

DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT **C**
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



**JUDICIAL TRAINING IN
THE EUROPEAN UNION
MEMBER STATES**

STUDY



DIRECTORATE GENERAL FOR INTERNAL POLICIES

**POLICY DEPARTMENT C: CITIZENS' RIGHTS AND
CONSTITUTIONAL AFFAIRS**

LEGAL AFFAIRS

JUDICIAL TRAINING IN THE EUROPEAN UNION MEMBER STATES

STUDY

Abstract

This study describes the state of judicial training in the European Union, particularly in EU law. It presents the results of a major survey of judges, prosecutors and court staff on their experiences of judicial training. It also includes the profiles of the judicial training actors at EU level and in all 27 Member States. It contains detailed recommendations on how to overcome obstacles to participation in judicial training and to promote best practice across the EU. It was compiled for the European Parliament by the Academy of European Law (ERA) in consortium with the European Judicial Training Network (EJTN).

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AUTHORS

John COUGHLAN
Jaroslav OPRAVIL
Wolfgang HEUSEL
ERA - Academy of European Law

RESPONSIBLE ADMINISTRATOR

Danai PAPADOPOULOU
Policy Department C - Citizens' Rights and Constitutional Affairs
European Parliament
B-1047 Brussels
E-mail: poldep-citizens@europarl.europa.eu

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ABOUT THE EDITOR

To contact the Policy Department or to subscribe to its newsletter please write to:
poldep-citizens@europarl.europa.eu

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"I am sure that the "free mobility of court judgments" constitutes the "fifth constitutional freedom of the European Union". Mutual recognition of judgments can only be achieved in practice by building reciprocal trust between EU judges and prosecutors. Promoting in particular joint cross-border judicial training constitutes in my view an indispensable tool for achieving this objective."

Judge, Spain

The research team would like to express its gratitude to the persons and institutions responsible for judicial training in the Member States for their contribution to this study and to the thousands of judges, prosecutors and court staff who participated in the survey.

EXECUTIVE SUMMARY

The aim of this study is to provide an in-depth, objective analysis of judicial training in the EU Member States on EU law, the law of other Member States and comparative law, with a view to:

- mapping the current provision of judicial training in the EU in terms of the schools and institutions responsible for training;
- compiling an inventory of best practices in judicial training, especially with regard to EU law, which may be shared between jurisdictions;
- making recommendations about possible solutions to shortcomings identified in the current provision of judicial training at EU level.

The study contains:

- profiles of the judicial training actors at EU level, including organisations specifically established to provide judicial training, organisations that train judges and prosecutors in addition to their core activities and associations of judges that provide training to their members;
- profiles of the judicial training actors at national level in all 27 Member States of the European Union, including details of how judicial training is organised in each Member State, the staffing and budgetary resources devoted to it, the numbers of judges, prosecutors and court staff trained each year and other key information;
- the results of the survey commissioned as part of the study in which individual judges, prosecutors and court staff from across the European Union were asked about their knowledge and experience of dealing with EU law, their contacts with foreign judicial authorities, their evaluation of judicial training provision, and other key factors in the creation of a common European judicial culture.

An EU-wide summary of the data regarding national judicial training actors is provided, as well as EU-wide summaries of the results of the survey of judges and prosecutors on the one hand and of court staff on the other.

The study includes a comparative assessment of the information and data gathered and makes recommendations of best practice and possible solutions for existing shortcomings in judicial training.

Knowledge and experience of EU law

KEY FINDINGS

- **The battle to persuade judges and prosecutors of the relevance of EU law for their work seems largely to have been won:** there is a high degree of awareness of the relevance of EU law across all Member States and there is an overall impression that the number of cases involving EU law is rising.
- **The knowledge of how and when to apply EU law, in particular the use of the preliminary reference procedure, is still lacking:** three fifths of judges across the EU said that they do not know how to refer a question to the ECJ at all or that they only know to a minor extent how to do so.
- **A significant number of judges and prosecutors turn to EU online databases** (e.g. Eur-Lex, Curia) for support in finding out or understanding the

applicable law in cases with an EU law dimension. **Fewer turn to the European Judicial Networks in Criminal and in Civil and Commercial Matters**, which are relatively poorly known even among judges specialised in those fields.

KEY RECOMMENDATIONS

➤ To Member States and their judicial authorities

- Enable judges and prosecutors to conduct internships at the EU courts and other EU institutions or at other Member States' courts
- Provide sufficient internship places for judges and prosecutors from other Member States
- Provide judges and prosecutors with regular updates on developments in EU legislation and case law
- Promote the use of EU online databases at national level

➤ To the European Union and its institutions

- Offer internships at the EU courts and other institutions
- Provide (or provide funding for) an e-mail bulletin or newsletter with regular updates on developments in EU legislation and case law
- Ensure that EU online databases (e.g. Curia, Eur-Lex, European Judicial Atlas) are available in all EU languages
- Promote the use of EU online databases at national level
- Promote awareness of the European Judicial Networks

Knowledge of languages

KEY FINDINGS

- **88% of judges and prosecutors who responded to the survey knew another EU language** in addition to their principal working language, of whom 81% cited English, 40% French, 17% German and 10% Spanish.
- While most judges and prosecutors know at least a little of another EU language, **only a relatively small number know it well enough to be able to participate actively in judicial training** or to use it professionally. Language barriers constitute a major obstacle to participation in European judicial training programmes.
- **English** is both the **most widely known** foreign language among judges and prosecutors and also the **most proficiently spoken**.

KEY RECOMMENDATIONS

- **To Member States and their judicial authorities**
 - Remove restrictions on participation in training based on proof of linguistic skills
- **To national judicial training actors**
 - Make language training available to all judges, prosecutors and court staff
- **To the European Union and its institutions**
 - Provide funding for language training
 - Provide funding for multilingual training
- **To EU-level judicial training actors**
 - Make language training available to all judges, prosecutors and court staff
 - Offer more multilingual training programmes

Access to judicial training

KEY FINDINGS

- Judges, prosecutors and court staff face a number of obstacles to participating in continuous judicial training programmes. **These obstacles must be overcome if the number receiving training in EU law is to be increased.**
- **The most significant obstacle** to participation in continuous judicial training **is the organisation of the justice system itself**, which inhibits participation in training because the caseload of training participants is not reduced and they are not replaced during their absence.
- Other significant obstacles to participation in judicial training programmes include:
 - **Lack of information** about the training programmes available;
 - **Short notice** of when training programmes will take place;
 - **Lack of places**, particularly for judicial exchanges;
 - **Lack of funding** by employers;
 - **Institutional opposition**;
 - **Work/life balance**;
 - **Language barriers.**

KEY RECOMMENDATIONS

➤ **To Member States and their judicial authorities**

- Recognise continuous training as both a right and a responsibility of judges, prosecutors and court staff equivalent in value to their normal work
- Set aside a minimum number of hours/days per year for continuous training and provide sufficient funding for it
- Replace judges, prosecutors and court staff who are on training
- Designate and support multipliers who can train fellow judges and prosecutors in their jurisdictions
- Ensure that all professions in the judicial system, and judges and prosecutors at all instances, have adequate information about and access to training

➤ **To national judicial training actors**

- Provide more training at decentralised locations at times that do not clash with court sessions, and repeat them regularly
- Develop training projects that combine local- and EU- level training in cooperation with EU-level training providers
- Offer training to all professions in the judicial system

➤ **To the European Union and its institutions**

- Invite the employers of judges, prosecutors and court staff to regular forums to highlight best practice in judicial training
- Adopt recommendation on a minimum number of hours/days per year for continuous training
- Take account of the full cost to the employer in funding training:
 - as a minimum, accept the salary paid for staff on training as the employer's contribution to the cost of training
 - ideally also cover the cost of replacement staff
- Provide funding for:
 - projects that promote decentralised training
 - projects that combine local-level introductory training with EU-level advanced forums
 - training programmes for hitherto neglected professional groups such as court staff
 - a scholarship fund for judges, prosecutors and court staff to attend European training programmes when national funds are unavailable
 - a study on the EU law training of lawyers in private practice

➤ **To EU-level judicial training actors**

- Develop more decentralised training programmes, and repeat them
- Develop training projects that combine local and EU-level training in cooperation with national training providers
- Provide earlier notification of training programmes to national judiciaries
- Invest in training trainers / multipliers at national level
- Offer training to all professions in the judicial system

Forms and methods of judicial training

KEY FINDINGS

- **Almost all new entrants to the judicial professions today have studied EU law** as part of their university degree. This is not true for older generations, of whom only a minority covered EU law, the European Convention on Human Rights or another Member State's law as part of their university studies.
- Initial training in order to become a judge, prosecutor or court official varies greatly from Member State to Member State in terms of form, duration and content. **About half of new entrants to the judicial or prosecutorial professions today receive training in EU law as part of their initial training.**
- Judges, prosecutors and court staff are more likely to receive continuous training in other subjects than in EU law. **Just over half of judges and prosecutors who responded to the survey (53%) had received continuous training in EU or another Member State's law, but only one third had done so in the last three years** (i.e. period in which the Treaty of Lisbon came into force).
- **Practical, active forms of training such as case studies are the most popular among judges and prosecutors** but traditional forms of training (e.g. seminars, courses, conferences) remain the most commonly used by national judicial training actors (used by 88%, 83% and 76% of institutions respectively). Case studies are used by just 61% of national actors.
- **E-learning is viewed by many judges and prosecutors as an effective solution** to reconciling training with the demands of professional and family life but is offered by fewer than two-fifths of national judicial training actors.

KEY RECOMMENDATIONS

- **To Member States and their judicial authorities**
 - Invest in e-learning and videoconferencing technology
- **To national judicial training actors**
 - Integrate distance learning into overall judicial training strategy
 - Re-use training materials developed at EU level
 - Use case studies and more active forms of training

KEY RECOMMENDATIONS (continued)

- **To the European Union and its institutions**
 - Provide funding for:
 - distance learning projects
 - projects that train trainers / multipliers at national level
 - training materials that can be re-used at local or national level
 - projects that promote more active and practical forms of training
- **To EU-level judicial training actors**
 - Develop more distance learning projects
 - Develop training materials that can be re-used at national level
 - Use case studies and more active forms of training

Judicial training actors at EU level

KEY FINDINGS

- **Only 14% of the judges and prosecutors surveyed said that they had attended a European judicial training programme: of those, the most by far had done so in the framework of ERA (7%) or EJTN (6%).** Participation in activities organised by the national judicial training bodies of other Member States constituted the next most frequently cited form of European judicial training programme. Other EU-level training providers were each cited by fewer than 0.5% of respondents.
- **22% of judges and prosecutors who responded to the survey had participated in judicial exchanges.** Among these, 56% described it as very useful and a further 35% described it as useful to some extent.
- **90% of respondents to the survey said they would appreciate measures to promote more contact with judges and/or prosecutors from other Member States,** with 57% supporting more joint training, 55% supporting more exchanges and 48% expressing interest in an online database or directory.

KEY RECOMMENDATIONS

- **To Member States, their judicial authorities and national judicial training actors**
 - Ensure an effective and immediate dissemination of information on European or foreign training programmes to all individual judges, prosecutors and court staff

KEY RECOMMENDATIONS (continued)

➤ To the European Union and its institutions

- Provide information about European judicial training programmes on the e-Justice portal, including the option to subscribe to updates
- Include the main providers of judicial training at EU level (ERA and EJTN, including the national judicial training actors) in the legal basis for future EU funding programmes under the new financial perspective (2014-2020) in order to ensure long-term, stable support for judicial training at EU level

Judicial training actors at national level

KEY FINDINGS

- **National judicial training institutions play the single most important role in terms both of training in general and of training in EU law.** The principal judicial training actors in each Member State, however, have a combined annual budget of over € 179 million and spend some € 52 million on providing continuous training to more than 130,000 judges, prosecutors and court staff in over 5,600 separate training activities each year.
- **Most EU law training is provided at national level.** Just over half (53%) of judges and prosecutors who responded to the survey indicated that they had received continuous training in EU or another Member State's law: 21% had received it from their national judicial training institutes, 12% from courts and prosecutions services, 11% from councils of the judiciary.

KEY RECOMMENDATION

➤ To the European Union and its institutions

- Include the national judicial training actors through EJTN in the legal basis for future EU funding programmes in order to ensure long-term, stable support for judicial training programmes

EU support for judicial training

KEY FINDINGS

- **A third of national judicial training actors questioned had received EU funding.** Of these, over two-thirds evaluated the extent to which the right target group for training had been identified as "good" or "very good". However, only one-third of them classified the procedure for submitting a funding application as "good" or "very good".
- **More EU funding was identified by the largest number of national judicial training actors as the best way to improve and increase participation in**

judicial training in EU law (cited by 25 of 45 institutions that expressed a view). **Simplifying the procedure for EU funding** was the next most frequently suggested recommendation for EU action (cited by 13 institutions).

- **The most frequent reason for national judicial training actors not receiving EU funding was that EU procedures are too cumbersome** (cited by over a third of such institutions). Other important factors were that the minimum threshold for funding is too high, that they cannot make commitments beyond the current accounting year, or that they were simply unaware of the opportunities.
- **All national judicial training actors that expressed a view on the subject indicated that the existing bodies/structures for judicial training at EU level are sufficient.** Several suggested that EJTN should be strengthened and, while most thought that the EU should not coordinate the activities of the different judicial training actors, some saw the potential for the EU to play a supporting role in organising conferences, elaborating common training guidelines and the like.

KEY RECOMMENDATIONS

- **To Member States and their judicial authorities**
 - Provide a contact person to assist applicants in EU funding procedures
- **To national judicial training actors**
 - Take up EU funding in order to fill national budgetary gaps
- **To the European Union and its institutions**
 - Increase the amount of funding for judicial training and exchanges
 - Simplify and standardise application procedures for EU funding
 - Ensure that the conditions for EU funding (e.g. timing, extent of funding) take account of the constraints and obstacles described in this study
 - Provide a contact person to assist and inform applicants before, during and after the application process
 - Lower the threshold for funding projects or develop another mechanism to allow more small-scale projects to be funded
 - Adapt funding programmes and procedures to overcome insufficiencies and respond to new challenges
 - Update present study at regular intervals

1. INTRODUCTION

AIM

The importance of judicial training for the effective application of EU law has been repeatedly underlined in recent years by the European Parliament, notably in its 2008 Report on the role of the national judge in the European judicial system¹, in its 2009 Resolution on the Stockholm Programme², and in its 2010 Report on the implementation of the Stockholm Programme in Civil Matters³. The European Council set ambitious targets for judicial training in the Stockholm Programme⁴ and the European Commission published its communication on judicial training in line with the Stockholm Action Plan on 13 September 2011⁵.

If EU action in the field of judicial training is to be effective, it must take account of the reality of judges' and prosecutors' work and address the obstacles impeding their participation in judicial training. It must build on the work of existing judicial training actors both in the Member States and at EU level, drawing lessons from suggestions both of best practice and of possible solutions to shortcomings in the existing provision.

The aim of this study is to provide as comprehensive a picture as possible of the state of judicial training in the European Union. The study provides profiles of the judicial training actors at both the EU and national levels and the results of an extensive survey of judges, prosecutors and court staff in the Member States about their experiences of judicial training. It also includes an assessment of the results of the survey, as well as conclusions about best practice and recommendations for future EU action in the field.

The definition of "judicial training", and indeed the definition of the "judiciary" itself, varies from Member State to Member State, so it is important to begin by explaining the scope of this study and defining key terms.

SCOPE

The study covers all 27 Member States of the European Union. For the purpose of this study, judicial training is defined as the training of:

- professional judges, including administrative judges;
- public prosecutors, including in jurisdictions where they are regarded as separate from the judiciary;
- court staff who have legal training and who:
 - a) help prepare judgments,
 - b) make preliminary judicial decisions, or
 - c) play a role in judicial cooperation.

The effective application of EU law undoubtedly depends also on the extent to which lawyers in private practice are aware of and receive training on EU law. According to the

¹ Report (INI/2007/2027) on the role of the national judge in the European judicial system (Rapporteur Diana Wallis) adopted by the European Parliament on 9 July 2008.

² Resolution (B7-0155/2009) on the Communication from the Commission to the European Parliament and the Council – An area of freedom, security and justice serving the citizen – Stockholm programme (Rapporteurs Luigi Berlinguer, Juan Fernando López Aguilar, Carlo Casini) adopted by the European Parliament on 25 November 2009.

³ Report (2010/2080(INI) on civil law, commercial law, family law and private international law aspects of the Action Plan Implementing the Stockholm Programme (Rapporteur Luigi Berlinguer) adopted by the European Parliament on 24 September 2009.

⁴ The Stockholm Programme: An Open and Serving Europe Serving the Citizen (EC) No (2010/C 115/1).

⁵ "Building trust in EU-wide justice: A new dimension to European judicial training", COM (2011) 511, 13 September 2011.

terms of the contract notice, and in order to ensure the manageability of the task in hand, training provision for legal counsel is not covered by this study, except insofar as the judicial training actors profiled organise joint training with the Bar or allow private practitioners to attend their regular training sessions. It would nevertheless be of great value, in terms of completing the picture of EU law training among legal professionals in the EU, also to research the training of European lawyers in private practice in EU law.

1.1. DEFINITION OF KEY TERMS

Europe's legal and judicial cultures are diverse, so it is often difficult to compare like with like when researching judicial training provision across the EU. Some key terms are explained below with regard both to how they are understood for the purpose of this study and to how their meaning varies between different Member States.

"THE JUDICIARY"

The research team set out to present judicial training in the EU according to the scope set out in the contract notice and reiterated above. In some Member States, however, not all the groups identified in the contract notice are considered part of the judiciary. This is the main reason for there being small variations in the coverage of this study. The key differences are the following:

- **Ordinary and administrative judicial orders**

The "ordinary judicial order" refers to the civil and criminal justice systems; the "administrative judicial order", where such exists, is concerned with acts of the State in areas such as asylum and immigration, environmental law or tax law. In some Member States, the ordinary and administrative judicial orders are considered to be separate and distinct; the training of ordinary and administrative judges in these countries is therefore organised separately and both respective national judicial training actors are included in the profiles below. In other Member States, while the distinction between ordinary and administrative judicial orders is recognised, both ordinary and administrative judges are considered part of the judiciary and are covered by the same national judicial training actor(s). And in other Member States, the distinction between ordinary and administrative jurisdictions is not recognised or the equivalent functions of administrative jurisdictions in other EU Member States are carried out by non-judicial bodies.

- **Judges and prosecutors**

In most EU Member States, prosecutors are considered part of the judiciary and receive the same judicial training as judges. In two groups of countries, however, they are not considered to be part of the judiciary: first, countries in which the justice system is based on or influenced by common law (Cyprus, Ireland, Malta and the UK); and, secondly, the Nordic countries. In the first group, the research team experienced difficulty in gathering profiles of "training providers" for prosecutors because much of the training appears to be conducted in-house or on the same basis as lawyers in private practice (only one prosecution service from the countries mentioned – the Crown Office in Scotland – provided detailed feedback on their training provision). In the second group, however, the research team was able to gather detailed information on the training of prosecutors.

"JUDICIAL TRAINING ACTOR"

The organisation of judicial training differs considerably from Member State to Member State. The national judicial training actors profiled in this study therefore differ significantly in form and status. Most of them fall, broadly speaking, into one of the following categories:

- **Judicial schools**, subordinate to the Ministry of Justice or the High Council for the Judiciary, which provide both initial and continuous training;
- **Judicial academies or training centres**, subordinate to the Ministry of Justice or the High Council for the Judiciary, which mainly provide continuous training but may also provide support for initial training in courts and/or prosecution services;

- **Judicial studies committees**, in the common-law countries, which organise continuous training for the judiciary without necessarily having the capacity to provide it themselves;
- **Ministries of Justice**, which are usually responsible for supervising judicial training provided by other actors (e.g. courts, prosecution services) but sometimes also provide training directly;
- **High Councils of the Judiciary**, which provide training directly (the only current example is Italy);
- **Supreme Courts**, which provide training directly to the entire judiciary;
- **Prosecution services**, which organise their own training both in countries where prosecutors are considered part of the judiciary and in those where they are not.

“INITIAL TRAINING”

Initial training refers to the training provided to a judge, prosecutor or member of court staff prior to their assuming judicial or prosecutorial functions. The way in which judges – in particular – are recruited varies considerably and this has clear implications for what is meant by “initial training”. In principle all professional judges must have a degree in law. In terms of the kind of initial training that follows this, prior to appointment, the Member States can be grouped roughly into the following categories:

- The “judicial school” category: In Member States such as France, Poland and Spain, candidates for the judiciary are recruited following their legal studies, usually on the basis of a public competition, and then follow a formal judicial training course of 1-2 years at a central judicial school, accompanied by cycles of practical training at courts, prosecution services and other judicially relevant institutions.
- The “judicial apprenticeship” category: In other continental Member States, candidates are also recruited following their legal studies but spend the greater part of their initial training period at a court or prosecution service. This may be supplemented by training provided by a central judicial training institute.
- The German system constitutes a category of its own, as it does not foresee any initial training specific for the judiciary but a common initial training to prepare law graduates for any regulated profession. Law students graduate from university through a (first) state exam which gives them access to a preparatory service organised by the court administration (*Oberlandesgerichte*). This initial training consists of a series of internships in courts, the civil service, law firms etc. and is concluded by a second state exam. Graduates are per se formally qualified for judicial service and will be recruited on the basis of their individual aptitude.
- The “common-law” category: In countries in which the justice system is based on or influenced by common law (Cyprus, Ireland, Malta and the UK), judges are appointed from the ranks of experienced legal counsel. It is therefore assumed that their knowledge of the law as practised at courts is already established and any initial training is in the form of a short course focusing on practical issues of “judgecraft”.

Even in countries in the “judicial school” or “judicial apprenticeship” categories, however, there are sometimes procedures allowing for the recruitment of experienced lawyers in private practice to the judiciary, though these are the exception rather than the rule (see for example the profiles of the national judicial training actors in Romania and Spain for more details of such procedures).

“CONTINUOUS TRAINING”

Continuous training is a much more homogenous term across the EU, referring to training provided to judges, prosecutors and court staff after their appointment and during the course of their careers. Any variations in provision are detailed in the country reports below.

1.2. RESEARCH METHODOLOGY

In order to provide as comprehensive a picture as possible of judicial training in the EU Member States, the research team adopted an exhaustive research methodology. This consisted primarily of surveying not only individual judges and prosecutors, as foreseen by the European Parliament in the contract notice for this study, but also all the various judicial training actors and stakeholders profiled herein.

The following chapter explains the methodology used to gather the research and how this research has been processed and analysed in order to prepare the final study.

Survey of professional judges and public prosecutors

The contract notice for the study required that questionnaires be submitted to professional judges and public prosecutors in order to ascertain their evaluation of and attitude to existing judicial training. The questions to be addressed were stipulated in the contract notice. The answers to these questionnaires constitute Sections 4 and 5 of the study.

The survey aimed to gather data on the function and experience of the respondents, on their academic legal studies, on their initial judicial training (if any), on their experiences of continuous training and language training, on the extent to which they deal with issues of EU law, and on their contacts with foreign judges and prosecutors. This data is presented in this study in the form of individual country reports, as well as in a summary for the European Union as a whole.

The survey also aimed to gather judges' and prosecutors' suggestions for the improvement of judicial training in general and on EU law in particular. These have been analysed by an expert evaluation group of judicial training practitioners and a selection of the most effective recommendations and suggestions have been included in the final study.

It was essential for the quality of the study that responses be obtained from judges and prosecutors in all EU Member States. It was equally important that these responses be as representative as possible of the views of judges and prosecutors across the EU by securing a common minimum response rate from all Member States. The research team knew from previous experience that the means of distribution of such a questionnaire can significantly influence the response rate and thus the representativeness of the data collected. For example, the questionnaire used for the European Parliament's 2008 report on the role of the national judge in the European judicial system (INI/2007/2027, Rapporteur Diana Wallis) was distributed via the Permanent Representations of the EU Member States, some of which circulated the questionnaire much more widely than others. As a result, the number of responses analysed was much higher from some jurisdictions than from others.

In order to address this challenge, the research team adopted a distinct distribution strategy for each Member State which aimed to ensure the most efficient distribution of the survey in that country and correspondingly the highest possible response rate. In some countries the questionnaire was distributed by the Ministry of Justice, in others by the High Council for the Judiciary, in others by the institution responsible for judicial

training, and in two cases directly to courts and individual judges and prosecutors⁶. By “delegating” the distribution of the survey to national institutions, the research team also ensured that it was “at arms’ length” from the respondents, which it regarded as being especially important given the role of the study consortium (ERA and EJTN) as judicial training actors at EU level. There can thus be no grounds to suspect, for example, undue influence by the research team on respondents’ evaluation of different judicial training providers.

The survey was conducted online in order to facilitate the efficient compilation of the results and to limit the environmental impact of the exercise. In a small number of cases - France (ordinary judicial order), Italy, Romania (re-launch) and Spain (judges) - at the request of the distributing institution the survey was distributed as a PDF attachment to an e-mail, which could be filled out by recipients and sent back by e-mail.

The questionnaire was translated into all official EU languages except for those in which the countries concerned also use English as a second official language (Ireland, Malta), or in which the distributing institution indicated that English was so widely used that it would be sufficient (Sweden).

The survey was released on 29 March 2011 and a deadline of 20 April 2011 was set for responses. Given the low response rate in seven Member States, the deadline was extended to 4 May 2011 in those countries and a reminder sent or the survey re-launched by another distributing institution. By the expiry of the second deadline, only in one Member State (Greece) was the response rate so low as to be inadequate for the evaluation of the results. Conclusions about the reliability of the results for each country are included in the country reports below.

In order to facilitate the efficient compilation of the data, almost all questions were in the form of multiple-choice questions with a closed list of answers. Respondents had the opportunity to provide answers varying from the closed list in a field marked “Other: ...”. These written comments have been translated into English and any significant variations contained in this field have been included in the final study.

The research team set a target of over 4,500 responses, representing a sample of 4% of all professional judges and public prosecutors across the EU. It in fact received over 7,000 responses in total, with just over 6,000 from judges and prosecutors (incl. trainees) – representing 5% of all judges and prosecutors in the EU – and the remainder from court staff.

⁶ Direct mailing was used only in the cases of Luxembourg and the Netherlands, in agreement with the national judicial training actors in those countries. The response rate in both cases was relatively low compared to other Member States, however.

	Judges	Prosecutors	Total	Target no. of responses	Responses received from judges/ prosecutors/ trainees	Total responses received (incl. court staff)
Austria	1674	219	1893	76	127	167
Belgium	1567	790	2357	94	226	351
Bulgaria	1821	1558	3379	135	378	386
Cyprus	98	109	207	8	18	18
Czech Rep.	2995	1201	4196	168	191	267
Denmark	359	560	919	37	64	67
Estonia	239	191	430	17	40	50
Finland	901	314	1215	49	61	75
France	7532	1834	9366	375	369	382
Germany	20138	5084	25222	1009	1346	1769
Greece	3163	527	3690	148	41	41
Hungary	2838	1743	4581	183	118	120
Ireland	132	100	232	9	9	9
Italy	6450	2231	8681	347	642	642
Latvia	510	549	1059	42	49	75
Lithuania	732	854	1586	63	40	56
Luxembourg	174	43	217	9	9	9
Malta	34	6	40	2	11	15
Netherlands	2072	675	2747	110	91	107
Poland	9853	5951	15804	632	545	611
Portugal	1840	1321	3161	126	163	164
Romania⁷	4482	2743	7225	289	333	334
Slovakia	1337	745	2082	83	92	92
Slovenia	1002	180	1182	47	25	42
Spain	4437	1974	6411	256	533	534
Sweden	1270	905	2175	87	445	564
UK	4372		4372	175	121	121
TOTAL	82,022	32,407	114,429	4,577	6,087	7,068

⁷ data not updated

Profiles of judicial training actors at EU level

This study contains in Section 3 the profiles of judicial training actors at EU level. In order to gather comprehensive data for this section, the research team surveyed a wide range of institutions, agencies, networks and associations working with or on behalf of judges, prosecutors and court staff at EU level. Those involved in providing judicial training are grouped into the following three categories:

- Organisations established at EU level with the specific mission to provide or support training for judges and prosecutors:
 - Academy of European Law (ERA);
 - European Judicial Training Network (EJTN).
- Organisations that train judges and prosecutors in addition to their principal activities:
 - European Institute of Public Administration (EIPA);
 - European Patent Office (EPO);
 - EU Fundamental Rights Agency in Vienna (FRA);
 - Organization for Harmonization in the Internal Market (OHIM).
- Associations and networks of judicial institutions or of individual judges and prosecutors that provide training to their members or that seek to promote cooperation on training matters at EU level:
 - Association of Councils of State and Supreme Administrative Jurisdictions in the EU (ACA-Europe)
 - Association of European Administrative Judges (AEAJ);
 - European Network of Councils for the Judiciary (ENCJ);
 - Network of the Presidents of the Supreme Judicial Courts of the EU.

It should be noted that two further institutions – the College of Europe in Bruges/Natolin and the European University Institute in Florence – were invited to contribute data to this study but both indicated that they did not organise judicial training as such.

In order to evaluate the training provided by these actors, the research team also consulted “stakeholders” in judicial training at EU level for whom the quality of judicial training is a key concern. The organisations that contributed to this consultation were:

- Council of Bars and Law Societies of Europe;
- European Association of Judges;
- European Criminal Bar Association;
- European Land Registry Association;
- European Network of Councils for the Judiciary;
- European Legal Interpreters and Translators Association;
- European Union of *Rechtspfleger*;
- Eurojust;
- European Judicial Network in Civil and Commercial Matters;
- UK Competition Appeal tribunal, on behalf of the Association of European Competition Law Judges;
- *Union Internationale des Huissiers de Justice*.

The feedback provided by these stakeholders is included in the study at the relevant points at which the issue concerned is addressed.

Profiles of national judicial training actors

Section 4 of the study contains the profiles of the judicial training actors at national level, along with an EU-wide summary showing the scale of judicial training at national level across the EU and relaying the views of national judicial training actors on issues such as future EU action in the field and the roles of the existing structures and bodies for judicial training at EU level.

In order to gather comprehensive data and to provide a complete overview of judicial training provision, the research team surveyed national judicial training actors on the basis of a questionnaire. This questionnaire was addressed both to the members of the European Judicial Training Network (EJTN) and to other national actors providing judicial training to target groups not covered by EJTN members (such as administrative judges in certain Member States and the prosecution services in the common law and Nordic countries). Recipients were also asked to identify any further actors at national level to whom the questionnaire should be addressed in order to ensure that all organisations providing training to judges, prosecutors and court staff are taken into consideration. In some cases (for example, the Austrian Supreme Administrative Court and the Belgian Council of State), institutions indicated that they did not provide judicial training.

Where data or information is missing from the profiles contained in this study, it should be noted that the research team submitted all draft profiles to the actors concerned and asked them to fill in any gaps. It also circulated supplementary questions on the recommendation of its expert evaluation group in August and September 2011. If any gaps still exist, it is therefore because the research team was unable to obtain a response from the actor concerned.

One of the most difficult subjects on which to gather data – especially of a comparable nature – was the budget of national judicial training actors, in particular broken down into the budgets for initial and for continuous training. There are several explanations for this, for example:

- The budgets of many institutions are not usually published, so for some Member States it was difficult to obtain them;
- In one or two cases, the body responsible for judicial training said its budget was impossible to calculate because it was subsumed in that of the ministry of justice or judicial council;
- Some institutions were unable to distinguish for budgetary purposes between initial and continuous training (in these cases, only a total figure appears);
- Where the total training budget for an institution exceeds the combined sum of the budgets for initial and continuous training, the explanation in most cases is that it includes the administrative and personnel costs of the institution concerned: an institution devoted solely to training would consider 100% of its budget as being for the purpose of training, whereas if the body responsible for training is a court, ministry or judicial council, it would usually calculate only the direct costs of training (without taking into account the overheads).

1.3. RESEARCH TEAM

RESEARCH ADVISORY COMMITTEE

- Josef Azizi, Judge, General Court of the EU
- Miguel Carmona Ruano, President, ENCJ
- Nial Fennelly, Judge, Supreme Court, Ireland
- Victor Hall, Secretary General (outgoing), EJTN
- Pauliine Koskelo, President, Supreme Court, Finland
- Luís Silva Pereira, Secretary General (incoming), EJTN
- Pál Solt, Director, Judicial Academy, Hungary
- Maja Tratnik, Judge, Supreme Court, Slovenia
- Virgilijus Valančius, former President, Supreme Admin. Court, Lithuania
- Ruud R. Winter, President, Trade & Industry Tribunal, The Hague

EXPERT EVALUATION GROUP

- Märit Bergendahl, Swedish National Courts Administration
- David Dickson, Crown Office, Scotland
- Gianluca Grasso, *Consiglio Superiore della Magistratura*, Italy
- Victor Hall, EJTN
- Wolfgang Heusel, ERA
- Rainer Hornung, *Deutsche Richterakademie*
- Eric Minnegheer, *Ecole Nationale de la Magistrature*, France
- Wojciech Postulski, National School of Judiciary and Public Prosecution, Poland
- Luís Silva Pereira, EJTN
- Isabel Tomás García, *Escuela Judicial*, Spain
- Heinrich Zens, Bettina Maurer-Kober, Association of European Administrative Judges, Austria

RESEARCH TEAM

- John Coughlan, Project Leader
- Jaroslav Opravil
- Wolfgang Heusel

2. JUDICIAL TRAINING IN THE EU: COMPARATIVE ASSESSMENT

2.1. KNOWLEDGE OF EU LAW

2.1.1. EU LAW IN GENERAL

There is a high degree of awareness of the relevance of EU law across all Member States with 73% of judges who responded to the survey saying that EU law was very relevant to their judicial functions or relevant to some extent (see Section 5, page 113). That number was, however, lower among prosecutors (57%) and much lower among court staff (44%), even though in all three groups a significant majority reported that the number of cases involving EU law had increased over the years: 76% of judges, 73% of prosecutors and 69% of court staff (see Sections 5 and 6, pages 116 and 129). The following respondents to the survey highlighted the problems arising from a lack of sufficient knowledge of EU law:

*"In practice, secondary Community legislation has been increasingly applied and **my colleague-judges are not well acquainted with it.**"*

Judge, Bulgaria

*"There are many specific cases where you suspect that there is Community legislation but because judges, prosecutors and lawyers are not aware of it **they apply only national legislation.**"*

Prosecutor, Portugal

*"Most colleagues are not sufficiently well informed about EU law, which actually **leads to mistakes in the application of law.**"*

Judge, Germany

Recognition of the relevance of EU law is naturally influenced by the frequency with which judges, prosecutors and court staff deal with (or realise that they are dealing with) issues of EU law. 47% of judges said that they dealt with issues of EU law at least once every three months, whereas only 35% of prosecutors and 36% of court staff said the same (see Sections 5 and 6, pages 115 and 129). The frequency with which EU law issues arise also depends on the area of law in which a judge is specialised: for example, 69% of judges dealing with administrative cases reported that they dealt with EU law issues at least once every three months but only 34% of judges dealing with criminal law cases did so (see Section 5, page 115). Infrequent experience of EU law issues can further lead to a vicious circle, as this prosecutor explained:

*"Only very few practitioners are interested in international aspects of their work. On the one hand, this is due to the fact that, in criminal law, international aspects are often the exception to the rule; on the other hand, it is due to the fact that formal mutual legal assistance is perceived as very complicated and hard to deal with by many practitioners. Many colleagues are not willing or able to familiarise themselves intensively with this field. Instead, they try to **avoid making requests for mutual legal assistance** wherever possible."*

Prosecutor, Germany

The impression of dealing with issues of EU law only infrequently can also act as a disincentive for judges and prosecutors to undertake judicial training on EU law:

*"The 'problem' is that **you first have to have sufficient contact with foreign law before recognising the need for more knowledge.** If you do not come into contact with it often enough, you run the risk of following a course that is out of date by the time you actually have to make use of it."*

Judge, Belgium

2.1.2. DIRECT APPLICATION AND THE PRELIMINARY REFERENCE PROCEDURE

Even when they recognise the relevance of EU law, many judges still lack the specific knowledge of how and when to apply it. As many as 32% of judges who responded to the survey said that they knew only to a minor extent – or even not at all – when to apply EU law directly and only 20% said they knew very well when to do so (see Section 5, page 113). There was no significant difference between old (pre-2004) and new Member States in this regard. The level of knowledge improves as one ascends the judicial hierarchy, but even among judges at higher or supreme instances only 31% said that they had a very good knowledge of when to apply EU law directly, while 16% said that they knew only to a minor extent when to do so and 1% said they had no knowledge at all.

Regarding the possibility – or obligation – to refer a question to the European Court of Justice for a preliminary ruling, as many as 40% of respondents said that they knew only to a minor extent – or not at all – *when* to do so and an even higher number - 60% - said that they knew only to a minor extent – or not at all – *how* to do so. Fortunately the higher the respondents sit in the judicial hierarchy, the better their knowledge of the preliminary reference procedure, but still 20% of higher instance judges or supreme instance judges (who have an obligation to refer such questions) said that their knowledge of when to do so was minor or non-existent. This is a cause for concern, even if one takes into consideration that counsel plays a pivotal role in referring questions to the ECJ.

Uncertainty about when to apply EU law or refer questions to the ECJ can be due either to a lack of background knowledge or to a reluctance to apply EU law rather than national law:

*"Judges and prosecutors who were **never taught about EU law**, be it during their studies or during their traineeship, find it difficult to understand the principles of EU law application."*

Judge, Poland

*"If judges had more training in EU law, they'd perhaps be more inclined to apply it to override domestic law: at present **domestic law usually prevails over EU law even in the face of strong support** that it is in violation of EU law, at least until the EU court has ruled otherwise (and that may take years)."*

Prosecutor, Sweden

*"In most cases, the judges of the **supreme courts are the ones who fail to refer questions to the ECJ** for a preliminary ruling, although they are obliged to do so. They rarely question their own interpretation of law. For instance, one*

division of one of our supreme courts is in charge of dealing with the law concerning transfers of undertakings. To this day, this division has not referred a single question to the ECJ for a preliminary ruling. Lower-instance courts have made referrals. And it turned out that there were not only doubts but that the ECJ's interpretation of the Transfer of Undertakings Directive was opposite to that of the national court."

Judge, Germany

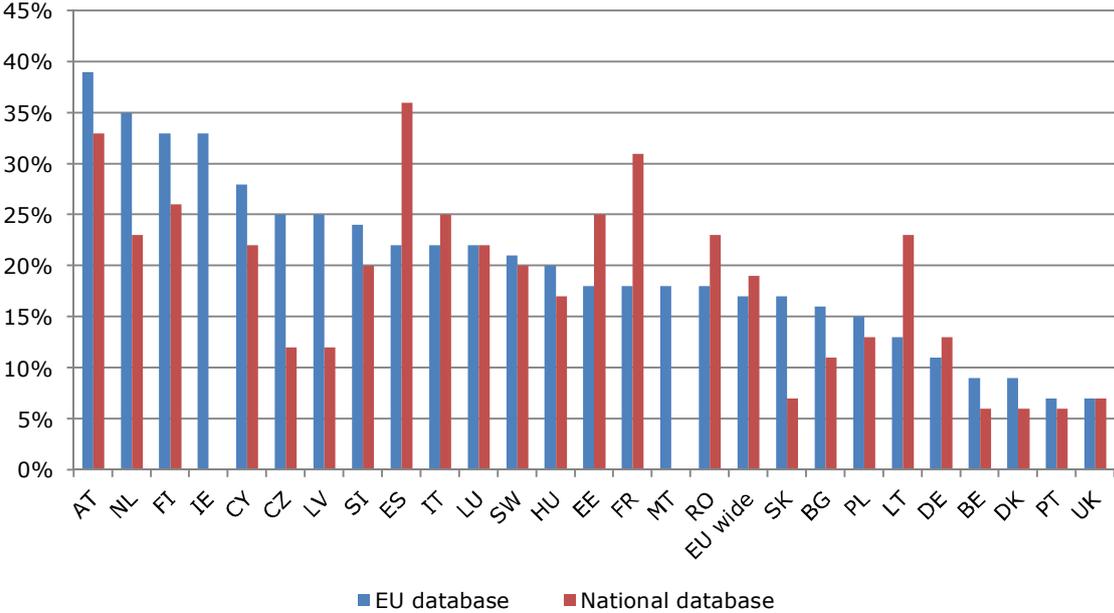
2.1.3. SUPPORT IN APPLYING EU LAW

"I work in a court close to the Polish border and for six years the number of cases involving foreign nationals has been growing. Courts in Germany have judges specializing in relevant branches of law and they get cases that fall under the Hague Convention on the civil aspects of child abduction, they have all the knowledge they need on this problem, relevant contacts and mechanism, a unit in the ministry. I think that in Poland similar specialization should be organized for Polish judges."

Judge, Poland

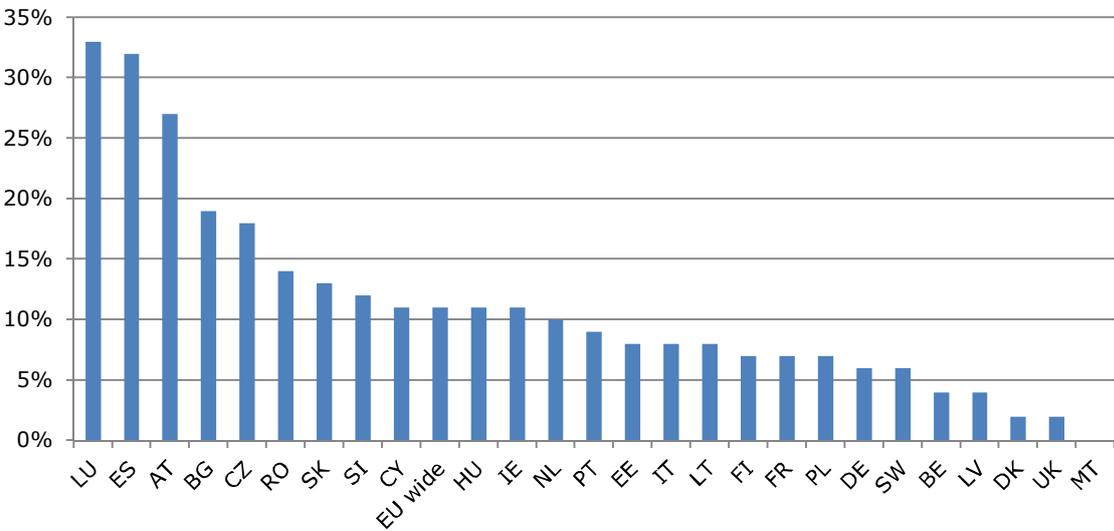
Respondents to the survey who indicated that they dealt with issues of EU law were asked if they had received any support in finding out or understanding the applicable law and, if so, from which source. Online EU databases were the third most frequently cited source of support following law books or journals and online national databases. Use of such databases varies considerably across the EU, however.

