** (includes content on - court proceedings on civil cases and criminal cases, case management, qualitative court decision, personal leadership, judicial ethics, the role of a judge, etc);

**Leading a court hearing** (includes content on - case management, court proceeding, personal leadership, presentation oratory skills, emotional and social intelligence, argumentation and critical thinking, moot court on civil and criminal cases, moot court led by the Senators of the Supreme court, basis of a mediation process) etc.;

**To write a court decision** (includes content on - court proceedings on civil cases and criminal cases, case management, qualitative court decisions in civil and criminal cases, etc.;

**To ensure effective collaboration and communication** (includes content on: discussion on the role of a judge in 21st century, court proceedings on civil cases and criminal cases, case management, qualitative court decisions in civil and criminal cases, meeting judges for other instances and the Constitutional court, other legal professions, personal leadership, presentation skills, emotional intelligence, moot court, legal ethics, discussion with young judges on their experience on the first year of service, team building, how to develop a plan of personal development, etc.)

**Understand the role of a judge, specifics of the profession, limitations and responsibilities** (moot court on civil and criminal cases, emotional and social intelligence, legal ethics (deontology) and specifics of judicial ethics, the role of a judge and expectation of the society and the state.

Program is organized also to support **development of competencies** defined for the members of judiciary:

values and ethics;

analytical and conceptual mindset;

readiness to learn and being open for personal development;

ability to make decisions and take responsibilities;

communication and ability to collaborate;

ability to plan, organization and elasticity.

Most of the training is ensured by **judges – trainers** who are trained on the training methodologies and techniques. LJTC ensures full support to the training while developing/updating programs and during the training, especially if the training is ensured on line. LJTC ensures that **judges-mentors** who are trained to do the mentorship are also supported meeting on a regular basis and discussing challenges. Mentor is available from the first day of the service. While mentors are supporting young judges in addition, **professional supervision** is also offered that helps young judges to deal with the nontypical situations, issues with the colleagues and staff or deal with the impact of very difficult cases.

Some of the training (I.e, on the Court information system, data protection and privacy, internal HR systems, etc) is provided by specialists from the Court Administration.

**EU law** is integral part of the training on specific matters, **cross border topicalities, human rights and fundamental rights** are provided as additional topics during the first year of service. Additionally it is encouraged to follow the self- learning programs also offered in-house and other international training providers (for example, HELP).

The program is complimented by the **internships** organized by each court where the judge is being appointed. The program will be further developed to ensure that the internship takes place also in the appellate courts and the Constitutional court and other offices of legal professions (for example, prosecution service for criminal case judges).

LJTC as a member of the **EJTN** since 2004 ensures regular participation of Latvian judges in the programs like **AIAKOS** and **THEMIS**, programs specifically targeted to the candidates for judges position and newly appointed judges.

To support teams for the THEMIS competition LJTC offers training on oratory skills, legal language, presentation skills, support of a tutor, etc.

Training of **legal languages is not provided** on national level as a part of the training program however, EJTN offered training on legal terminology is highly appreciated not only by young judges.

The most part of the training program (200 academic hours /AC, 1 AC is 45 minutes, summative length is 2, 5-3 month) is provided as **intensive part at the beginning of the service**. After the first part of the training program, evaluation of the specific training needs, taking into consideration the specialization, is offered *asap*. The full profile of the trainee is developed along with the individual personal development plan. **The program is organized the way that encourages a trainee to take the full responsibility of the professional development and regular training.**

#### Termination of the initial training and qualification process

There is **no termination policy** as the judicial system does not require testing or examination after the program is completed.

When selecting and approving new judges, the judiciary does not foresee termination of training during training. Examination or testing and retesting is not performed. Assuming that the selection committee has approved the best of candidates for the post of a judge, inclusive and interactive training is provided both in the form of seminars and in a learning at work (in the form of an internship), the new judge is guaranteed quality preparation for the job. The new judge is approved for a probationary period of 3 years.

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### Initial training of judges in the European Union - Lithuania

#### General description

The initial training is compulsory for every newly appointed judge in the Republic of Lithuania. This type of training is organized for all new judges collectively: ordinary and administrative judges attend this training at the same time.

Prior to the implementation, training programmes are composed (in accordance to training needs assessment) by the National Courts Administration of the Republic of Lithuania, coordinated with the Committee of International Relations and Training of the Judicial Council and submitted for the approval by the Judicial Council. After the training programmes are approved, the National Courts Administration organizes the initial training.

The number of participants attending such training depends on the number of new judges appointed that year. Usually, the number is no less than 5-8 judges a year. Normally, the initial training is organized twice a year. However, if a higher number of judges is appointed on particular year, more initial training sessions may be organized to meet the increased demand.

#### Access to the initial training

The training is compulsory; therefore, each newly appointed judge must attend the training withing a year of his/her appointment.

#### Format and content of the initial training

The initial training is a 5-day long training that includes topics on soft skills. Law related trainings (including training on the EU law) are accessible to the newly appointed judges (alongside all other judges) through the regular training schedule, organized in accordance to the programmes approved by the Judicial Council, alongside other judges.

#### Termination of the initial training and qualification process

Due to the fact that in Lithuania a person is appointed (becomes) a judge only after passing examinations with highest marks, there are no subsequent examination after the initial training programme is implemented.

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### Initial training of judges in the European Union - Hungary

#### General description

Trainings organized by the National Office for the Judiciary (OBH) include initial trainings before becoming a judge and the preparatory training for newly appointed judges. All the trainings organized for court staff i.e. trainee judges, assistant judges and judges appointed for a fixed term are compulsory.

Trainings are organized according to judicial fields: civil, criminal, administrative and labour law. The trainings include components of EU law, rule of law and the Charter of Fundamental Rights, the practical modules facilitate the acquisition of the judicial profession.

The president of the National Office for the Judiciary is responsible for the trainings and provide the initial trainings through the Hungarian Academy of Justice.

 [Magyar Igazságügyi Akadémia | Magyarország Bíróságai \(birosag.hu\)](https://www.birosag.hu)

#### Number of participants in the initial training 2021

Training	trainee judges (person)	assistant judges (person)	judges appointed for a fixed term (person)
Civil law	64	40	23
Criminal law	63	0	19
Mixed	47	0	0
Soft skill	18	17	7
<b>Sum:</b>	<b>192</b>	<b>57</b>	<b>49</b>

#### Access to the initial training

Participants are selected through an application process. They should obtain the approval of their employer at the court where they work, as well as the Hungarian Academy of Justice.

#### Format and content of the initial training

The aim of the trainings of trainee judges is to help to prepare for their professional exam and to give a strong basic knowledge in the preparation for the judicial career.

The training of **the trainee judges** is divided into four modules:

Civil law (procedural and material law)

Criminal law (procedural and material law)

Administrative law, labour law, constitutional law, EU law

Development of competences for the judicial work

All the modules are compulsory for trainee judges.

There is an e-learning training for the criminal field that includes material law, procedural law and penitentiary law. It consists of 13 e-learning lectures that are partly interactive, so the participant can only continue with the learning material if the answers are correct for the questions raised by the lecturer and the professional supervisor.

There is an e-learning training for the civil field that includes material law, procedural law and economic law. It consists of 13 e-learning lectures two of which are interactive, so the participant can only continue with the learning material if the answers are correct for the questions raised by the lecturer and the professional supervisor.

There is an e-learning training for administrative-labour field that includes constitutional law, administrative, labour and EU law. It consists of 16 lectures. 11 lectures are interactive, so the participant can only continue with the learning material if the answers are correct for the questions raised by the lecturer and the professional supervisor.

The trainers are judges of the judicial organization, the trainer of the competence development is a professional psychologist.

The primary aim of the training of **assistant judges** is to widen their knowledge in terms of the cases that they could handle individually, as well as the preparation for the judicial career.

The training of the assistant judges consists of trial practice and competence development. Participants are assistant judges who want to become judges.

The trainings are compulsory for them.

The trainers are judges of the judicial organization, the trainer of the competence development is a professional psychologist.

#### **Trainings for judges appointed for a fixed term**

The aim of the training is to support the judicial work in a practical method, to widen their professional knowledge, as well as to provide a platform to discuss the questions that arise during the initial phase of the adjudicative work.

Components:

Civil and Criminal material law

Civil and Criminal procedural law

Competence development

The training is compulsory for the judges that are appointed for a fixed term. The training should be completed in the year before the judicial examination.

The trainers are judges of the judicial organization, the trainer of the competence development is a professional psychologist.

In order to promote the acquisition of international experience, the introduction to different legal backgrounds and the practical implementation of EU law, the National Office for the Judiciary (OBH) organizes short-term international trainings, provides the opportunity to join exchange programmes and becomes partner in different training projects in order that at least 5 % of the appointed judges as well as future judges could take part in cross-border trainings.

As a member of EJTN and supporter of ERA OBH disseminates their trainings, exchange programmes and study visits according to the training catalogues of the two institutions. There are grants provided by the president of OBH for judges and assistant judges, and trainee judges for the European Court of Human Rights, The Court of Justice of the European Union, and 5 months of internship at the Academy of European Law.

#### **Termination of the initial training and qualification process**

The trainings are not concluded with an exam. The National Office for the Judiciary ensures through the Hungarian Academy of Justice that the trainee judges, assistant judges and judges appointed for a fixed term have access to the recommended and compulsory trainings and the e-learning training material.

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### **Initial training of judges in the European Union - Netherlands**

#### **General description**

The initial training for judges is compulsory for any person that is aiming to become a judge. Once the trainee judges are given the green light by the selection committee, entrants to the initial judicial programme will complete an intake at the court where they will work. Here, The length of the programme will be determined in consultation with SSR

in consultation with SSR, the length of the programme will be determined (at least one year and three months, at most four years, depending on knowledge and experience) and the work-training environments will be selected in which the trainee judge will work first. When a judge trainee has completed the training, he or she will be appointed as an 'allround' judge, which means they can work in any department of the court (civil, administrative, criminal, family law etc).

The training of judge trainees is provided by the courts, in collaboration with SSR. Most of the training is done in the work-training environment, where judge trainees will be coached by practical trainers, who will guide them and give them feedback. Furthermore, on one day a week, under the supervision of a core trainer at SSR, attention will be paid to the learning process and to the courses the judge trainees take. The [statutory](#) can be found on the website of the Council of the Judiciary.

A new group of judge trainees starts every three months. A maximum of 130 judge trainees p/year enter the programme. In 2021, 83 judge trainees successfully accomplished their training. At the end of 2021 248 judge trainees were in training.

#### **Access to the initial training**

Candidates for the training programme must of course be graduated as a master in law and have completed a specific package of courses in preparation of a profession in litigation or the judiciary. Also, they have to have at least two years of relevant legal experience outside the judiciary. The selection of the candidates is executed by the national selection commission for judges (LSR) in cooperation with the courts. The selection procedure consists of six steps. First, there is a letter selection. For every vacancy, five letters will be selected by the administrator or president of the court and a member secretary of the LSR. This process is guided by a score form. Subsequently, the assessment firm LTP will carry out an analytical test. Components of this test are verbal reasoning skills, critical thinking skills and abstract thinking skills These tests, which have been assessed by the Dutch Committee of Tests and Testing (COTAN) or a similar institution, determine whether a candidate performs above average in terms of analytical skills and that they are demonstrably free of cultural prejudices. Components of the analytical tests are verbal reasoning skills, critical thinking skills and abstract thinking skills.

After the candidates have passed the analytical tests, the courts nominate them for an interview. The courts are then sent the application form and two references for each of the candidates. The candidates are invited by the court for an interview during pre-planned meetings of the local selection committee and the management board. After the interview, no more than three candidates per vacancy may continue with the procedure and proceed with the assessment. At the assessment centre, a university graduate in psychology will have a structured interview with the candidate and the candidate will be tested with personality questionnaires (including a dilemma test), discussion simulation and role playing. The test assesses whether the candidate has the competencies required for being a judge, or has the potential to develop them during the training course.