Percentage of respondents who used the support of an online EU or national database to find out or understand the applicable law when dealing with EU law issues:



The European Judicial Networks were used as a source of support by significantly fewer respondents to the survey and awareness of them generally is relatively low. 55% of judges who dealt with civil, commercial or family cases said they were unaware of the European Judicial Network in Civil and Commercial Matters. Among judges who dealt with criminal cases, 74% said they were unaware of the European Judicial Network in Criminal Matters and 62% said they were unaware of Eurojust. The awareness of these institutions was much better among prosecutors, however, with only 45% saying they were unaware of EJNI Criminal and just 19% saying they were unaware of Eurojust (see Section 5, page 124).

Percentage of respondents who used one of the European Judicial Networks to find out or understand the applicable law when dealing with EU law issues:



2.1.4. KNOWLEDGE OF FOREIGN LANGUAGES

88% of judges and prosecutors who responded to the survey knew another EU language in addition to their principal working language: 81% cited English, 40% French, 17% German and 10% Spanish (see Section 5, page 122). The number who described themselves as proficient in foreign languages – the level needed to participate actively in a training session on EU law – is much lower, however, with just 21% of those who said that they spoke English describing themselves as being able to speak the language proficiently.

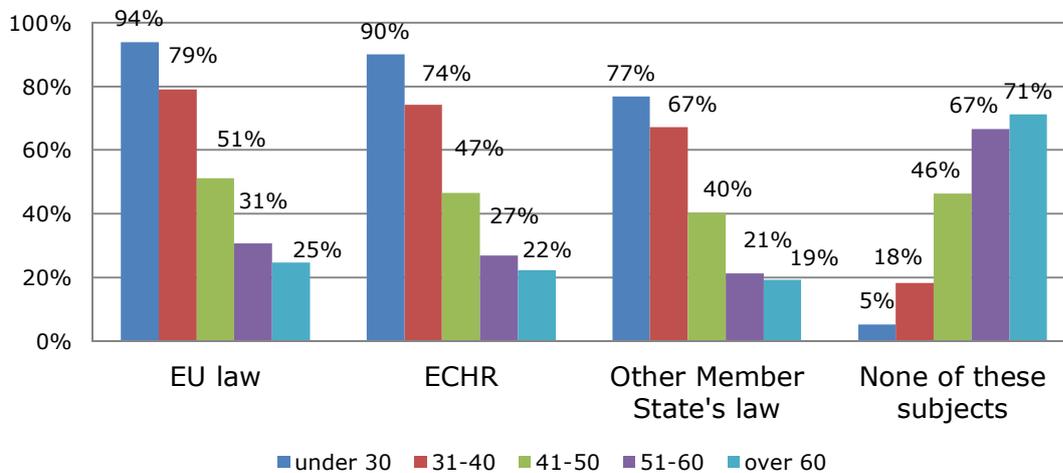
If there is a *lingua franca* among judges and prosecutors in the EU, English will be the strongest candidate, in terms not only of the number of judges and prosecutors who know it, but also of the degree of proficiency with which they use it: roughly twice as many of those who spoke English as a second language described themselves as proficient compared to those who cited the other main languages.

2.2. CURRENT PROVISION OF JUDICIAL TRAINING IN EU LAW

2.2.1. EU LAW IN ACADEMIC LEGAL STUDIES

Virtually all new entrants to the profession of judge or prosecutors today have studied EU law as part of their law degree: 94% of respondents under the age of 30 years said they had studied EU law, while 90% said they had studied the European Convention on Human Rights and as many as 77% said they had studied the law of another Member State. There is, however, a stark contrast with older generations, with almost 70% of respondents over the age of 50 saying they had not studied any of these subjects as part of their law degree (see chart).

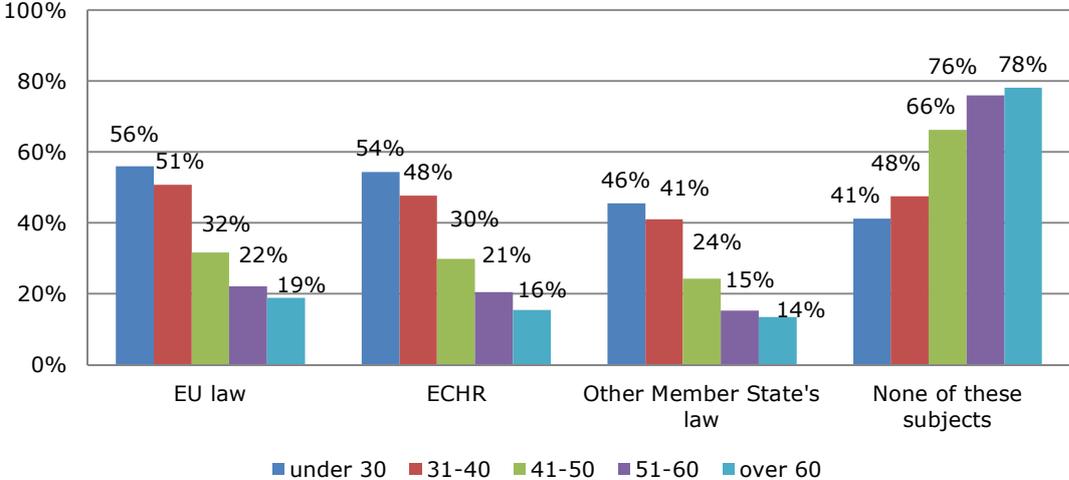
Percentage of judges and prosecutors who studied EU law, the ECHR or another Member State’s law as part of their law degree (by age group):



2.2.2. EU LAW IN INITIAL JUDICIAL TRAINING

The same generational trend can be observed in terms of the coverage of EU law in initial judicial training: while “initial training” means different things in different countries, the older you are the less likely that EU law training was part of it.

Percentage of judges and prosecutors who received initial training on EU law, the ECHR or another Member State’s law (by age group):



2.2.3. EU LAW IN CONTINUOUS JUDICIAL TRAINING

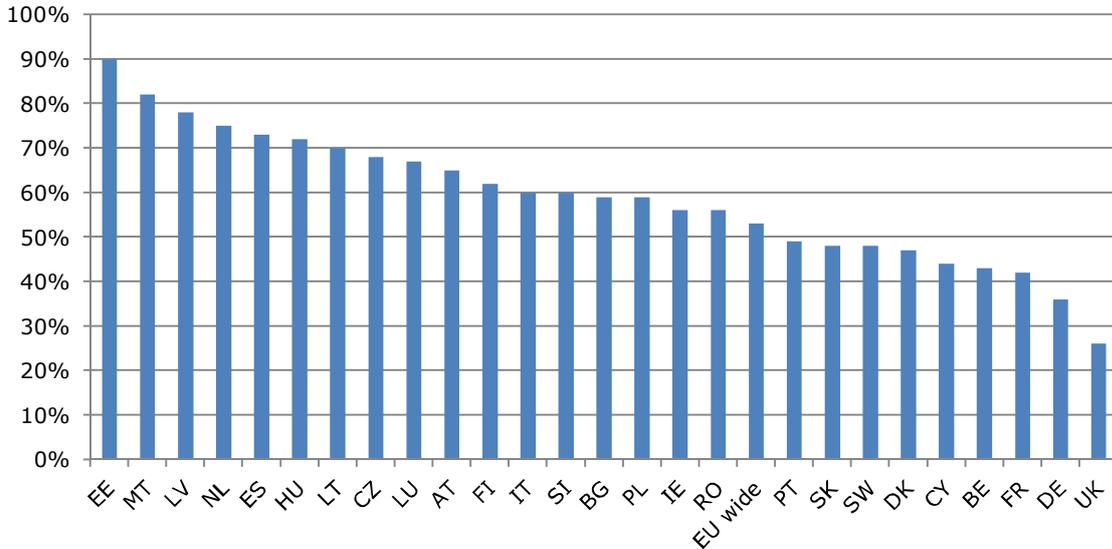
Judges have slightly more access to continuous training in general than prosecutors, who in turn have more access than court staff: 83% of judges who responded to the survey had received continuous training on a subject other than EU law, compared to 76% of prosecutors and 63% of court staff. The same trend applies to continuous training in EU or other Member States’ law, which had been attended by 58% of judges who responded to the survey, 44% of prosecutors and just 23% of court staff (see Sections 5 and 6, pages 118 and 132).

These figures indicate that judges, prosecutors and court staff are all less likely to have received continuous training in EU law than in other subjects. Furthermore, their training in EU law is less likely to be up-to-date: of those judges and prosecutors who had received continuous training in EU law, only 39% said it had taken place during the last year and 27% said that it had taken place more than four years ago (thus not up-to-date with the changes brought by the Lisbon Treaty). Among judges and prosecutors who had received continuous training on other subjects, 72% said it had taken place during the last year and only 9% said it had taken place more than four years ago (see Section 5, page 119).

The bulk of continuous training in EU law is conducted at national level by national judicial training institutes (21% of judges and prosecutors who responded to the survey had received continuous training in EU law from their national judicial training institute), courts and prosecutions services (12%), councils of the judiciary (11%) and others (8% from ministries, 6% from universities, 4% from local or regional judicial training institutes, 1% from private companies). This is commensurate with the role of the respective training providers in the provision of continuous training in other subjects as well (see Section 5, page 118).

There was, however, considerable variation among Member States in terms of the number of judges and prosecutors who responded to the survey and who had received continuous training in EU law (see chart).

Percentage of judges and prosecutors who had received continuous training in EU law or another Member State’s law:



2.2.4. EUROPEAN JUDICIAL TRAINING PROGRAMMES

Only 14% of the judges and prosecutors surveyed said that they had received continuous training in EU law from a European training institute (10%) and/or the judicial training institute of another Member State (5%). In contrast, just 1% of court staff had attended a training programme outside their own country (see Sections 5 and 6, pages 118 and 132). Respondents were asked to indicate, if they had attended a European training programme, which institution had provided it. Rather than being presented a multiple-choice list, as in most of the rest of the survey, respondents were requested to fill in the name of the training provider in order to gain as complete a picture as possible of training provision at European level. As a result, however, it should be assumed that the numbers who made the extra effort to fill in this section of the survey under-represent the percentage who had actually attended a European judicial training programme. Of those who completed this section (see Section 5, page 126):

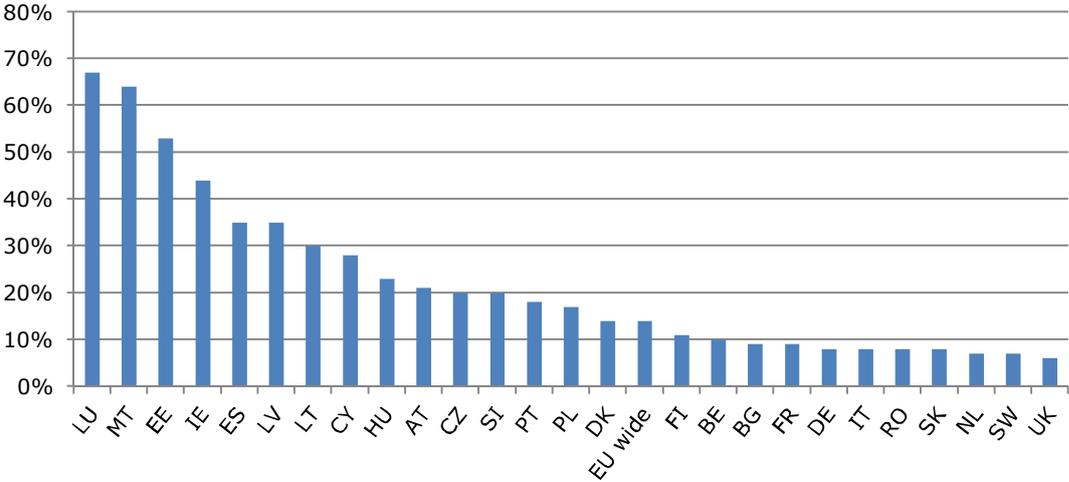
- By far the most had participated in continuous training offered by the Academy of European Law (ERA, 7% of all respondents to the survey) or in an exchange or training programme organised in the framework of the European Judicial Training Network (EJTN, 6%).
- Participation in activities organised by the national judicial training bodies of other Member States constituted the next most frequently cited form of European judicial training programme, with approximately 1% of respondents from other countries having attended programmes offered by the French, Spanish or Italian judicial training institutions respectively. The European Network of Councils for the Judiciary suggested in its contribution to the study that more such opportunities should be available:

"The cooperation between the national training institutes could be more intense providing more training activities to which judges from the various Member States can participate."

- Between 0.2% and 0.6% of respondents had attended conferences or training programmes organised by EU bodies such as Eurojust, the European Judicial Networks, the European Court of Justice, OLAF and the Office for Harmonization in the Internal Market.
- Other training providers were each cited by less than 0.5% of respondents: e.g. the European Institute for Public Administration (EIPA, 0.4%), the European University Institute (0.03%) and the College of Europe (0.02%).

There was a very significant variation among Member States in terms of the number of respondents who had participated in a European training programme (see chart below).

Percentage of judges and prosecutors who had attended training at a European training institute or the judicial training institute of another Member State:



2.3. SHORTCOMINGS AND OBSTACLES TO JUDICIAL TRAINING IN EU LAW

"In some cases, information does not even reach the judges. Or participation is inhibited by administrative means. The high training costs can also constitute a hindering factor if they are not partially borne by the courts. I have already participated in a number of professional EU trainings that I had to finance completely or partially by myself, or I had to take my regular annual leave in order to travel to the events."

Judge, Hungary

Respondents to the survey who had received continuous training (both on EU law and on other subjects) were asked for their evaluation of it (see Section 5, page 119). Those who had not received continuous training were asked to indicate why (see Section 5, page 120). All respondents were asked to make suggestions for the improvement of judicial training provision, particularly in EU law. The feedback received from this combination of questions reveals a series of obstacles to the participation of judges, prosecutors and court staff in training which must be taken into account in any attempt to increase the numbers receiving such training.

42% of judges who participated in the survey, 56% of prosecutors and 77% of court staff said that they had not received continuous training in EU law. Among judges and prosecutors, the most frequent reason for being unable to participate in training programmes (given by 32% of judges and prosecutors who had not received training in EU law) was "No time". More specifically, as explained in more detail below, their workload does not allow the necessary time for training.

After "No time", the next most frequently cited reason among judges and prosecutors for not having participated in continuous judicial training programmes on EU law was "No such training available": 31% of judges and prosecutors who had not attended an EU law training programme gave this explanation, while 51% of court staff said the same. While the profiles of EU and national judicial training actors demonstrate that, on the contrary, such training is indeed available – at least for judges and prosecutors – it is clear that not all have access to it. Analysis of the detailed comments made by survey respondents reveals that there are several different explanations for this, e.g. lack of information about what is on offer or restrictions related to the number of places available.

The main obstacles to increasing participation in judicial training, in particular on EU law, are described below with illustrative quotations from respondents to the survey. They can be summarised as follows:

- **Workload:** The organisation of the justice system inhibits participation in training because the caseload of training participants is not reduced and they are not replaced during their absence;
- **Lack of information:** Whether more or less intentionally, in many Member States information about training programmes does not reach many judges, prosecutors and court staff;
- **Short notice:** Plenty of notice is required in order to adapt hearing schedules to allow for training – this is particularly lacking for European programmes;

- **Lack of places:** Many survey respondents complained that there were simply not enough places available, particularly for judicial exchanges, or that they were restricted to a select few;
- **Lack of funding:** In some Member States participants' employers do not cover all or even part of the costs of training, in particular European training programmes;
- **Institutional opposition:** Whether out of understandable work management concerns, or out of scepticism as to the value of the training, superiors sometimes discourage participation in training;
- **Work/life balance:** Issues of work-life balance constitute a growing obstacle for participation in training that requires several days' absence from the family;
- **Language barriers:** Even if all other obstacles could be removed, many judges, prosecutors and court staff feel that they do not have the linguistic skills to participate in training in another language.

2.3.1. WORKLOAD

Lack of time, for a profession that is required to respect schedules for court hearings and deal with a given number of cases, constitutes the single most important obstacle to participation in continuous training. In some cases, the timing of training programmes is simply incompatible with court schedules, for example:

*"These training courses are not available to us, as they take place at times when my colleagues and I from the Court of Appeal **either have sittings or are on "standby".**"*

Judge, Belgium

The key problem is that the work of a court or prosecution service must go on even when a judge or prosecutor is attending training. In most Member States, a judge or prosecutor who attends training will not be replaced during their absence, making them and/or their superiors reluctant to do so in the first place because of the backlog of cases that will result:

*"**If a judge does training, he is not replaced at his post in the Court.** It is not reasonable to take part in training because this would prejudice the service of administering justice."*

Judge, Spain

*"The fundamental problem is that even the time spent on attending judicial training courses on national law is **perceived as a burden** because judges and prosecutors have to continue to cope with their daily workload. They will be less willing to attend judicial training seminars on more remote fields like European law."*

Judge, Germany

*"I took part in training in Romania thanks to EJTN. It lasted two weeks and was very interesting. But **I was asked by my court then to catch up with two weeks' work...** This is prohibitive for anyone who is not especially crazy about European cooperation."*

Judge, France

*"I could only justify the last judicial training seminar vis-à-vis my colleagues by promising that I would use part of my residual leave to attend. **The workload is an enormous enemy to judicial training.**"*

Judge, Germany

Survey respondents emphasised that unless their employers or superiors exempted them from court appearances or reduced their caseload to compensate for the time taken for training, they would be unable to participate in more training programmes:

*"We should not be asked to **deal with the same number of cases when we are attending training courses as when we are not.** The reality is that for this reason we often cannot take part in training, even less so when the courses are a little longer (more than one or two days) or at a distance, even if they are valuable."*

Judge, France

*"The periods during which we could participate in training are very limited. **Only the number of judgments that we give is taken account of by our superiors.**"*

Judge, Belgium

2.3.2. LACK OF INFORMATION

Even before judges and prosecutors can arrange the time necessary to participate in training, they must first know what training programmes are available. Unfortunately, many simply do not know what programmes are on offer:

*"At present **we often are not aware** of what courses are available."*

Judge, Belgium

*"Often when I tell colleagues that I have attended a training course abroad they are **surprised that they had not heard about it.**"*

Judge, Portugal

Many respondents pointed to specific communication channels that they think do not work effectively:

*"**Distributing such information via national governments and judicial administrations takes so much time** that very little time remains between the announcement and the actual date of the event."*

Judge, Germany

Both prosecutors and court staff believe they are neglected compared to judges:

*"It should be ensured that advertisements of all of these events actually reach all judges and prosecutors. Based on conversations I have had with judges, **my impression is that we – i.e. prosecutors – are much less frequently informed than judges** about judicial training seminars on European law."*

Prosecutor, Germany

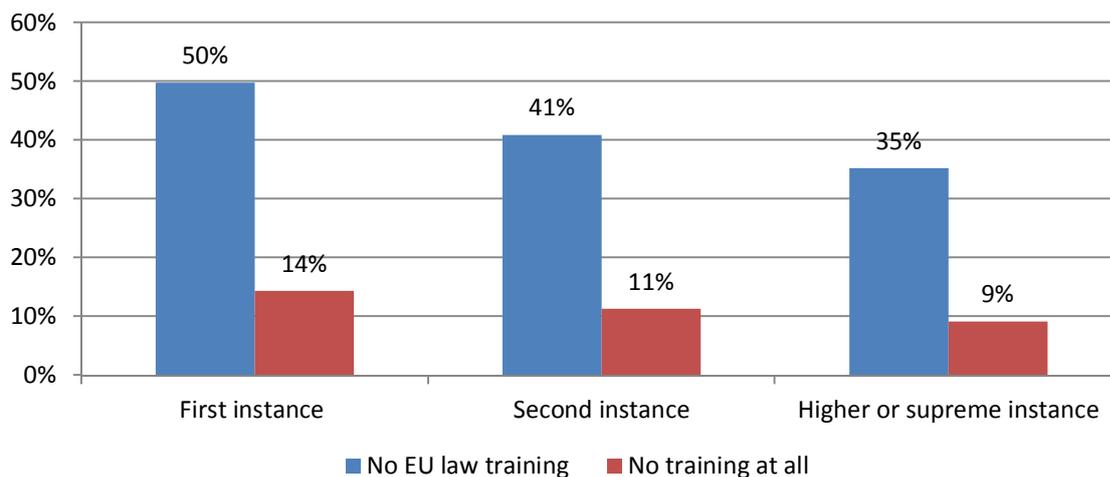
*"Training suggestions should be sent directly to a judicial assistant because **very often the judicial assistant does not find out about this opportunity.**"*

Generally, all serious training events are organised for judges forgetting about judicial assistants."

Court official, Lithuania

These anecdotal reports are reflected in the results of the survey as a whole, which show that prosecutors and court staff are indeed less likely to have received continuous training than judges (see Section 5, page 118 and Section 6, page 132), and that the number of judges and prosecutors who have not received EU law training is greater at first instance than at higher instances:

Percentage of respondents at the respective instances who had not received EU law training or who had not received any training at all:



2.3.3. SHORT NOTICE

The difficulties faced by judges and prosecutors in re-organising their workload to allow for training, and the lack of information about training possibilities, combine to make lack of notice a further major hurdle to increasing the number of participants in judicial training programmes:

*"Judges normally book cases a long time in advance, so information on seminars, conferences, etc. should be given a long time before they take place, **at least six months.**"*

Judge, Denmark

Respondents to the survey criticised in particular European training programmes and judicial exchanges for providing late notification or confirmation of the availability of a limited number of places:

*"Invitations to attend judicial training seminars and other events organised by the European Commission, for instance, are often received just a few weeks before the date when the seminar will be held, i.e. at a point in time when **many judges have already scheduled their hearings.**"*

Prosecutor, Austria

"Admission notes for foreign judges interested in participation in an EJTN training course of another national judicial training authority (or any other training

*opportunity) must come much earlier. Judges often plan the times of their sessions half a year ahead. Invitations with a shorter notice period will not be welcomed because **judges tend not to change the date of a session only in order to take part in judicial training.***

Judge, Germany

2.3.4. LACK OF PLACES

Survey respondents indicated that one of the reasons for “no such training [being] available” is that the number of places on training activities is limited or subject to restrictive selection criteria. Many respondents to the survey argued that the number of places available on European training programmes or judicial exchanges was simply too low:

“Places on the exchange programme are very difficult to obtain given the small number available...”

Judge, France

“Today the availability of EU law training is appallingly low – I cannot find other words to describe a situation when such training is available to two persons from the entire court region only.”

Judge, Poland

For some, this creates a disincentive even to apply for a training programme:

*“The limited number of places available for participants in judicial training seminars on European law **is in no way sufficient to meet demand** and suggests that a successful application is rather unlikely, so that I usually decide not to apply.”*

Judge, Germany

Other respondents pointed to the application within national judicial systems of restrictive selection criteria as the cause of a lack of places on training programmes:

“Training should be extended to all levels and not only include those determined by the high authorities.”

Prosecutor, Bulgaria

*“Selection criteria should be based on the competencies of candidates and not on seniority of service. There should be a massive increase in training: **what does exist is rare, not targeted and restricted.**”*

Judge, Portugal

“Presently it is higher level judges and prosecutors who participate (particularly if the training is held abroad), who for many years have not conducted any criminal proceedings and therefore have no knowledge about current problems and reality. A principle should be introduced according to which candidates for training would be identified by some independent panel.”

Prosecutor, Poland

In some Member States, rules concerning funding and personnel arrangements also effectively restrict the options for participation in European training programmes, for example:

*"Today, **if you receive offers to go somewhere in Europe for a few days, you can't be replaced in your usual work** for the hearings that you have to lead each week. On the contrary, you will be easily replaced for internal offers because it is planned by French law. There should be a link between internal and European training programmes to allow French magistrates to have more facilities to do European training."*

Judge, France

"Unlike events organised by the German Judicial Academy, events organised by the Academy of European Law are not always funded by the State."

Judge, Germany

2.3.5. LACK OF FUNDING

While more funding was identified by judicial training providers as the key to providing more training (see Section 4, page 109), a lack of funding was cited by a relatively small number of judges and prosecutors (6% of survey respondents) as the reason for their not having participated in a training programme. At national level, and as might be expected of any kind of professional training, judges and prosecutors are not asked to pay from their own pocket for continuous training programmes. They may have to cover their own travel and accommodation costs, however, which represents a greater obstacle to participation in European training programmes than in national ones. Any fees arising from participation in a European training programme will often also not be covered by their employer, which is used to national training institutions providing training free at the point of delivery:

*"**The employer currently does not provide any financial support for judicial training programmes.** Because of the substantial travel and hotel expenses as well as attendance fees, I only attend EU judicial training courses that are funded by other parties."*

Judge, Germany

*"**German judges have to pay fees as well as travel expenses and accommodation by themselves.** European courses of 2-3 days will cost them about one third of their monthly salary, whereas national judicial training courses do not charge fees and charge only very moderate accommodation costs."*

Judge, Germany

*"The formalities connected with financing and settlement of trips to foreign countries should be made easier: **home institutions do not finance such trips.**"*

Prosecutor, Poland

2.3.6. INSTITUTIONAL OPPOSITION

Given the difficulties described above in reconciling training with the demands of case management, it is perhaps little surprise that some court presidents and senior prosecutors are reluctant to allow their staff to attend training programmes. However,

only 2% of survey respondents reported that their request for permission to attend training had actually been denied by a superior. The problem appears rather to be one of general discouragement rather than outright denial:

*"Since the participating judge is absent – which means, the other judges have to work more – **participation in European exchanges and conferences is not gladly allowed by superiors.**"*

Prosecutor, Germany

The Association of European Administrative Judges, in its contribution to the study, highlighted this as a key obstacle to participation in training, especially in European training programmes. It said that the existing bodies/structures for judicial training were sufficient but that:

*"The problem is that **some national justice administrations do not support, even hinder, the participation of judges in training meetings.**"*

Training on EU law was consistently, albeit not always significantly, evaluated by survey respondents as less useful than training in other fields (see Section 5, page 119: 86% of judges and prosecutors who responded to the survey said that the training they had received on EU law was very useful or useful to some extent, compared to 94% who said the same about training in other subjects). One key reason may be that issues involving EU law (appear to) arise less frequently than other issues in judges' and prosecutors' daily work. A key challenge in persuading their superiors to support more judicial training, therefore, is to demonstrate its practical relevance:

*"**Senior authorities, due to the lack of practical relevance, often do not see any need for such judicial training.**"*

Court official, Germany

*"It will be crucial to change the awareness of the head of the authority, and also of the superior authorities. **They still believe that European law is something for specialists** whose knowledge can be skimmed off if necessary, but whose judicial training is their own private business."*

Prosecutor, Germany

In some Member States – though not all, as shown by the profiles of national judicial training actors - participation in training has no positive impact on career development. A number of survey respondents called for this to be addressed:

*"**Careers in the judiciary are not dependent on the number of judicial training courses attended or on the quality of the judgments given; instead, they are almost exclusively dependent on seniority. As long as this is the case, the attendance of judicial training will largely depend on whether a colleague is personally interested in a topic.**"*

Judge, Austria

2.3.7. WORK/LIFE BALANCE

Apart from the difficulty in reconciling continuous training with professional commitments, a number of respondents to the survey cited the difficulty in balancing

participation in training programmes – especially those held over several days at a venue far from home – with their parental obligations:

"Since I work only part-time due to my small children it is very difficult for me to attend courses that are far away from where I live. There should be more short-term courses that last for a day or half a day or e-learning programs."

Judge, Austria

"I am a mother of a three-year-old girl and not able to travel far. I would be glad if there is more supply taking account of less flexibility of parents."

Court official, Germany

While this problem may apply to any professional group, there is reason to believe that it is especially acute in the judiciary, given that in many Member States the proportion of women (who continue to be expected to bear the greater responsibility for childcare) entering the judiciary is rising. In France, for example, almost 80% of new entrants to the *Ecole Nationale de la Magistrature* are women.

2.3.8. LANGUAGE BARRIERS

Finally, even if all the obstacles described above to increasing participation in European judicial training programmes could be overcome, there would still be the language barrier. Just 17% of judges and prosecutors who responded to the survey said that they spoke English as a foreign language proficiently, and the numbers able to speak other languages proficiently were much lower. Many survey respondents felt that this restricted access to European judicial training programmes to a select few:

"I think that currently judicial training programmes are always attended by the same group of judges and prosecutors who are well versed in foreign languages and interested in European law."

Judge, Germany

"Training methods should not only address a minor – usually always the same – group of judges, but the majority of them. Obviously, the main reason for this is that only very few judges speak foreign languages on a level that is sufficient for EU judicial training. Therefore, training should be held in Hungarian, too, and there should be more efficient possibilities to learn foreign languages."

Judge, Hungary

"In my opinion, it is extremely disadvantageous for those seriously interested in participating in these training courses that the selection is actually made only on the basis of having optimum knowledge of the foreign language or of having a certificate in it. The final outcome of this is that it is always the same individuals who get to participate in the initiatives."

Judge, Italy

"Most training courses call for a command or advanced knowledge of a language like English, French... In fact I have only taken part in one ERA event, which I chose because there was simultaneous interpretation into Spanish, because I don't think I am capable of taking part in a course in English."

Prosecutor, Spain

In some Member States, there is a formal requirement for judges and prosecutors to present a certificate of their language skills in order to be able to participate in European judicial training programmes, but a number of respondents to the survey felt this was an unsatisfactory solution:

*"The main obstacle to my participation at European-level seminars is the constant requirement to be in possession of official certification of one's level of knowledge of at least one foreign language. I believe that **this requirement forces many colleagues to desist from submitting applications to attend seminars despite having sufficient knowledge to follow lectures and to read written texts and to express their thoughts in the context of simple conversations.**"*

Prosecutor, Italy

The language barrier affects not only training but also other sources of support for judges and prosecutors in applying EU law:

*"Lots of my colleagues do not speak languages or not at the level one would need for understanding legal English or French. E.g. I found the EJN website interesting, **but my colleagues told me that it was not too much help for them because their English was not good enough.**"*

Prosecutor, Hungary

2.4. SUGGESTIONS FOR IMPROVEMENT OF JUDICIAL TRAINING IN EU LAW

Respondents to the survey were asked to give examples of what they considered best practice in judicial training, particularly in the field of EU law, and to make suggestions for improving and increasing participation in judicial training. The measures they proposed address diverse aspects of training, in particular continuous training, from the format and methodology to the venue, timing and funding arrangements. Responsibility for implementing such measures lies with a number of different actors, mostly within the Member States' national judicial systems, and only a handful can be achieved through direct action by the European Union. The EU can, however, encourage and enable – through its funding programmes and other direct actions – the adoption of best practice and improvements in the provision of judicial training that would overcome the obstacles and shortcomings described above.

The measures proposed by judges, prosecutors and court staff in answer to the survey are described below in more detail with illustrative quotations from respondents. They can be grouped into the following categories:

- Ensure that training is integral to work as a judge or prosecutor (2.4.1.):
 - Adapt judges' and prosecutors' workloads to allow for training;
 - Set aside (compulsory) time for training;
 - Replace judges, prosecutors and court staff who are on training;
 - Recognise and reward participation in training;
 - Provide sufficient funding for staff to attend training.

- Make training more efficient in terms of the time and resources used (2.4.2.):
 - Improve communication about training programmes;
 - Provide more decentralised training at more convenient times;
 - Make better use of e-learning and videoconferencing;
 - Combine decentralised and EU-level continuous training;
 - Repeat training programmes;
 - Train multipliers and share / re-use training materials.
- Make training more practical (2.4.3.):
 - Design training according to the needs of participants;
 - Use case studies and more active forms of training;
 - Offer internships at the EU courts and other institutions;
 - Ensure follow-up to training in daily practice.
- Widen access to training (2.4.4.):
 - Provide more language training and multilingual training;
 - Offer training to neglected professional groups, e.g. court staff;
 - Ensure respect for work/life balance.

2.4.1. MAKING TRAINING INTEGRAL TO WORK AS A JUDGE OR PROSECUTOR

"Attending judicial training seminars should be compulsory for colleagues who deal professionally with cross-border matters; furthermore, expenses should be borne by the employer, judges should be granted special leave to attend judicial training events, and someone should be found to replace them during their absence."

Prosecutor, Germany

"Training ought to be compulsory with at least 5 days set aside for each judge per annum. An EU directive to this effect would be helpful."

Judge, UK

2.4.1.1. Adapting judges' and prosecutors' workloads to allow for training

As described above, the greatest single obstacle to the participation of judges and prosecutors in continuous training is a lack of time due to the fact that they are not replaced and their caseload is not reduced when they attend training. Many survey respondents felt it was necessary for judicial administrations to address this problem:

*"To improve attendance at training courses, **time for training must be factored in by the upper echelons** when they are determining the number of cases that judges are expected to deal with on an annual basis."*

Judge, France

Some respondents suggested reducing the workload of judges and prosecutors while they are on training or exempting them from court duties during that time:

*"It should be facilitated for judges to participate in trainings despite their workload. **It would be a big advance if they were exempted from the obligation to trial during the training period.**"*

Judge, Hungary

*"**When I take part in training I should be exempted from work in the court.** Today I have to somehow reconcile the two"*

Judge, Poland

2.4.1.2. Time for training

Some survey respondents suggested setting aside a regular slot in the judicial calendar for training sessions:

*"**Training should be held close to the place of residence and periodically,** e.g. every fourth week of the month on Tuesday or every first day of the month. This will help to organise work at the court."*

Judge, Poland

*"Always have **a one-day training session on a specific topic, for example once a month.**"*

Court official, Sweden

Other respondents suggested that training should be made compulsory, not so much in order to oblige judges and prosecutors to participate, but rather to ensure that the necessary time and resources were made available:

*"If attendance at judicial training seminars was compulsory, **presiding judges could not refuse to authorise the attendance** of judges at judicial training programmes."*

Judge, Austria

*"Judicial training should be made obligatory for all judges in office and **the hierarchy should be compelled to provide the time and personnel to achieve this.**"*

Judge, France

The Association of European Administrative Judges, in its contribution to the study, proposed that the EU should

*"introduce an **obligation for Member States to enable each judge to participate in one training meeting a year, irrespective of workload.**"*

It is worth noting that in the small number of Member States where there are compulsory continuous training requirements for the judiciary, the rate of participation in training indicated by respondents to the survey was not higher than in Member States where training is not compulsory.

2.4.1.3. Replacement of training participants

Apart from setting aside time for the training itself, many survey respondents emphasised the need to ensure that judges and prosecutors who attend training are

replaced so that the work of the court or prosecution service is not unduly affected and that potential participants are not discouraged from attending training by the work awaiting them on their return:

*"The participating magistrate should have **another magistrate who could replace him/her** in the respective court so as to avoid an accumulation of work."*
Prosecutor, Portugal

*"There should be **a colleague to stand in for you** and do the work, because usually when you get back your desk is creaking under the weight of a week's work or another colleague with enough work of their own will have been overloaded."*

Prosecutor, Spain

Achieving the extra capacity to be able to replace judges and prosecutors while they are on training would cost money, and several survey respondents thought that this should be factored into the cost of training:

*"It should be obligatory in every country to permit judges to devote 5-10% of their working hours to training (ideally one day a month). However, **this would presuppose that the number of judges is increased by 5-10%** if they are to be available for training."*

Judge, Belgium

*"My workload is not reduced in court so days spent on teaching must be caught up when I'm back in court. Most of this is entirely unpaid. **It would help if the court received payment so that it could replace me** for a few days."*

Judge, Sweden

The European Network of Councils for the Judiciary identified this as one of the principal challenges to be addressed in order to meet the training needs of judges, prosecutors and court staff:

*"The **time spent on training activities, away from court, should be foreseen and compensated adequately** by courts' organisation."*

2.4.1.4. Recognition and reward for training

A number of survey respondents argued that participation in training should be recognised as the equivalent of handling a given number of cases and rewarded accordingly. This symbolic change would make it easier to integrate training into judges' and prosecutors' professional duties:

*"It would be necessary to guarantee that the court of the judge taking part in training can carry on functioning normally without his presence, which calls not only for a proper and qualified replacement, but for the time spent on training to be specifically recognised, for example, as **equal or greater than effective work** in the court."*

Judge, Spain

*"Value should be attached to attendance at training as the equivalent of work done, and be **counted as judgments made and cases closed**. This would avoid the excuse for not attending training events of "to avoid falling behind with work" and being penalised in performance assessment."*

Judge, Portugal

2.4.1.5. Sufficient funding

Other survey respondents pointed out the need to provide funding for training programmes – such as many of those at European level – that are not offered for free or paid for by national judiciaries:

*"**There should be more scholarships** so that those who are willing to participate but do not have enough funds to pay the tuition, travel costs etc. could attend."*

Court official, Poland

*"It would certainly help if the **attendance fees of more EU judicial training courses were partly or fully financed**; this would increase the general willingness among members of the judiciary to attend judicial training programmes."*

Judge, Germany

2.4.2. MAKING TRAINING MORE EFFICIENT

2.4.2.1. Better and earlier communication of available training

A major practical problem preventing judges, prosecutors and court staff from participating in more judicial training, especially in European training programmes, is that they simply do not know what is on offer or find out about it too late to adjust their schedules. Training providers could address this by providing much earlier notice of training programmes and distributing the information more effectively to potential participants:

*"A description of the range of seminars available should be made available at the beginning of the year so that judges are able to **coordinate their own need for / interest in certain judicial training events with their schedule** of proceedings / hearings."*

Judge, Germany

*"More information about the various seminars and other events organised by the EJTN or other EU organisations should be **sent directly to judges and prosecutors**."*

Judge, Germany

*"**More direct e-mails should be sent to interested magistrates** concerning various opportunities/dates for courses in European law."*

Judge, Belgium

2.4.2.2. More decentralised training for shorter periods

A significant number of survey respondents argued that continuous training should be held closer to their place of work:

*"It would be a good idea to organise training courses closer to the judge's work place: **not in Brussels, not in the national capital, but in the regions.**"*

Judge, France

*"**Continuous training must come to the participant, not vice versa.**"*

Judge, Germany

*"Training would be more effective if structured as **a series of consecutive workshops** into a training course for a set period of 1-2 years."*

Judge, Bulgaria

For some respondents, more decentralised training would help reconcile participation more easily with their workload and professional obligations:

*"Training courses lasting one day or half a day close to the working place **would enable more people to attend.**"*

Judge, Belgium

*"Training should be offered on site where the court is based because **travelling to other places is too expensive and takes too much time.**"*

Judge, Germany

*"Training should be held at the regional prosecutor's offices so that **participation in the training does not involve travel to a town very far away** from the place of work and residence. It is often the necessary travel and leave of absence for a few days which prevent participation in the training since it is difficult to reconcile participation with family and professional obligations."*

Prosecutor, Poland

For other respondents, the principal advantage of more decentralised training is that it would enable significantly larger numbers of judges, prosecutors and court staff to participate in training sessions without unduly disturbing court schedules:

*"Training should be organised at the level of individual Regional Courts, using the premises of these courts, for the judges of a given region – in this way **all regional judges, district judges, court clerks and even judge assistants could be trained more cheaply and faster.**"*

Judge, Poland

*"In my opinion training should be organised in towns which are the seats of e.g. the regional court. Today a court can only send three participants to the training venue. Time and money are wasted on travel and accommodation. Furthermore, if training is organised in the seats of regional courts, **the number of participants could be increased.**"*

Judge, Poland

Other respondents saw decentralised training as a way to raise awareness of the relevance of EU law and informing judges, prosecutors and court staff about the European training programmes available:

*"The awareness of the effects of European law on the work of judges should be heightened by organising short events (duration: approx. 3 hours) locally (i.e. combined courses held in larger courts for the district concerned). At the same time, these meetings could be used to **draw attention to the various judicial training seminars on European law**, available both nationally and internationally."*

Prosecutor, Germany

Decentralised training could also be organised on the basis of regional clusters gathering participants from neighbouring countries:

*"It would be desirable if **more regional judicial training events** were organised, e.g. events attended by judges from neighbouring regions or countries by way of "local border traffic" (Saxony / Czech Republic; Berlin-Brandenburg / Poland; Saarland, Rhineland-Palatinate, Baden-Württemberg / France, etc.)."*

Judge, Germany

2.4.2.3. More convenient timing

In addition to more decentralised training, a number of survey respondents recommended addressing the problem of the conflict between training and workload by scheduling training programmes during periods of the year when the impact on court schedules would be minimised:

*"**Training during the judicial recess** (from the beginning of July to the end of August) would be ideal because training courses could be longer without affecting work load."*

Judge, Belgium

*"It may also be interesting to organise training courses during summer periods, combining language and legal training in EU law, and thus to be able to **exploit periods in which there is no need to interrupt judicial activities.**"*

Judge, Italy

2.4.2.4. Better use of e-learning and videoconferencing

Only 42% of national judicial training actors make use of e-learning and just 21% use videoconferencing in the framework of their training programmes (see Section 4, page 107). Many survey respondents from across the EU, however, proposed distance learning solutions in order to make judicial training more efficient. This suggests that while such solutions are not yet widely used at present, they have significant potential as a means to increase participation in judicial training programmes.