Subsequently, the candidates will go to the final interviews. These interviews are performed by the national selection committee. The candidates will have three final interviews with different interviewers on three topics. Afterwards, the results of these interviews are deliberated by all interviewers. The committee is instructed in terms of interviewing techniques and interpreting the assessment report. After the final interviews have been conducted, the candidates who have been given the green light are presented to the courts. The courts decide which candidate (or candidates) they wish to appoint and they pass this information on to LSR. Nominations for remaining 'green light candidates' are put forward to the other courts (if possible).

#### **Format and content of the initial training**

In the preliminary phase, the trainee judge will take part in a work-training team in the jurisdiction in question, in which the trainee judge will develop his/her own direction and competencies, transcending the boundaries of the work-training environments. At the end of the preliminary phase, the trainee judge will complete a self-evaluation and a personal learning plan.

Subsequently, the main phase of the programme will commence (minimum of one year, maximum of three years and nine months). The main phase will be completed within two or three work-training environments within the court, depending on the length of the programme and the personal learning plan. In this regard, it is possible to switch between courts and appellate bodies. Supervision will be provided by practical trainers. Furthermore, on one day a week, under the supervision of a core trainer, attention will be paid to the learning process, the portfolio and the learning plan, as well as to research projects and the competencies that transcend the work-training environments. The supervision provided by the practical and core trainers focuses purely on learning, not assessment. The trainee judge will also complete the following internships: society, European/international, courts/appellate bodies and a brief/extended internship at the Public Prosecution Service if a criminal-oriented work-training environment is selected. Every three months, the core trainer, the practical trainer and the trainee judge will assess and update the personal learning plan. Upon completion of each work-training environment, a transfer evaluation will take place with the trainee judge, the core trainer and the practical trainer.

An international internship is compulsory for judge trainees. This internship varies in length from participation in the EJTN-programme of AIAKOS to an internship of a year in Strassbourg at the European Court of Human Rights. Furthermore, the course 'The European Judge' is part of the programme for judge trainees. During the work-training environments, judge trainees will attend courses that relate to European law, for example European civil or administrative law.

#### **Termination of the initial training and qualification process**

Assessment on the new initial judge/justice programme has been devised on the basis of trainee judges' taking responsibility for their own programme and on there being a stimulating learning atmosphere, and also the support of training input from courts themselves and supervision provided by the core trainer. Candidates will be assessed by a board of examiners on the basis of an interview and a portfolio which trainees are responsible for compiling themselves. The portfolio must include a number of compulsory pieces of evidence and another part of it can be filled as the candidate chooses to. A stimulating learning atmosphere requires a programme to take place in a secure setting and the assessment to enable trainee judges to develop as well as possible and build on their talents. We stick to this basis as much as possible by keeping teaching and assessment as separated as possible and making assessment transparent and objective. This allows the trainer to focus fully on the role of coaching and developing the trainee judge. The practical trainer and core trainer do provide input for assessment: they are required to complete a number of feedback forms and evaluation forms every three months for the portfolio and issuing approval of the contents of the portfolio. In order for the system of assessment to be transparent and objective, it must have clear assessment criteria, a clear procedure and as much consistent reliability amongst assessors as possible. This necessitates training of assessors and guidance from a specialist expert from SSR. This also benefits the quality of the assessment. Furthermore, the programme structure also ensures that candidates are not assessed more than is conducive to assessment from a legal perspective. The system described here – which combines fixed assessment times and supplementary assessment on request – meets that objective. The assessment system therefore has trainee-focused flexibility wherever possible and also supports didactic innovations in competency development.

The first interim assessment occurs at the end of the first twelve months of the programme - i.e. following nine months of training experience in a work-training environment (after the three-month preliminary phase). This assessment will focus on the question of whether the trainee judge fundamentally possesses the competencies needed to be a judge, and whether the trainee displays sufficient development. If the individual's programme lasts three years or more, a second interim assessment will follow around half way through the remaining duration of the programme. If required, the board of examiners may decide to recommend a subsequent additional assessment, not indicated in the personal learning plan submitted to the court board. In all cases, the programme will conclude with a final assessment to examine whether the trainee judge is able to function independently as a new judge. It will assess whether or not the trainee judge satisfies all of the final attainment levels. The above system ensures that candidates are not assessed more than they need to be, which supports the use of assessment as a legal instrument. This helps maintain a division between training and assessment. It also has benefits for a stimulating learning atmosphere, for the desired degree of flexibility and the programme's appeal.

This programme does not include any purely legal knowledge tests. That is because such tests would not tally with the basic assumption that trainee judges themselves are responsible for their own course, and possessing adequate legal knowledge is obviously a major part of that. The programme is structured on the assumption that trainees on the programme hold the necessary legal knowledge – or will acquire it at the start of each work-training environment. The assessed final attainment levels also include legal knowledge, which has to be demonstrated within the practical work carried out. It should therefore be emphasised that trainee judges must ensure that their level of legal knowledge is not a factor which will obstruct their progress in the programme as a whole.

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#### **Initial training of judges in the European Union - Austria**

##### **General description**

The Austrian judiciary is in charge of the initial training of **ordinary judges and public prosecutors**. The following explanation only refers to these groups of legal professionals.

The initial training phase for judges and public prosecutors in Austria is **mandatory** and organized as well as carried out by the Presidents of the four Higher Regional Courts (Vienna, Graz, Linz, and Innsbruck). In Austria, unlike in some other countries, there is no Judicial School or Academy, but rather a decentralized training approach.

Trainee judges and prosecutors undergo the same **4-year long initial training**; there is no specialization during this phase.

The basic elements of the initial training are defined by the [EU Act on Judges' and Prosecutors' Service Law](#) and by the [EU Training Regulation for Trainee Judges](#).

The specific design and content of initial training is determined by the Presidents of the four Higher Regional Courts.

As of 1st of July 2021 there were 180 trainee judges and public prosecutors.

#### **Access to the initial training**

After graduating from law school, every graduate is entitled to undergo the seven-month long "court internship", which is a legal requirement for practicing a "classic" legal profession (i.e. judge, public, prosecutor, lawyer, and notary). When applying for the court internship, applicants are required to declare if they seek for admission to the judicial preparatory service (i.e. becoming a judge or public prosecutor). A retroactive declaration is possible under certain circumstances.

The selection procedure for the admission to the judicial preparatory service is run by the competent Higher Regional Court, based on the place of residence of the applicant.