For many respondents, the key advantage of e-learning was that it would help overcome the problem of reconciling training and workload:

"We should **increase the forms of remote participation** (videoconferences or e-learning) in order to avoid the problems arising out of the time spent away from the place of work and home."

Judge, Italy

"Considering the huge workload of judges, it is not very effective to organise training in the form of lectures. **The advantage of e-learning or blended learning is that a learner can choose the time of learning.** I presume that judges are more prepared for independent work than anticipated."

Judge, Estonia

Other participants emphasised that distance learning offers a cost-effective way to increase the number of participants in training at a time of tight budgets:

"The use of video links would **facilitate participating in training for those outside of the capital city region.**"

Judge, Finland

"I think there should be more e-learning, which is **much cheaper, and with the potential to extend it to a larger number of interested people.**"

Judge, Spain

"Given the pressure on funding for training and the cost of travel and time, consideration could be given to **video-streaming of seminars to central points or judicial schools** for a fee."

Prosecutor, UK

For other participants, e-learning could be used as a way to ensure that face-to-face training is more efficient:

"**E-learning should be used to impart basic knowledge** and an introduction into new rules and regulations, in particular for older participants who, unlike younger colleagues, did not cover European law in their undergraduate education."

Judge, Germany

"The **joint approach of e-learning and traditional course-attendance training** should be promoted so that topics can be examined in more detail at the pace of each participant. At the end of the course, a joint attendance session should be held in order to conclude with an exchange of experiences."

Judge, Portugal

2.4.2.5. Combination of decentralised and EU-level continuous training

A number of respondents to the survey shared the view that continuous judicial training should be more structured and systematic, with basic training taking place locally or remotely and leading eventually to a more advanced and interactive training programme. For some, this would again help reconcile training and workload; for others, it was a question of the quality of the training itself:

*"Training in EU law should be systematic and comprehensive, especially for colleagues who have not studied this discipline at the university. **Not single, unconnected subjects, but comprehensive training** should be organised, possibly in e-learning form and combined with workshops."*

Judge, Bulgaria

*"**Training should be provided in two distinct phases.** In the first phase judges and prosecutors would receive training in the country of origin. Later, in the second phase, there should be joint training for judges and prosecutors from all the member states of the European Union."*

Judge, Portugal

*"Where it is a question of providing basic knowledge, then training in individual member states should help. When it is a question of professional exchanges in specialised areas, then **the EU should establish a "Forum"** to provide opportunities to consider case studies and for professional discussion."*

Judge, Germany

2.4.2.6. Repeated training programmes

A simple proposal made by several survey respondents for increasing participation in judicial training was to repeat training programmes so that judges and prosecutors who are unable to attend one session due to their professional obligations have a chance to attend another:

*"Repeat seminars more often as there is a lot of interest in several of these and **not all those interested can attend.**"*

Judge, Czech Republic

*"Organise seminars at a central location with "standard" contents, with a frequency of at least quarterly, in such a way as to **allow the participation of all the members of the judiciary** interested in the course of one year."*

Prosecutor, Italy

2.4.2.7. Train multipliers and share / re-use training materials

Many survey respondents suggested that training would be more efficient if the training materials could be pooled, shared or re-used, or if training were to focus on a number of multipliers who would then train their colleagues. The starting point should be a good documentation set:

*"An improvement in the training of judges in EU law could be attained following the method used by ERA. Their intensive courses not only outline the subject matter, but also **provide the legal resources needed for a future deepening of the legal matter discussed.**"*

Judge, Romania

*"Judicial training seminars should be short and have practical relevance, with **detailed documentation**, so that participants can act as multiplying agents at their home courts / prosecutor's offices."*

Prosecutor, Germany

Training materials developed at European level could also be pooled so that judicial training providers at national or local level, or even individual judges, prosecutors and court staff, could make use of them:

"Concepts and material of European courses (e.g. from ERA) should be shared with member states to enable them to run similar training programmes at national/local level as not many colleagues can afford to attend international seminars/ conferences (at least on a regular basis)."

Prosecutor, Germany

"Within the framework of EJTN and assisted by the national judicial training institutions, **a database of lecture materials on issues of judicial cooperation, translated into all EU languages, should be set up** and these materials used in the training of judges in each Member State."

Judge, Bulgaria

"It would be great if EJTN/ERA could **supply the national training institutions with e-learning/interactive education** to use in our training regarding EU law and ECHR."

Prosecutor, Sweden

"There should be more interaction between EU countries and sharing of training methods."

Judge, Malta

In a number of Member States, certain judges and prosecutors are appointed to act as coordinators or contact points for EU law issues. Several respondents to the survey thought that training should focus on these multipliers, or that such a system should be introduced in their own Member State:

"In member states, where there is a consulting system within the legal institutions (like in Hungary), it would be efficient to organise **joint trainings for the consultants.**"

Judge, Hungary

"On a district-by-district basis, a member of the judiciary should be appointed as a trainer; that person should be provided with training so that he or she in a position to **train their colleagues within the district** through appropriate periodic meetings."

Judge, Italy

"Certain members of the staff should be appointed in the national court with an extra responsibility to have an eye on the **development of EU law and rulings from the EU court.**"

Judge, Sweden

2.4.3. MAKING TRAINING MORE PRACTICAL

"Training should be oriented towards practice."

Prosecutor, Luxembourg

"More practice, less theory."

Judge, Greece

*"Practical knowledge should be shared and **not theoretical foundations for the hundredth time.**"*

Judge, Poland

Many judges and prosecutors who responded to the survey complained that training, especially training in EU law, is too theoretical, making it difficult to see its practical applicability. Many argued that making training more practical would make it both more attractive and more effective:

*"I need training in **accessing EU law**, where to find decisions."*

Judge, Poland

*"All the judicial training courses I know do not really cover topics that are relevant for practitioners. I would welcome a judicial training seminar in which participants from various countries discuss **specific practical cases** among themselves."*

Prosecutor, Germany

*"More should be devoted to the application of regulations in practice. Theory is necessary, but finding practical solutions to model situations **increases the attractiveness and efficiency of education.**"*

Judge, Slovakia

2.4.3.1. Needs assessment

Several survey respondents suggested that designing training on the basis of a needs assessment provided by potential participants themselves, or offering alternative training options depending on participants' needs, would help to ensure the practical relevance of training:

"Training should be targeted on practical needs of judges when leading legal proceedings."

Judge, Slovenia

*"Training programmes and lecturers should be selected on the basis of the **needs and topics identified by participants.**"*

Prosecutor, Lithuania

*A good idea would be if participants could **choose their level** to avoid wasting time on basic knowledge if they have prior knowledge of EU law (and in the same way preventing participants without prior knowledge of EU law from feeling that the course is incomprehensible).*

Judge, Denmark

2.4.3.2. Case studies and more active forms of training

*"Case studies are the **unchallenged gold standard** in all legal training."*

Judge, Sweden

When asked to give examples of best practice in judicial training, respondents to the survey cited "case studies" far more frequently than other training methodologies.

"I would like more case studies and discussion on how the problems that arose were dealt with and how they might have been dealt with. My preference would be for presentation by judges and lawyers involved in such cases followed by discussion."

Judge, Ireland

Only 61% of national judicial training providers, however, said that they used case studies in their training programmes (see Section 4, page 107). Survey respondents gave various reasons to explain how case studies help to relate training better to their daily practice. Many said that the problem-solving approach required in case studies reflects the way in which judges and prosecutors work:

*"A judge in our legal system is called upon to apply the law applicable to the facts found by him after an evaluation of the evidence. **Case studies are therefore the best method of judicial training.**"*

Judge, Cyprus

Several respondents from civil law jurisdictions, where judges and prosecutors join the profession directly after their university studies, emphasised the value of the practical focus of a case study approach:

*"Given that access to the magistracy takes place after university education, the priority must be **contact with practical reality through case studies** and accompanied by practical work."*

Judge, Portugal

Many survey respondents argued that case studies and other forms of training that require active participation are simply more effective than passive forms:

*"Judges are used to acquiring knowledge on new areas by self-study and prefer **active participation instead of passive learning.**"*

Judge, Denmark

*"The last training I participated in concentrated on case studies and workshops solving different criminal problems. It was a great idea; I believe **one learns more easily through practice.**"*

Prosecutor, Hungary

Some respondents, however, warned that a case-study approach, especially in an international context, must retain its relevance to participants' daily practice:

*"**Case studies – must be with regard to real cases** that take the special features of the legal system into account – at international seminars, examples are often used which are not always relevant."*

Prosecutor, Slovakia

"Training in EU law should be more practice-oriented and customised for the relevant judicial body in the Member State."

Judge, the Netherlands

2.4.3.3. Internships at the EU courts and other EU institutions and bodies

One proposal made by a number of survey respondents for a very practical form of training was to enable judges and prosecutors to conduct internships or secondments at the EU courts and other relevant institutions:

*"I think that the interest in European law and in attending judicial training seminars on European law topics could be considerably increased if interested colleagues were given a chance to be **seconded to temporarily work at a European court**, e.g. as a référendaire or as a research associate assisting in preliminary ruling procedures."*

Judge, Germany

*"The training of judges while working in an institution (ECJ, EP, Eurojust) is very important, because they will familiarise in a **direct and substantial way with the subject matter** and will acquire valuable experience."*

Judge, Greece

*"I would like many more offers to "work" in the EU Institutions in order to increase our knowledge about them and help all of us to **know our "partners"**."*

Prosecutor, Spain

*"It is absolutely necessary to **insist on national authorities permitting judicial trainees to do some of their training in a European institution**: the Belgium judicial code still does not allow trainees to spend time at the ECJ (nor the ECHR)."*

Trainee judge, Belgium

2.4.3.4. Follow-up in daily practice through direct exchanges with foreign colleagues and regular newsletters

A key point raised by many respondents to the survey was that for training on EU law to remain practically relevant, it must be kept up-to-date. Some respondents emphasised the practical value of maintaining contacts with judges and prosecutors in other Member States beyond the participation in common training programmes:

*"Each judicial training seminar will increase the understanding of the situation prevailing in another Member State, and it will help to avoid unnecessary or useless requests for mutual legal assistance because, by establishing contacts, **one can directly turn to a person one knows to obtain information on how a request for mutual legal assistance should be worded**, etc."*

Judge, Germany

*"To go even further, why should it not be possible, within the framework of a forum, to ask concrete questions on the functioning or procedure, or on law itself, in order to **receive expert advice as well as ideas from all over Europe?**"*

Judge, France

In order to keep up-to-date on the substance of EU law, many respondents suggested a bulletin or newsletter for judges and prosecutors summarising the latest developments in EU law. They offered different ideas about the content and editor of such a bulletin:

*"Owing to the permanent changes in the EU law, **updated bulletins should be sent to the judges and prosecutors** in order to familiarise them with the latest amendments in the field of enactment."*

Judge, Bulgaria

*"There should be a European newsletter (...) similar to that of Judge's Newsletter issue by the Hague Conference, containing interesting articles based on the **experience of the judges in the different countries.**"*

Judge, Cyprus

*"An alert (**once a month, ideally via the Internet**) on what is interesting or novel while at the same time being compatible with our own system could be envisaged."*

Judge, France

*"It would be useful for the day-to-day practice to have something like a newsletter (published, for instance, by the responsible national ministry) on legislation adopted by the EU, with explanations of what the legislation is all about (broken down by fields of law), what topics it covers, what its objectives are and when it will enter into force. **Such an overview would make it easier for practitioners to stay up-to-date** about amendments to legislation in their field of work."*

Judge, Germany

Some respondents thought that such an information service might also raise awareness of the need to attend judicial training:

*"Regular information on specific practical application of EU law in a condensed form would **make judges and prosecutors aware of the fact that this field may give rise to legal issues**, which may make it necessary to attend relevant judicial training courses."*

Judge, Germany

*"As a decentralised trainer, I, along with other colleagues, have been considering using a mailing list to all the members of the judiciary in Piedmont to circulate news of judgments from the ECHR and the CJEU. I do not know how many people have read this case-law, but I do think this may serve as **an alarm bell for drawing attention to the need to keep up-to-date in European legislation.**"*

Judge, Italy

2.4.4. WIDENING ACCESS TO TRAINING

Many respondents to the survey complained that they were unable to participate in judicial training because they lacked the linguistic skills, belonged to a professional group whose training needs were neglected, or could not reconcile it with their family

obligations. Addressing these barriers would also help to increase participation in judicial training programmes.

2.4.4.1. More language training and multilingual training

The inability to communicate proficiently in a foreign language constitutes a significant barrier to participation in European judicial training programmes that must be addressed:

*"Improving the knowledge of judges and prosecutors in the field of European law presupposes **first offering training sessions in foreign languages.**"*

Prosecutor, France

*"English, French and German language skills should be improved with EU funding, since **language training cannot be paid for out of private pockets** due to poor remuneration."*

Judge, Latvia

Respondents had differing views, however, on whether to address this by offering more language training to judges and prosecutors or by offering more judicial training with simultaneous translation. Those who favoured more multilingual training argued that participants could only learn effectively in their mother tongue:

*"Use of the mother tongue of participants at all training courses, because **participants can only participate and fully benefit from training when it is provided in their first language.**"*

Prosecutor, Portugal

On the other hand, those who supported more language training argued that knowledge of other languages is also needed for the valuable personal contacts established during European training programmes and exchanges:

*"Anyone who wants to attend such training courses needs to have very good command of foreign languages because this is necessary for **personal contacts with foreign colleagues.** For this reason, both general foreign language courses and courses on legal terminology should be available to judges and prosecutors throughout their professional lives, so that they can regularly refresh their knowledge."*

Judge, Germany

The EU Fundamental Rights Agency, in its contribution to the study, also identified the "provision of training in the mother tongue or working languages of the target groups" as the key to increasing the participation of judges and prosecutors in European judicial training programmes.

2.4.4.2. Training for neglected professional groups, e.g. court staff

The survey revealed that some professional groups within the judicial system enjoy greater access to training than others. The training needs of court staff, including those actively involved in judicial cooperation, are particularly neglected. A number of court staff said that addressing this should be a priority:

*"When training is organised, **judge assistants should be considered as potential participants** as well. Practically, all training is targeted at judges or prosecutors and assistants are not taken into account although they are involved in awarding decisions. These are people with practically the same education as judges and/or prosecutors."*

Court official, Poland

*"It would be desirable if registrars were given more access to judicial training opportunities. In this respect, the cooperation among judges, prosecutors and registrars should be promoted because **many procedural matters can be taken care of by registrars**. This applies, for instance, to the enforcement of foreign judgments in one's own country or vice versa."*

Court official, Germany

The European Union of *Rechtspfleger* and the *Union Internationale des Huissiers de Justice* both emphasised the need to provide training in EU law to court staff in their respective contributions to the study.

2.4.4.3. Respect for work/life balance

In response to the problem faced by a number of survey respondents in reconciling training – especially residential training at a venue far from home – with family obligations, some suggested that measures already mentioned above would suffice, for example:

*"**More online or decentralised courses** to make it possible to reconcile family demands with participation in training."*

Judge, Italy

A couple of others suggested integrating childcare into training programmes:

*"In the case of longer training programmes: they should be **family-friendly** (e.g. child-care facilities or attendance at a local school)."*

Judge, Germany

*"**Babysitting** during training arrangements."*

Judge, Germany

2.5. SUGGESTIONS FOR IMPROVEMENT OF EU SUPPORT FOR JUDICIAL TRAINING IN EU LAW

The survey of judges, prosecutors and court staff suggests that the appetite for more EU action in the field of judicial training is high: 89% of respondents said they would appreciate measures to promote more contact with judges and/or prosecutors from other Member States, with 54% supporting more joint training, 56% supporting more exchanges and 47% expressing interest in an online database or directory. However, many of the measures proposed above to improve judicial training, especially in EU law, and to increase the participation of judges, prosecutors and court staff in training programmes can only be implemented by the Member States or indeed their independent judiciaries. While the scope for direct action by the EU itself is therefore limited to a number of specific fields, it can play a supporting and enabling role in many others.

2.5.1. MAKING BETTER USE OF EU FUNDING

The EU's most important and effective lever with regard to judicial training is its funding programmes. In order to improve and expand judicial training, it can use these not only to increase the amount of training offered by increasing the amount of EU funds available, but also to influence the conditions under which it is made available by taking into consideration the obstacles and best practices described above when designing the terms of the funding programmes.

2.5.1.1. More (access to) EU funding

More EU funding was most frequently identified by national judicial training actors as the best way to improve and increase participation in judicial training in EU law (cited by 25 of 45 institutions that expressed a view, see Section 4, page 109). At a time of budget cuts in the Member States, the EU may have to do even more to ensure that EU law training is provided at national level:

*"If the EU is serious about widening awareness of EHCR and EU law in member states, then it might have to supply **additional funding to member states** to provide more in depth judicial training in these areas. After all, our first priority is to our national laws and procedures."*

Judge, UK

A third of national judicial training actors questioned had received EU funding (see Section 4, page 105). Of these, over two-thirds evaluated the extent to which the right target group for training had been identified as "good" or "very good". However, only one-third of them classified the procedure for submitting a funding application as "good" or "very good". The UK Competition Appeal Tribunal, which contributed to the study on behalf of the Association of European Competition Law Judges, commented:

*"Past experience of EU funding was that it was **too cumbersome.**"*

Indeed, the most frequent reason for national judicial training actors not receiving EU funding was that EU procedures are too cumbersome (cited by over a third of such institutions). After "more funding", simplifying the procedure for EU funding was the next most frequently suggested recommendation for EU action (made by 13 institutions). The European Institute for Public Administration, in its contribution to the study, called for the simplification of funding application requirements on the grounds that:

*"The current specification requirements prevent any kind of flexibility and force applicants to **spend more time on calculation exercises (and later bookkeeping) than on project design and quality.**"*

EIPA also suggested replacing the system of making grants in favour of awarding service contracts.

The simplification of funding procedures would therefore seem to be a key step towards involving more judicial training actors in EU-funded training programmes and thus extending access to them to a greater number of judges, prosecutors and court staff.

Another important factor inhibiting participation in EU-funded training programmes is that the minimum threshold for funding is too high, as explained by the following respondent to the survey:

*"I would be pleased to organise workshops with colleagues from other EU Member States. However, **the EU only provides funding for projects of a huge financial scope**. This prevents very useful meetings of 20 or 30 judges from various countries who would like to discuss a specific issue for two days, for example. That is a GREAT pity, and there is an urgent need to improve the situation."*

Judge, Germany

2.5.1.2. Adapting EU funding to the reality of judicial training

Most EU funding programmes for judicial training currently take the form of co-financing, in which the European Commission covers up to 80% or even 90% of the costs and the training provider the remainder. Given the obstacles to participation in judicial training in most Member States, as described above in section 2.3., the requirement on the funding recipient to make this contribution can be problematic, however:

- On the one hand, as the profiles of national judicial training actors show, some training providers do not control their own budgets and are unable to make funding commitments beyond the current financial year. Many others are facing budget cuts as part of general austerity measures and will be increasingly unable to contribute funds to European training programmes.
- On the other hand, judges, prosecutors and court staff in most Member States are used to training at national level being provided from the public purse at no or little direct cost to them. From the employer's perspective, the cost of a judge or prosecutor attending training is composed not only of any direct costs associated with it, but also of his or her salary during the training as well as potentially replacing him or her for the duration, as this survey respondent explained:

*"Judges are hampered from participating in European training because they cannot be released from bench duties and **the cost of replacing them with a substitute is not considered a legitimate training cost**. National Governments and the EC have to address this problem"*

Judge, UK

If an EU-funded training programme is being run by a European-level training provider, asking the participant or the employer to contribute the remaining 20% of the costs through a participation fee is therefore a major obstacle to participation.

By ensuring that the conditions of EU funding do not constitute a disincentive to apply for funding or an obstacle to participation, the Commission could increase the number of judicial training actors involved in EU-funded programmes as well as the number of judges, prosecutors and court staff benefitting from them.

Another way in which the Commission could improve and increase participation in judicial training in EU law through its funding programmes would be to prioritise support for the

forms and methodologies identified by judges, prosecutors and court staff in section 2.4. above as best practice in making training compatible with their professional obligations and relevant to their daily practice, such as:

- Decentralised training sessions;
- E-learning;
- Active training methods, such as case studies;
- Multipliable training resources.

2.5.2. INFORMATION-SHARING

The survey revealed both a lack of awareness about specific issues of EU law and a lack of information about the judicial training programmes available. The EU could do more to address both these problems.

2.5.2.1. Databases

Online EU databases already represent one of the most important sources of support for judges and prosecutors in applying EU law. They are nevertheless still relatively under-used and unknown, especially in certain Member States, and many survey respondents expressed the desire for more information about them and how they work:

*"Improving cross-border contacts and availability of databases would be helpful. At the moment, if an issue comes up that requires knowledge of other countries or a less known problem of EU law **there is often a general confusion of where to get help**. Mostly it works by private contacts and such requires a lot of work and it is often doubtful whether information can be acquired that way."*

Judge, Germany

2.5.2.2. European Judicial Networks

The survey revealed that awareness of the European Judicial Networks in Criminal and in Civil and Commercial Matters, as well as agencies such as Eurojust, even among judges and prosecutors specialised in the respective areas of law, is sometimes worryingly low. This is in spite of the valuable work done by them and their potential to act as a relay between judicial practitioners and the EU institutions, as recognised by the following respondent to the survey:

*"It would be desirable if judicial training seminars were organised on **judicial networks** and their application in the World Wide Web. After its completion and ongoing updates of country reports, the European Judicial Atlas is now a valuable working tool. It is not yet sufficiently well known. It should be advertised more effectively."*

Court official, Germany

The European Judicial Network in Civil and Commercial Matters, in its contribution to the study, also emphasised the need for training of the EJM contact points by their own Member State administrations in order to ensure that they can do their job properly. It identified language training, training on EU civil law and training on the specific tasks of EJM contact points as areas of particular need. A joint effort by the EU and the Member States to provide training for and about the European Judicial Networks would therefore be worthwhile.

2.5.2.3. European e-Justice portal

While no respondent to the survey mentioned the e-Justice portal by name, giving an indication of the amount of work still needed to raise awareness of it, many respondents described essentially such a service, notably in terms of providing information about the EU law training programmes available. The challenge, as the following respondent suggests, will be to ensure that individual judges and prosecutors can access that information directly:

*"In my opinion, it would be important to register all judges and prosecutors on an EU level in order to ensure that they receive directly (by e-mail) all information related to judicial training, because currently **judges are either unaware of the training events that are organised on European level or receive the information only randomly and partially.**"*

Judge, Greece

The Association of the Councils of State and Supreme Administrative Jurisdictions of the EU, in its contribution to the study, also highlighted the value of gathering information about existing training provision in one place:

*"It would be desirable to have an overview by establishing an inventory of all initiatives in this area which are numerous and varied. Based on this inventory, it will be possible to **better coordinate training activities**, avoiding duplication and setting priorities."*

The European Patent Academy made a similar proposal in its contribution to the study.

2.5.3. SUPPORT FOR EXISTING TRAINING STRUCTURES

The European Network of Councils for the Judiciary, in its contribution to the study, emphasised the value of the work done by the existing bodies/structures for judicial training at EU level:

*"The training provided by EJTN and ERA is very useful in that it creates a **platform for judges and court staff to meet, exchange experiences and best practices.**"*

All national judicial training actors that expressed a view on the subject indicated that the existing bodies/structures for judicial training at EU level are sufficient, though many thought they could also still be developed and improved:

*"The role and **cooperation of EJTN and ERA** can still be developed."*

Ministry of Justice

*"**EJTN should be strengthened.**"*

National School of Magistracy

*"EJTN should receive **more support** from the EU."*

Judicial Academy

*"The existing bodies for judicial training at EU level should receive stronger commitment in order to support **more training actions** on EU law."*

Centre of Judicial Studies

*"It is necessary to improve the organisation of the existing bodies, get **better financing and adequate publicity** of their activities."*

Judicial School

Most national judicial training actors thought that the EU should not coordinate the activities of the different judicial training actors as such, but many saw the potential for the EU to play a supporting role in organising conferences, elaborating common training guidelines and the like.

There is therefore a strong appetite for the EU to do more with the existing bodies/structures for judicial training in the EU to improve and increase the provision of judicial training in EU law. The European Judicial Training Network proposed in its contribution to the study that the role of the EU – and in particular the European Commission – should be:

"to identify which are in fact the valuable key players in this area, to grant them the indispensable conditions to assure the proper execution of their activities, to evaluate if they are fulfilling their task properly or not, to verify if adequate coordination between those who have been selected as such exists or not, and in the case of a negative answer to this last question, to develop efforts and grant the conditions in order to ensure that such coordination will exist between them."

One key way to support the existing bodies/structures for judicial training at EU level, suggested by both EJTN and ERA, would be to include them in the new legal basis for funding programmes for 2014-2020, thus allowing for special funding conditions for programmes offered by these actors (such as considering the salaries of judges and prosecutors participating in training as their sending organisations' contribution to the costs) in order to overcome the obstacles to participation in training described above.

3. JUDICIAL TRAINING ACTORS AT EU LEVEL

INTRODUCTION

This section profiles the institutions, agencies, networks and associations that provide judicial training at EU level. They are grouped into the following three categories:

- Organisations established at EU level – though independent from the EU itself – with the specific mission to provide or support training for judges and prosecutors, as well as other legal professionals. As can be seen from their respective profiles and from the survey of judges’ and prosecutors’ experiences of judicial training (see page 125), these organisations – the Academy of European Law (ERA, see page 65) and the European Judicial Training Network (EJTN, see page 71) account for the bulk of judicial training provision, including exchanges, at EU level.
- Organisations that train judges and prosecutors in addition to their principal activities. These include the European Institute of Public Administration (EIPA, see page 77), based in Maastricht, which provides training, consultancy and research on EU issues to national public administrations and which has a centre in Luxembourg that provides training to judges and lawyers. This category also includes the European Patent Office in Munich (EPO, see page 81), the EU Fundamental Rights Agency in Vienna (FRA, see page 85) and the Organization for Harmonization in the Internal Market in Alicante (OHIM, see page 87), all of which provide training to judges on specific subjects in addition to their core activities.
- Associations and networks of judicial institutions or of individual judges and prosecutors that provide training to their members or that seek to promote cooperation on training matters at EU level. These include the Association of Councils of State and Supreme Administrative Jurisdictions in the EU (ACA-Europe, see page 91), the Association of European Administrative Judges (AEAJ, see page 93), the Network of the Presidents of the Supreme Judicial Courts of the EU (see page 99) and the European Network of Councils for the Judiciary (ENCJ, see page 97).

It should be noted that two further institutions – the College of Europe in Bruges/Natolin and the European University Institute in Florence – were invited to contribute data to this study but both indicated that they did not organise judicial training as such.

3.1. ACADEMY OF EUROPEAN LAW (ERA)

The Academy of European Law (known by its German acronym "ERA") is a public non-profit foundation established in 1992 under German civil law on the initiative of the European Parliament to provide training and a forum for debate on European law to all legal practitioners, including judges, prosecutors, lawyers in private practice, notaries, in-house counsel, law enforcement officers and lawyers in public administration. Its seat is in Trier, Germany, it has an office in Brussels and it organises training activities across Europe.

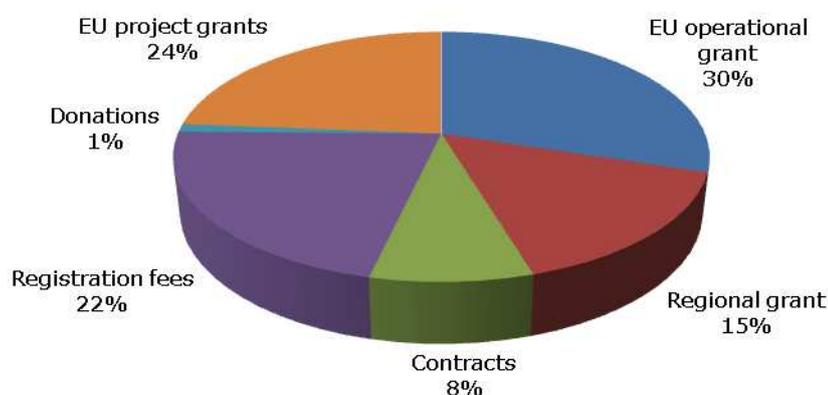
Academy of European Law (ERA)

Metzer Allee 4
D-54295 Trier Germany
Tel: +49 651 937 37-0
Fax: +49 651 937 37-773
E-mail: info@era.int

Website: www.era.int

ANNUAL BUDGET

Total annual training budget, including staff costs: € 5 876 000 (including scholarships)



STAFF

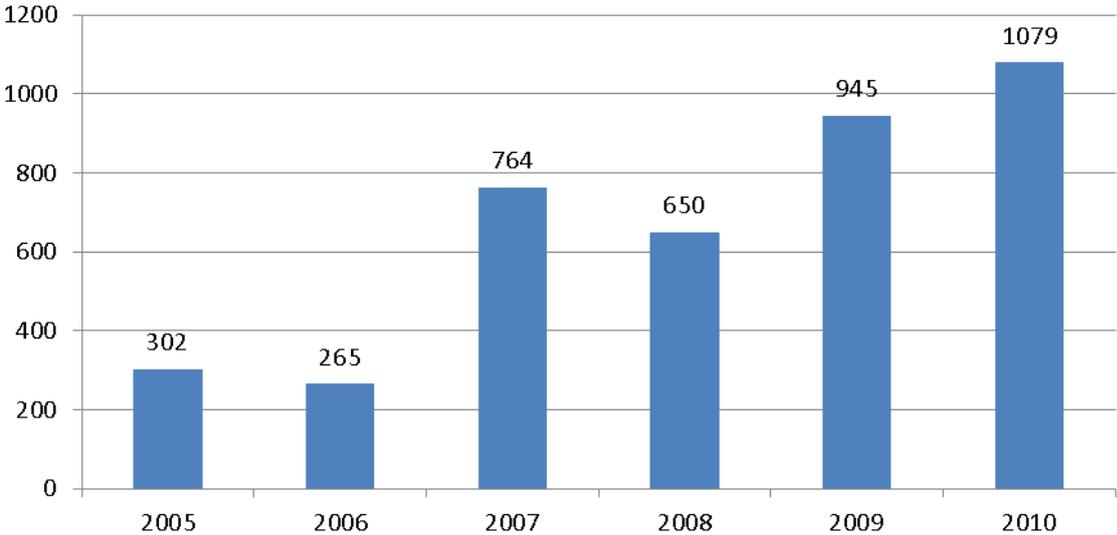
Total number of staff members:	70
Number of staff involved in designing and/or delivering judicial training programs:	28
Number of staff involved in providing support for judicial training:	42
Non-staff members involved in delivering judicial training programs as experts or speakers in 2009 (days per year):	1873

BRANCHES OF THE JUDICIARY COVERED

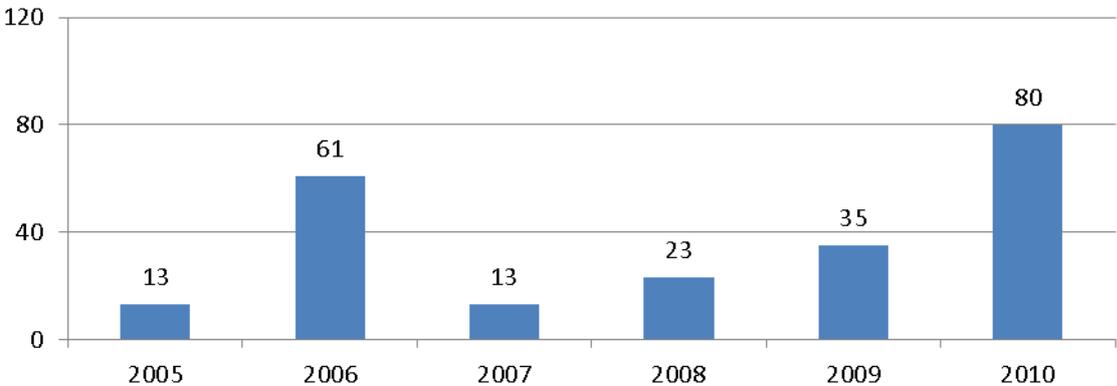
ERA's training activities are addressed to all legal practitioners (judges, prosecutors, lawyers in private practice or public administration, notaries, in-house counsel, law enforcement officers et al.), either in mixed inter-professional groups or separately.

TRAINING ACTIVITIES

Number of judges and prosecutors from EU Member States who took part in training activities each year:

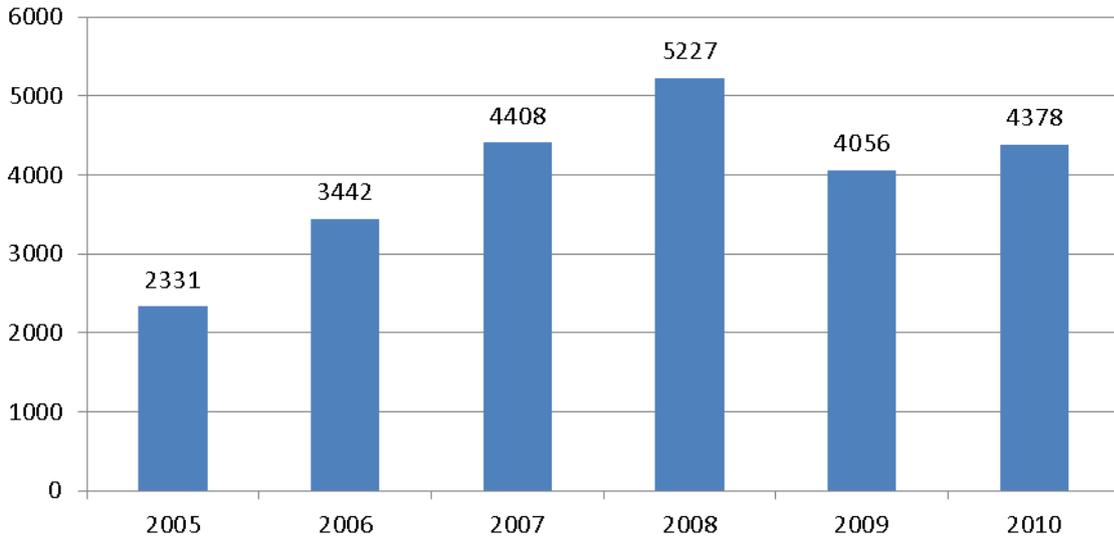


Number of judges and prosecutors from EU candidate and EEA countries⁸ who took part in training activities each year:

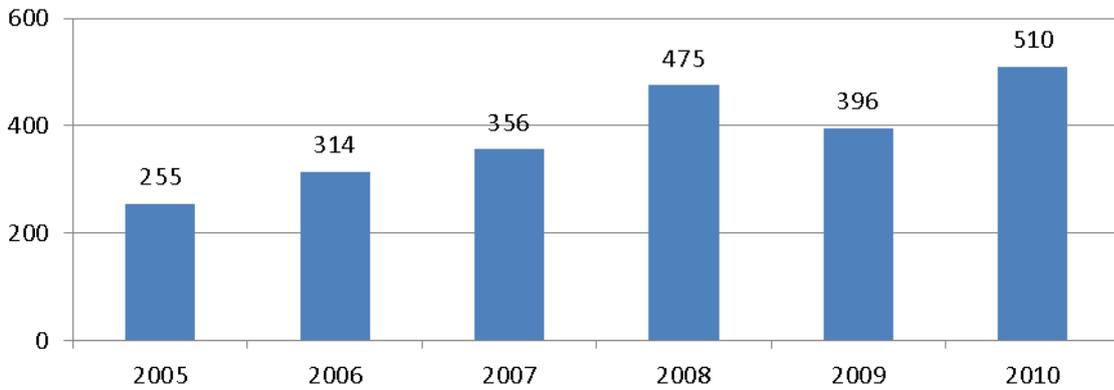


⁸ Croatia, FYROM, Iceland, Liechtenstein, Norway, Switzerland, Turkey

Total number of legal practitioners (judges, prosecutors, lawyers in private practice or public administration, notaries, in-house counsel, law enforcement officers et al.) from EU Member States who took part in training activities each year:

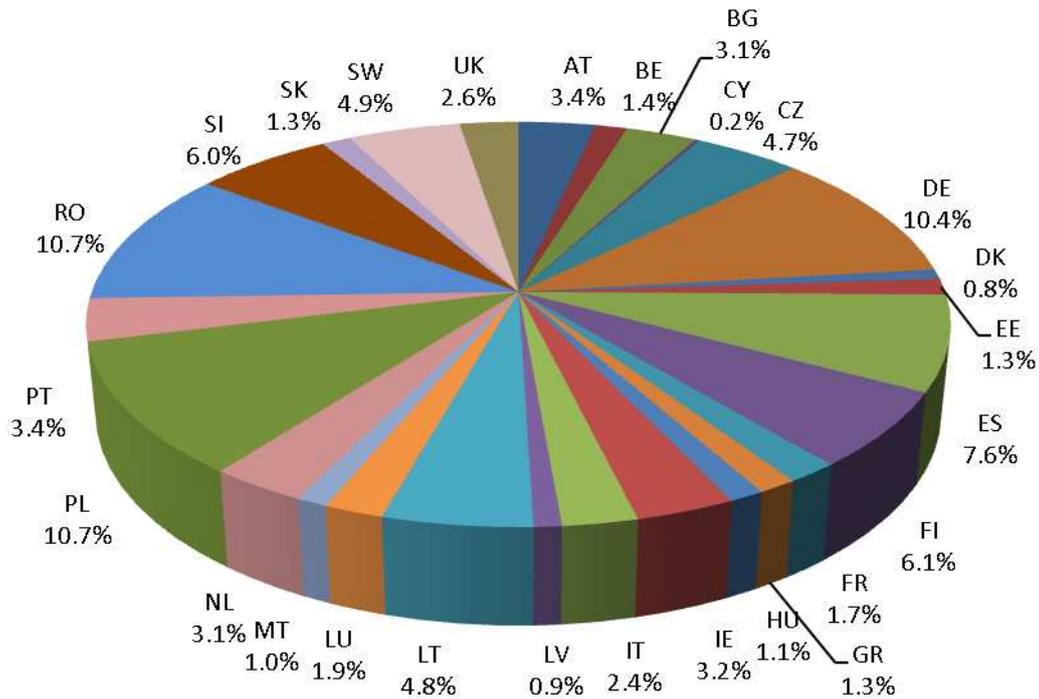


Total number of legal practitioners (judges, prosecutors, lawyers in private practice or public administration, notaries, in-house counsel, law enforcement officers et al.) from EU candidate and EEA countries⁹ who took part in training activities each year:

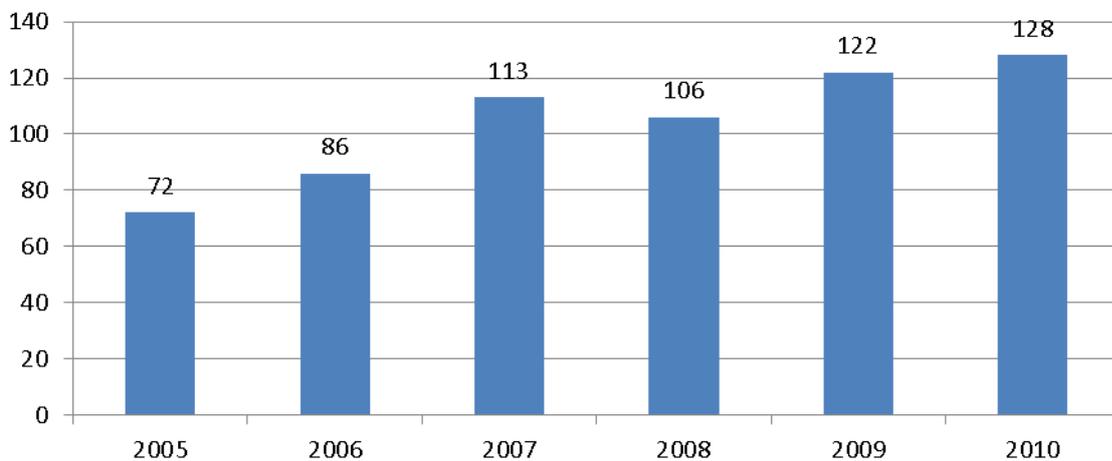


⁹ Croatia, FYROM, Iceland, Liechtenstein, Norway, Switzerland, Turkey

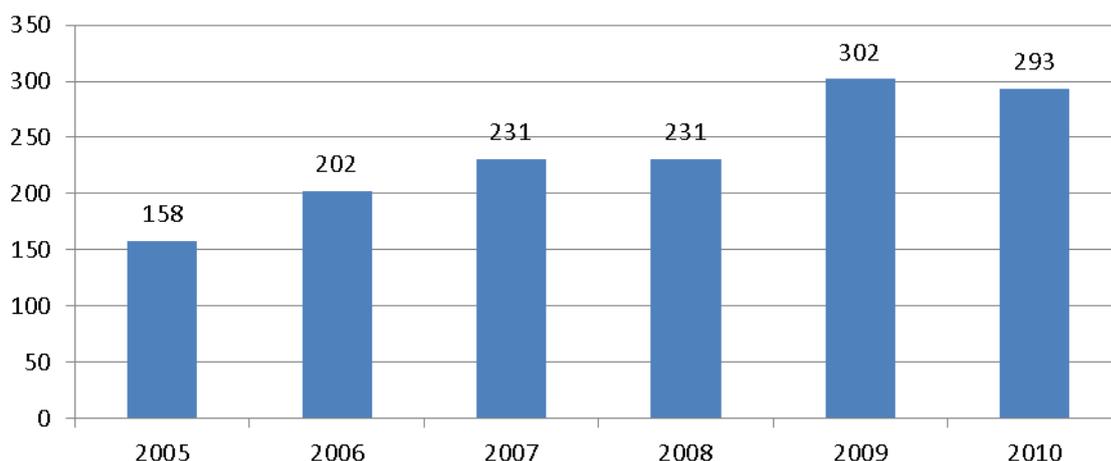
Nationality of judges and prosecutors from EU Member States who took part in training activities each year between 2005 and 2010 (total 3788: includes open training programmes, activities funded by the European Commission for which there may be a quota per Member State and activities conducted on behalf of national judiciaries):



Number of continuing training activities (for all legal practitioners) organised each year:



Number of days of continuing training (for all legal practitioners) organised each year:



DEVELOPMENT OF TRAINING PROGRAMMES

The form and content of judicial training is suggested by ERA's four law sections and decided by ERA's Management Team. ERA's Board of Trustees exercises a consultative function regarding the choice of subjects. In this, attention is paid to the priorities and needs of target groups.

Training is adapted to the competences/needs of participants by offering training programmes at different levels: from basic summer courses to advanced seminars and conferences.

The European Association of Judges, in its contribution to the study, described ERA's training programmes as particularly useful because:

"A main advantage of this institution is that professionals of several Member States come together and while discussing European legal provisions and instruments also exchange views and experiences of application in the diverse national systems and environments."

PARTICIPATION OF LAWYERS IN PRIVATE PRACTICE

ERA's general (open) training activities offer a forum for exchange and debate between legal practitioners of all professions and thus lawyers in private practice may take part in most of our training programmes alongside judges and prosecutors. On the other hand, and in particular in the context of co-funded or contracted activities, ERA also offers programmes exclusively designed for the judiciary, such as the "Academy for Young Judges and Prosecutors" which took place twice at the beginning of 2011. Activities developed on the basis of ERA's bilateral cooperation agreements with national judicial training centres are also mostly addressed to national judiciaries. Some of the co-financed projects also provide for a common training of judicial staff, lawyers in private practice and sometimes also notaries, e.g. a conference on "Cross-border mediation, with a focus on e-mediation" which was implemented on 24-25 March 2011 and co-financed by the Civil Justice programme.

INTERACTION WITH EU ACTORS

ERA was a driving force and founding member of the European Judicial Training Network (EJTN). ERA served as the EJTN's first secretariat until 2004 and has for many years been a member of several bodies of the Network. In 2010 it was re-elected to the EJTN Steering Committee for the period 2011-2014. For the same period, ERA was elected Convenor of the Network's Working Group on Programmes. It also is a member of its Working Group on Technologies. ERA also has strong links with individual national judicial training institutions, with several of which it has concluded framework agreements for the joint organisation of training activities for judges and prosecutors.

ERA also works regularly, on a project-by-project basis, with the Council of the Bars and Law Societies of Europe (CCBE), the Council of the Notariats of the European Union (CNUE), the European Company Lawyers Association (ECLA) and other lawyers' organisations at European and national level.

3.2. EUROPEAN JUDICIAL TRAINING NETWORK

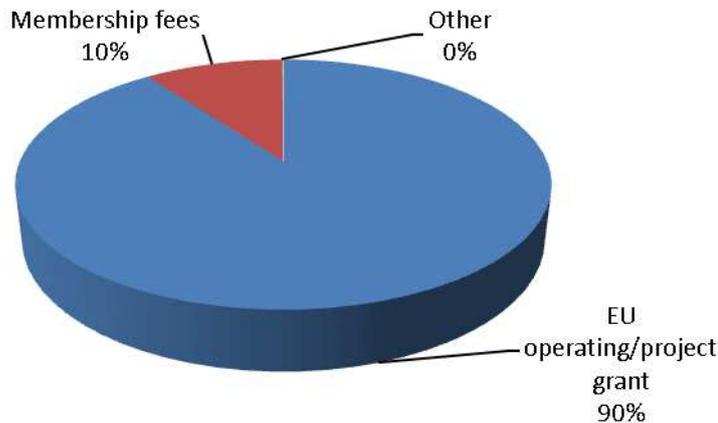
The European Judicial Training Network (EJTN) is an international non-profit association (AISBL) established under Belgian law which brings together the judicial training institutions of all European Union Member States and the Academy of European Law (ERA). It was launched in 2000. It has a permanent secretariat in Brussels. Its General Assembly, in which all members are represented, meets ordinarily once a year. In the meantime its work is conducted by a Steering Committee and three Working Groups devoted to Programmes, Exchanges and New Technologies.

European Judicial Training Network (EJTN)
 Rue du Luxembourg, 16B,
 B-1000 Brussels
 Belgium
 Tel: +32(0)2 280 22 42
 Fax: +32(0)2 280 22 36

Website: www.ejtn.eu

ANNUAL TRAINING BUDGET

Total annual training budget including staff costs: € 3 510 961¹⁰
 (figure not including scholarships)



STAFF

Total number of staff: 13
 Number of staff involved in designing and/or delivering judicial training programmes: 0
 Number of staff involved in providing support for judicial training: 13

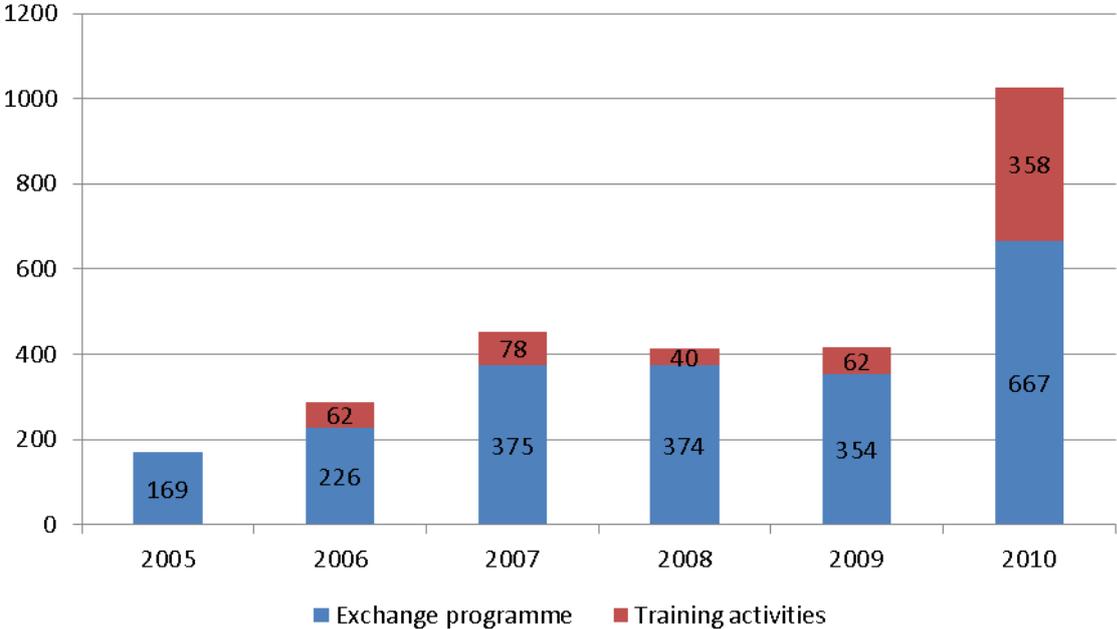
¹⁰ Budget consists of: EU 2010 GRANT effectively paid to EJTN (€ 3,199,535.78), interest earned on pre-financing (€ 1,775.14), EU Recovery Order (- € 39,348.98), membership fees effectively paid by members (€ 349,000.00).

BRANCHES OF THE JUDICIARY COVERED

Judges, prosecutors, trainees.

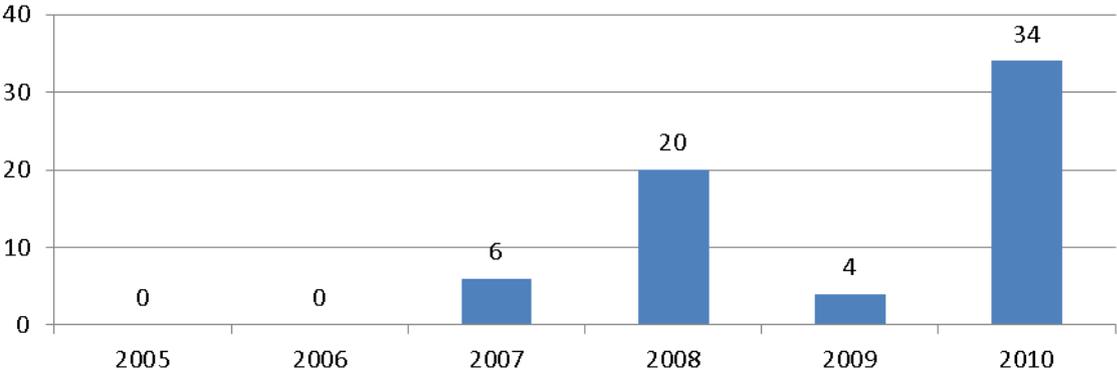
TRAINING ACTIVITIES

Number of judges and prosecutors from EU Member States who took part in the exchange programme and other training activities each year:



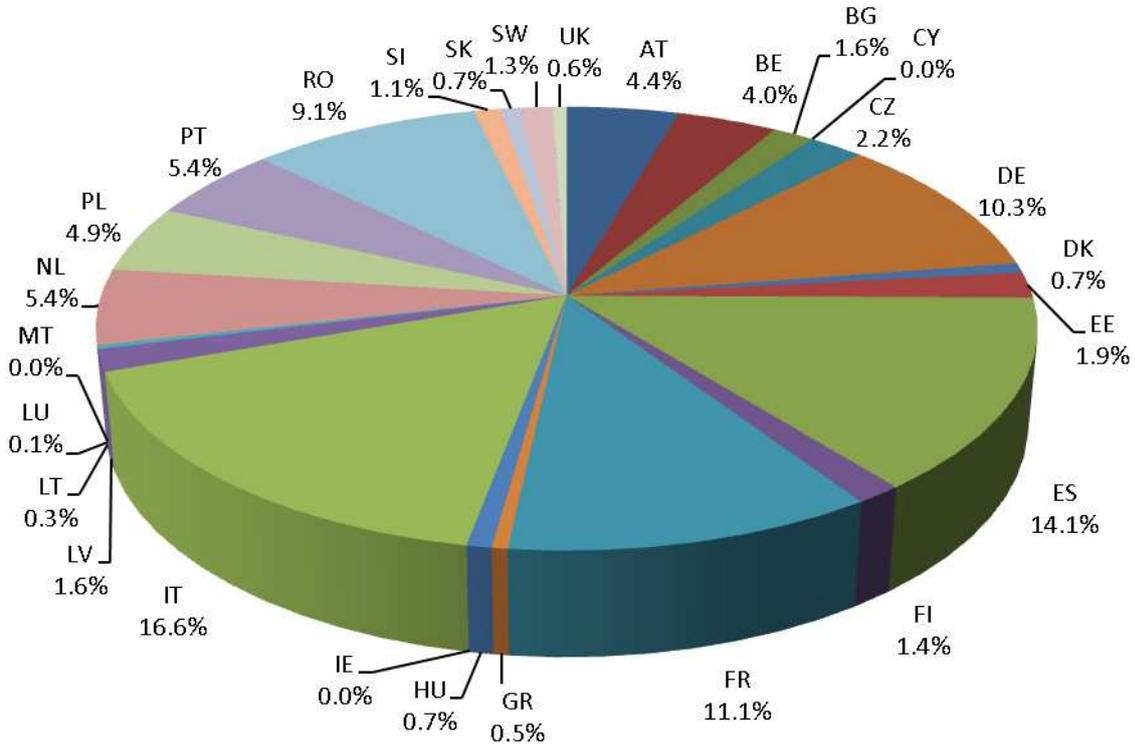
N.B. The number of participants in EJTN’s own training activities first implemented in 2010 (358) does *not* include participants in training activities organised by EJTN member institutions publicised in the EJTN catalogue of activities.

Number of judges and prosecutors from EU candidate and EEA countries¹¹ who took part in the exchange programme and other training activities each year:

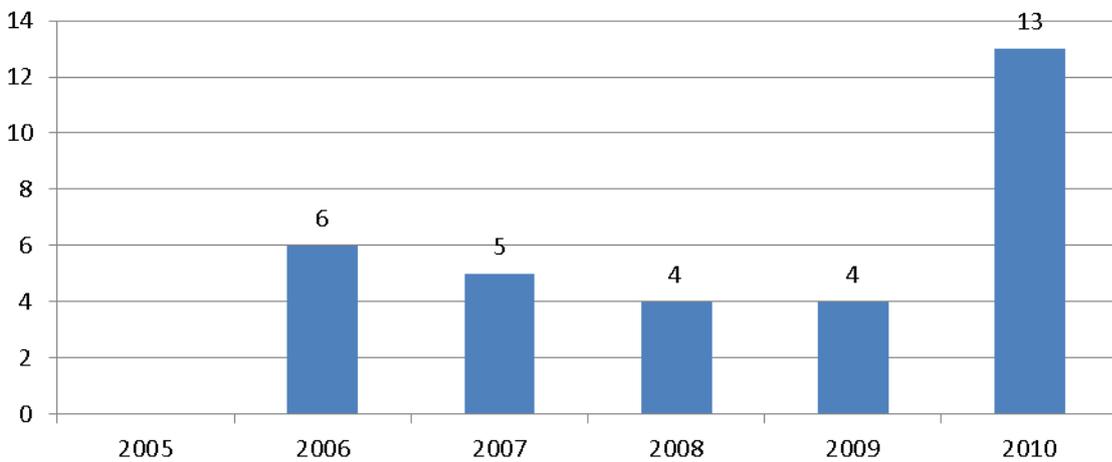


¹¹ Croatia, FYROM, Iceland, Liechtenstein, Norway, Switzerland, Turkey

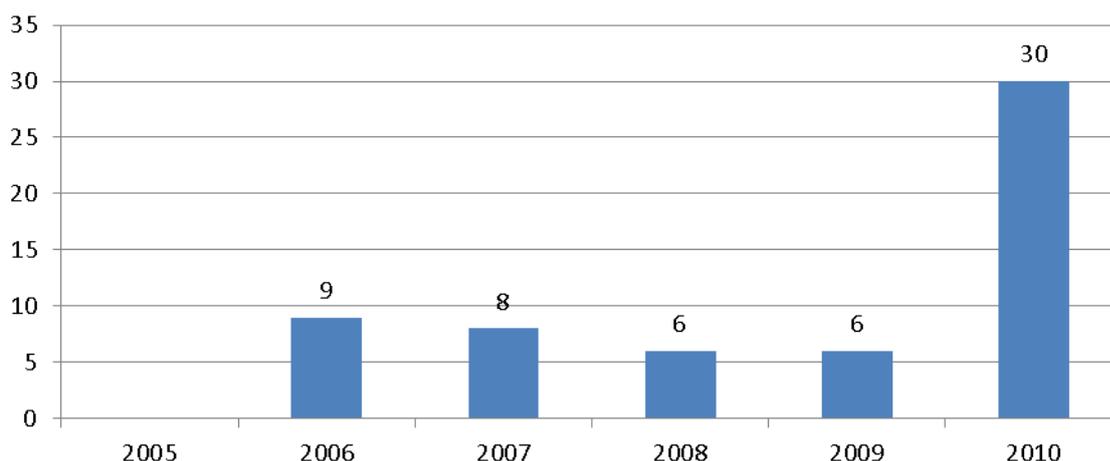
Nationality of judges and prosecutors from EU Member States who took part in the exchange programme and other training activities each year between 2006 and 2010 (total 2140: the number of places per Member State is allocated on a quota basis):



Number of continuing training activities organised each year:



Number of days of continuing training organised each year:



DEVELOPMENT OF TRAINING PROGRAMMES

Following the identification of the training needs and the design of the training activities to be executed, EJTN relies on experts appointed by WG Programmes to prepare and execute them (with the administrative support of the EJTN Secretariat). Those experts are normally appointed on the basis of a curricular selection following an application procedure opened to all members who wish to be partners of the project in question.

EJTN relies on its own bodies to define training strategies and execute their own training programmes. For instance, while the Exchanges Working Group defines the strategy for the exchange programme, such as introducing new concepts and tools (e.g. group exchanges, exchanges of trainers, study visits and internships at international courts or European agencies), the Programmes Working Group takes charge of the design and conception of training modules where innovative methodologies have been successfully applied (e.g. the Criminal Justice Project, the Linguistic Project and THEMIS). In turn, the New Technologies Working Group is making efforts towards the creation of e-learning tools in the near future that will be available to every EU magistrate on the EJTN website. All these Working Groups, where a considerable number of members – the national training centres and ERA – are represented, constitute an important forum to discuss these strategies where each member brings its own requests, suggestions and concerns thus allowing a comprehensive panorama of training needs at each national level.

PARTICIPATION OF LAWYERS IN PRIVATE PRACTICE

Normally lawyers in private practice may not take part in EJTN's judicial training programmes, with the exception of activities being executed by one of EJTN's members, the Academy of European Law (ERA).

INTERACTION WITH EU ACTORS

All national judicial training centres in the EU and the Academy of European law are EJTN members. Other actors involved in EJTN's activities are: EUROJUST (relating to the Criminal Justice Project and the Exchange Programme); EJM (relating to the Criminal Justice Project and some independent seminars); ECHR and the Court of Justice of the European Union (regarding the execution of the Exchange Programme).

The Academy of European Law (ERA) is the only link between EJTN and lawyers in private practice.

IMPACT EVALUATION OF OWN TRAINING

All training activities are evaluated by participants (through the use of evaluation forms) and by the appointed experts in charge (through their own reports). Whenever possible, when any other actor is involved (e.g. EUROJUST in the Criminal Justice Project) EJTN asks also for a brief evaluation from them. The EJTN Secretariat collects and processes all this data and elaborates a final report which is submitted to Working Group Programmes. A similar evaluation procedure takes place for the exchange programme.

3.3. EUROPEAN INSTITUTE OF PUBLIC ADMINISTRATION (EIPA)

The European Institute of Public Administration (EIPA) is an independent institute established in Maastricht in 1981 and supported by the EU and its Member States. EIPA's European Centre for Judges and Lawyers (ECJL) was created in Luxembourg in 1992 to provide services in the fields of European law and the administration and quality of justice for those working in the European legal professions, as well as for civil servants, corporate counsel, academics and others with an interest in EU legislation and law.

European Institute of Public Administration (EIPA)

P.O. Box 1229
6201 BE Maastricht (NL)
Tel-Fax: +31 43 3296 222 - 296

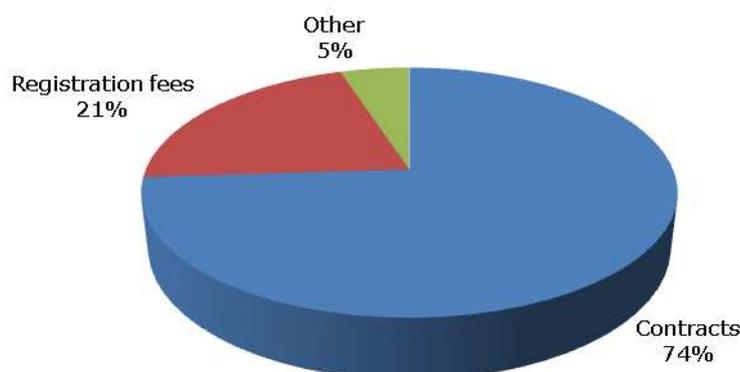
European Centre for Judges and Lawyers

2 Circuit de la Foire Internationale
L - 1347 Luxembourg
Tel: (+352) 426 230-1
Fax: (+352) 426 237

Website: www.eipa.eu

ANNUAL BUDGET

Total annual budget for training activities targeting the legal professions¹²: € 794 000



STAFF

Total number of staff members:	127
Number of staff involved in designing and/or delivering judicial training programs:	12
Number of staff involved in providing support for judicial training:	12
Non-staff members involved in delivering judicial training programs as experts or speakers in 2009 (days per year):	146

¹² EIPA is a European training provider providing training and other services to national judicial schools and academies. It is paid to deliver these services. Hence, the figures given indicate the sources of income in 2009 received by EIPA for the provision of services to national judiciaries and other legal professions.

BRANCHES OF THE JUDICIARY COVERED

Judges and prosecutors, as well as lawyers in private practice and civil servants.

TRAINING ACTIVITIES

Number of judges and prosecutors from EU Member States who took part in training activities (data available only for 2010):

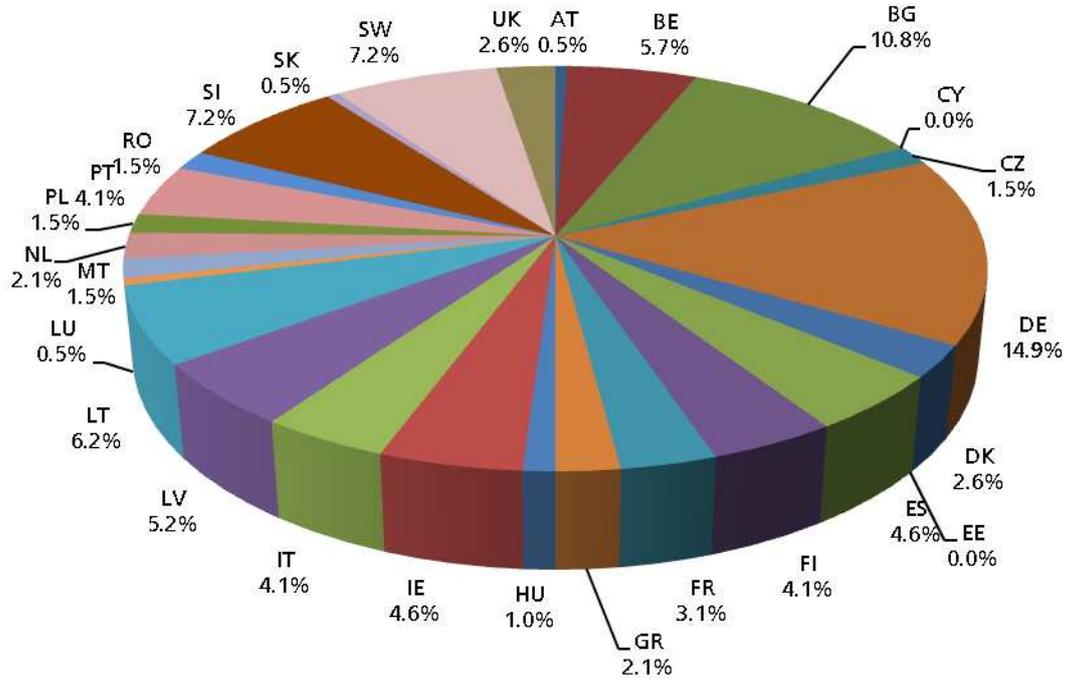


Number of judges and prosecutors from EU candidate and EEA countries¹³ who took part in training activities (data available only for 2010):



¹³ Croatia, FYROM, Iceland, Liechtenstein, Norway, Switzerland, Turkey

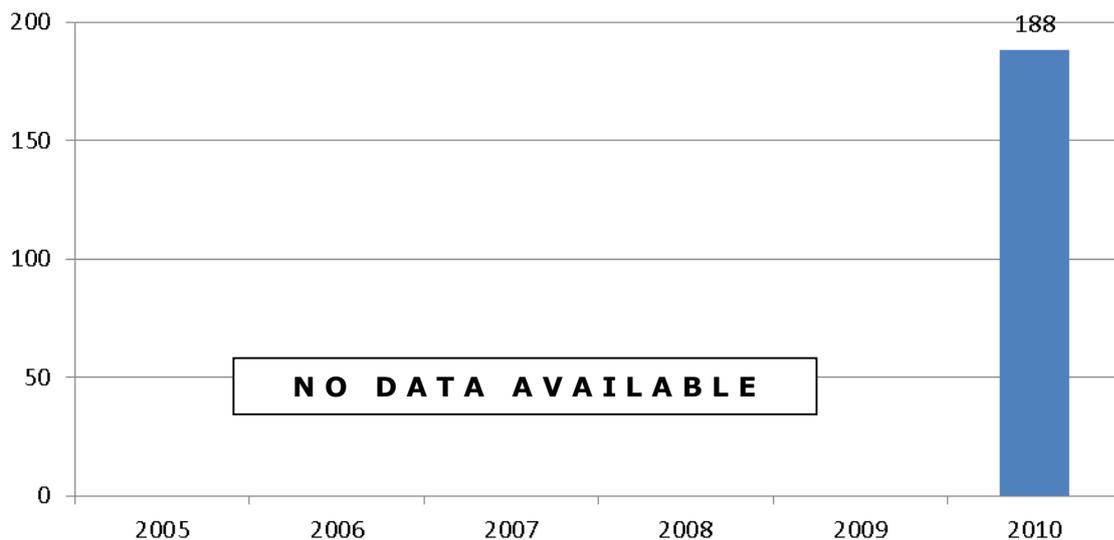
Nationality of judges and prosecutors from EU Member States who took part in training activities each year (data available only for 2010; total 194):



Number of continuing training activities (for all legal practitioners) organised (data available only for 2010):



Number of days of continuing training (for all legal practitioners) organised each year (data available only for 2010):



DEVELOPMENT OF TRAINING PROGRAMMES

Training programmes are prepared on the basis of clients' requests. They are adapted to participants' needs through prior consultations with beneficiaries (learning needs analysis) and funding parties. Participants are also asked to indicate their learning needs and interests at the beginning of each training event as well as potentially interesting follow-up at the end of each event.

PARTICIPATION OF LAWYERS IN PRIVATE PRACTICE

Lawyers in private practice may participate in open activities without limitations. Attendance at contract activities is dependent on the client's conditions.

INTERACTION WITH EU ACTORS

EIPA – through its specialised European Centre for Judges and Lawyers in Luxembourg – maintains both formal and informal links and exchanges with national schools for judges and/or prosecutors as well as national court authorities/judicial councils on learning needs, preferred learning methodologies, etc. The formalised relations with schools and academies for judges and/or prosecutors as well as certain court authorities are established within the framework of various contracts.

The Centre also enjoys informal relations with national Bar Associations in a number of EU Member States.

3.4. EUROPEAN PATENT ACADEMY

The European Patent Academy is based at the European Patent Office in Munich and ensures the overall coordination of the external education and training activities of the European Patent Office. It provides patent-related training to lawyers, patent office staff, judges and other interested parties.

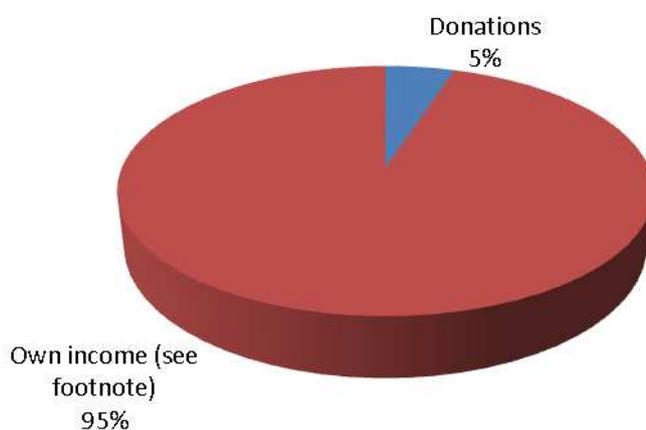
European Patent Office

80298 Munich
Germany
Tel. : +49 89 2399-0

Website: www.epo.org

ANNUAL BUDGET

Total annual training budget including staff costs: € 670 000¹⁴



STAFF

Total number of staff:	2
Number of staff involved in design and/or delivery of judicial training programmes:	1
Number of staff providing support for judicial training:	1

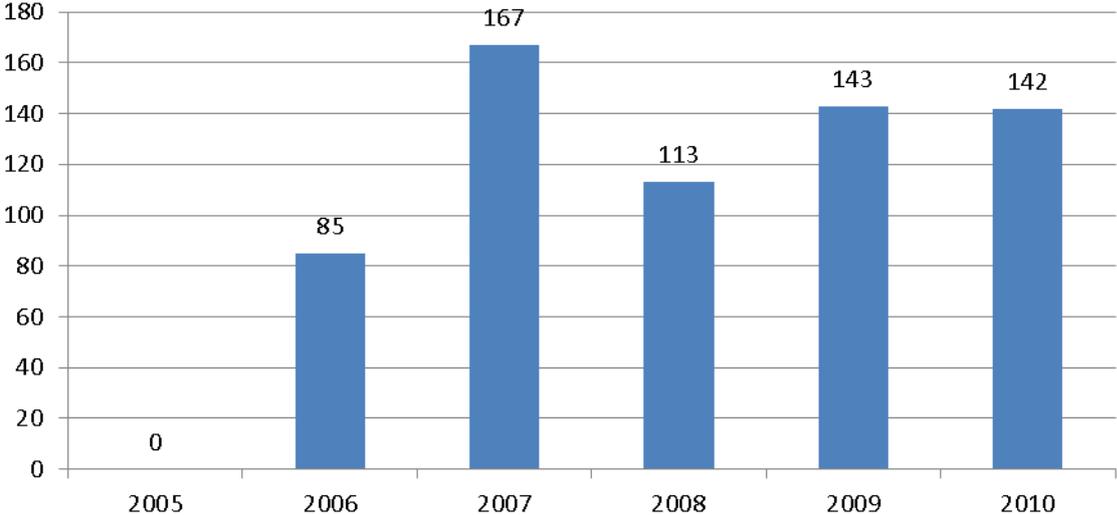
BRANCHES OF THE JUDICIARY COVERED

The EPA provides training to judges dealing with the registration of patents and related appeals. Public prosecutors may also attend but in fact very few applications are received from this group.

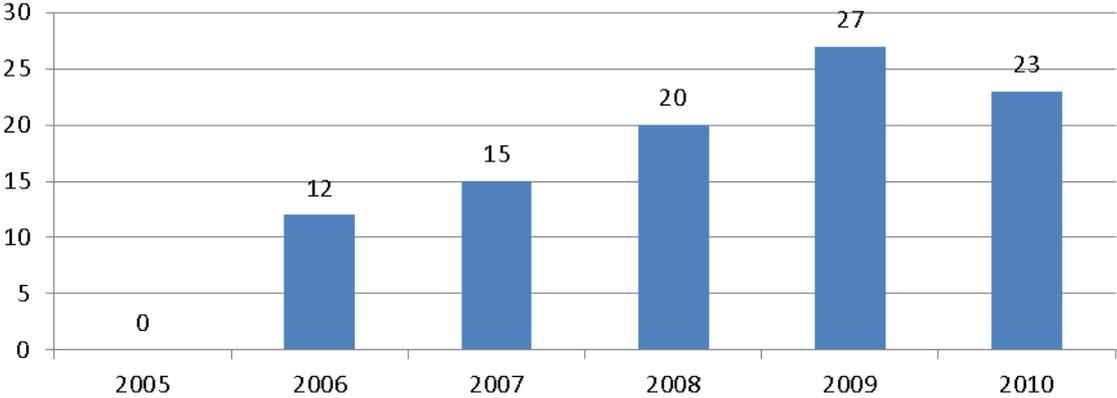
¹⁴ The European Patent Office receives almost all its income from fees related to the registration of patents.

TRAINING ACTIVITIES

Number of judges from EU Member States who took part in training activities each year:

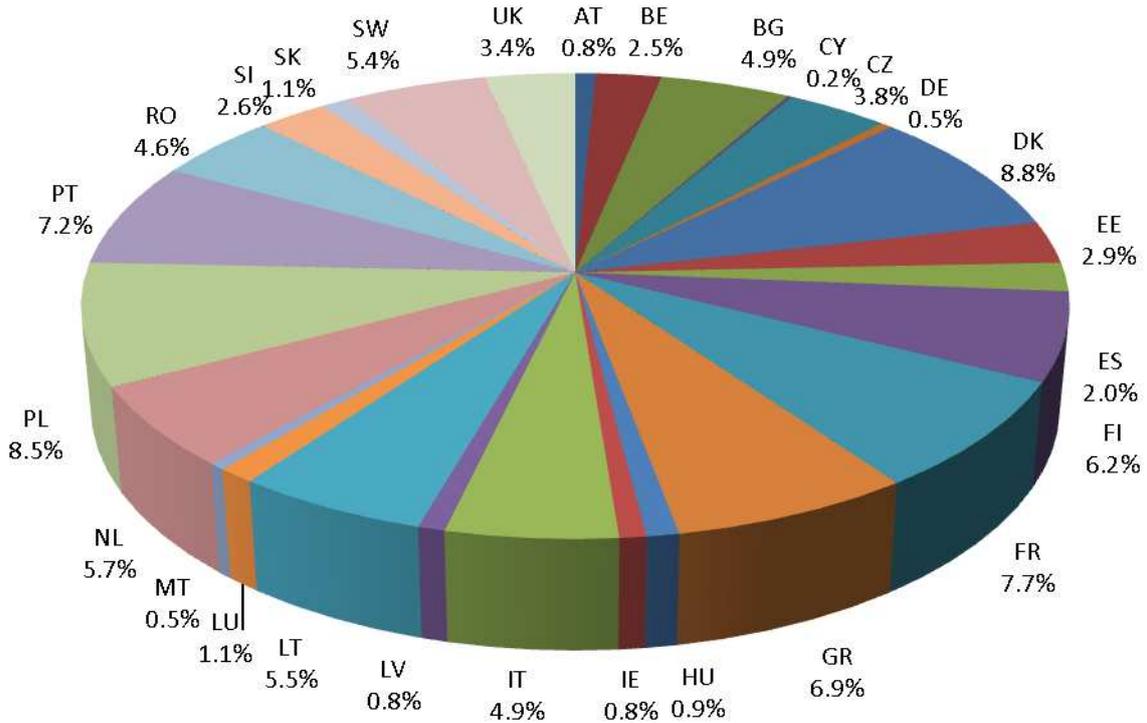


Number of judges from EU candidate and EEA countries¹⁵ who took part in training activities each year:

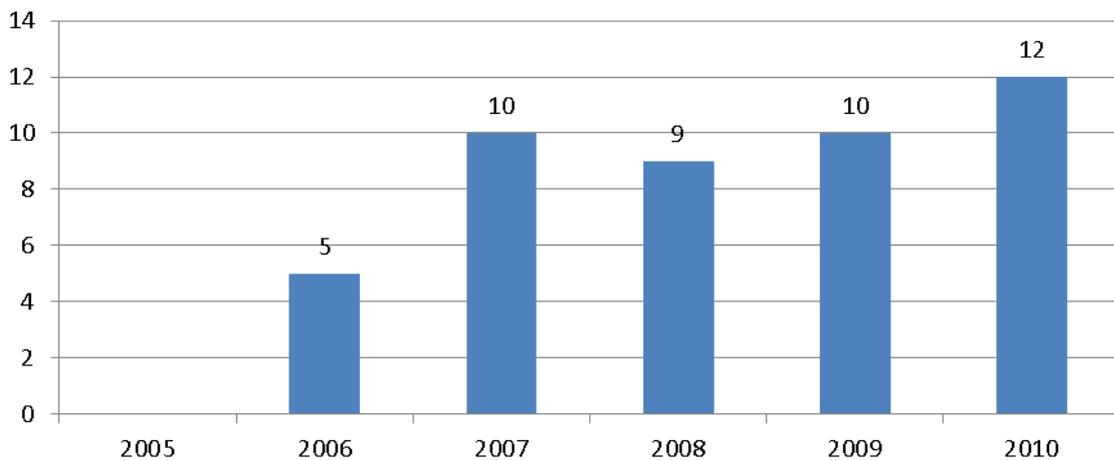


¹⁵ Croatia, FYROM, Iceland, Liechtenstein, Norway, Switzerland, Turkey

Nationality of judges and prosecutors from EU Member States who took part in training activities each year between 2006 and 2010 (total 542):



Number of continuing training activities organised each year:



DEVELOPMENT OF TRAINING PROGRAMMES

The main strategy and annual planning is approved by the EPA Supervisory Board (a sub-organ of the EPO Administrative Council, representing its member states).

Judges are selected from courts which deal with or would deal with patent/IP cases. Applicants are asked for their level of experience in patent matters and the participants are grouped by level of experience for the training activity.

PARTICIPATION OF LAWYERS IN PRIVATE PRACTICE

Lawyers in private practice participate in judicial training activities mainly as invited experts. One event brings together practitioners and judges (20 lawyers, 35 judges).

INTERACTION WITH EU ACTORS

When EPA runs an event in a Member State it cooperates closely with the national patent office and the ministry of justice or judicial training institute.

3.5. EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

The European Union Fundamental Rights Agency (FRA) is an EU agency established in 2007 and based in Vienna. Its "Human Rights Education and Training" activities were launched in 2008.

The FRA does not provide 'judicial training' as such but rather training on fundamental rights targeted at certain professional groups, including the judiciary. Due to its limited budget, the FRA joins forces with other international organisations to conduct joint training events.

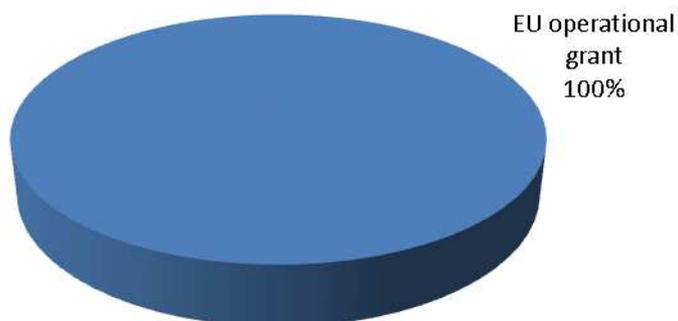
European Union Agency for Fundamental Rights (FRA)

Schwarzenbergplatz 11
1040 Vienna
Austria
Tel: +43 1 580 30 - 0
Fax: +43 1 580 30 - 699

Website: fra.europa.eu

ANNUAL BUDGET

Total annual training budget including staff costs: € 150 000
(figure not including scholarships)



STAFF

Total number of staff:	80
Number of staff involved in designing and/or delivering judicial training programmes:	3
Number of staff involved in providing support for judicial training:	3
Number of non-staff members involved in delivering judicial training programmes as experts or speakers in 2009 (in days per year):	20

BRANCHES OF THE JUDICIARY COVERED

The primary target group of the FRA is civil servants but judges and prosecutors are also addressed.

TRAINING ACTIVITIES

No data was available on the number of judges and prosecutors who took part in training activities, how many activities were organised etc. The FRA does not work with candidate countries on training.

DEVELOPMENT OF TRAINING PROGRAMMES

Training programmes are developed in a joint process with key stakeholders, experts and the target groups.

Training is adapted to the competences/needs of participants through an assessment of their needs, expectations, functions and duties. FRA training programmes have a focus on skills development in a particular professional context.

PARTICIPATION OF LAWYERS IN PRIVATE PRACTICE

Lawyers are not the FRA's primary target group but may participate in training activities. Depending on the partner with which the FRA is cooperating, it may cover all the costs (travel, accommodation) for participation.

INTERACTION WITH EU ACTORS

Besides the EU institutions, the FRA cooperates with the Council of Europe, OSCE, OHCHR, national human rights institutions and civil society organisations.

3.6. OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET

The Office for Harmonization in the Internal Market (OHIM) is the official trade marks and designs office of the European Union. It works in close partnership with national IP offices in the EU Member States, including in the organisation of training for judges dealing with trademark and design cases.

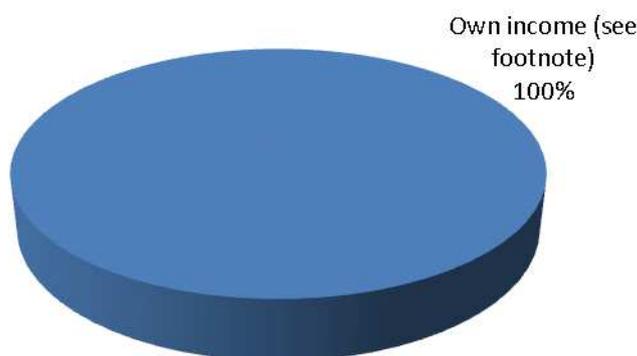
Office for Harmonization in the Internal Market

Avenida de Europa, 4
E-03008 Alicante
SPAIN
Tel.: +34 96 513 9100
Fax: +34 96 513 1344

Website: oami.europa.eu

ANNUAL BUDGET

Total annual training budget including staff costs: € 1 500 000¹⁶



STAFF

Total number of staff:	650
Number of staff involved in designing and/or delivering judicial training programmes:	2
Number of staff involved in providing support for judicial training:	2
Number of non-staff members involved in delivering judicial training programmes as experts or speakers in 2009:	10

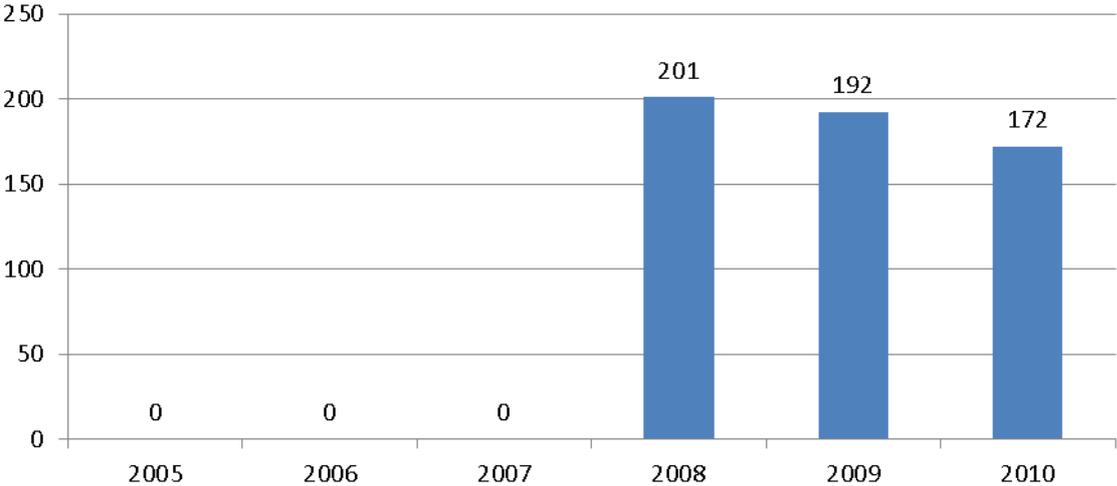
BRANCHES OF THE JUDICIARY COVERED

OHIM provides training for both judges and prosecutors. Lawyers in private practice may not take part in OHIM's judicial training programmes.