The court internship consists of two- to three-month long assignments to different ordinary courts dealing with civil and criminal law matters.

After the first assignment, every applicant must undergo a test in front of the president of the competent Regional Court, covering the subjects of his/her past assignment. If the applicant passes the test, he/she is entitled to participate in the next round of the selection procedure.

The second round consists of two written exams on civil and criminal law, where the applicants have to draft a court decision based on an actual court file.

The duration of these exams is five hours each. The draft decisions are evaluated by judges or by public prosecutors involved in the initial training.

Those applicants, who pass the second round, advance to the third round consisting of four oral exams (civil law, civil procedure, criminal law, criminal procedure) also in front of judges involved in the initial training.

All applicants, who have passed the previous selection rounds, are invited to an interview in front of the president of the competent Higher Regional Court, as well as a representative of the Senior Public Prosecutor's Office and of the Association of Austrian Judges.

The president of the Higher Regional Court then nominates the selected applicants to the Federal Ministry of Justice, based on the results of the selection rounds as well as the standardized written assessments drafted by the judges in charge of training during the court assignments.

Finally, the Federal Ministry of Justice invites the nominated applicants to a final interview.

The Federal Minister of Justice then appoints the selected applicants as trainee judges and prosecutors.

All exams and interviews mentioned before can only be taken once; the entire selection procedure lasts approx. 14 months.

When necessary, fully trained lawyers are invited to apply for an open position of a trainee judge. They have to undergo an adapted initial training phase and a supplementary exam.

#### **Format and content of the initial training**

The initial four-year long training phase follows an on-the-job-approach. That means that trainee judges and prosecutors are assigned to a court or a public prosecutor's office at any time of their initial training.

Their main task is to assist their respective training judge or public prosecutor by drafting judicial decisions, conducting hearings, representing the public prosecutor's office during trials etc., all under the supervision of the respective trainer judge or prosecutor.

These assignments last two to four months each and cover courts of all instances (i.e. District Courts, Regional Courts, Higher Regional Courts, etc.), public prosecutor's offices but also law firms.

In addition to these court assignments, all trainee judges and prosecutors undergo a two-week assignment at a victim protection organization as well as a three-week assignment at a penitentiary.

Additionally, all trainee judges and prosecutors complete theoretical classes covering civil law, criminal law, family law, EU law, administrative and constitutional law, judicial, soft and digital skills etc.

Furthermore, every trainee judge and prosecutor has to complete curricula on Human and Fundamental Rights as well as Austrian History of Justice.

Theoretical classes consist of presentations, group works, workshops etc. In legal matters, mostly judges and public prosecutors are being used as trainers.

For soft skill training the Austrian judiciary mostly relies on experts from the respective branch.

In addition to the national training program, trainee judges and prosecutors are invited and encouraged to take part in international training activities, such as those provided by EJTN and ERA.

#### **Termination of the initial training and qualification process**

The final exam takes place in the last four months of the initial training phase (Art. 20 RStDG, see Link in question 1.). It consists of two written exams (civil and criminal law), in which the trainee has to draft one decision each based on actual court files during a ten-hour period. In addition, the final exam consist of an oral exam in front of a commission involving four judges/public prosecutors (one of them is the president of the competent Higher Regional Court) and a lawyer. The oral exam covers criminal law, criminal procedural law, civil law, civil procedural law, commercial law, constitutional law, human and fundamental rights, the basics of administrative law, conduct of hearings, service law, and European law. The oral exam is not public and lasts for at least two hours. The exam can be repeated once.

After the positive completion of the final exam and of four years of initial training, the trainee judge is eligible to be appointed a judge or public prosecutor. For this purpose, the trainee has to apply for an open position. All applicants are ranked by one or two committees (depending on the position they have applied for) consisting of peer-elected judges, based on their suitability for the respective positions. The committee submits a ranked shortlist of three applicants per open position to the Federal Minister of Justice, who appoints the judge or public prosecutor according to the shortlist.

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### **Initial training of judges in the European Union - Portugal**

#### **General description**

Initial training for judges (judicial courts and administrative and tax courts) and public prosecutors (PPs) is provided by a national institution: CEJ (Centre for Judicial Studies). It is the only institution with such mission. Among other competencies, CEJ is also responsible for promoting legal and judicial training aimed at lawyers, solicitors and agents from other professional justice sectors.



On initial training there are two categories of trainees: trainees to become judges or prosecutors from ordinary courts and tribunals, and trainees to become judges from administrative and tax courts. The recruitment to these two categories is different on substance and on procedure, but in general the competition run at the same time.

Trainees are called *auditores de justiça*.

Initial training is mandatory.

The mandatory nature of this training is provided for in the rules of the professional statutes for judges and public prosecutors. In both legal texts it is stated that it is a requirement to enter the judiciary or the Public Prosecution Service, to have successfully attended training courses or internships (see Article 40 d) of the [Estatuto dos Magistrados Judiciais](#) (EMJ – Judiciary Statute) and Article 146 d) of the [Estatuto do Ministério Público](#) (EMP – Public Prosecution Statute)).

Since its creation in 1979, CEJ already trained 4891 judges and prosecutors. At this time, in the initial stage (first year) of the training course that lasts for almost three years, 135 trainees are being trained (40 judges and 65 PPs for ordinary courts, and 30 judges for administrative and tax courts). A similar number is now at the second stage.

In addition it must be said that two competitions for admission to the CEJ as trainees (*auditores de justiça*) are now running for more 105 candidates for judges and PPs of ordinary courts and 20 judges of administrative and tax courts. Both competitions are almost finished. The first training course is scheduled to start in mid-April and the latter in mid-September.

#### **Access to the initial training**

Entry into the training of judges and public prosecutors is done through public tender, published in the *Diário da República* (DR) and involves various selection methods.

The public tender is announced by the Director of CEJ. It aims to fill vacancies in judicial courts (judges and public prosecutors) or to fill vacancies for judges in administrative and tax courts (TAF).