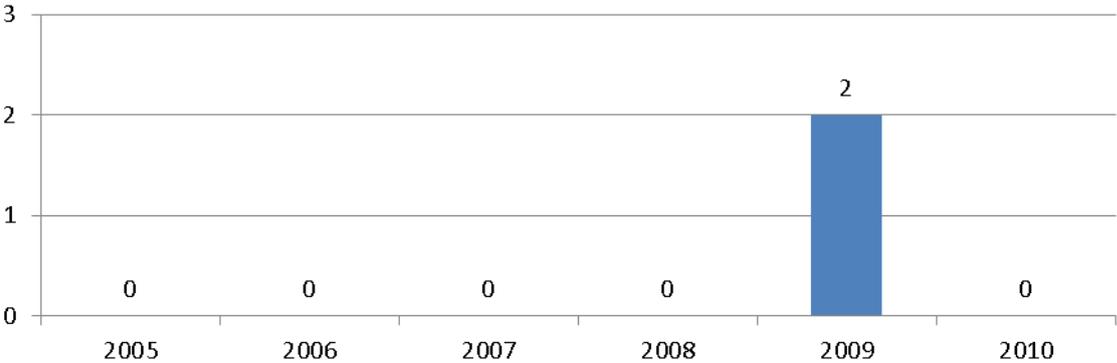
¹⁶ OHIM receives almost all its income from fees related to the registration process for Community trade marks and designs. A small amount of miscellaneous income comes from sources such as bank interest.

TRAINING ACTIVITIES

Number of judges and prosecutors from EU Member States who took part in training activities each year:



Number of judges and prosecutors from EU candidate and EEA countries¹⁷ who took part in training activities each year:



¹⁷ Croatia, FYROM, Iceland, Liechtenstein, Norway, Switzerland, Turkey

3.7. ASSOCIATION OF THE COUNCILS OF STATE AND SUPREME ADMINISTRATIVE JURISDICTIONS OF THE EU

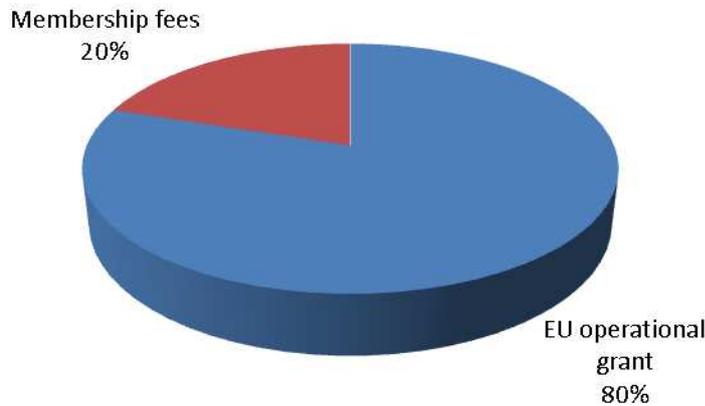
The Association of the Councils of State and Supreme Administrative Jurisdictions of the EU (ACA-Europe) is composed of the Court of Justice of the European Union and the Councils of State or the supreme administrative jurisdictions of each of the members of the European Union.

ACA Europe
 Rue de la Science 33
 B-1040 Bruxelles
 Tel.: +32 2 2349682
 Fax.: +32 2 2349900

 Website: www.aca-europe.eu

ANNUAL BUDGET

Total annual training budget including staff costs: € 144 650¹⁸



STAFF¹⁹

Number of staff in total:	11
Number of staff involved in designing and/or delivering judicial training programmes:	2
Number of staff involved in providing support for judicial training:	4

BRANCHES OF THE JUDICIARY COVERED

ACA Europe's activities are aimed at judges from the supreme administrative jurisdictions.

¹⁸ This amount covers the judges' exchanges (12 judges) and 3 seminars or colloquia (35 - 65 participants each).

¹⁹ As with the other associations and networks profiled in this part of the study, the staff working for them may not be employed directly by them but their services may be made available to the association or network by one or more of its member institutions.

TRAINING ACTIVITIES

It is not possible to break down accurately by Member State the number of judges who participated in ACA's activities. Each year since 2005 it has organised three seminars or conferences each bringing together between 35 and 65 judges from all Member States, as well as from Croatia and Turkey (since 2009) and Norway and Switzerland (since 2010). In addition ACA organises exchanges for a period of 14 days for a dozen judges per year. Its discussion forum on European and national case law has 234 registered judges.

DEVELOPMENT OF TRAINING PROGRAMMES

Training programmes are developed in common agreement among the Councils of State and Supreme Administrative Courts and the General Assembly (Presidents of the Member Courts) defines the precise activities and topics.

PARTICIPATION OF LAWYERS IN PRIVATE PRACTICE

Lawyers in private practice may not take part in ACA's judicial training programmes.

INTERACTION WITH EU ACTORS

ACA Europe cooperates with the Network of the Presidents of the Supreme Courts of the EU and the European Network of Councils for the Judiciary.

3.8. ASSOCIATION OF EUROPEAN ADMINISTRATIVE JUDGES

The Association of European Administrative Judges (AEAJ) was founded in 2000 and comprises (a) national associations representing administrative judges from Member States of the European Union and the Council of Europe and (b) individual administrative judges from those countries in which such associations do not exist.

AEAJ

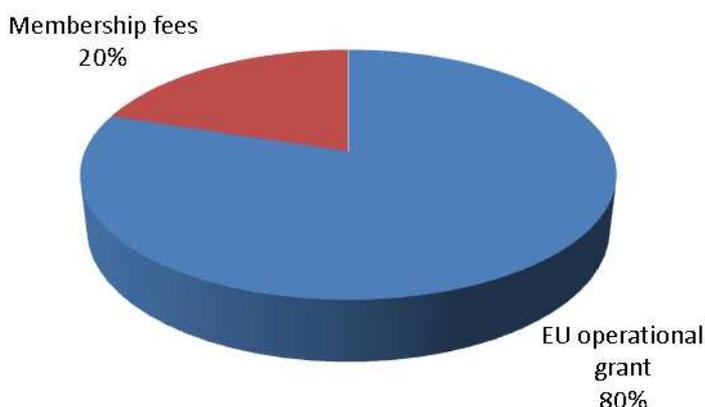
E-mail: contact@aeaj.org

Website: www.aeaj.org

ANNUAL BUDGET

Total annual training budget including staff costs:

€ 20 000



STAFF²⁰

Total number of staff members:	11
Number of staff involved in designing and/or delivering judicial training programmes:	8
Number of staff involved in providing support for judicial training:	3
Non-staff members involved in delivering judicial training programs as experts or speakers in 2009 (days per year):	5

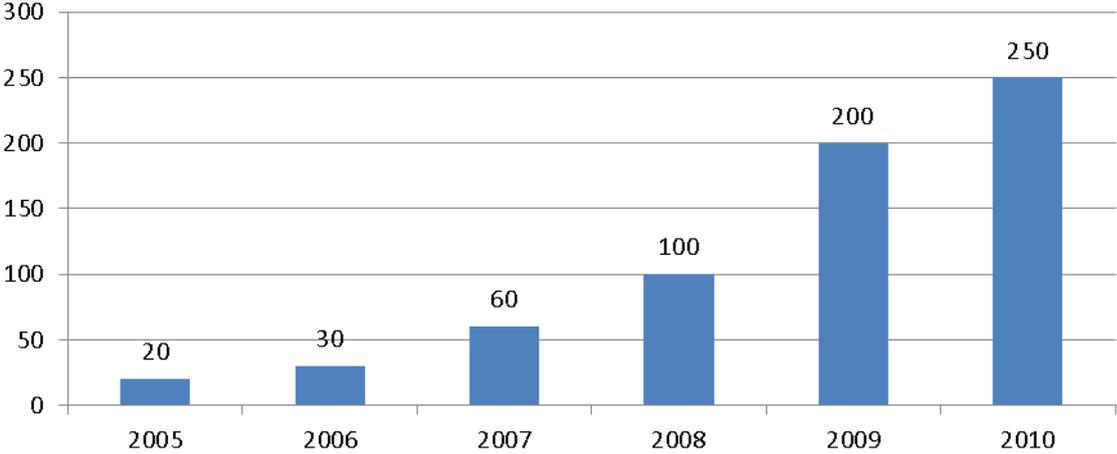
BRANCHES OF THE JUDICIARY COVERED

The AEAJ's activities are designed for judges of the administrative judicial order.

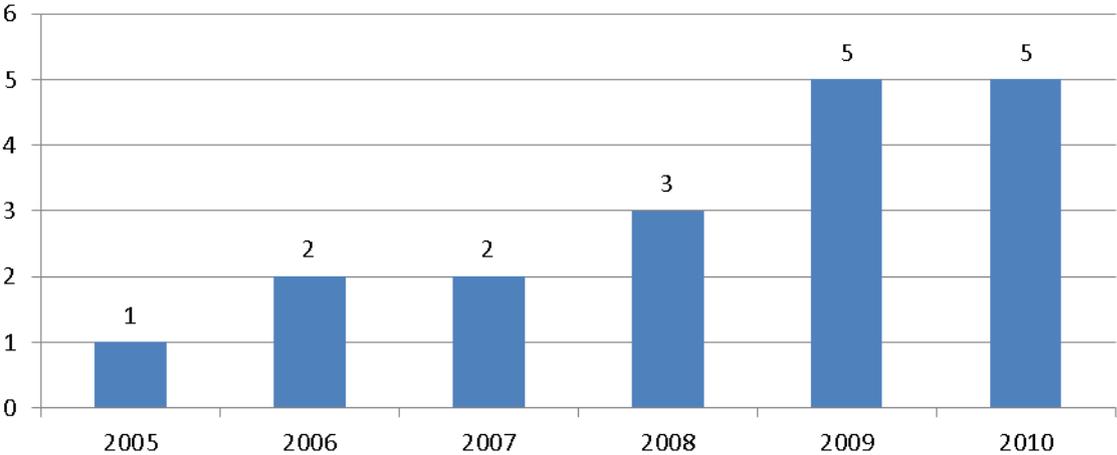
²⁰ As with the other associations and networks profiled in this part of the study, the staff working for them may not be employed directly by them but their services may be made available to the association or network by one or more of its member institutions.

TRAINING ACTIVITIES

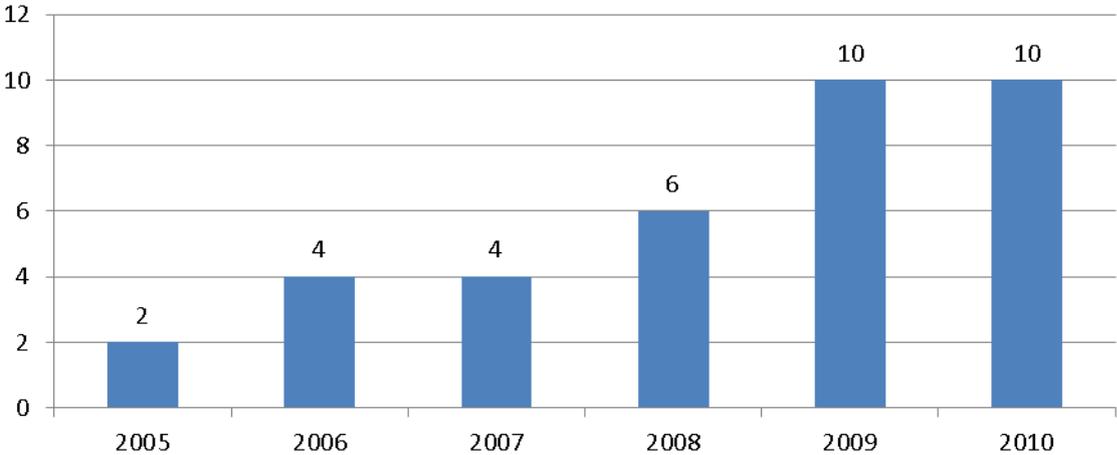
Number of judges from EU Member States who took part in training activities each year:



Number of continuing training activities organised each year:



Number of days of continuing training organised each year:



DEVELOPMENT OF TRAINING PROGRAMMES

Training programmes are developed by decision of the board and adapted to the competences/needs of the participants through discussion of the topics in working groups.

PARTICIPATION OF LAWYERS IN PRIVATE PRACTICE

Lawyers in private practice may take part in AEAJ's training programmes on a case-by-case basis.

INTERACTION WITH EU ACTORS

The AEAJ cooperates with the Association of Council of States and Supreme Administrative Jurisdictions, the Association of French, Italian and German Administrative Judges, the Academy of European Law and the EU Fundamental Rights Agency.

3.9. EUROPEAN NETWORK OF COUNCILS FOR THE JUDICIARY

The European Network of Councils for the Judiciary (ENCJ) was established in 2004 and brings together the national institutions in the Member States of the European Union which are independent of the executive and legislature and which are responsible for the support of the Judiciaries in the independent delivery of justice. It is an international non-profit association under Belgian law.

ENCJ

Permanent Office
Avenue Louise, 65, 4th floor
1050 BRUSSELS, BELGIUM
E-mail office@encj.eu
Tel + 32 (0) 2 535.16.05
Fax + 32 (0) 2 535.16.76

Website: www.encj.eu

At the national level, some ENCJ members are fully competent for judicial training. Some other ENCJ members have close relations with their national judicial training institute or school: either the training institute reports directly to them or they decide on the guidelines for the judicial training.

ENCJ does not itself provide training but aims to improve cooperation between the councils for the judiciary and members of the judiciary in the European Union, including through the promotion of best practice to enable the judiciary to deliver timely and effective justice.

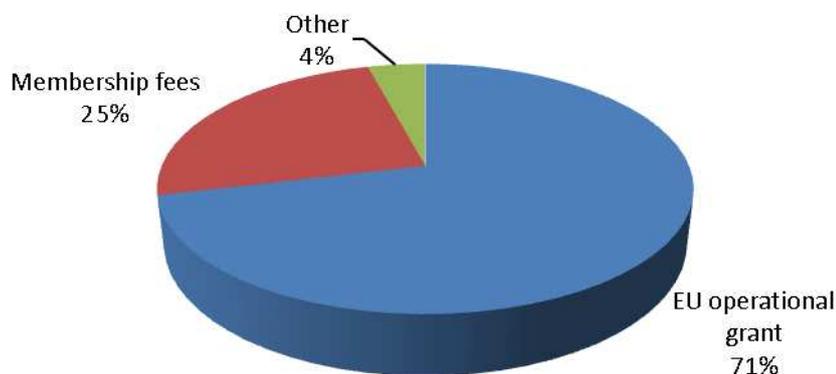
3.10. NETWORK OF THE PRESIDENTS OF THE SUPREME JUDICIAL COURTS OF THE EU

The Network of the Presidents of the Supreme Judicial Courts of the European Union provides a forum through which European institutions are given an opportunity to request the opinions of Supreme Courts and to bring them closer by encouraging discussion and the exchange of ideas. The members gather for colloquiums to discuss matters of common interest.

Network of the Presidents of the Supreme Judicial Courts of the EU
Website: www.rpcsje.org

ANNUAL BUDGET

Total annual training budget including staff costs: € 56 400²¹



STAFF²²

Number of staff in total:	2
Number of staff involved in designing and/or delivering judicial training programmes:	1
Number of staff involved in providing support for judicial training:	1

BRANCHES OF THE JUDICIARY COVERED

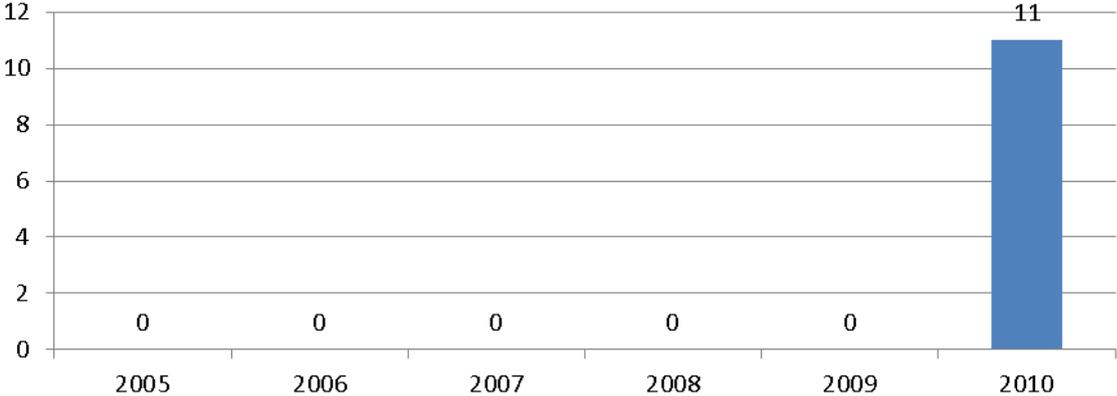
The Network's activities are addressed at judges of the supreme judicial courts.

²¹ This amount covers judicial exchanges only since 2010, including transportation costs and subsistence allowances for fifteen judges (in 2011).

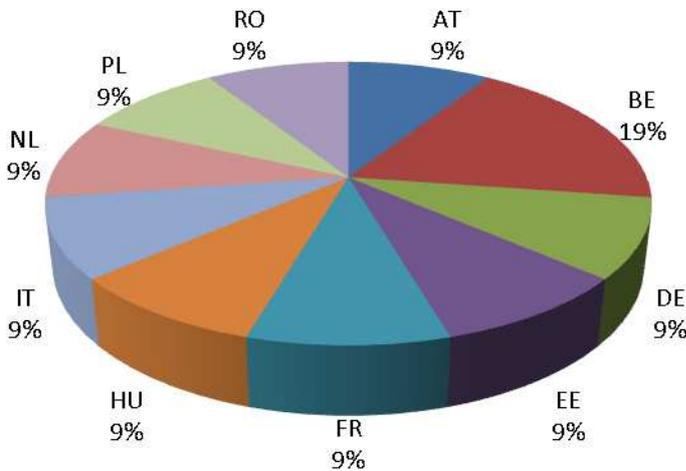
²² As with the other associations and networks profiled in this part of the study, the staff working for them may not be employed directly by them but their services may be made available to the association or network by one or more of its member institutions.

TRAINING ACTIVITIES

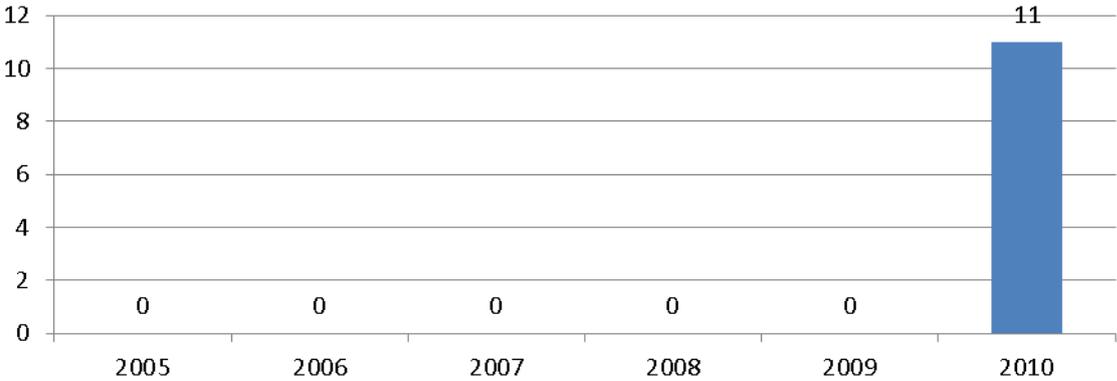
Number of judges from EU Member States who took part in training activities each year:



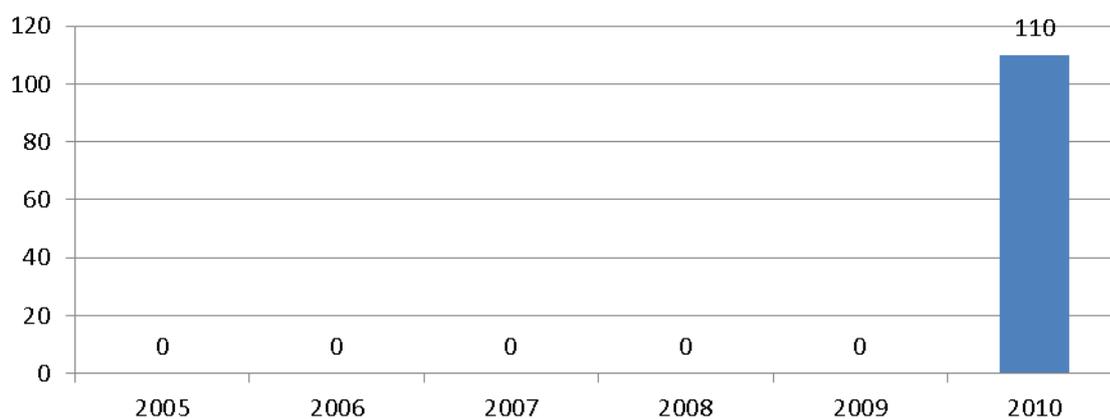
Nationality of judges and prosecutors from EU Member States who took part in training activities each year in 2010 (total 11):



Number of continuing training activities organised each year:



Number of days of continuing training organised each year:



DEVELOPMENT OF TRAINING PROGRAMMES

Training programmes are developed in common agreement among the Supreme Courts.

PARTICIPATION OF LAWYERS IN PRIVATE PRACTICE

Lawyers in private practice may not take part in the Network's training programmes.

INTERACTION WITH EU ACTORS

The Network cooperates with the Association of Councils of State and Supreme Administrative Courts (ACA).

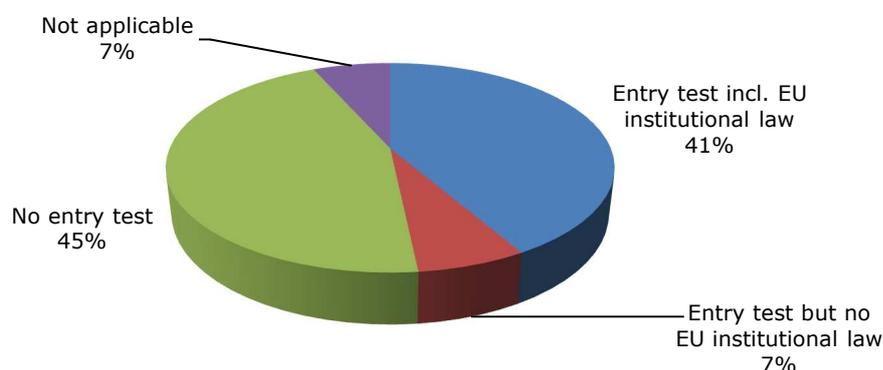
4. JUDICIAL TRAINING ACTORS AT NATIONAL LEVEL:

EU-WIDE SUMMARY

This EU-wide summary presents an overview of judicial training provided by actors at national level in the EU Member States. This includes the total budget, number of judges, prosecutors and court staff trained and other data already provided in the profiles of the individual national actors. It also offers an EU-wide snapshot of, for example, the extent to which EU law features in entry tests to the judiciary or in compulsory continuous training. Finally, it presents additional information on the form and content of training at national level, on experience with EU funding and other subjects.

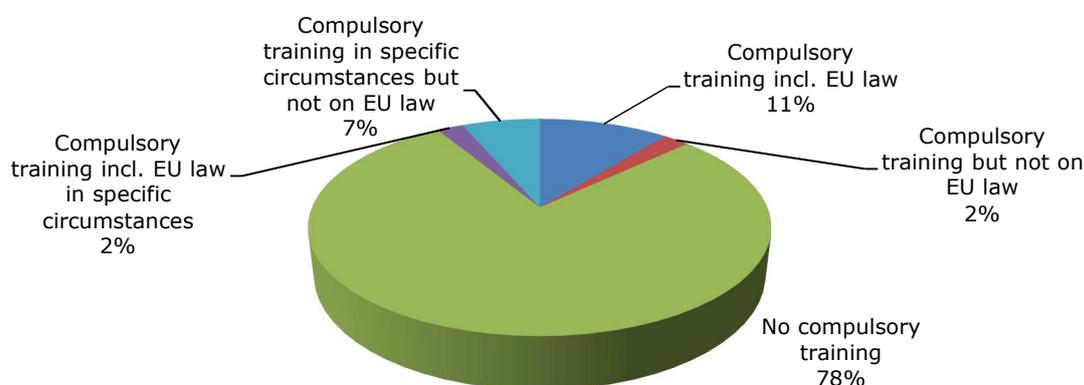
ENTRY TESTS

Percentage of jurisdictions that require judges and prosecutors to pass entry tests and extent to which EU institutional law is examined in such tests²³:



COMPULSORY CONTINUOUS JUDICIAL TRAINING

Percentage of jurisdictions in which continuous judicial training is compulsory and extent to which EU institutional law must be covered by such training²⁴:



²³ This chart, as well as the following one on compulsory judicial training, refers to the situation in different jurisdictions and, in those Member States where their training is organised separately, in different judicial orders or in the judiciary/prosecution service. All other charts refer to the different national judicial training actors, of which in some Member States there may be more than one for each professional group.

²⁴ "In specific circumstances" refers to circumstances such as change of function or jurisdiction.

INITIAL TRAINING

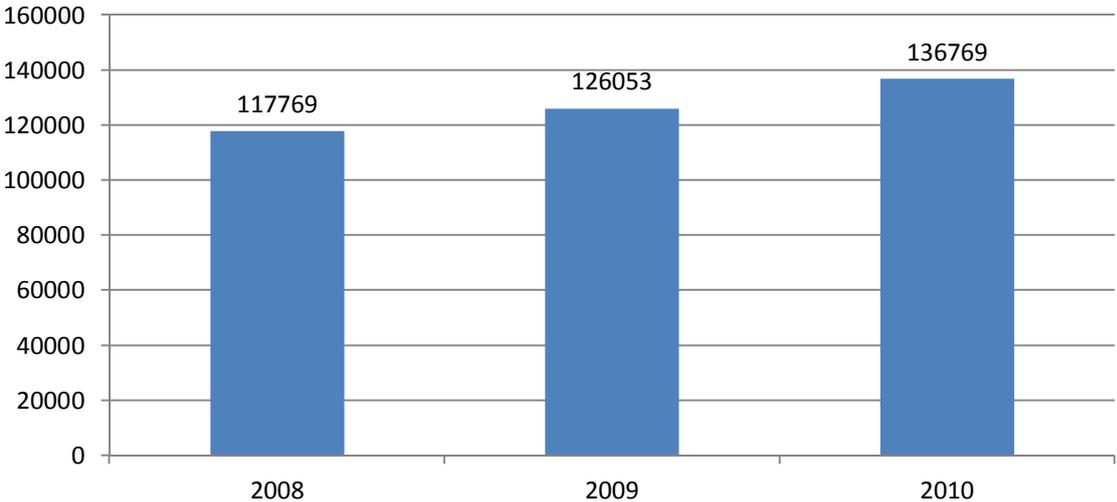
Annual budget for initial training (incl. scholarships where provided): € 73 235 435

Number of entrants into the judiciary in 2010²⁵: 2764

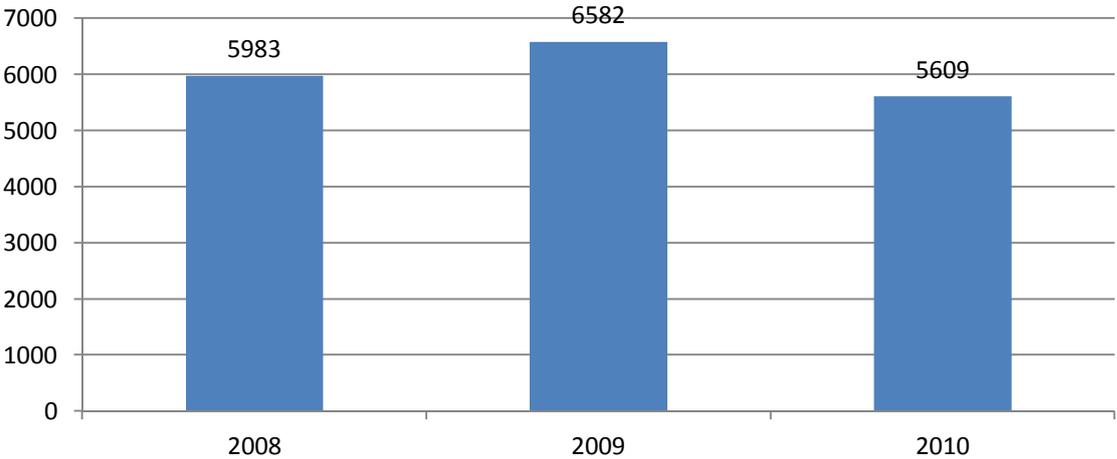
CONTINUOUS TRAINING

Annual budget for continuous training: € 52 931 435

Number of judges, prosecutors and court staff who participated in continuous training activities each year²⁶:



Number of continuous training activities organised each year:



²⁵ 2050 judges, administrative judges and public prosecutors started initial training in 2010; 586 new judges and public prosecutors joined the profession in 2010 without undertaking initial training

²⁶ The number for 2010 is partially a projection as data was not available from every Member State.

STAFF

Number of staff involved in designing/delivering judicial training programmes: 771

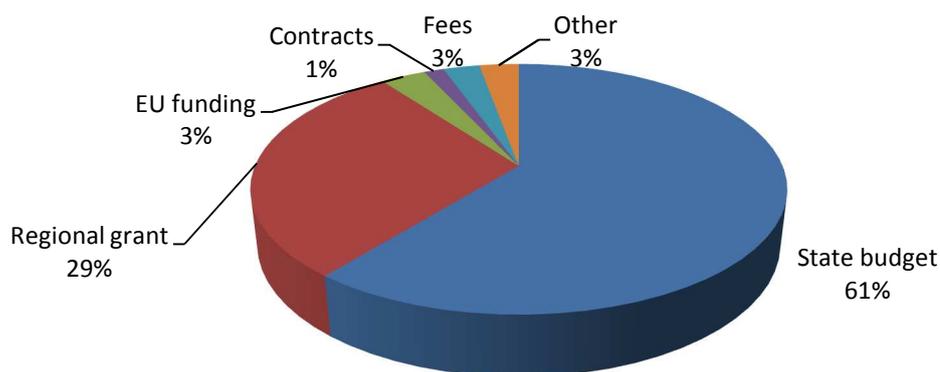
Number of staff involved in providing support for judicial training (administration, IT etc.): 1 002

Number of non-staff members involved in delivering judicial training programmes as experts or speakers in 2009: 15 007

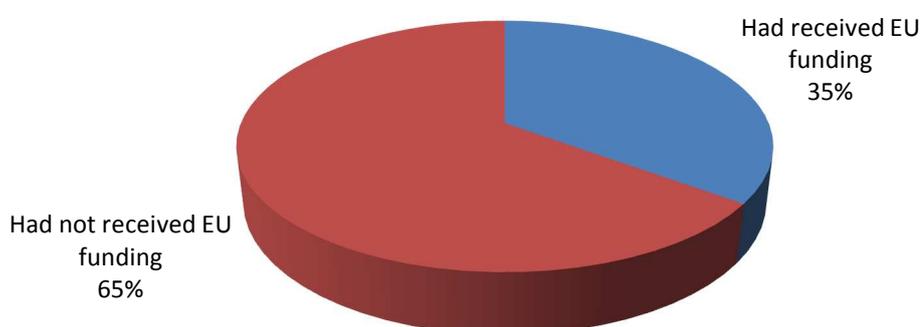
BUDGET AND FUNDING

Total annual training budget²⁷: € 179 403 881

Source of funding:



Percentage of national judicial training actors that had received EU funding:

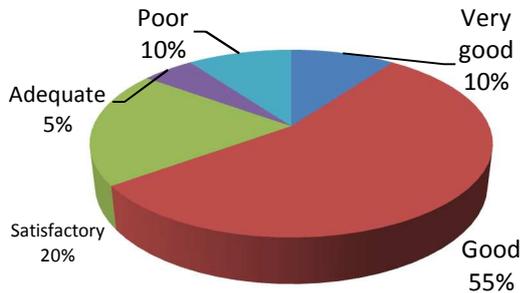


²⁷ Where the total training budget for an institution exceeds the combined sum of the budgets for initial and continuous training, the explanation in most cases is that it includes the administrative and personnel costs of the institution concerned: an institution devoted solely to training would consider 100% of its budget as being for the purpose of training, whereas if the body responsible for training is a court, ministry or judicial council, it would usually calculate only the direct costs of training (without taking into account the overheads).

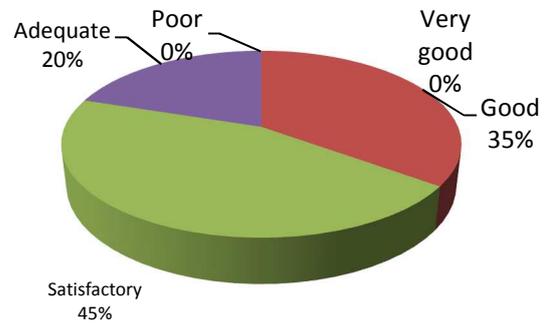
EXPERIENCE WITH EU FUNDING

Evaluation of different aspects of EU funding by those national judicial training actors that had received EU funding:

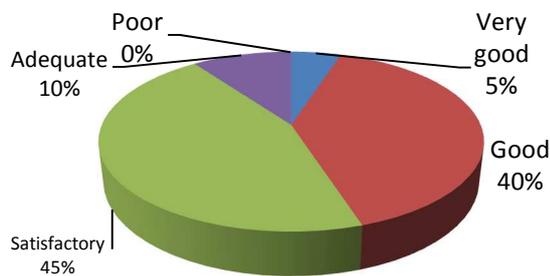
Preliminary information about the funding opportunity



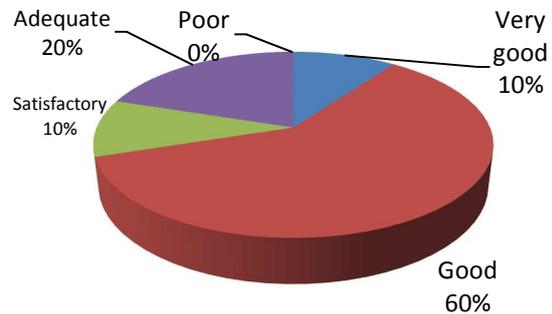
Procedure for submitting funding application



Amount of funding available for stated training objective

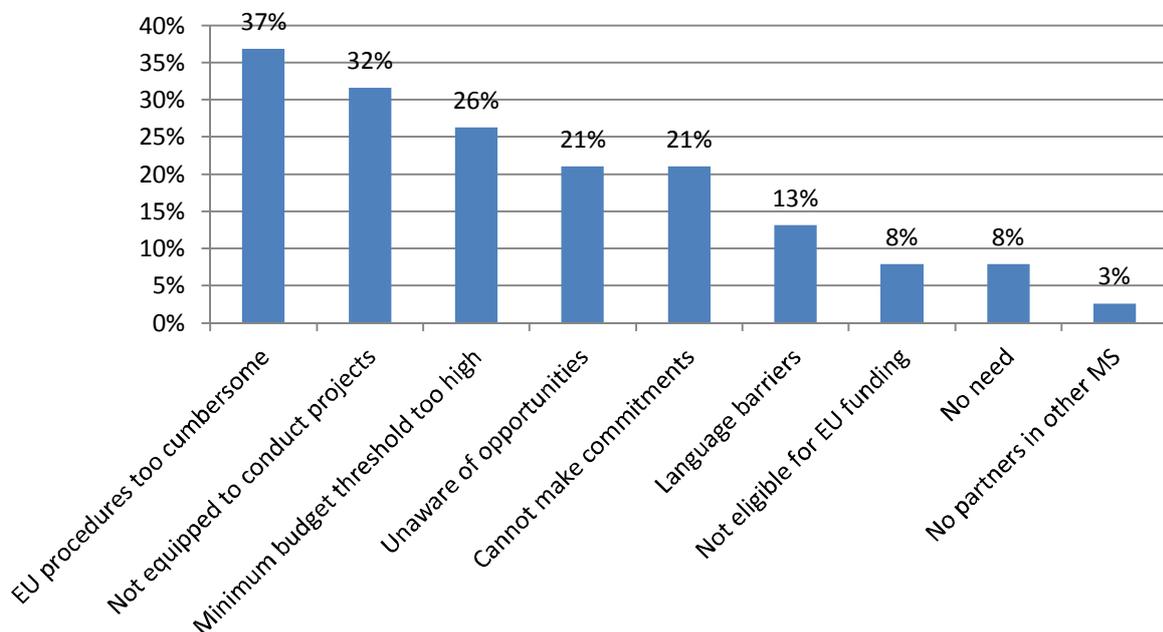


Extent to which right target group for training had been identified



EXPERIENCE WITH EU FUNDING

Reason for those national judicial training actors that had not received EU funding for not having done so:



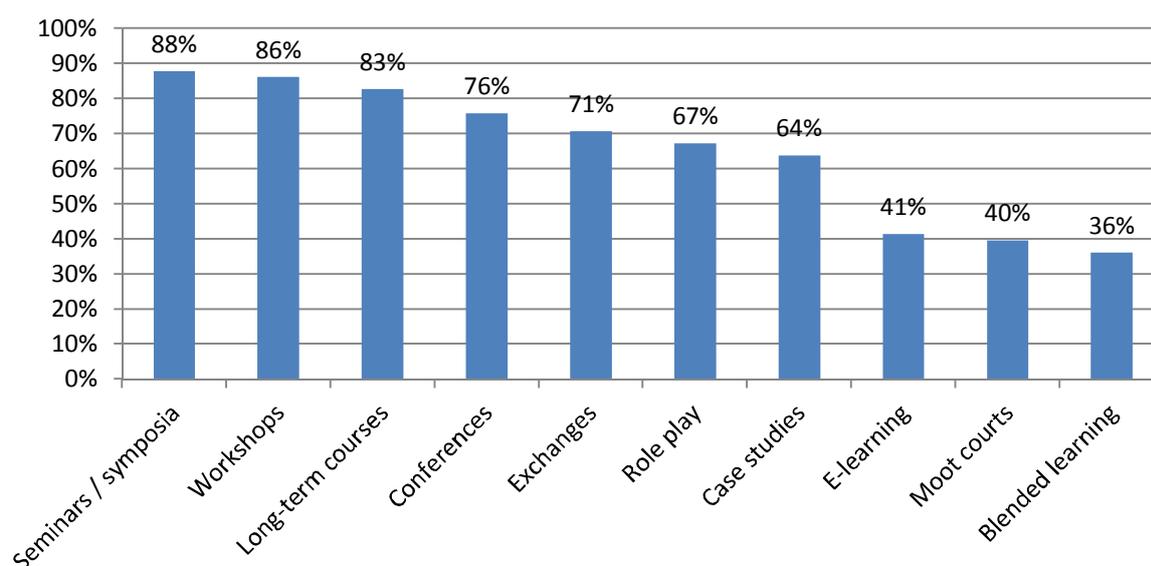
INTEGRATION OF EU AND OTHER MEMBER STATES' LAW IN JUDICIAL TRAINING

All national judicial training actors provide training in EU law at least to some extent. Many found it difficult to quantify exactly what proportion of their annual programme is dedicated to EU law: while some specific EU law training may be offered, it is more often integrated into training on other subjects.

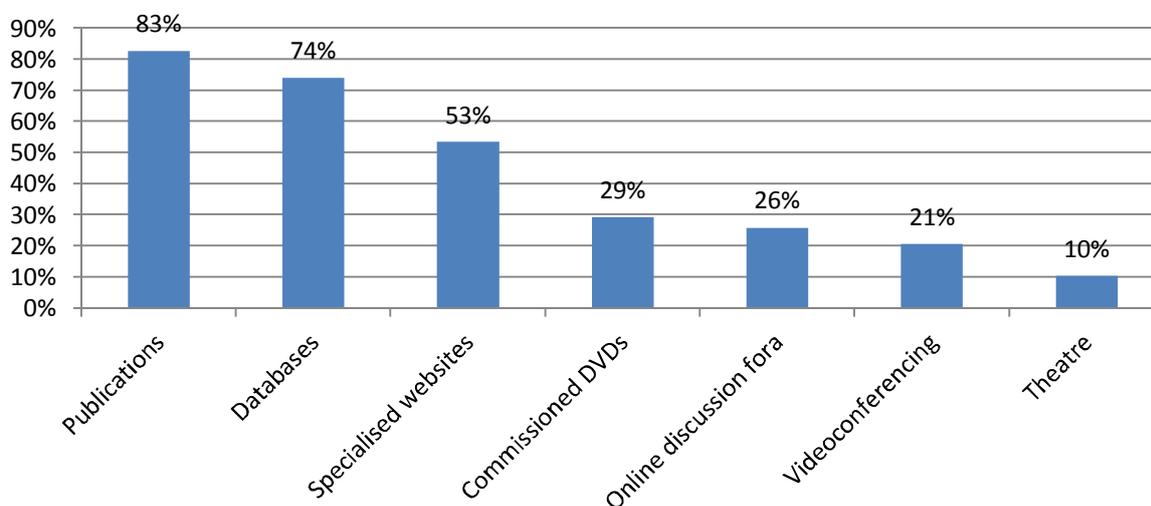
Training on other Member States' law tends to occur only exceptionally, in the framework of country reports provided as part of joint training programmes with judges or prosecutors from other countries or through participation in an exchange programme.

FORMS AND METHODS

Percentage of national judicial training actors that use the respective forms of training:

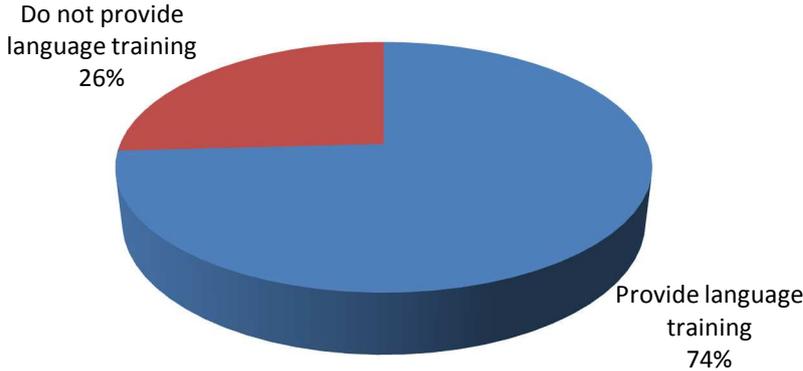


Extent to which other means are used by national judicial training actors in terms of access to and exchange of information to complement training:

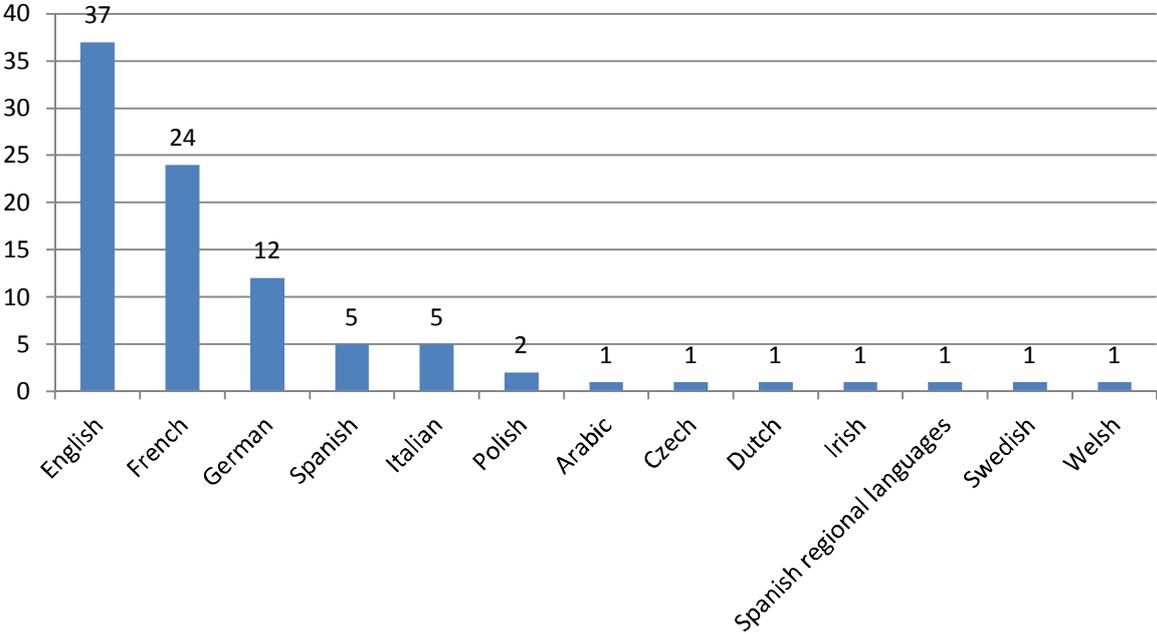


LANGUAGE TRAINING

Percentage of national judicial training actors that provide language training:



Number of national judicial training actors that offer language training in the respective languages (in total 43 offer language training of any kind):



PARTICIPATION OF LAWYERS IN PRIVATE PRACTICE

National judicial training actors are divided into two camps of roughly the same size when it comes to the participation of lawyers in private practice in their training programmes. About half of them do not allow them to participate. The other half allows them to participate in selected training programmes, usually upon payment of a participation fee. A number of national judicial training actors have cooperation agreements with their national Bars and organise joint training. In a few cases, lawyers in private practice are specifically invited to participate in judicial training programmes in order to provide counsel's perspective.

NATIONAL JUDICIAL TRAINING ACTORS' VIEWS ON FUTURE ACTION BY THE EUROPEAN UNION IN THE FIELD OF JUDICIAL TRAINING

When asked what action by the European Union would most help to improve and increase participation in judicial training on EU law, by far the most common response among national judicial training actors was related to funding. 31 of the 46 institutions that answered the question cited funding as the critical issue, in terms both of increasing the amount available and of simplifying the procedures for obtaining it: 24 institutions said that more funding should be provided, in particular for or via EJTN, while 14 said that funding procedures should be simplified²⁸.

Some of the individual suggestions made for improving the provision of funding were:

- To reimburse fully the cost of training;
- To provide financial support to practitioners who act as trainers;
- To allow longer periods for the preparation of tenders;
- To make EU funds available according to national needs and not only the Commission's priorities, incl. making the entry threshold lower;
- To enable EJTN to coordinate EU funding applications on behalf of its members.

The next most common answer, though suggested by only seven national judicial training actors was that the EU should promote information-sharing and awareness-raising about judicial training in EU law, for example by identifying experts in the field who could be used by national judicial training actors. Three institutions suggested that the EU itself should organise training courses or create an e-learning course.

Other individual suggestions for EU action included:

- Making available an online multilingual database on legal terminology;
- Increasing the participation of lawyers in private practice in EU-funded judicial training programmes;
- Supporting the development of more train-the-trainers activities to improve national training capacities;
- Declaring that the initial and continuous training of judges and prosecutors should be mandatory and should include both training on EU law and an internship abroad at a national judicial institution or a supranational court.

One national judicial training institution suggested the creation of a European school for judicial training.

NATIONAL JUDICIAL TRAINING ACTORS' VIEWS ON COORDINATION BY THE EUROPEAN UNION OF JUDICIAL TRAINING ACTIVITIES

When it came to the question of whether the EU should coordinate the activities of the different actors in judicial training, 19 of the 28 national judicial training actors that replied to the question said that it should not²⁹. Many of them emphasised the competence of the Member States in this regard or indeed the independence of the judiciary. Many also explicitly identified EJTN as the best body for coordination. The other ten institutions saw a possible coordinating role for the EU with regard to judicial training activities on EU law and/or the specific competences attributed by the Lisbon Treaty. It was suggested by individual national judicial training actors that this might take the form

²⁸ 11 institutions did not respond to this question.

²⁹ In order to ensure a balanced reflection of views across the Member States, only the responses of national judicial training actors (i.e. excluding the regional Länder-level judicial training actors in Germany) were taken into account for this question. 12 national institutions did not respond to this question.

of organising conferences, elaborating common guidelines or curricula, or taking over the coordination of training activities for legal professions other than judges and prosecutors.

NATIONAL JUDICIAL TRAINING ACTORS' VIEWS ON THE EXISTING BODIES/STRUCTURES FOR JUDICIAL TRAINING AT EU LEVEL

26 of the 30 national judicial training actors that expressed a view on the subject indicated that the existing bodies/structures for judicial training at EU level are sufficient³⁰. Several suggested that EJTN should be strengthened, made more efficient, and receive more support from the EU.

³⁰ In order to ensure a balanced reflection of views across the Member States, the replies from the regional Länder-level judicial training actors in Germany were considered as a single answer. 11 national institutions did not respond to this question and three expressed support for more action at EU level without expressing a view on whether the existing bodies and structures are sufficient.

5. SURVEY OF JUDGES' AND PROSECUTORS' EXPERIENCE OF JUDICIAL TRAINING

EU-WIDE SUMMARY

In order to be meaningful, many of the results from the survey must be filtered or contextualised according to the specificities of the judicial profession or Member State concerned. The purpose of this overview is therefore primarily to provide a point of reference with which to compare the results from individual Member States.

It is important to note that all questions to which the responses are presented in this report were posed in the form of multiple-choice questions with a closed list of answers. Respondents had the opportunity to provide answers varying from the closed list in a field marked "Other: ..." but no significant variations compared to the multiple-choice answers were noted. A representative sample of respondents' open comments and suggestions for improvement of judicial training are included in Section 2.

Survey characteristics

RESPONSE RATE

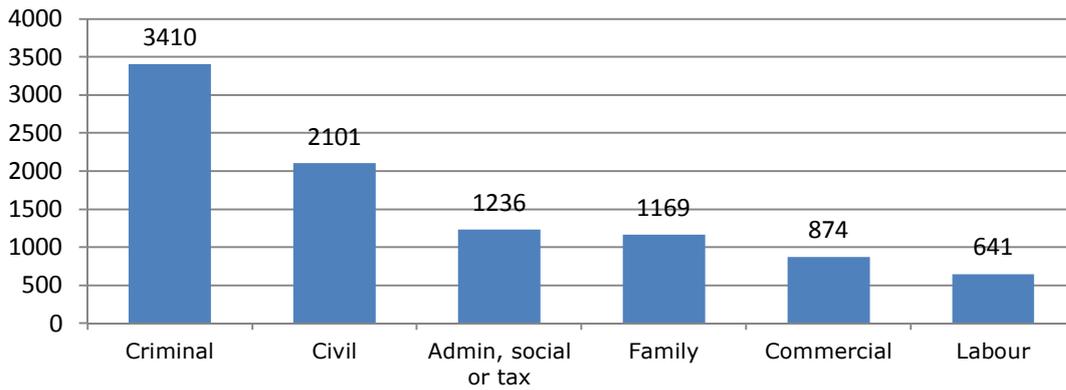
Target number of responses from judges and prosecutors:	4577
Number of responses received from judges and prosecutors:	6087
Percentage of target sample of judges and prosecutors reached:	133%
Sample of judicial/prosecutorial population:	5.3%

PROFILE OF RESPONDENTS

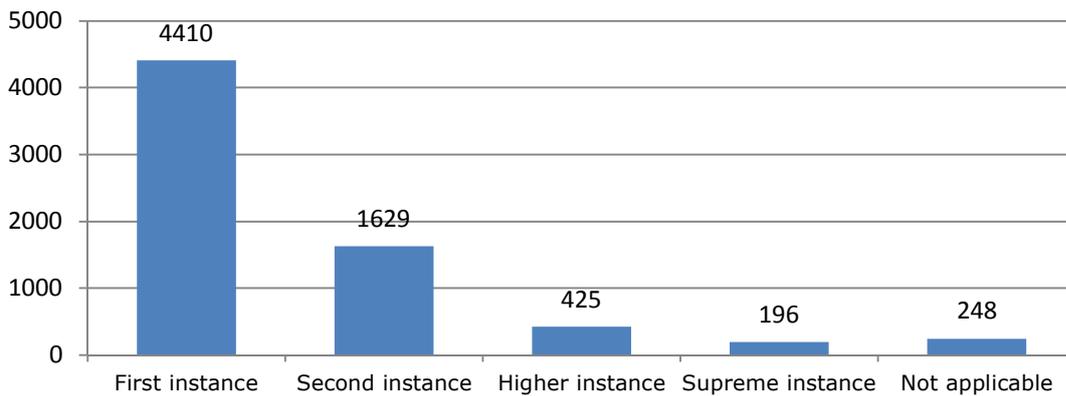
Position of respondents:



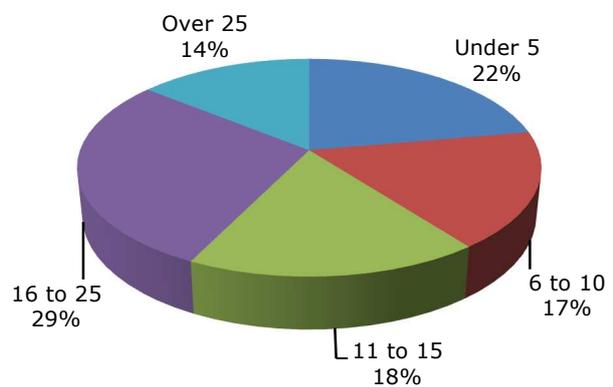
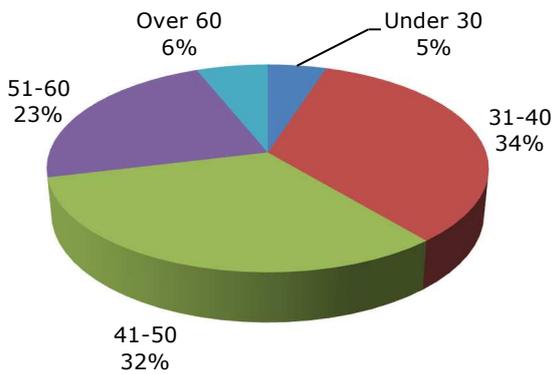
Type of case dealt with by respondents:



Level of the national judicial system at which respondents work:



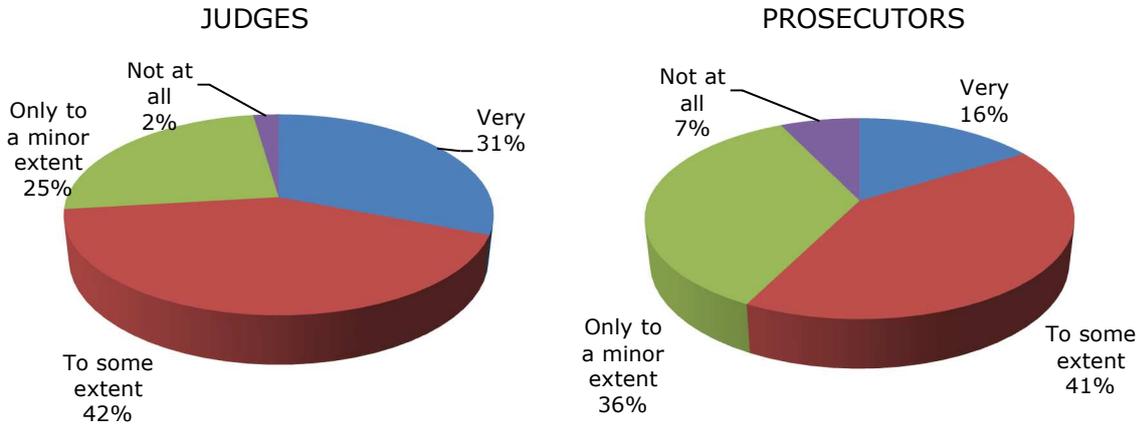
Age of respondents: Number of years since first appointment:



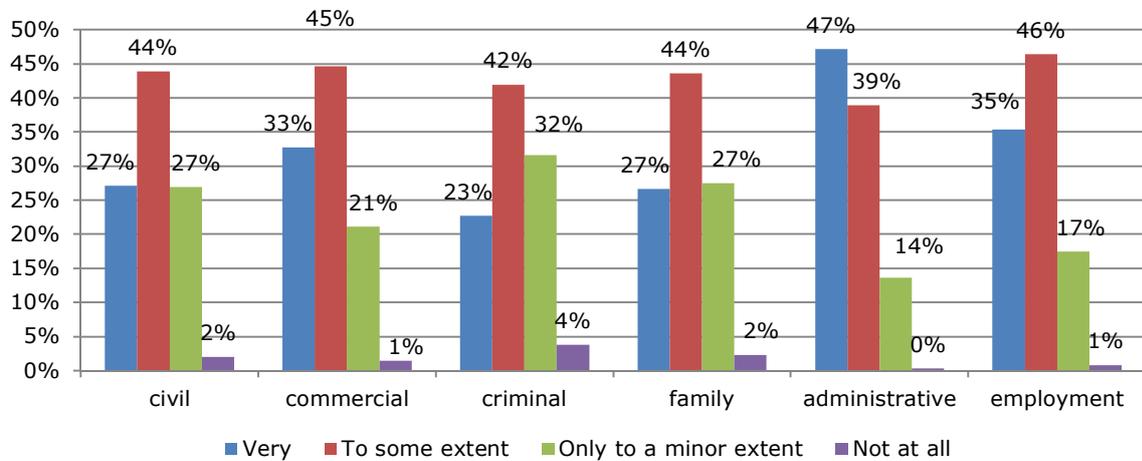
Knowledge and experience of EU law

RELEVANCE OF EU LAW

Response to the question "How relevant do you assess the knowledge of EU law for your judicial/prosecutorial functions?":

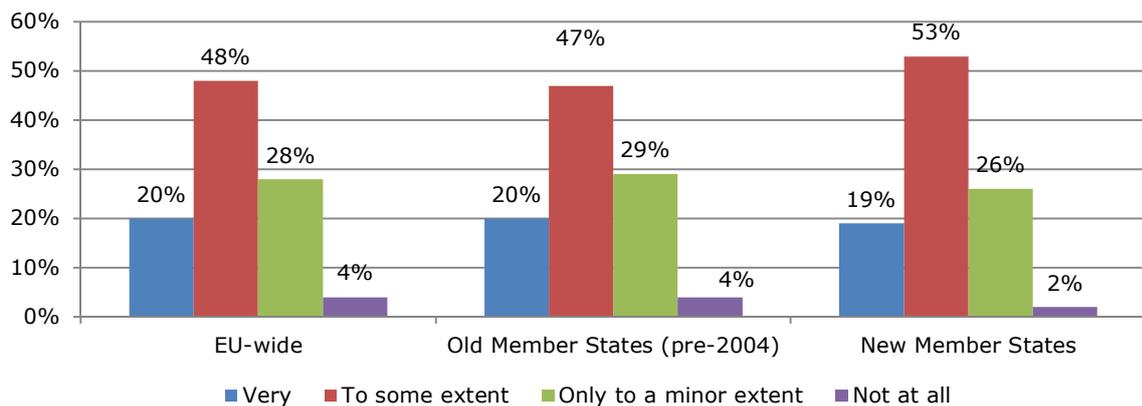


Responses to the question "How relevant do you assess the knowledge of EU law for your judicial/prosecutorial functions?" according to the types of cases with which judges deal:

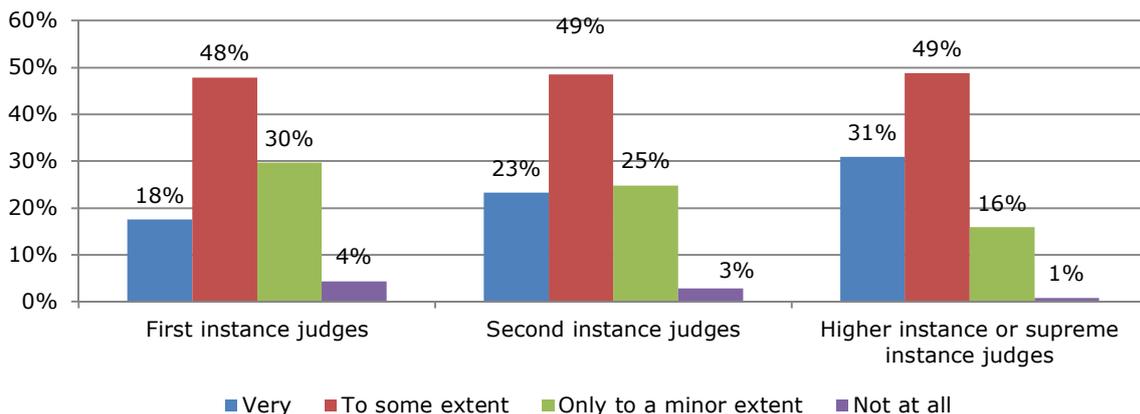


JUDGES' KNOWLEDGE OF EU LAW

Evaluation by judges of the statement "I have a good knowledge of when to apply EU law directly.":



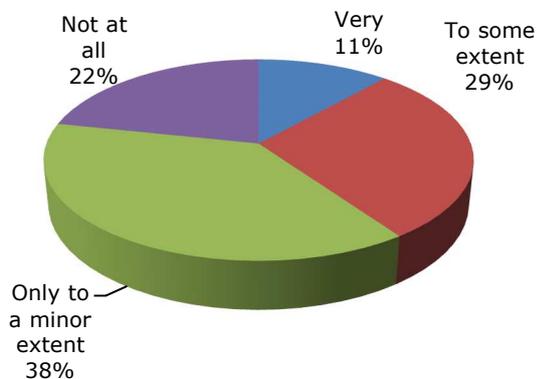
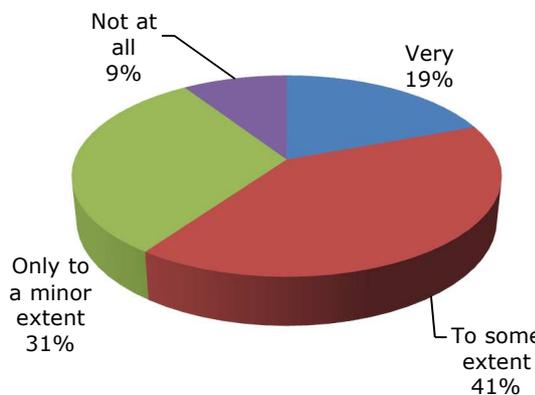
Evaluation by judges of the statement "I have a good knowledge of when to apply EU law directly" according to position in the hierarchy:



Response of judges to the following self-assessment statements/questions:

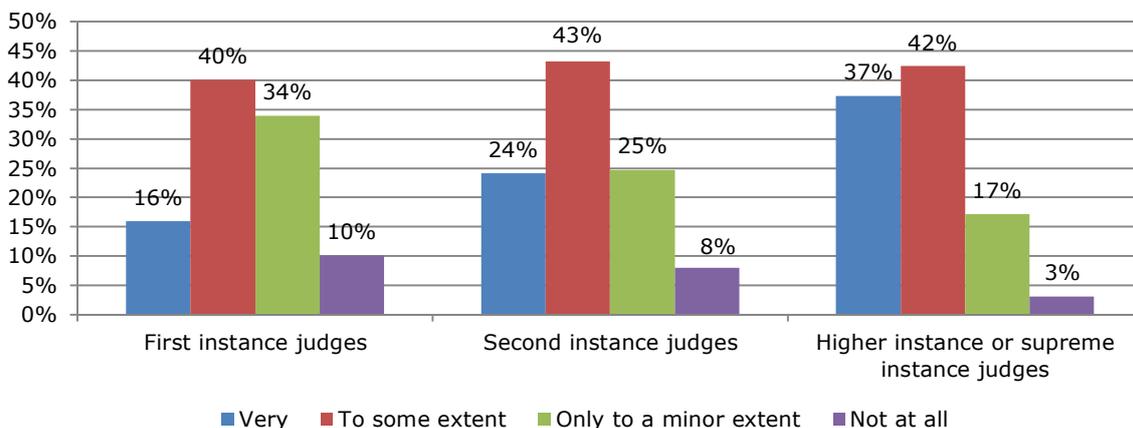
"I have a good knowledge of *when* to refer a preliminary question to the European Court of Justice"

"I have a good knowledge of *how* to refer a preliminary question to the European Court of Justice"

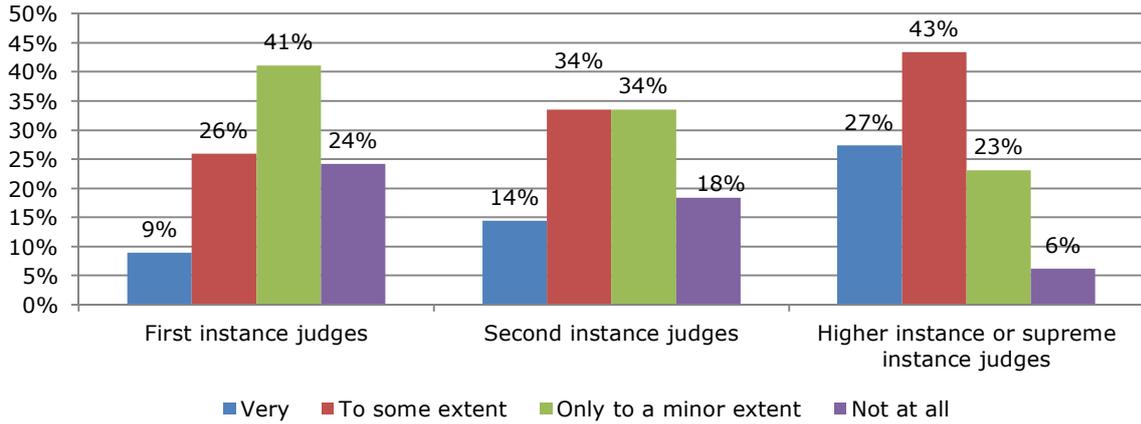


Response of judges to the following self-assessment statements (by position in the hierarchy):

"I have a good knowledge of when to refer a preliminary question to the European Court of Justice"

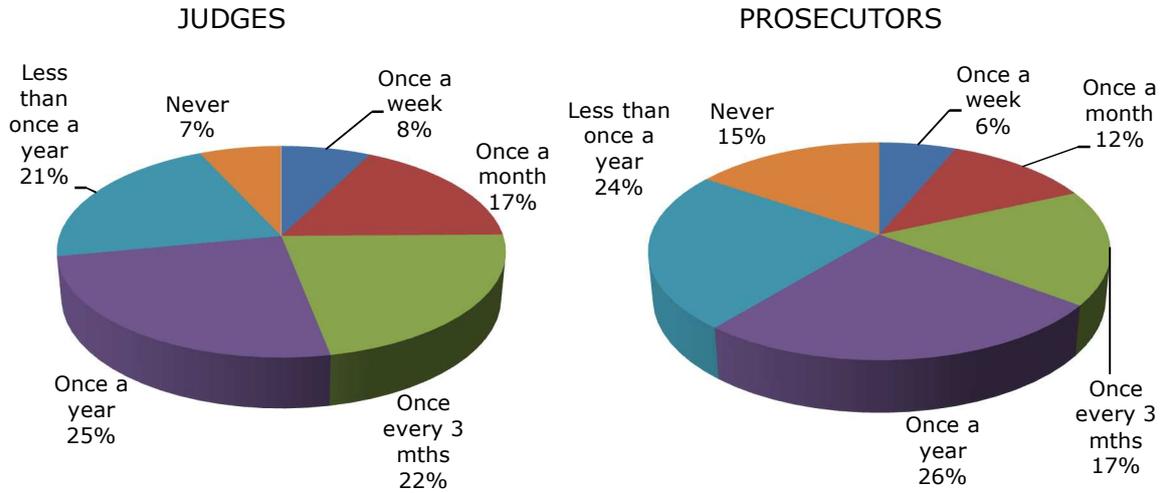


“I have a good knowledge of *how* to refer a preliminary question to the European Court of Justice”

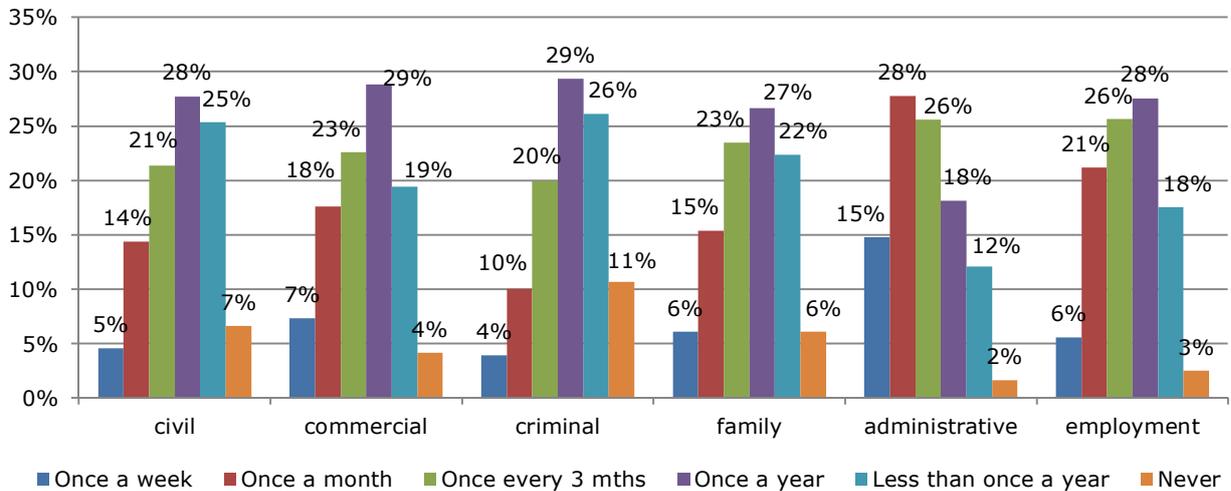


EXPERIENCE WITH ISSUES OF EU LAW

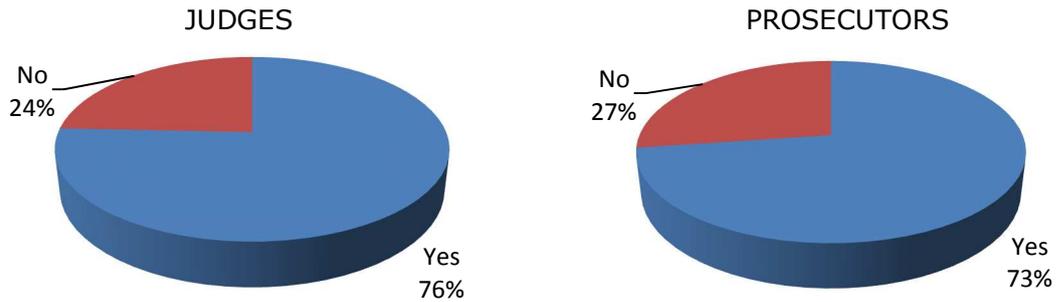
Response to the question “How often do you deal with issues of EU law?”:



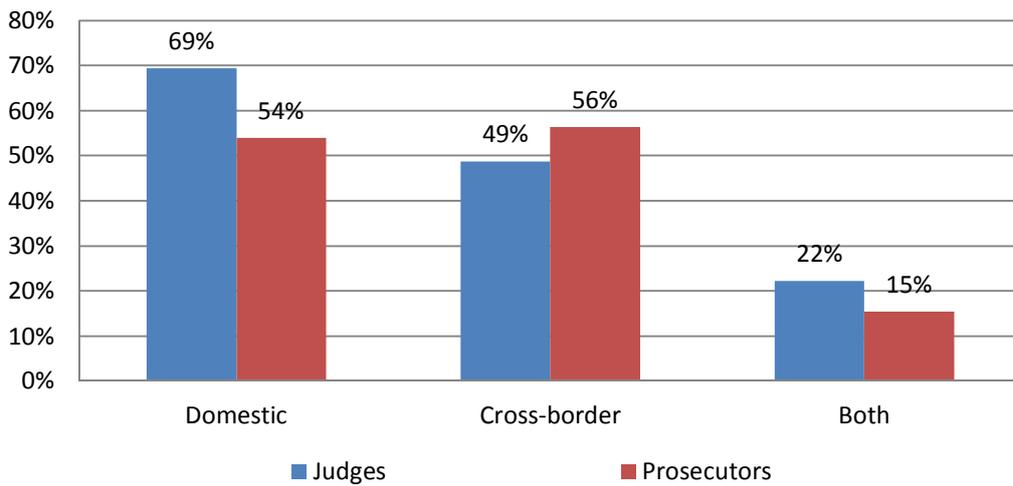
Responses to the question “How often do you deal with issues of EU law?” according to the types of cases with which judges deal:



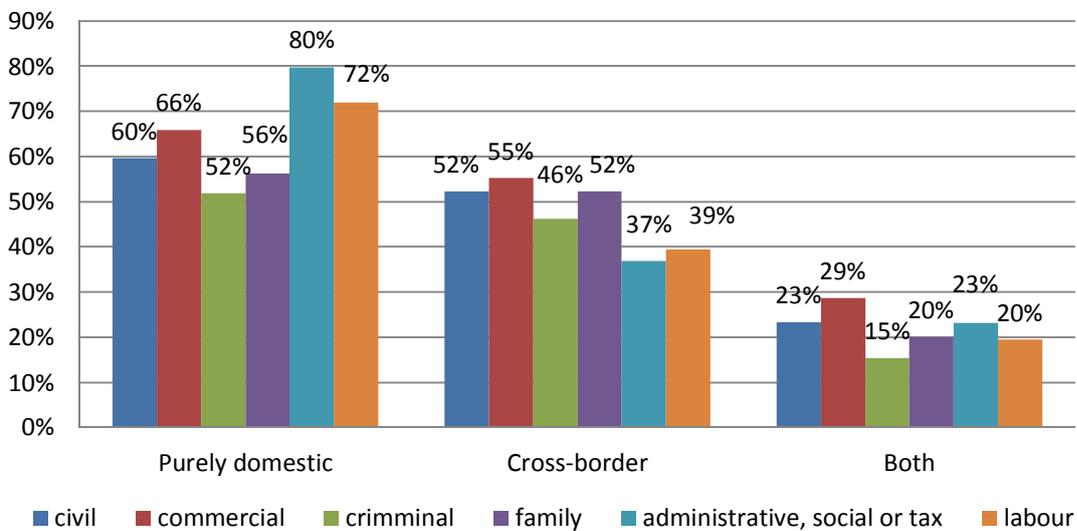
Response to the question "Has the number of cases involving EU law increased over the years?":



Types of cases with issues of EU law:



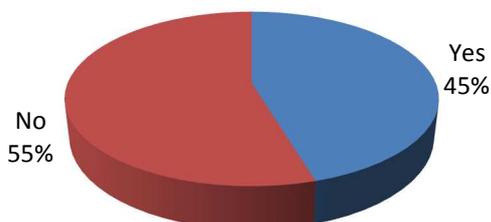
Types of cases with issues of EU law according to areas of law:



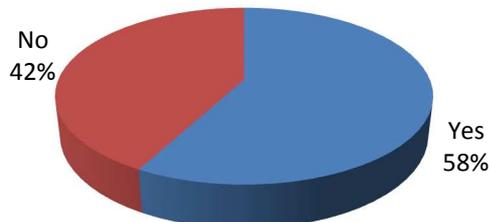
SUPPORT IN APPLYING EU LAW

Response to the following questions by respondents who indicated that they dealt with issues of EU law:

“Did you get any support in finding out or understanding the applicable law?”



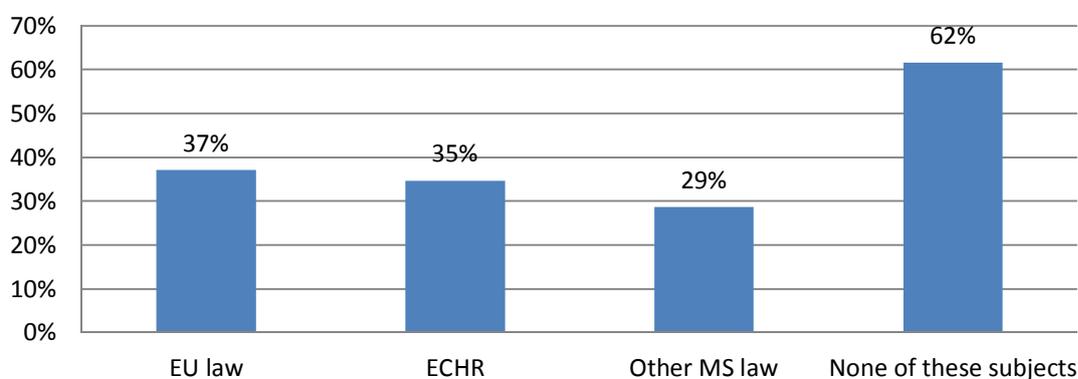
“Has any training you have received been helpful in deciding such a case?”



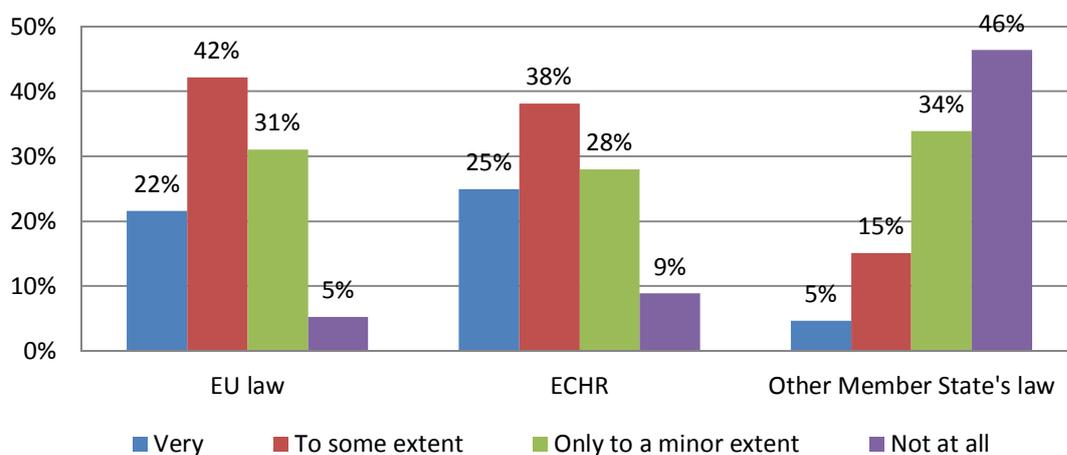
Initial training

TRAINING

Percentage of respondents who received training in EU law, the ECHR or another Member State’s law as part of initial training prior to assuming judicial or prosecutorial functions:



Response to the question “Did you find it useful in your subsequent career?” regarding initial training on the respective subjects:

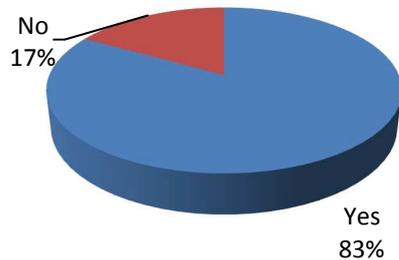


Continuous training

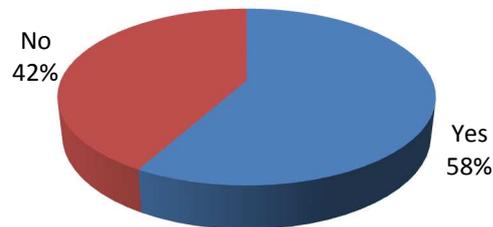
PARTICIPATION IN TRAINING

Percentage of judges who had participated in continuous judicial training on ...

... a subject *other than* EU or another Member State's law:

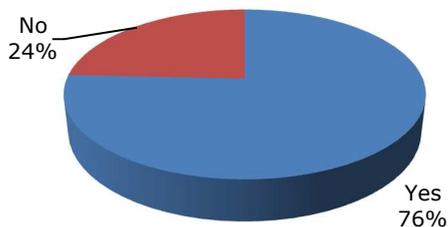


... EU or another Member State's law:

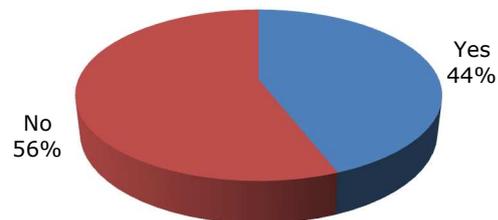


Percentage of prosecutors who had participated in judicial training on ...

... a subject *other than* EU or another Member State's law:

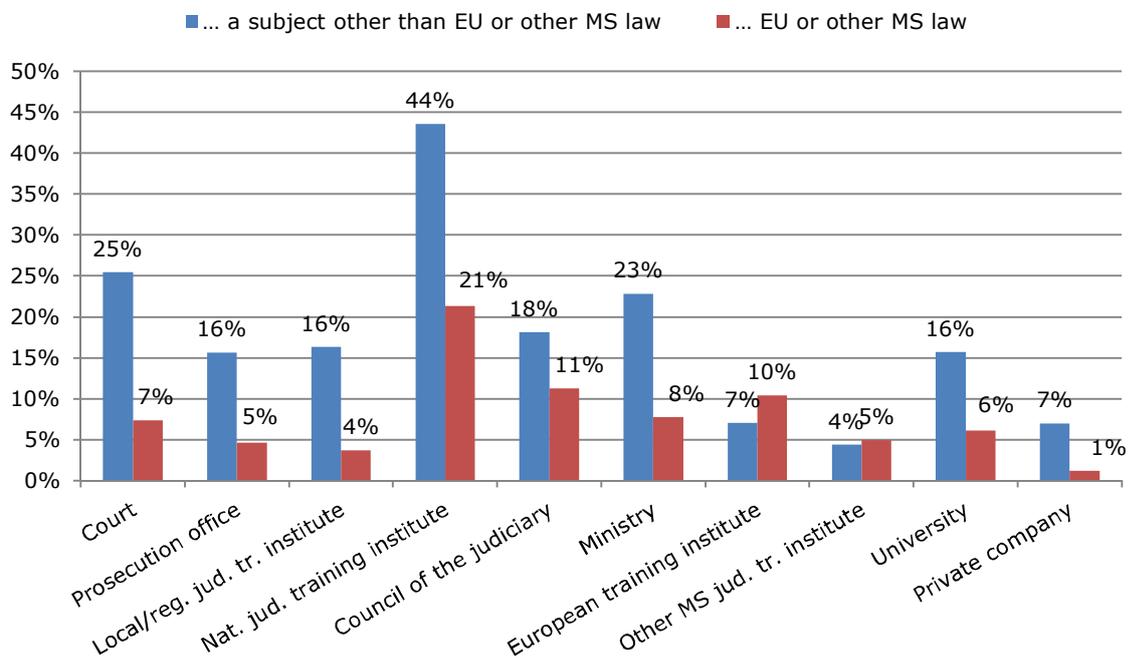


... EU or another Member State's law:



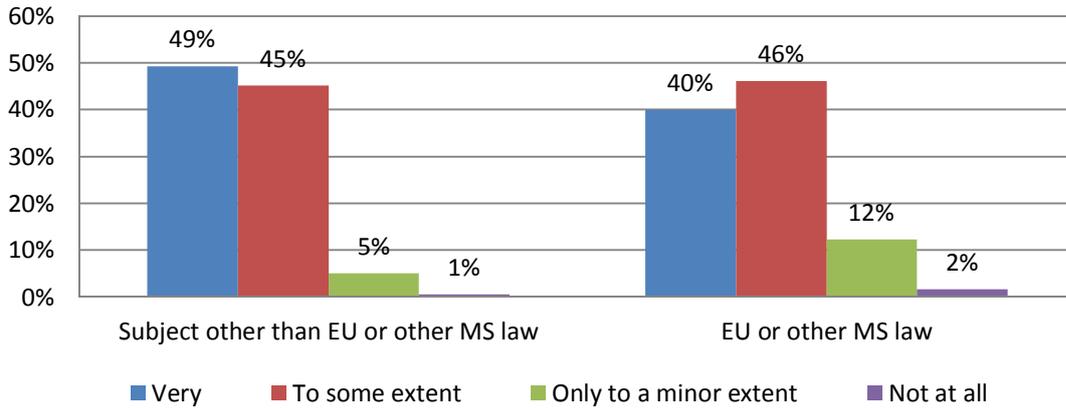
TRAINING PROVIDERS

Percentage of respondents who had attended judicial training organised by the respective organisations on ...