Those who are interested can apply in two ways:

*Academic qualification* – the applicant shall hold a degree in Law for five years or less, provided that it is complemented, in this case, by a Masters or PhD in the field of Law obtained at a Portuguese university, or by equivalent academic degrees recognized in Portugal (article 5(b) of Law n.º 2/2008, of 14 January, in conjunction with article 40(c) of the *Estatuto dos Magistrados Judiciais* (EMJ – Judiciary Statute) and article 146(c) of the *Estatuto do Ministério Público* (EMP – Public Prosecution Statute));

*Professional experience* – the applicant shall meet the requirement for the academic path, plus have professional experience, in the forensic area or in other related areas, relevant to the exercise of the functions of a magistrate, with an effective duration of not less than five years.

In addition, to be admitted to the contest, whichever way is applied, the applicant must: be a Portuguese citizen or a citizen of Portuguese-speaking States with permanent residence in Portugal, with a recognized right to exercise the functions of a magistrate under the terms of the law and under conditions of reciprocity; and meet the other general requirements for the provision of public functions.

In the contest to fill vacancies in the judicial courts, for each magistracy (judicial and the Public Prosecutor's Office), an admission quota of 25% is reserved for each of the two admission routes.

In the contest to fill vacancies for TAF judges, an admission quota of 25% is reserved for each of the two admission routes.

Candidates are selected by the following methods, all of which are eliminatory: Written phase; Oral phase; and a Selection psychological exam.

#### **Format and content of the initial training**

The initial training of magistrates (judges and public prosecutors) for all courts comprises a theoretical-practical training course, organized in two successive cycles, and an internship (*estágio*).

The 1st cycle of the theoretical-practical training course takes place at CEJ headquarters, without prejudice to short-term interim internships in the courts.

This cycle begins on the 15th of September following the entrance exam and ends on the 15th of July of the following year.

The 2nd cycle of the theoretical-practical training course takes place in the courts of law for within the scope of the chosen profession (judges or public prosecutors) For PPs also Prosecution Service Departments. It starts on 1 September following the end of the 1st cycle and ends on 15 July of the following year.

The internship (*estágio*) also takes place in the courts, within the scope of the chosen judiciary. It starts on 1 September following the end of the 2nd cycle and ends on 15 July of the following year.

These time-frames can be changed by law and sometimes are to respond to urgency needs.

The theoretical-practical training course has as its fundamental objectives to provide trainees with the development of qualities and the acquisition of technical skills for the exercise of the functions of a judge in judicial courts and in administrative and tax courts and as a public prosecutor.

The CEJ training activities are delivered in the 1st cycle at CEJ, by lecturers from civil, criminal, labour, family, administrative and tax jurisdictions and external trainers.

The initial training activities are developed according to a Study Plan prepared in advance by the Director and is subject to approval by the Pedagogical Council of the CEJ. This council, chaired by the director of the CEJ, comprises representatives of the Superior Councils of the Judiciary, Public Prosecution Service, lecturers of CEJ, Bar Association and Parliament. One of its main competences is to approve the study plan for theoretical-practical training courses. During the theoretical and practical stages, training is supported by an online e-learning platform (Moodle) and all training documentation and essays are managed via that platform.

The study plan comprises matters of:

*general training* (Fundamental Rights and Constitutional Law; Ethics and Deontology; Judicial Organization; Methodology and Legal Language; Information and Communication Technologies; Case law of the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU) on fundamental rights; Organization and Methods of Case Management; Foreign Languages (legal approach, English language is the chosen);

*specialized training* (European and International Law; Competition Law; Accounting and Management; Forensic Psychology and Forensic Sociology; Environment and Urban Law; Electoral Law; Public procurement; Non-contractual Liability of the State and for trainees of administrative and tax courts Substantive and Procedural Administrative Law; Forensic Medicine; Criminal Investigation and Inquiry Management; and

*professional training* to ordinary courts (Civil and Commercial Law and Civil Procedure; Criminal Law and Criminal Procedure; Family and Children's Law; and Labour Law) and to administrative and tax courts (Administrative Law and Administrative Procedure; Tax Law and Tax Procedure; Civil Law and Civil Procedure).

Training classes and activities run in working groups (around 15 trainees each) according the methodology as follows:

Case discussion;

Case law discussion;

Presentations by trainees;

Mock Trials;

Study visits (e.g., Supreme Courts, Prosecutor General's Office, prisons, police departments, foster care institutions, etc);

Research activities;

Conferences and workshops; and

"Mid-term" traineeship up to four weeks (taking place in courts).

In the 2nd cycle and in the traineeship phase in the courts, training activities are delivered by regional coordinators of the judiciary, the Public Prosecutor's Office and the TAF and by magistrates who train the judiciary, the Public Prosecutor's Office and the TAF.

#### **Termination of the initial training and qualification process**

The trainees enter the CEJ ranked with the score of the entrance exam tests.

This graduated list serves only as a tie-breaking factor in the attribution of the assessment grades in the end of the 1st and 2nd phases (Article 47, paragraph 1, 1st part, and 57, paragraph 2, of the [Law No. 2/2008, of January 14th](#) (consolidated version).

This assessment of trainees is carried out by the CEJ, according to the global assessment model, considering the performance throughout the 1st and 2nd phases of the training period, and taking into account all the work carried out, the performance of the trainees and the evolution of the training activities.

The final grade of the 2nd cycle is weighted, with the grade of the 1st cycle being 40% and that of the 2nd cycle 60%.

If the trainee is scored with at least 10 out of 20, he/she is appointed by the respective superior council as intern judge (*juiz estagiário*) or intern public prosecutor (*procurador da República estagiário*), benefiting from the professional status of judge or prosecutor, with the respective rights and duties, but being assisted, during this last phase, by a tutor.

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### **Initial training of judges in the European Union - Romania**

#### **General description**

The initial training of judges and prosecutors is carried out by the National Institute of Magistracy (NIM) and it is compulsory for the judicial trainees. The number of available places is decided annually by the Superior Council of Magistracy (SCM), based on the needs of the judiciary. In 2021 there were 300 positions open, of which 175 of judges and 125 of prosecutors and the competition is currently ongoing.

Initial training lasts for two years, according to the law, but it is only at the end of the first year of studies that judicial trainees opt for their profession – that of a judge or prosecutor. In the first-year initial training is therefore generalized, as all judicial trainees follow the same curricula and are submitted to the same evaluation process, regardless of their future profession. During their second year of studies judicial trainees are being provided specialized training, mainly in courts and prosecutors' offices, according to their option.

The National Institute of Magistracy is a **professional school** and not an extension of the university studies. Therefore, the initial training within the NIM concerns mainly the applied skills and not only the acknowledgement of law provisions/texts.

The judicial trainees are therefore trained in order to know, for example, how to conduct a court/criminal prosecution stage hearing, to examine the evidence brought by the parties to the court, to understand the psychology of different types of litigants, to easily analyse a file and to draft a decision or any other jurisdictional act.

#### **Access to the initial training**

The access to the initial training is granted exclusively through NIM admission competition, organized by SCM, through NIM, and it is based on professional competence, skills and good reputation.

NIM admission contest is addressed to law graduates holding a bachelor's degree, regardless of age or previous professional experience, and includes 4 stages:

an exam verifying the legal knowledge through a multiple-choice test, in order to make an objective and efficient first selection;

a written exam aiming to assess the ability to process and correlate information, to interpret and apply the law, to argue in writing, proving a logical and correct reasoning;

a psychological exam, comprising a written test and an interview, in order to determine whether the candidates are psychologically able to exercise the profession;

an oral exam, consisting of an interview that verifies not only the knowledge but also the skills, abilities, motivation and human qualities of the candidates for such a profession.

The accepted candidates acquire the quality of judicial trainees and follow the NIM initial training program, completed with the NIM graduation exam.

There are no alternative routes of access to the initial training. However, one can also join the ranks of magistracy by the following means:

by competition for admission to the magistracy, organized by SCM, through NIM – addressed to persons holding a degree in law and at least 5 years of experience in certain legal positions provided by the law. The accepted candidates acquire the quality of judge or prosecutor and they have the obligation to attend a professional training course within NIM, for 6 months;

without competition or exam, within a procedure carried out by SCM - for persons having held before the position of a judge, a prosecutor or an assistant magistrate for at least 10 years, who have ceased their activity for reasons not attributable to them, in order to fill vacant positions in courts or prosecutor's offices.

#### **Format and content of the initial training**

The initial training of judicial trainees takes place over a period of two years, the first year being dedicated to theoretical and practical training through courses and seminars held at the Institute, and the second year mainly to internships in courts and prosecutor's offices.

The initial training program is approved annually by the Plenary of the Superior Council of Magistracy, at the proposal of the National Institute of Magistracy which elaborates this program and submits it for the analysis of the Pedagogical Council and of the Scientific Council.

The curricula for the first year includes the fields of study, the number of courses and seminars related to each field, as well as the assessment methodology. The curricula for the second year provides the practical training internships.

The training of judicial trainees is being performed by the training staff of the Institute usually selected from among the acting judges and prosecutors. Full-time trainers, seconded to the National Institute of Magistracy, and collaborating trainers are organized in departments according to the training fields they are specialized in.

The trainers develop the curriculum related to each field that include the topics and sub-topics, the number of hours allocated to each of them, the training methodology as well as the details regarding the assessment of the judicial trainees.

The practice coordinators are judges and prosecutors from courts and prosecutor's offices who guide the activity specific to the practical training during the second year.

#### **First year of studies**

The activity of judicial trainees, organized in groups of 15 – 17, is carried out mainly at the NIM headquarters, where they attend courses and seminars provided by the initial training program, in order to extend their legal knowledge and to develop skills specific to the profession of judge and prosecutor. At the NIM, the study of law is mainly practical, reproducing, as much as possible, the real conditions in which a magistrate carries out his/her activity. It comprises case studies, carried out in small groups, under the guidance of the practitioners who have drawn up the documents. The seminars also include practical activities, such as record study, drafting of procedural documents and mock sequences.

The study of the fundamental fields (Civil Law and Civil Procedure Law, respectively, Criminal Law and Criminal Procedure Law) has a substantial importance in the curricula of the first year of studies, considering that the activity of a judge/prosecutor is based to a significant extent on knowledge specific to these fields.

In addition to the fundamental legal fields, judicial trainees also study Administrative Law, Litigation with Professionals, Family Law, Forensics, Constitutional Law, EU Law, Human Rights

The training program includes both legal and non-legal skills, grouped in a pole of disciplines dedicated to socio-human sciences, which addresses topics related to psychology, communication and personal development, sociology, critical thinking. The study of foreign languages also aims at the acquisition of knowledge and the development of non-legal skills relevant to the exercise of the profession. A significant component of the initial training program is the study of professional ethics and deontology, the purpose of this subject being to establish and acquire the behavioral and moral standards specific to the position of judge/prosecutor, both in the exercise of the profession and in relation with society, according to internal and international rules.

After graduating the first year of study, judicial trainees opt for the position of a judge or a prosecutor, according to their ranking and according to the number of available positions established by the Superior Council of Magistracy.

#### **Second year of studies**

In order to develop the necessary skills specific to the profession, acquired in the first year of studies, but also to get acquainted with the future professional environment, judicial trainees carry out their activities mainly in courts and prosecutor's offices. They are being guided by tutors/practice coordinators (judges and prosecutors), who are required to ensure that they take part in all relevant activities within a court and prosecutor's office. The tutors/practice coordinators are part of the NIM training personnel/staff.

In addition, judicial trainees undergo internships in law firms, notary offices, bailiffs' offices. They also carry out practical activity within probation departments, police stations and penitentiaries. The purpose of these internships is to provide an overview of the judiciary, as well as to get acquainted to the realities of other legal professions in order to being able to establish an effective and fruitful collaboration in their future professional life.

Throughout their initial training, judicial trainees have the opportunity to become familiar with the common European legal space, by participating in exchanges organized within the AIAKOS component of the exchange program, in the THEMIS competition of judicial schools, as well as by participating in summer schools, aimed at developing and improving the skills and competencies specific to the magistrate profession, linguistics etc.

#### **Termination of the initial training and qualification process**

After completing the initial training program provided by NIM, judicial trainees take a graduation exam which assesses the acquired knowledge, skills and abilities necessary to perform the function of judge or prosecutor.