EVALUATION OF TRAINING

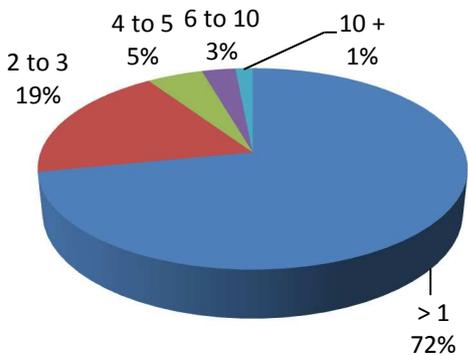
Response to the question "Did you find it useful in your subsequent career?" regarding continuous training on the respective subjects:



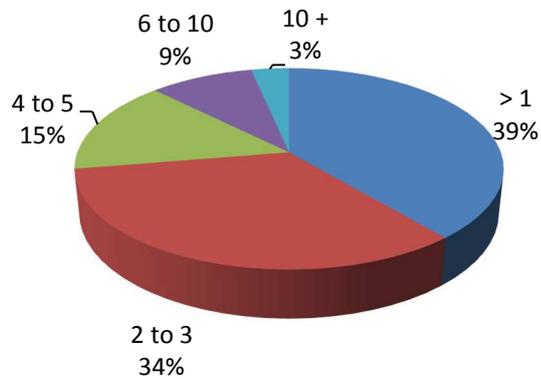
FREQUENCY AND DURATION OF TRAINING

Number of years since respondents last participated in continuous judicial training on ...

... a subject *other than* EU or another Member State's law:

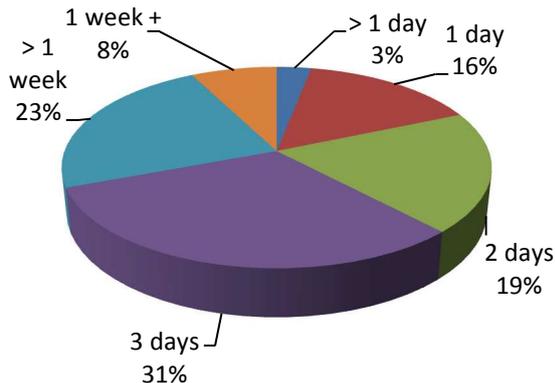


... EU or another Member State's law:

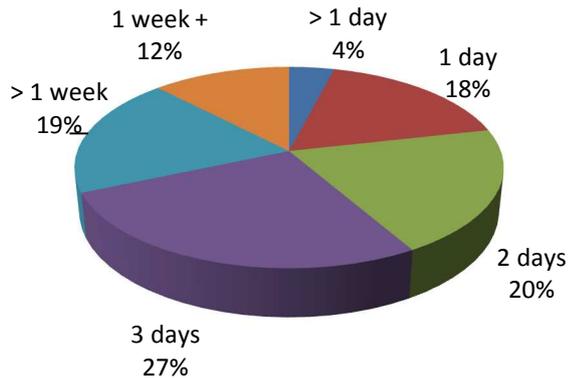


Length of last training session on...

... a subject *other than* EU or another Member State's law:

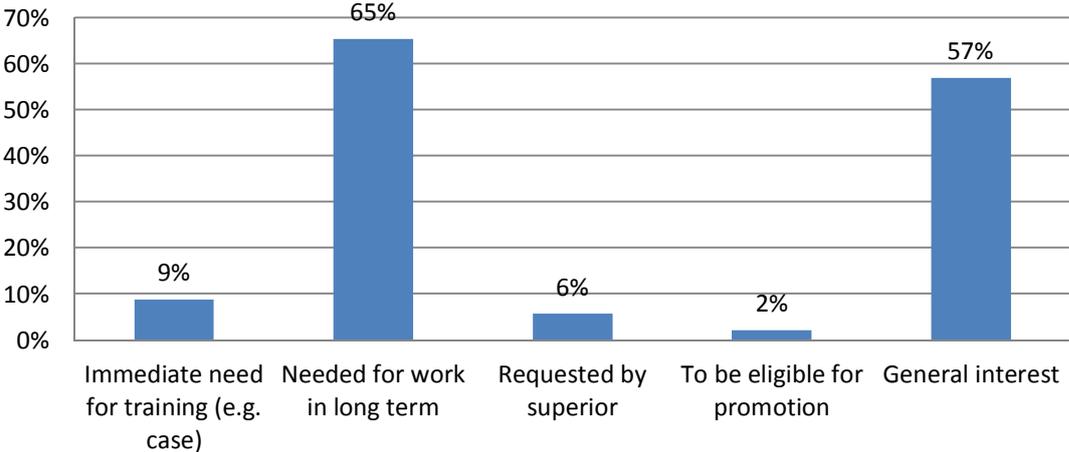


... EU or another Member State's law:



REASON FOR PARTICIPATING IN EU LAW TRAINING

Motivation of respondents who had participated in continuous judicial training on EU or another Member State’s law for doing so:

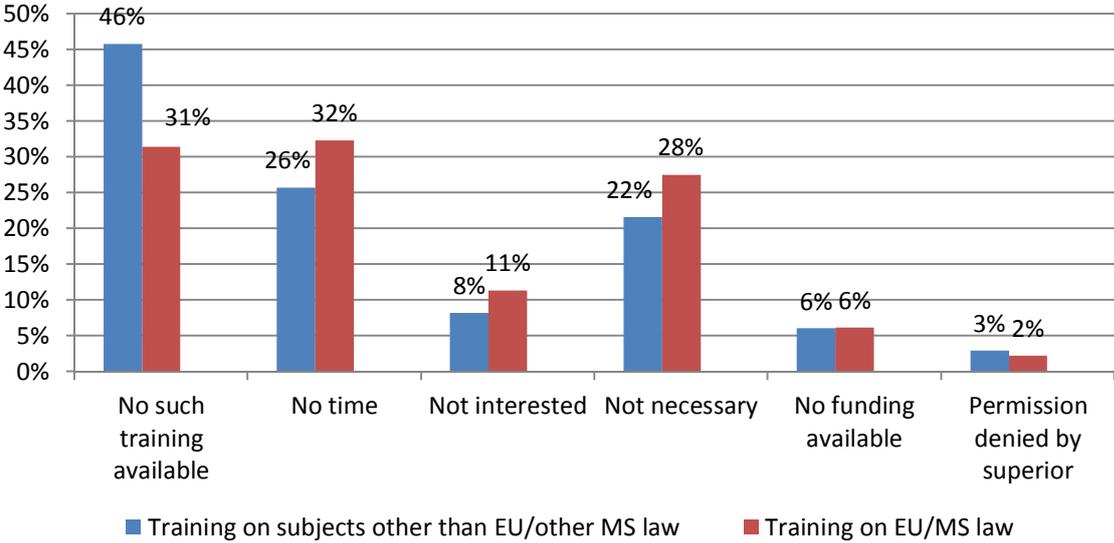


REASON FOR NOT PARTICIPATING IN TRAINING

Reason of respondents who had never participated in continuous judicial training (on EU law or in general) for not having done so:

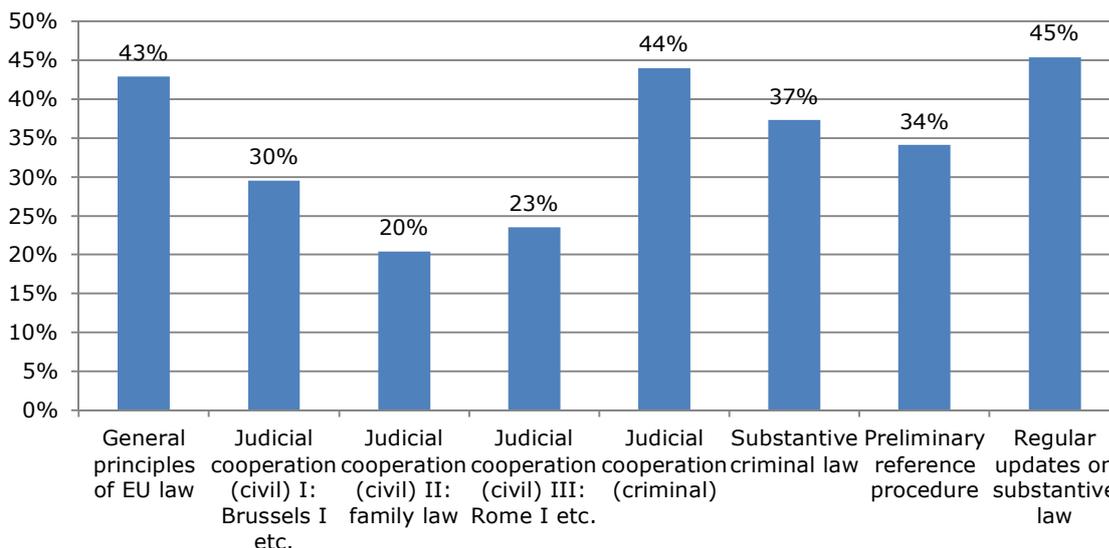
For 'other than EU/other MS Law' total= 1209 respondents, i.e. 20% of all respondents.

For 'EU law/MS Law', total= 2871 respondents, i.e. 47% of all respondents.

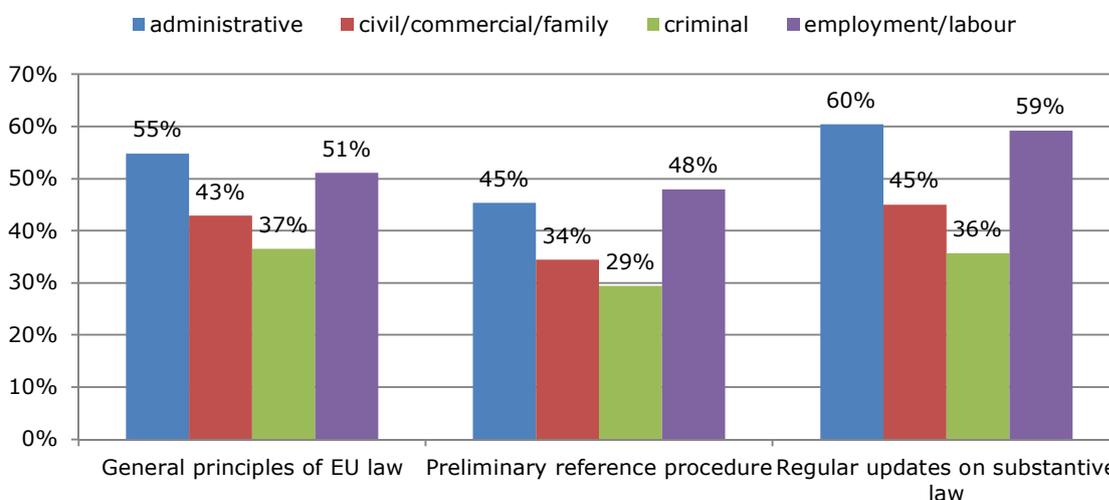


DEMAND FOR EU LAW TRAINING

EU law matters on which respondents would like more training:



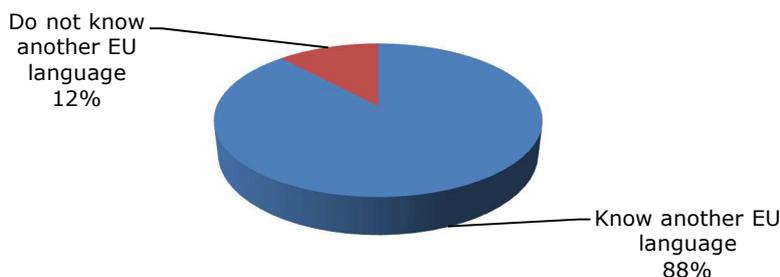
Selected EU law matters on which respondents would like more training (according to types of cases with which respondents deal):



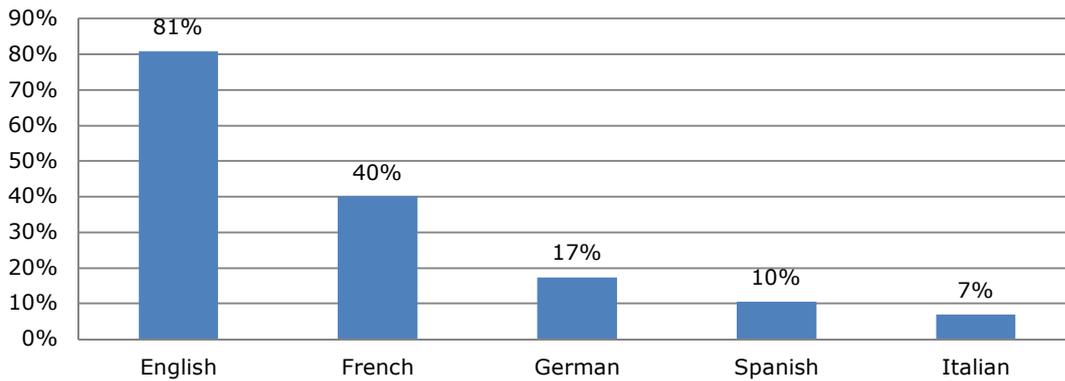
Language training

KNOWLEDGE OF FOREIGN LANGUAGES

Percentage of respondents who know another EU language:



Percentage of respondents who know the respective foreign languages in addition to their principal working language:

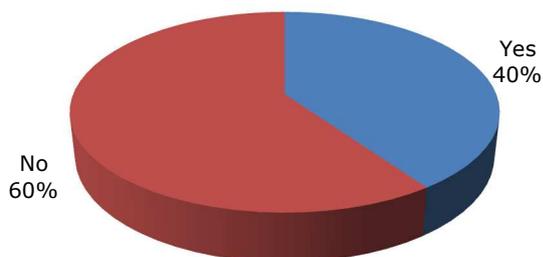


Level of proficiency of respondents who indicated knowledge of the respective foreign languages:

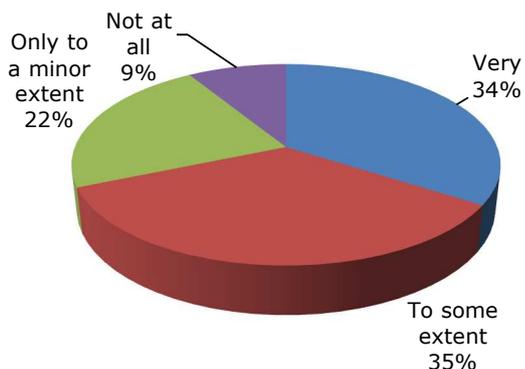
	Reading			Writing			Speaking		
	Basic	Independent	Proficient	Basic	Independent	Proficient	Basic	Independent	Proficient
English	21%	46%	32%	31%	48%	18%	30%	47%	21%
French	40%	38%	21%	55%	31%	10%	52%	33%	11%
German	42%	36%	20%	57%	29%	10%	52%	34%	12%
Spanish	47%	34%	17%	65%	20%	9%	59%	26%	11%
Italian	46%	34%	19%	62%	21%	10%	58%	26%	13%

LANGUAGE TRAINING

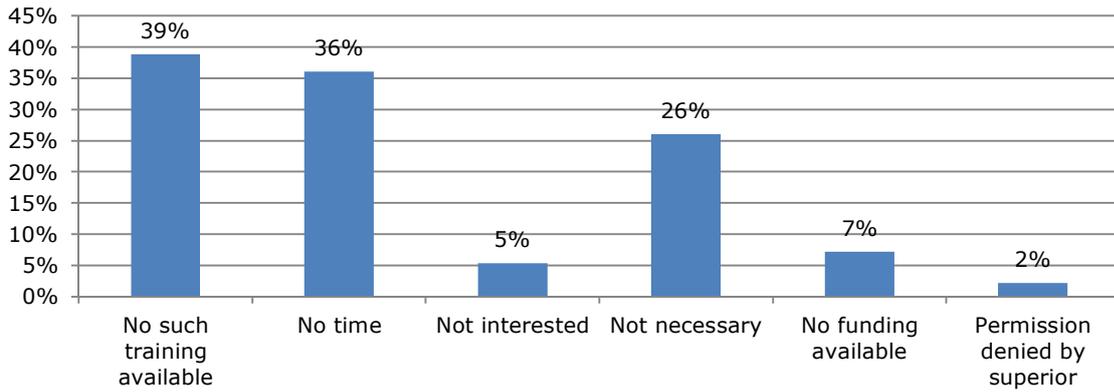
Percentage of respondents who had received language training:



Response to the question "If yes, did you find it useful in your subsequent career?":



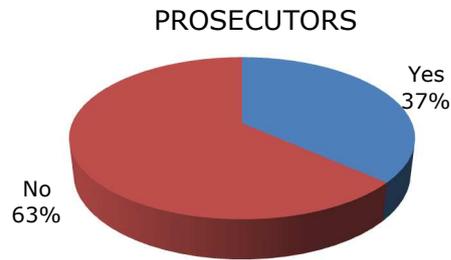
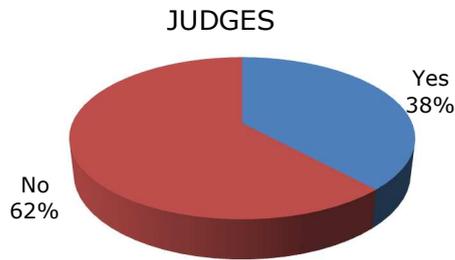
Reason for respondents who had never received language training for not doing so:



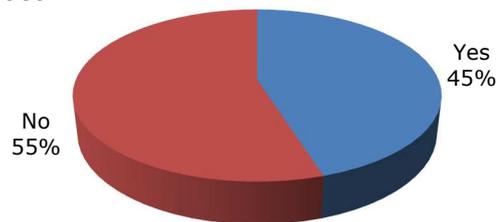
Contacts with foreign judges & prosecutors

CONTACTS & NETWORKS

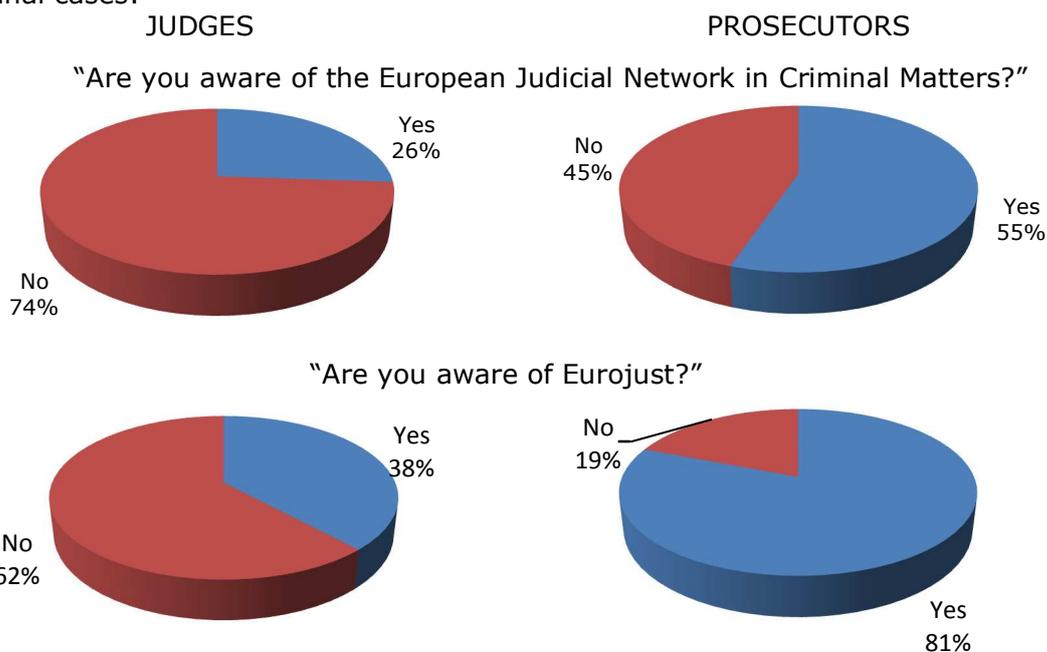
Response to the question "Have you ever contacted a foreign judge, prosecutor or other authority in connection with a case?":



Response to the question "Are you aware of the European Judicial Network in Civil and Commercial Matters?" from respondents who indicated that they dealt with civil, commercial or family cases:

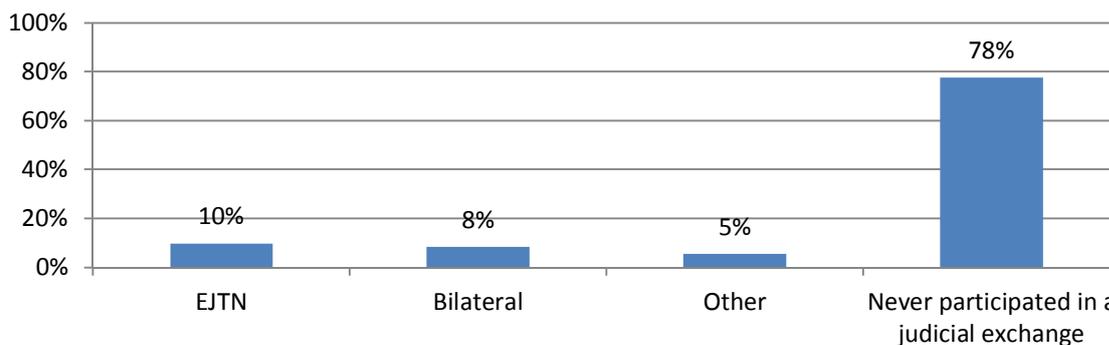


Response to the following questions from respondents who indicated that they dealt with criminal cases:

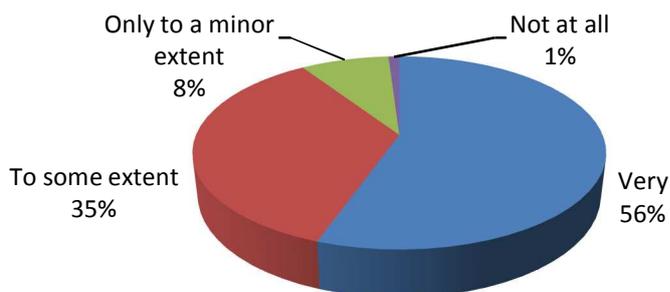


EXCHANGES

Percentage of respondents who had participated in an exchange with judges and/or prosecutors from other Member States:

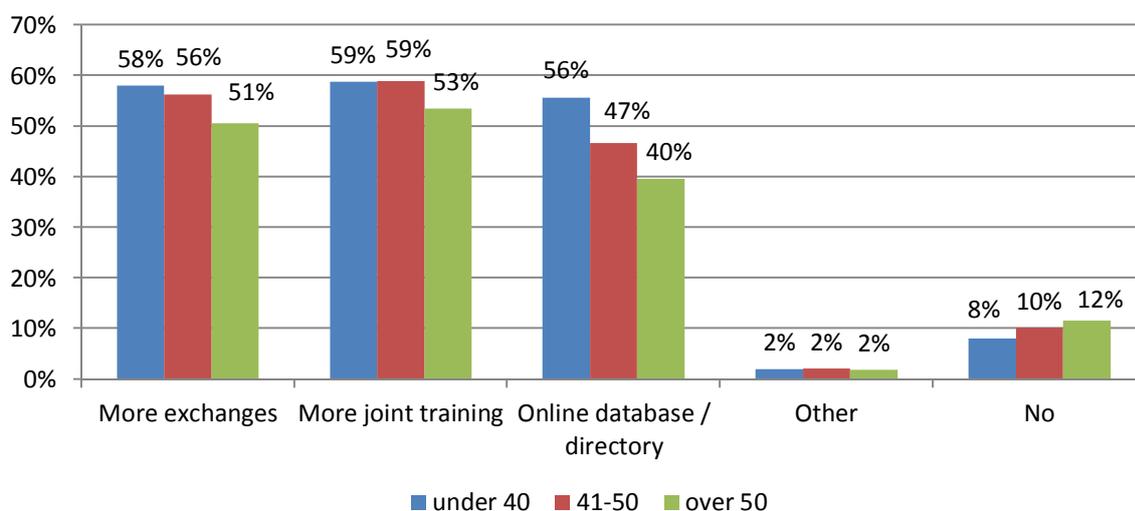


Response of respondents who had participated in an exchange to the question "How useful was it?":



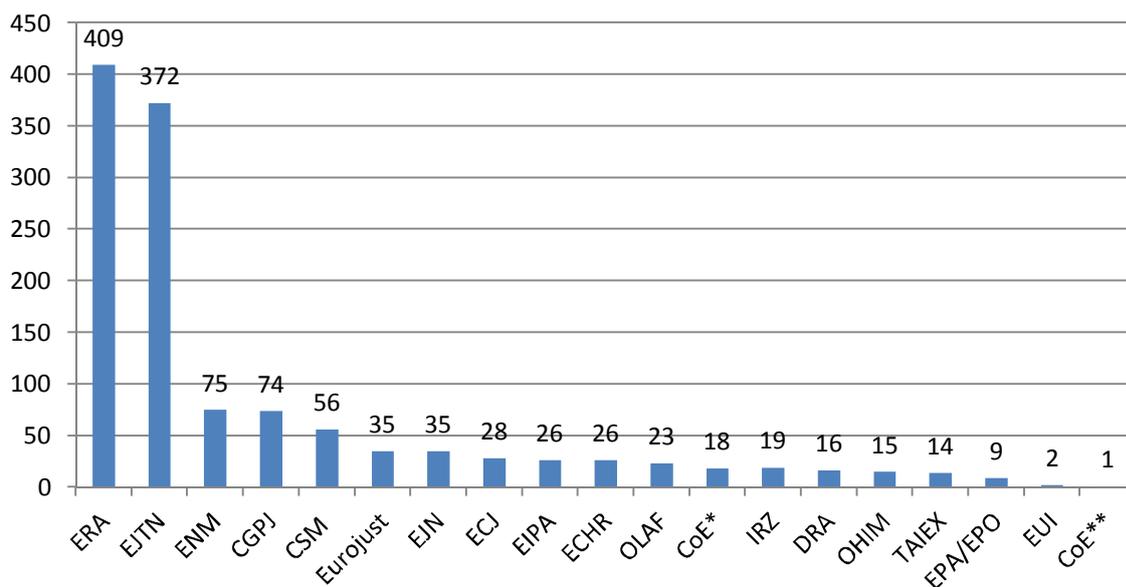
DEMAND FOR MORE CONTACTS

Response to the question “Would you appreciate measures to make it easier to contact foreign judges and/or prosecutors and, if yes, which?” (according to age groups):



Experience of European judicial training

Number of respondents who indicated that they had taken part in European judicial training organised by the bodies/networks indicated (where the body concerned is a national judicial training actor, only non-domestic participants are taken into account)³¹:



³¹ Unlike most other questions in the survey, respondents to this question were not presented with multiple-choice answers but wrote their answer into a text field.

KEY TO ACRONYMS		% of total survey responses
ERA	Academy of European Law	6.65%
EJTN	European Judicial Training Network	6.05%
ENM	French National School of Magistracy (<i>École Nationale de la Magistrature</i>) – excl. French participants	1.22%
CGPJ	Spanish Judicial School (<i>Escuela Judicial del Consejo General del Poder Judicial</i>) – excl. Spanish participants	1.20%
CSM	Italian High Council for the Judiciary (<i>Consiglio Superiore della Magistratura</i>) – excl. Italian participants	0.91%
Eurojust	Eurojust	0.57%
EJN	European Judicial Networks (Civil and Criminal)	0.57%
ECJ	European Court of Justice	0.46%
EIPA	European Institute of Public Administration	0.42%
ECHR	European Court of Human Rights	0.42%
OLAF	European Commission: Anti-fraud Office	0.37%
CoE*	Council of Europe	0.29%
IRZ	Deutsche Stiftung für internationale rechtliche Zusammenarbeit	0.31%
DRA	German Judicial Academy (<i>Deutsche Richterakademie</i>) – excl. German participants	0.26%
OHIM	Office for Harmonization in the Internal Market	0.24%
TAIEX	European Commission: Technical Assistance & Information Exchange	0.23%
EPA/EPO	European Patent Academy/European Patent Office	0.15%
EUI	European University Institute	0.03%
CoE**	College of Europe	0.02%

6. COURT STAFF'S EXPERIENCE OF TRAINING

EU-WIDE SUMMARY

The survey was distributed via different actors at national level to judges, prosecutors and court staff falling within the following definition:

"Persons working in courts who are not judges but who have legal training and who (a) help prepare judgments, (b) make judicial decisions at least at a preliminary phase or (c) play a role in cross-border judicial cooperation."

All responses from court staff in the EU are contained in this EU-wide summary. For the national reports, however, only those Member States from which a significant number of responses were received from court staff are profiled.

It is important to note that all questions to which the responses are presented in this report were posed in the form of multiple-choice questions with a closed list of answers. Respondents had the opportunity to provide answers varying from the closed list in a field marked "Other: ..." but no significant variations compared to the multiple-choice answers were noted. A representative sample of respondents' open comments and suggestions for improvement of judicial training are included in Section 2.

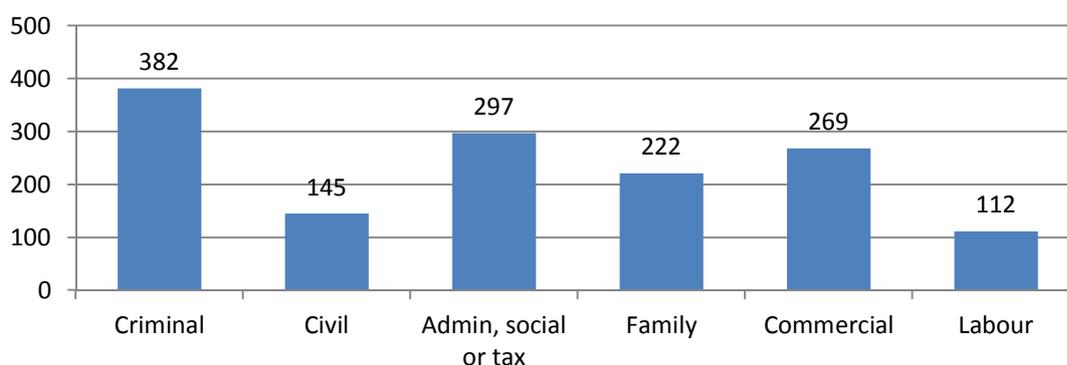
Survey characteristics

RESPONSES

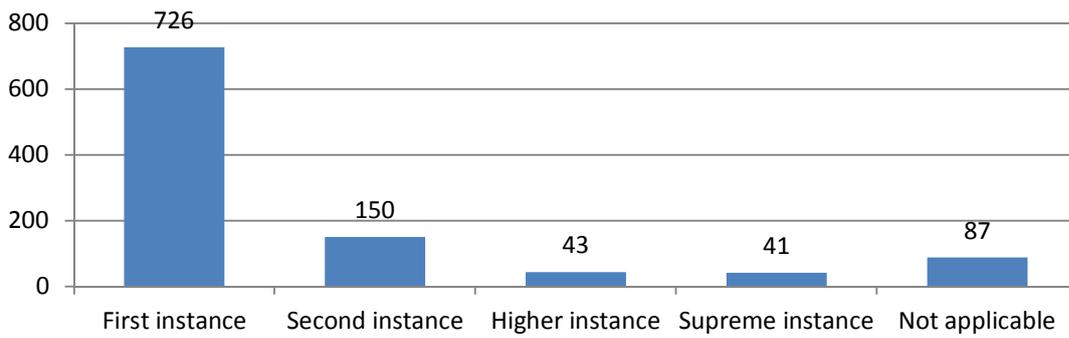
Total number of responses received from court staff: 992

PROFILE OF RESPONDENTS

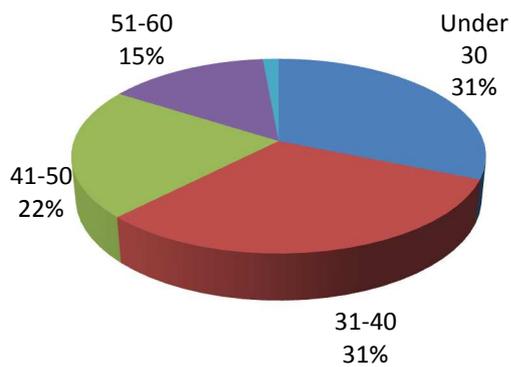
Type of case dealt with by respondents:



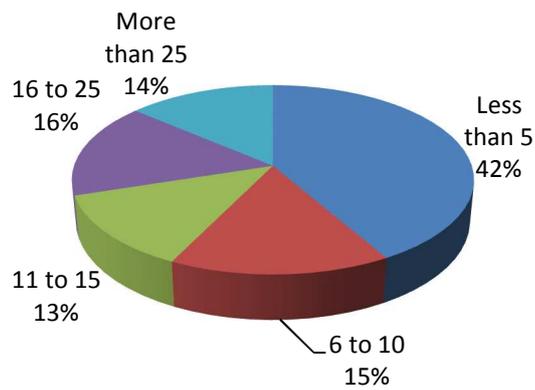
Level of the national judicial system at which respondents work:



Age of respondents:

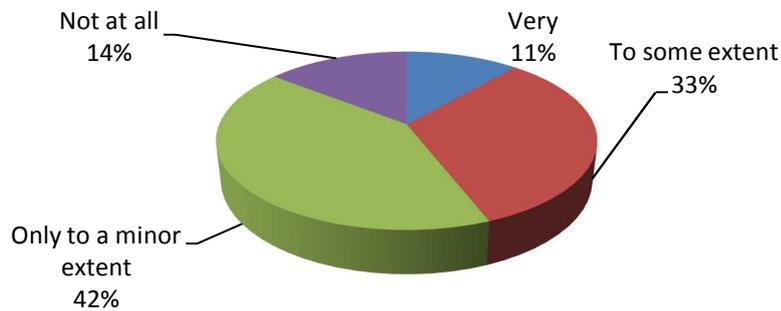


Number of years since first appointment:

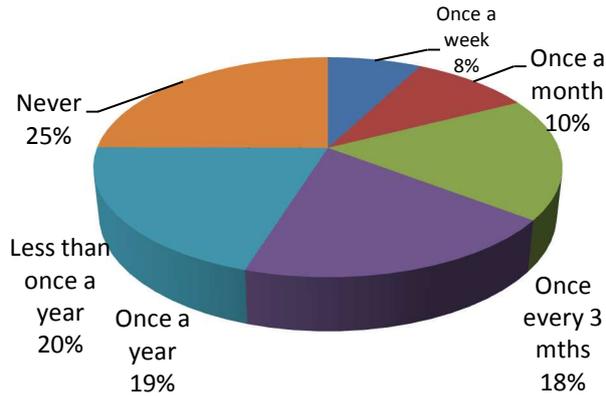


Knowledge and experience of EU law

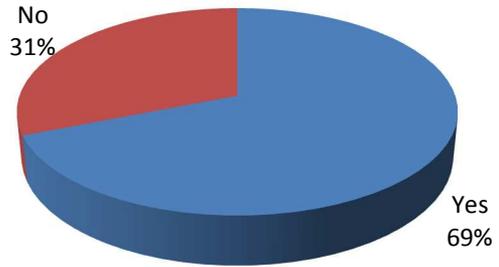
“How relevant do you assess the knowledge of EU law for your functions?”



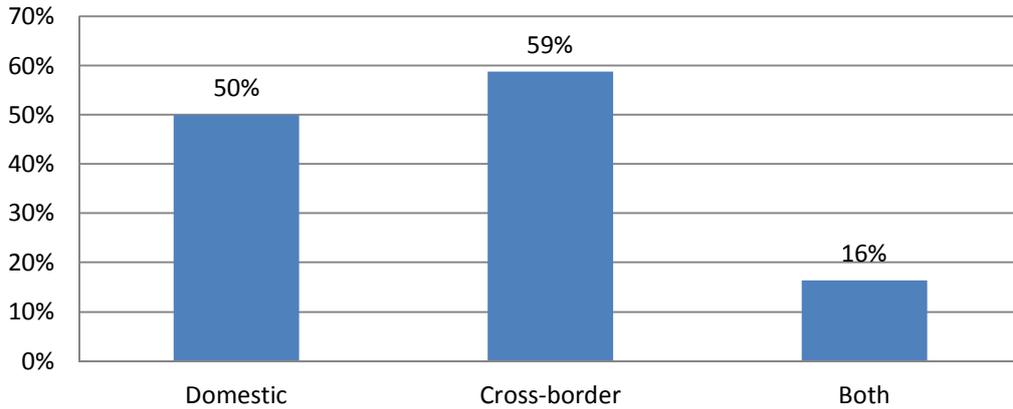
“How often do you deal issues of EU law?”



“Has the number of cases involving EU law increased over the years?”



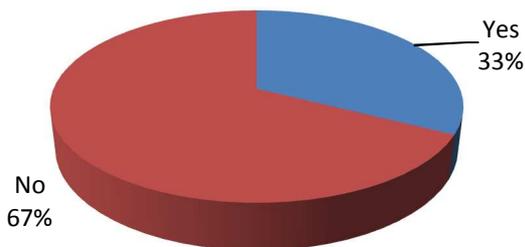
Types of cases with issues of EU law:



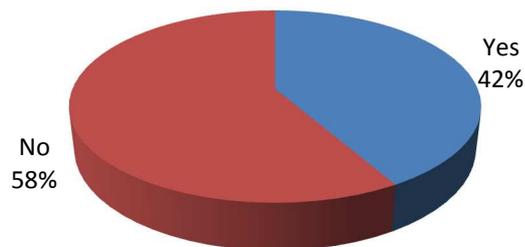
SUPPORT IN APPLYING EU LAW

Response to the following questions by respondents who indicated that they dealt with issues of EU law:

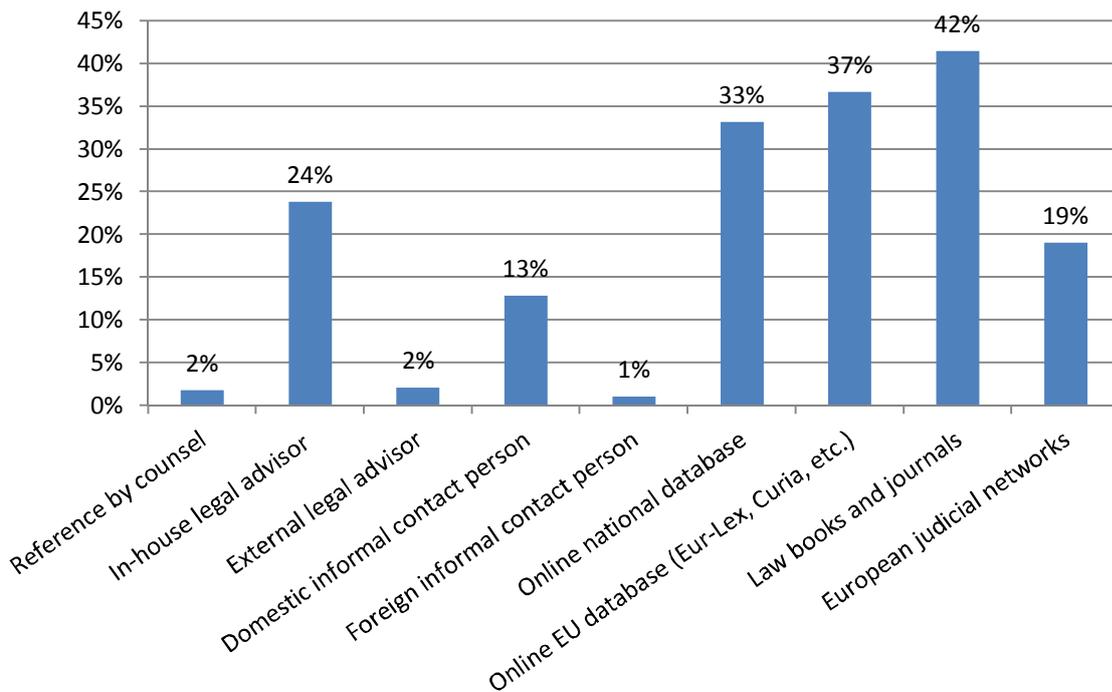
“Did you get any support in finding out or understanding the applicable law?”



“Has any training you have received been helpful in deciding such a case?”