It consists of written tests in the subjects of civil law and civil procedural law, criminal law and criminal procedural law, ethics and judicial organization.

Passing this exam ensures the NIM graduates the quality of junior judges and junior prosecutors and according to their ranking they opt for the courts and prosecutors' offices where they start their professional career.

After a probation period of one-year junior judges and prosecutors must pass a capacity exam in order to become senior/in-service judges and prosecutors. This exam assesses theoretical and practical knowledge by means of written and oral examinations. Successful junior judges and prosecutors are appointed by the President of the State as senior judges and prosecutors.

One of the major objectives of the entry level training at the NIM, is to provide the future magistrates with a comprehensive entry-level training and help them enrich their knowledge in as many as possible branches of law. The objective regarding the European and international openness of law is constantly achieved by training sessions on EU law, ECHR and European legal concepts, by inserting in the curriculum new elements of comparative law, as well as by drafting cooperation programmes with European institutions responsible with the training of judges and prosecutors and with other European judicial institutions.

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#### **Initial training of judges in the European Union - Slovenia**

The Judicial Training Center (JTC), which is a national training institution, provides professional trainings for judges, prosecutors, and state attorneys.

Trainings are provided regularly as in-service training. Regular in-service trainings are also available to legal advisors at the courts or state prosecutor's offices (who are in position to become judges or public prosecutors).

Trainings provided by the JCT are not mandatory. Only compulsory training for judges and prosecutors provided by the JTC is the 4-day training for newly appointed court presidents and heads of state prosecutors' offices.

Initial training, meaning the post-university training phase for future judges and/or prosecutors, is organized by JTC as the training for all graduates of law who wish to sit for a state legal examination. A state legal examination is required for the majority of legal professions, not only for judges and prosecutors, but also for attorneys and notaries.

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#### **Initial training of judges in the European Union - Slovakia**

##### **General description**

Pursuant to the Act No. 548/2003 on the Judicial Academy of the Slovak Republic, the Judicial Academy of the Slovak republic organize initial training on spring and in autumn of the year. The aim of this form of training is to inform judicial candidates about the development of theory and practice in the judicial

system of the Slovak republic as well as court practice in a broader European Context and teach them the skills and work habits necessary to become a judge or prosecutor.

#### **Access to the initial training**

The initial training is for candidate judges, candidate prosecutors, higher court officials and assistants of judges of the Supreme Court of the Slovak Republic. Pursuant to the Act No. 548/2003 on the Judicial Academy of the Slovak Republic § 3 is initial training obligatory and from that reason is not competitive and is open for all applicants. The information about organization is on our web site where we inform about content, lecturers and the date.

#### **Format and content of the initial training**

The training is divided in 2 parts (4 days of training). The first part covered judge statues law, judge's disciplinary accountability and judge's ethics, Governance of Office Rules and the supplication thereof, work of register and work with information system and case law of domestic and foreign courts. The second part is covered for rehearsal (training) of a non- criminal judgment and criminal judgment, participation of the public and presence of the media in the court room, court room skill practice, practical skills learning, learning of procedural aspects and habits that are necessary to take a judge's office, analysis of practical cases, provision of proper reasoning of judgments, procedure without undue delay.

#### **Termination of the initial training and qualification process**

The Judicial Academy of the Slovak Republic plan and organize two terms of professional Judicial Examinations in spring and autumn every year for candidate judges, candidate prosecutors, higher court officials and assistants of judges of the Supreme Court of the Slovak Republic in written and oral form. The oral form of the professional judicial exam is executed by the Examination Panels, which are nominated by the Board of the Judicial Academy of the Slovak republic. Members of the Examination panels as well as substitute members of Examination Panels are elected for a three – year term.

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### **Initial training of judges in the European Union - Finland**

#### **General description**

Since 2017, there has been fixed-term, i.e. three-year positions of assessors in Finland in the Courts of Appeal, Administrative Courts, the Labour Court, the Insurance Court and the Market Court for training purposes. The term may, special reasons, be extended by a maximum of two years. A person who has served as an assessor for two years may, for the remainder of his or her term, serve also in another position as a judge or referendary at the Supreme Court or the Supreme Administrative Court.

Link: [Courts Act section 18 chapter 1](#)

The Judicial Training Board shall decide on the announcement of a vacancy of the position of the assessor, re-announcement of a vacancy, extension of an application period and cancellation of the announcement of a vacancy. The National Courts Administration will take care of the practical arrangements for declaration a post and the preparation and submission of a summary of the candidates merits to the Judicial Training Board.

The number of assessors is at the moment 58.

#### **Access to the initial training**

To be appointed as an assessor, the candidate must be a Finnish citizen with integrity who has a Master's degree in law other than a Master's degree in international and comparative law, and have at least three years' experience in the duties of a judge, court referendary or draftsman, prosecutor, attorney or legal counsel or in other corresponding legal duties that can be deemed to prepare the person for the duties of a judge. A further qualification is that the person has successfully passed an examination that demonstrates knowledge of the key legislation and general principles concerning the duties of a judge. The provisions of Chapter 10, section 9 in the Courts Act apply to the proficiency of an assessor in the Finnish and Swedish languages.

Link: [Courts Act section 18 chapter 2](#)

The Judicial Training Board determines the national selection criteria related to the selection of assessors, that specifies the selection and appointment criteria in the law. According to the preparatory works of legislation ([HE 7/2016 vp. s. 119](#) (HE= government proposals, only in Finnish)) the application documents are scored on the basis of the applicant's academic success, work experience and other qualifications.

The Judicial Training Board organizes a pre-selection exam once a year in January. All applicants will take the exam. In the exam the candidate must demonstrate knowledge of the key provisions and general principles concerning the performance of the judge's duties. The pre-selection exam material usually consists of legal articles and case studies. The exam will be graded either passed or failed.

The academic success, work experience and other qualifications of the candidates, who have passed the pre-selection test, will be scored in accordance with the criteria established by the Judicial Training Board. The pre-selection of assessors will be confirmed by the Judicial Training Board, after which the courts in which the posts of assessors will be assessed, will also evaluate applicants through interviews. The courts make a nomination to the Supreme Court and the Supreme Administrative Court on the basis of pre-election and their own assessment. The assessors are appointed by the Supreme Court and the Supreme Administrative Court.

#### **Format and content of the initial training**

The purpose of training for assessors is to increase their legal knowledge and judicial competence, and to provide them a good ability to make independent judicial decisions also in extensive and complicated cases. In the course of their term of office, assessors shall participate at their training site in the training programme developed by the Judicial Training Board in accordance with personal training plans prepared for them.

Link: [Courts Act section 18 chapter 4](#)

The Judicial Training Board is responsible for planning the training programme for assessors and the National Courts Administration is responsible for organizing the training sessions included in the training programme.

Link: [Courts Act section 19 a chapter 2 subsection 2 paragraph 4](#)

The three-year training programme consists of on-the-job learning and training sessions with assignments as well as feedback and assessment. A tutor judge will be named to the assessor to guide the assessor's on-the-job learning and to act as a support and interlocutor. One of the evaluation methods for the assessor degree programme is also a learning diary to be kept throughout the whole programme.

The assessors are divided into two groups. The appellate group of the Court of Appeal consists of assessors working in the courts of appeal and the other appellate group consists of assessors working in the administrative courts and special courts.

The assessor's degree programme study guide provides among the others information on the structure of the degree programme, training sessions for assessors and related preliminary assignments.

The training sessions organized by the National Courts Administration for all assessors or groups of assessors focus on the first two years of assessment. Compulsory studies in the first year includes for example one day training in European law and one day of training in the methods of the European Court of Human Rights. The second year's compulsory studies include also one advanced training day of European law. Elective training in the second and third

years includes nine days of study identified in the assessor's personal curriculum as optional training according to the assessor's individual needs. Optional training can be completed by participating in training that National Courts Administration's nationwide training is offering. Participation in the Themis competition organized by the EJTN will also be accepted as part of the optional studies. Optional training may include up to five days of optional studies, i.e. EJTN and ERA training (excluding language courses and magistrate exchange).

#### **Termination of the initial training and qualification process**

An assessor, having served in his or her duties for the three-year minimum period referred to in section 1, subsection 1, shall submit a final paper or pass a final examination demonstrating the skills and knowledge required in judicial duties. The Judicial Training Board shall organize the examination. An assessor who has successfully completed the training programme, and whose final paper has been accepted or who has passed the final examination, may be granted the right to use the title "judicially trained". The right is granted by the Judicial Training Board on application.

Link: [🇫🇮 Courts Act section 18 chapter 6 subsection 2](#)

As a final thesis within the meaning of the Courts Act, the assessors make a portfolio designed to demonstrate the development of the assessor's skills during the three-year training programme. Portfolios are not appraised. They are checked to ensure that they include the requested performance, i.e. the reflection of the assessor's term of office, the judgement drawn by the assessor and a description thereof, and samples of the written assignments for certain days of training. The assessor will present a summary of his or her portfolio at the final seminar of the degree programme at the end of the third year. No actual final exam will be held, because it is replaced by the above-mentioned portfolio.

At the end of their term of office, the assessor may apply for other posts through the normal application procedures. The first graduates of the assessor training programme are very well employed in the judiciary. The number of assessors is so small, that in Finland the duties of a judge are still generally qualified by working in a court or other legal profession.

Further information: [🇫🇮 oikeus.fi](#) (also in English), that provides general information about the activities of the judicial authorities.

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### **Initial training of judges in the European Union - Sweden**

#### **General description**

Swedish National Administration, Judicial Training Academy is responsible for judicial training for judges and administrative judges and judicial court staff. The initial training for judges and administrative judges is compulsory. (Swedish Prosecution Authority trains the Swedish prosecutors). The links to the statutory basis are strong. The number of participants in initial training sessions is about 1000.

#### **Access to the initial training**

The duration for initial training is four years.

After finishing university which usually takes six years the initial stage is to apply for being a law clerk for two years.

The next step (for becoming a judge) is to apply to be-come a reporting clerk at a court of appeal or an administrative court of appeal. After at least one year of service at the court of appeal or administrative court of appeal, the trainee judge returns to a district court or county administrative court for a period of at least two years. Thereafter follows at least one year of service at a court of appeal or administrative court of appeal, during which the trainee is co-opted to the bench. After completing this period of probation, the reporting clerk is appointed as an associate judge. Reporting clerks and as-sociate judges are referred to as non-permanent judges.

#### **Format and content of the initial training**

Information on duration and time structure, organisation, learning content and the learning objectives, methodology and trainers used and specificities regarding EU law training, European, cross-border training components, participation in EJTN/CCBE/others activities, linguistic training.

There are 10 compulsory trainings sessions (one week each) in Stockholm. Most of the trainers are senior judges or university professors but also physicians, psychologists and experts of different fields.

The training covers a wide range of EU law topics like civil law, criminal law and horizontal law issues/specialised areas of law, administrative and social law, tax, commercial, labour, judgecraft and fundamental rights.

We provide blended learning (lectures, seminars, discussions, webinars) The training is in small groups. The average number of participants is an 20-25 per session. There is no language training.

#### **Termination of the initial training and qualification process**

Providing information on final exam, who is responsible for the exam, further recruitment procedure to become a judge/prosecutor/lawyer upon completion of the initial training.

There is no final exam, but the associates judges get grades. After being an associate judge one has to work in different fields (for example by being delegated to work with a State Ministry or as an assistant at one of the Supreme Courts) for some years before one can apply for a permanent appointment. Concerning the recruitment of permanently appointed (senior) judges incl. promotions, the National Courts of Administration is only competent to notify the vacancy. The appointment itself, however, is made by government on a proposal by the Judicial Council. Its members are appointed by government, but it is also a fully independent state authority. The council is competent for the process of choosing candidates, which, amongst others, includes asking for references from the positions the applicant held in the past years. Once the references have been given, the council sends a written statement about the applicants to the head of the court in question, who then conducts the interviews with candidates he or she considers to be eligible for the vacant post and who afterwards gives a written opinion about the candidates, incl. a ranking. The council then makes its own ranking and sends its recommendation to the government. The government is not bound by the council's recommendation, but has to seek the council's opinion in case it wants to derogate from it.

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