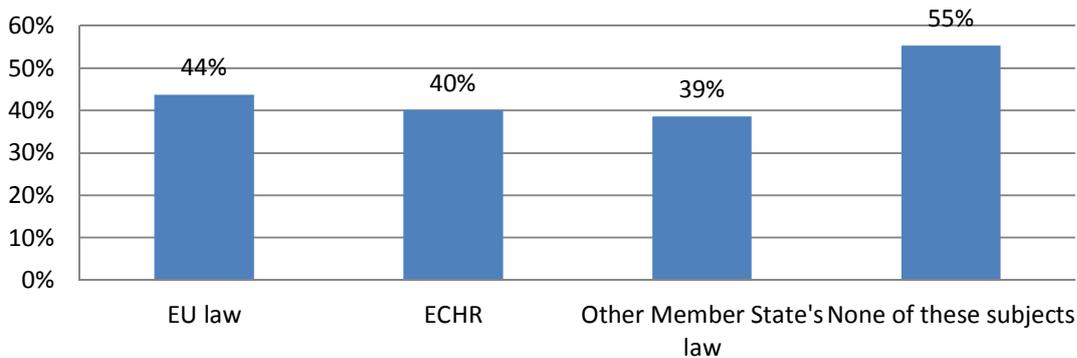


Source of support in finding out or understanding the applicable law (if received):

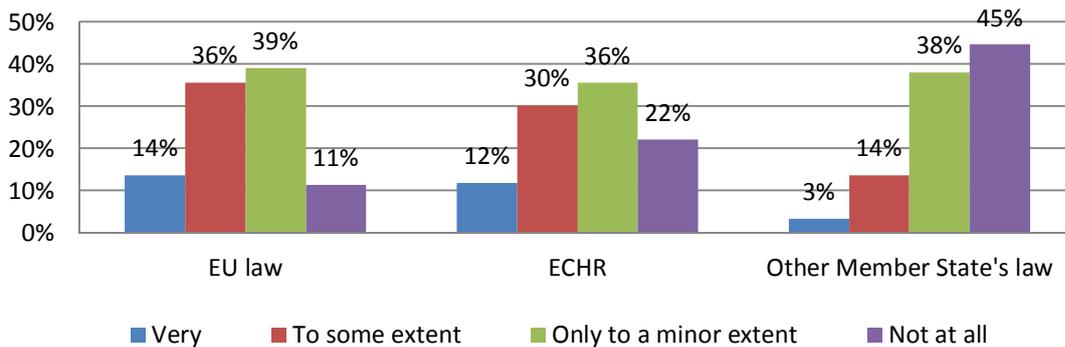


Academic legal studies

Percentage of respondents who studied EU law, the European Convention on Human Rights or another Member State's law as part of their law degree:



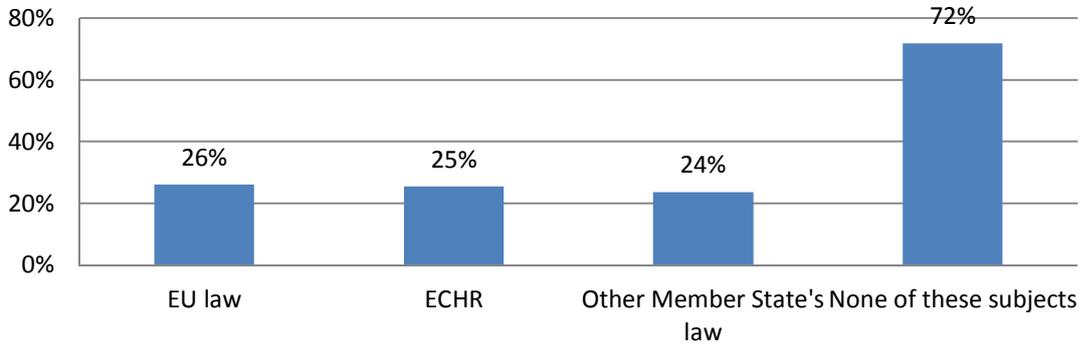
Response to the question "Did you find it useful in your subsequent career?" regarding academic legal studies on the respective subjects:



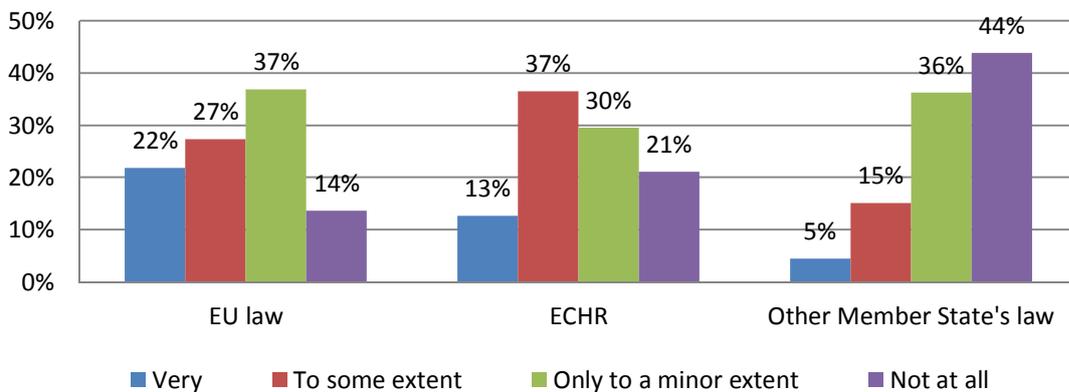
Initial training

TRAINING

Percentage of respondents who received training in EU law, the European Convention on Human Rights or another Member State's law as part of their initial training prior to assuming their functions:

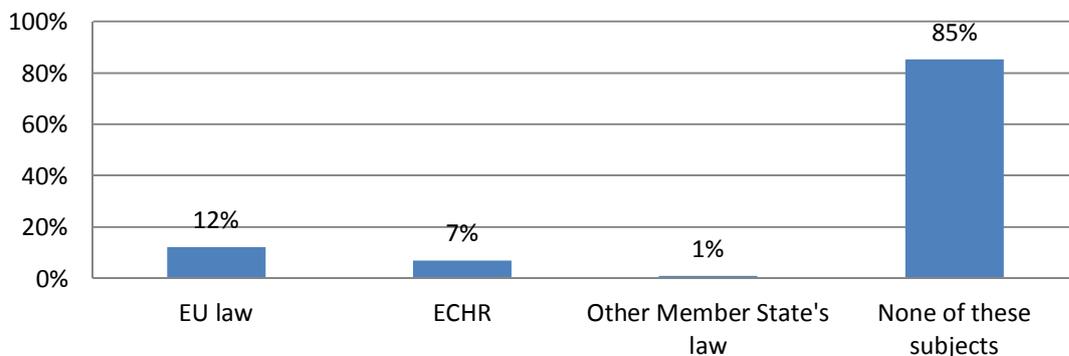


Response to the question "Did you find it useful in your subsequent career?" regarding initial training on the respective subjects:



TESTS

Percentage of respondents who had to pass a test on EU law, the European Convention on Human Rights or another Member State's law in order to enter the court service:

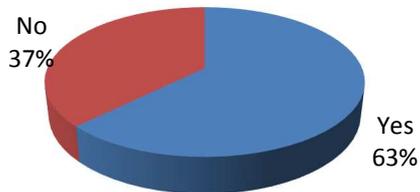


Continuous training

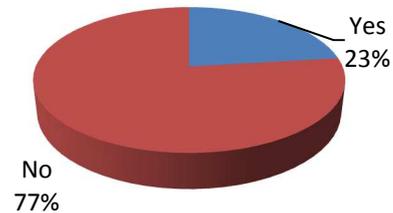
PARTICIPATION IN TRAINING

Percentage of respondents who had participated in training on ...

... a subject *other than* EU or another Member State's law:

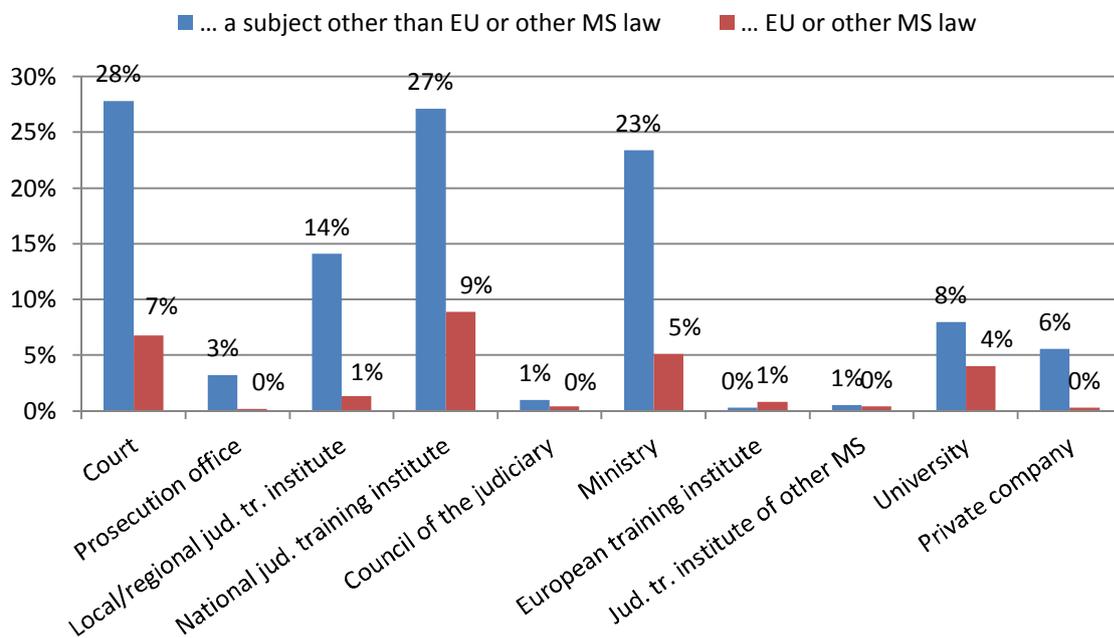


... EU or another Member State's law:



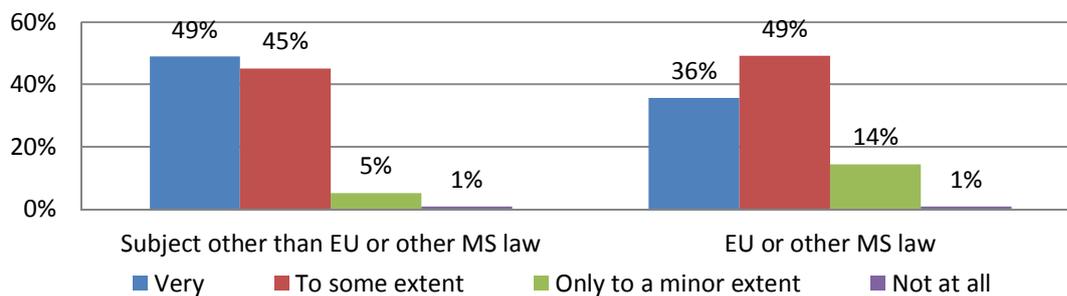
TRAINING PROVIDERS

Percentage of respondents who attended training organised by the respective organisations on ...



EVALUATION OF TRAINING

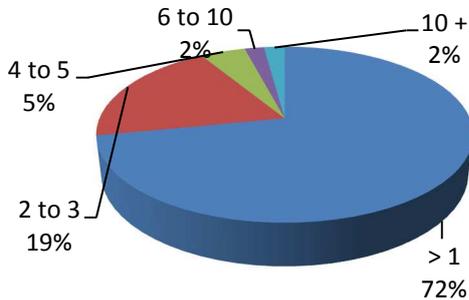
Response to the question "Did you find it useful in your subsequent career?" regarding continuous training on the respective subjects:



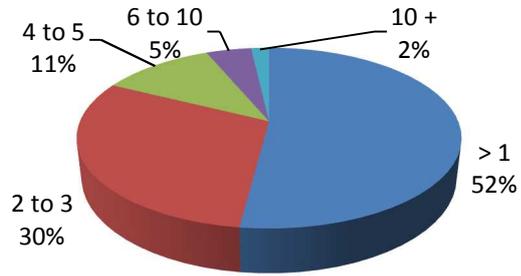
FREQUENCY AND DURATION OF TRAINING

Number of years since respondents last participated in continuous training on ...

... a subject *other than* EU or another Member State’s law:

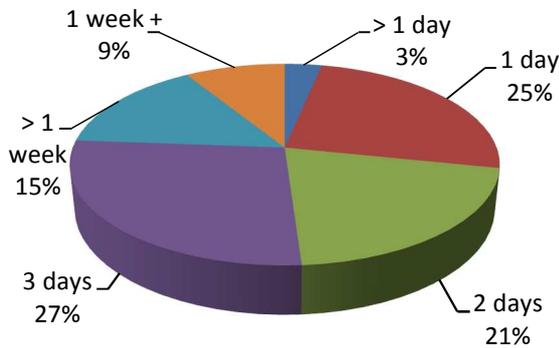


... EU or another Member State’s law:

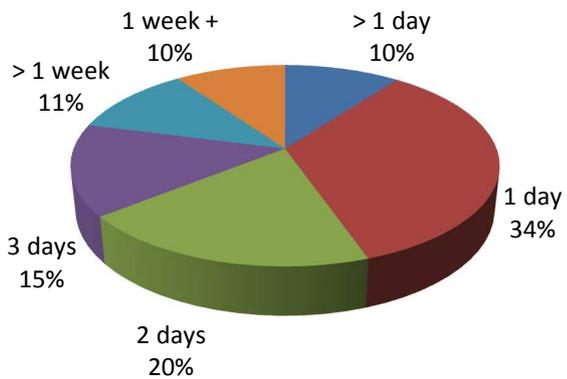


Length of last training session on...

... a subject *other than* EU or another Member State’s law:

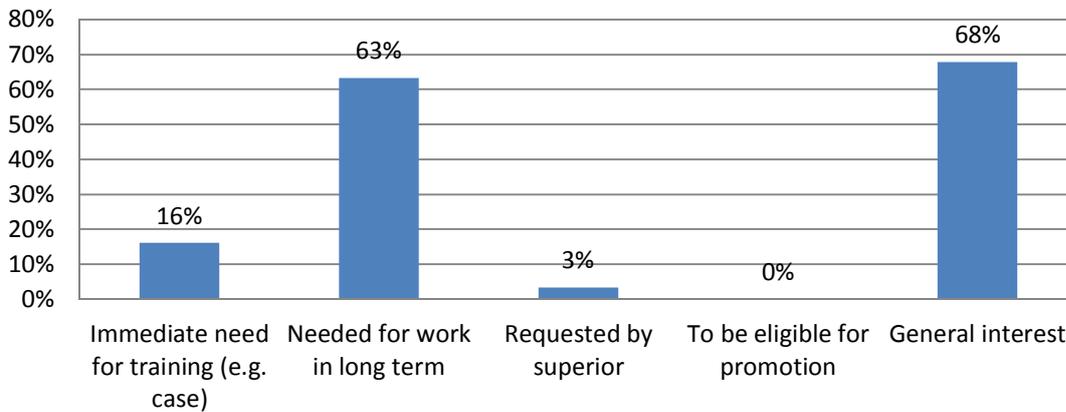


... EU or another Member State’s law:



REASON FOR PARTICIPATING IN EU LAW TRAINING

Motivation of respondents who had participated in continuous training on EU or another Member State’s law for doing so:

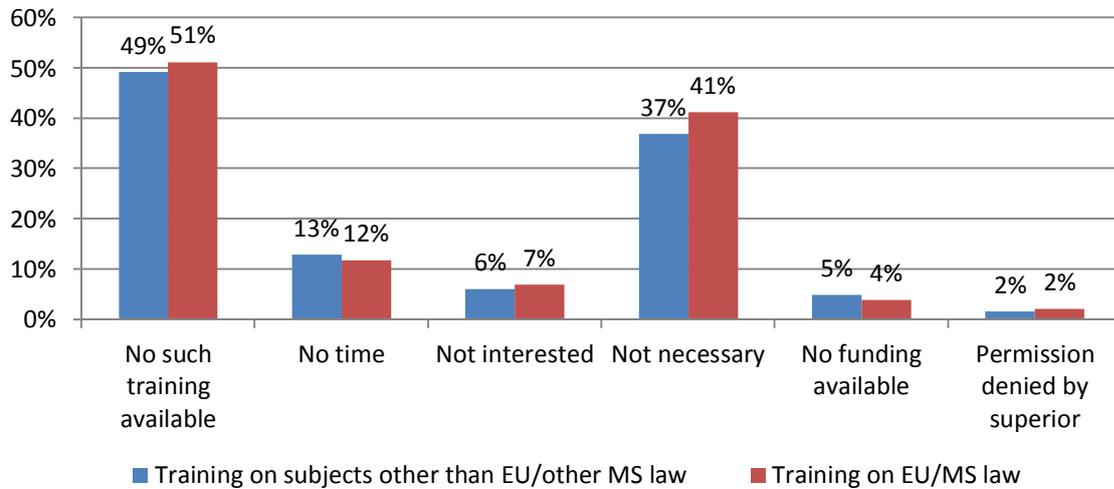


REASON FOR NOT PARTICIPATING IN TRAINING

Reason of respondents who had never participated in continuous training (on EU law or in general) for not having done so:

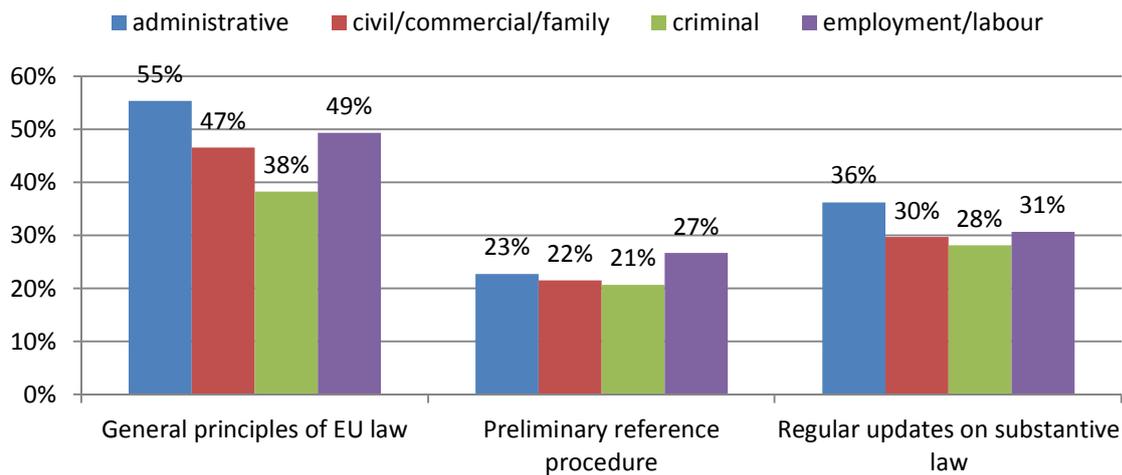
For 'other than EU/other MS Law', Total= 366 respondents, i.e. 37% of all respondents to the survey.

For 'EU law/MS Law', Total= 754 respondents, i.e. 76% of all respondents to the survey.



DEMAND FOR EU LAW TRAINING

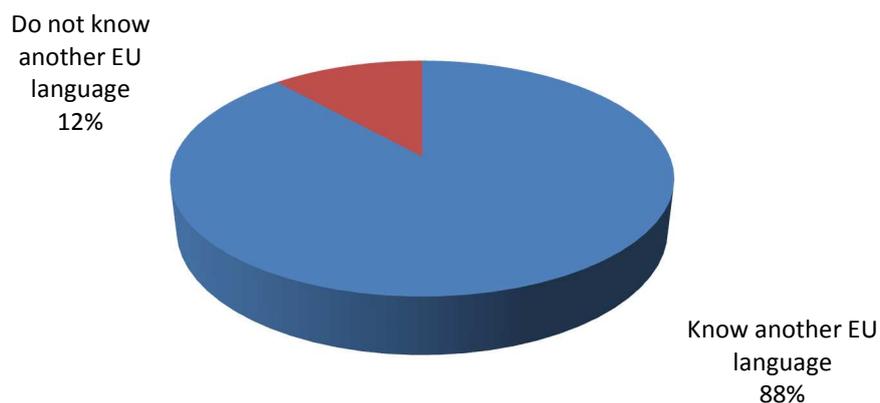
Selected EU law matters on which respondents would like more training (with distinction of types of cases dealt with):



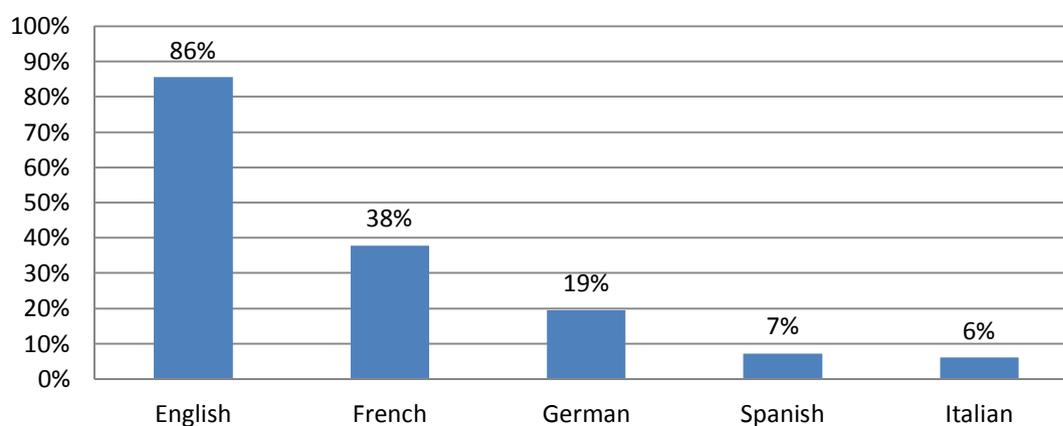
Language training

KNOWLEDGE OF FOREIGN LANGUAGES

Percentage of respondents who know another EU language:



Percentage of respondents who know the indicated languages in addition to their principal working language:

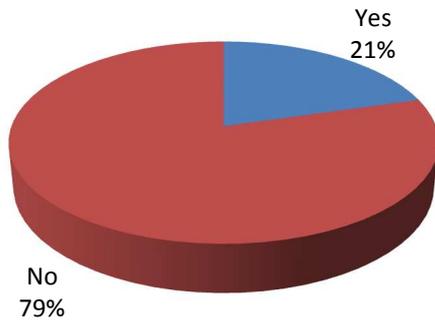


Level of proficiency of respondents who indicated knowledge of the respective languages:

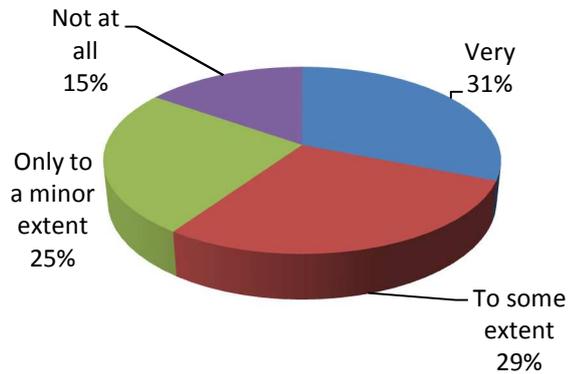
	Reading			Writing			Speaking		
	Basic	Independent	Proficient	Basic	Independent	Proficient	Basic	Independent	Proficient
English	28%	42%	28%	39%	41%	18%	38%	41%	19%
French	65%	24%	11%	74%	17%	5%	72%	17%	6%
German	45%	40%	15%	58%	32%	8%	57%	33%	8%
Spanish	72%	18%	10%	78%	13%	8%	76%	14%	8%
Italian	52%	28%	18%	63%	15%	10%	57%	25%	13%

LANGUAGE TRAINING

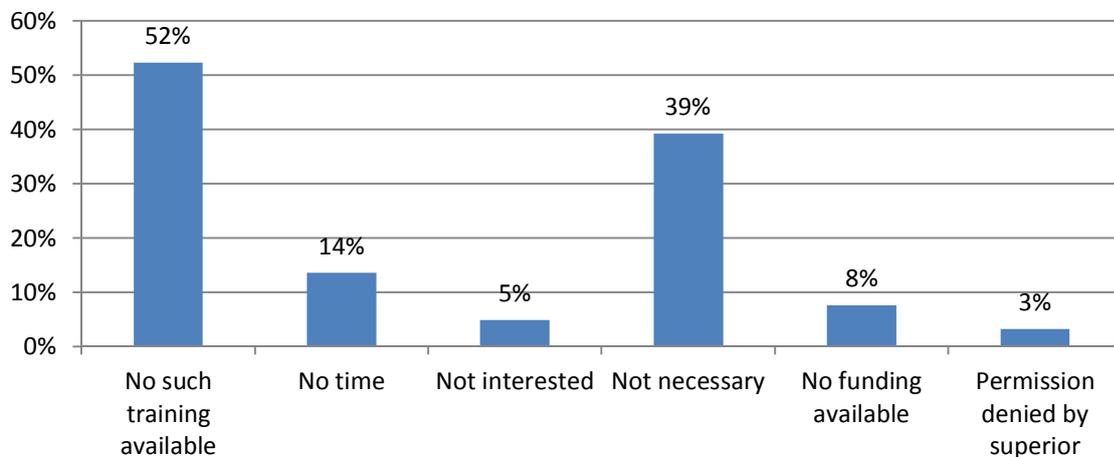
Percentage of respondents who had received language training:



Response to the question "If yes, did you find it useful in your subsequent career?":



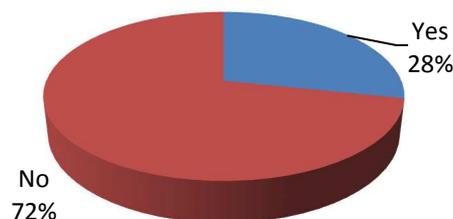
Reason for respondents who had never received language training for not having done so:



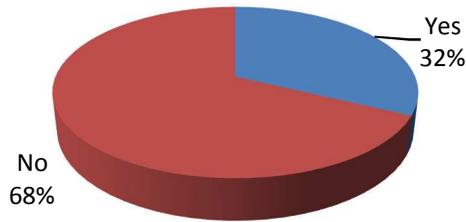
Contacts with foreign judges & prosecutors

CONTACTS & NETWORKS

Response to the question "Have you ever contacted a foreign judge, prosecutor or other authority in connection with a case?":

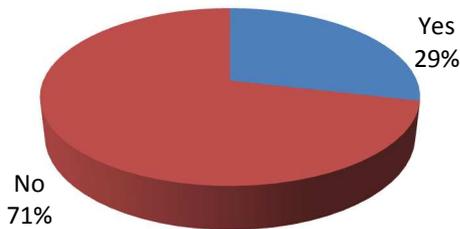


Response to the question "Are you aware of the European Judicial Network in Civil and Commercial Matters?" from respondents who indicated that they dealt with civil, commercial or family cases:

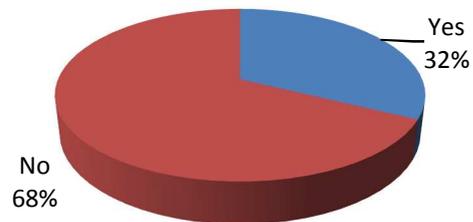


Response to the following questions from respondents who indicated that they dealt with criminal cases:

"Are you aware of the European Judicial Network in Criminal Matters?"

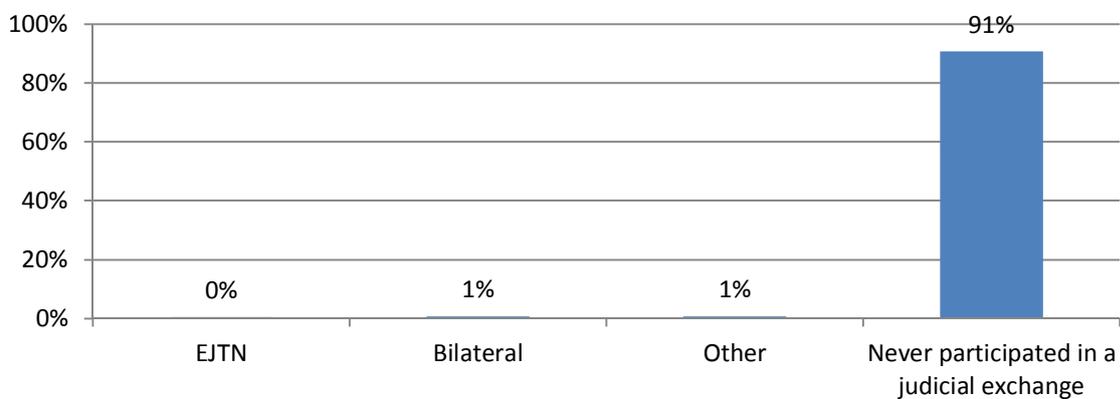


"Are you aware of Eurojust?"



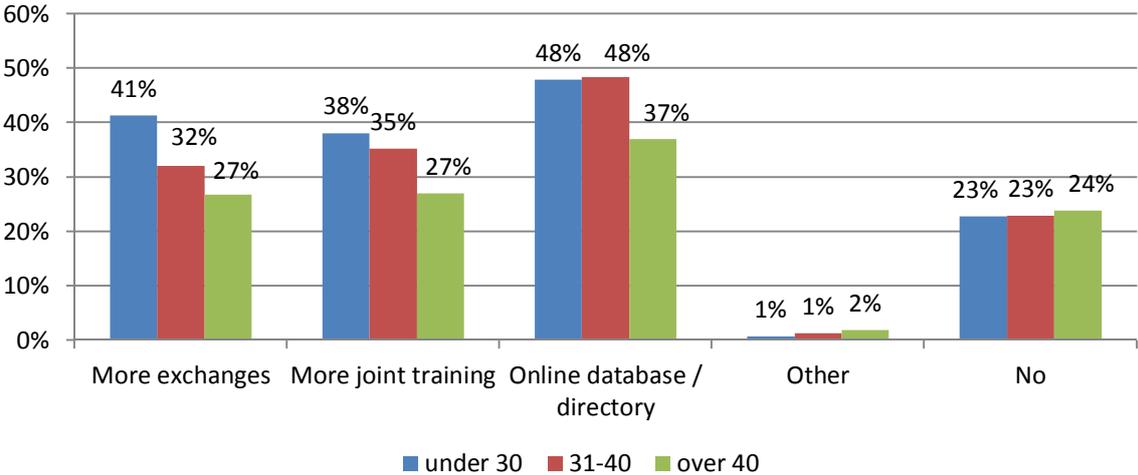
EXCHANGES

Percentage of respondents who had participated in an exchange with judges, prosecutors and/or court staff from other Member States:



DEMAND FOR MORE CONTACTS

Response to the question "Would you appreciate measures to make it easier to contact foreign judges and/or prosecutors and, if yes, which?" (according to age groups):



7. CONCLUSIONS AND RECOMMENDATIONS

7.1. CONCLUSIONS

7.1.1. Knowledge and experience of EU law

- Most judges, prosecutors and court staff recognise the relevance of EU law for their work. Such recognition is closely linked to the frequency with which they deal with EU law issues: it is highest among judges, lower among prosecutors and lowest among court staff. This also varies according to the area of law with which they deal: for example, an administrative law judge deals with many more issues of substantive EU law than a criminal law judge and is correspondingly more likely to recognise the relevance of EU law for their work.
- Regardless of the branch of the judiciary in which they work, judges, prosecutors and court staff report that the number of cases involving EU law is rising. This is just as likely to occur in cross-border cases as in purely domestic ones.
- Despite recognising the relevance of EU law, many judges lack the specific knowledge of when to apply it directly. Even fewer know when they can (or should) submit a question for a preliminary ruling from the European Court of Justice, and knowledge of how to use this procedure is particularly low. The situation is better at higher levels of the judicial hierarchy but important gaps exist at all levels.
- A significant number of judges and prosecutors turn to EU online databases (e.g. Eur-Lex, Curia) for support in finding out or understanding the applicable law in cases with an EU law dimension. A smaller number turn to the European Judicial Networks in Criminal and in Civil and Commercial Matters, which are relatively poorly known even among judges specialised in those fields.

7.1.2. Knowledge of foreign languages

- While most judges and prosecutors know at least a little of another EU language, only a relatively small number know it well enough to be able to participate actively in judicial training or to use it professionally. Language barriers constitute a major obstacle to participation in European judicial training programmes.
- English is both the most widely known foreign language among judges and prosecutors and also the most proficiently spoken.

7.1.3. Current provision of judicial training in EU law

- Almost all new entrants to the judicial professions today have studied EU law as part of their university degree. This is not true for older generations, of whom only a minority covered EU law, the European Convention on Human Rights or another Member State's law as part of their university studies.

- Initial training in order to become a judge, prosecutor or court official varies greatly from Member State to Member State in terms of form, duration and content. About half of new entrants to the judicial or prosecutorial professions today receive training in EU law as part of their initial training.
- Judges, prosecutors and court staff are more likely to receive continuous training in other subjects than in EU law. Just over half of judges and prosecutors who responded to the survey had received continuous training in EU or another Member State's law, but only one third had done so in the last three years (i.e. since the entry into force of the Treaty of Lisbon).
- Most training in EU law takes place within the Member States. National judicial training institutions play the most important role: the principal actors in each Member State have a combined annual budget of over € 179 million and spend some € 52 million on providing continuous training to more than 100,000 judges, prosecutors and court staff in over 5,000 separate training activities each year.
- Training in EU law is also provided at national level by courts and prosecution services, councils of the judiciary, ministries of justice and others.
- Only a small minority of judges and prosecutors, and a tiny fraction of court staff, have attended a European judicial training programme. Those who have done so have mostly attended events organised in the framework of ERA, EJTN or the national judicial training body of another Member State.

7.1.4. Obstacles to continuous training in EU law

- Judges, prosecutors and court staff face a number of obstacles to participating in continuous judicial training programmes which must be overcome if the number receiving training in EU law is to be increased.
- The most significant obstacle to participation in continuous judicial training is the organisation of the justice system itself, which inhibits participation in training because the caseload of training participants is not reduced and they are not replaced during their absence.
- Other significant obstacles to participation in judicial training programmes include:
 - Lack of information about the training programmes available;
 - Short notice of when training programmes will take place;
 - Lack of places, particularly for judicial exchanges;
 - Lack of funding by employers;
 - Institutional opposition;
 - Work/life balance;
 - Language barriers.

7.2. RECOMMENDATIONS

The primary responsibility for implementing most of the measures necessary to improve and to increase participation in judicial training in EU law lies with the Member States or their judiciaries. The EU can, however, use its funding programmes to influence how judicial training is designed and play a wider supporting role in encouraging the development of best practice. Each recommendation on the following pages is therefore broken down into a number of key objectives, with suggestions for concrete actions to be undertaken by:

- the Member States or their judicial authorities;
- national judicial training actors;
- the European Union institutions;
- EU-level judicial training actors.

Recommendation 1: Make training integral to work as a judge or prosecutor

- Make training an investment in better justice
- Support training
- Create time
- Create capacity
- Create incentives
- Remove financial barriers

Recommendation 2: Make training more efficient

- Better information
- More convenient training
- More e-learning
- More systematic training
- Better knowledge management skills
- Train the trainers

Recommendation 3: Make training more practical

- Focus on needs
- Focus on practice
- Internships
- Follow-up

Recommendation 4: Widen access to training

- More frequent training options
- Multiply training activities
- Overcome language barriers
- Address neglected groups
- Work/life balance

Recommendation 5: Improve EU support for judicial training

- Simplify
- Increase
- Multiply

7.2.1. RECOMMENDATION 1: MAKE TRAINING INTEGRAL TO WORK AS A JUDGE OR PROSECUTOR				
Objective	Member States or their judicial authorities	National judicial training actors	EU institutions	EU-level judicial training actors
Make training an investment in better justice	<ul style="list-style-type: none"> • Create awareness among superiors and budget authorities that investing in targeted training saves costs in the long run 		<ul style="list-style-type: none"> • Gather and provide EU-wide evidence for the cost-saving effect of lifelong learning in the justice sector 	
Support training	<ul style="list-style-type: none"> • Formally recognise continuous training as both a right and a responsibility of judges, prosecutors and court staff 		<ul style="list-style-type: none"> • Invite the employers of judges, prosecutors and court staff to regular forums to highlight best practice in judicial training 	
Create time	<ul style="list-style-type: none"> • Set aside a minimum number of hours/days per year for continuous training 		<ul style="list-style-type: none"> • Adopt recommendation to this end along the lines of Council of Europe recommendations 	
Create capacity	<ul style="list-style-type: none"> • Replace judges, prosecutors and court staff who are on training or introduce equivalent measures to ensure that participation in training does not impede the efficient administration of justice 		<ul style="list-style-type: none"> • Take account of the full cost to the employer in funding training programmes: <ul style="list-style-type: none"> • as a minimum, accept the salary paid for staff on training as the employer's contribution to the cost of training • ideally also cover the cost of replacement staff 	
Create incentives	<ul style="list-style-type: none"> • Recognise participation in training as equivalent to normal work and reward it accordingly 		<ul style="list-style-type: none"> • Encourage the recognition of training as equivalent to normal work as a general principle in the Single Market; thus creating an (indirect) impact on judicial training 	
Remove financial barriers	<ul style="list-style-type: none"> • Provide sufficient funding for staff to attend training and allocate it in an equitable and transparent way 		<ul style="list-style-type: none"> • Create a scholarship fund for judges, prosecutors and court staff to attend European training programmes when national funds are unavailable 	

7.2.2. RECOMMENDATION 2: MAKE TRAINING MORE EFFICIENT				
Objective	Member States or their judicial authorities	National judicial training actors	EU institutions	EU-level judicial training actors
Better information	<ul style="list-style-type: none"> Ensure that information about training programmes reaches all courts and prosecution services and all individual judges, prosecutors and court staff 	<ul style="list-style-type: none"> Ensure an effective and immediate dissemination of information on European or foreign training programmes to all individual judges, prosecutors and court staff potentially concerned 	<ul style="list-style-type: none"> Provide information about European judicial training programmes on the e-Justice portal, including the option to subscribe to updates Ensure that EU-funded training programmes allow sufficient time for potential participants to amend court schedules 	<ul style="list-style-type: none"> Provide information about training programmes to courts and prosecution services <i>sufficiently early</i>
More convenient training		<ul style="list-style-type: none"> Provide more training at decentralised locations at times that do not clash with court sessions 	<ul style="list-style-type: none"> Provide funding for projects that promote decentralised training 	<ul style="list-style-type: none"> Develop more decentralised training programmes
More learning e-	<ul style="list-style-type: none"> Invest in e-learning and videoconferencing technology 	<ul style="list-style-type: none"> Integrate distance learning into the overall judicial training strategy in order to ensure worthwhile investment of funds 	<ul style="list-style-type: none"> Provide funding for distance learning projects 	<ul style="list-style-type: none"> Develop more distance learning projects
More systematic training	<ul style="list-style-type: none"> Ensure that individual staff are allowed and encouraged to participate in appropriate follow-up training 	<ul style="list-style-type: none"> Develop training projects that combine local- and EU- level training in cooperation with EU-level training providers 	<ul style="list-style-type: none"> Support longer-term training projects that combine local-level introductory training with EU-level advanced forums 	<ul style="list-style-type: none"> Develop training projects that combine local- and EU- level training in cooperation with national training providers

RECOMMENDATION 2 (continued): MAKE TRAINING MORE EFFICIENT				
Objective	Member States or their judicial authorities	National judicial training actors	EU institutions	EU-level judicial training actors
Better knowledge management skills		<ul style="list-style-type: none"> • Make training on efficient management of knowledge in the information society a priority in judicial training 	<ul style="list-style-type: none"> • Support training on knowledge management at EU level 	<ul style="list-style-type: none"> • Provide training on knowledge management at EU level
Train the trainers	<ul style="list-style-type: none"> • Designate and support multipliers who can train fellow judges and prosecutors in their jurisdictions 	<ul style="list-style-type: none"> • Re-use training materials developed at EU level in local and national training 	<ul style="list-style-type: none"> • Provide funding for projects that: <ul style="list-style-type: none"> • train trainers / multipliers at national level; • provide training materials that can be re-used at local or national level 	<ul style="list-style-type: none"> • Invest in training trainers / multipliers at national level • Develop training materials that can be re-used at national level

7.2.3. RECOMMENDATION 3: MAKE TRAINING MORE PRACTICAL				
Objective	Member States or their judicial authorities	National judicial training actors	EU institutions	EU-level judicial training actors
Focus on needs		<ul style="list-style-type: none"> Incorporate profound and sophisticated needs assessment into the design of training programmes 	<ul style="list-style-type: none"> Incorporate needs assessment into the design of funding programmes 	<ul style="list-style-type: none"> Incorporate profound and sophisticated needs assessment into the design of training programmes
Focus on practice		<ul style="list-style-type: none"> Use case studies and more active forms of training 	<ul style="list-style-type: none"> Provide funding for projects that promote more active and practical forms of training 	<ul style="list-style-type: none"> Use case studies and more active forms of training
Internships	<ul style="list-style-type: none"> Enable judges and prosecutors to conduct internships at the EU courts and other EU institutions or at other Member States' courts Provide sufficient internship places for judges and prosecutors from other Member States 		<ul style="list-style-type: none"> Offer internships at the EU courts and other institutions 	

RECOMMENDATION 3 (continued): MAKE TRAINING MORE PRACTICAL							
Objective	Member States or their judicial authorities	National judicial training actors	EU institutions	EU-level actors	judicial	training	
Follow-up	<ul style="list-style-type: none"> • Provide judges and prosecutors with regular updates on EU legislation and case law • Promote the use of EU online databases, incl. those of ACA Europe, at national level • Support the European Judicial Networks 			<ul style="list-style-type: none"> • Provide (or provide funding for) an e-mail bulletin or newsletter with regular updates on EU legislation and case law • Ensure that EU online databases (e.g. Curia, Eur-Lex, European Judicial Atlas) are available in all EU languages • Promote the use of EU online databases, including ACA Europe • Promote the European Judicial Networks 			

7.2.4. RECOMMENDATION 4: WIDEN ACCESS TO TRAINING				
Objective	Member States or their judicial authorities	National judicial training actors	EU institutions	EU-level judicial training actors
More frequent training options	<ul style="list-style-type: none"> Set aside sufficient funding for enlarged training offers in particular in times of financial crisis 		<ul style="list-style-type: none"> Provide additional (co-) funding schemes that are compatible with national budget restraints 	
Multiply training activities		<ul style="list-style-type: none"> Repeat training programmes so that more judges and prosecutors can follow them 	<ul style="list-style-type: none"> Provide funding for projects that multiply training sessions 	<ul style="list-style-type: none"> Repeat training programmes so that more judges and prosecutors can follow them
Overcome language barriers	<ul style="list-style-type: none"> Remove restrictions on participation in training based on proof of linguistic skills 	<ul style="list-style-type: none"> Make language training available to all judges, prosecutors and court staff 	<ul style="list-style-type: none"> Provide funding for language training Provide funding for multilingual training 	<ul style="list-style-type: none"> Make language training available to all judges, prosecutors and court staff Offer more multilingual training programmes
Address neglected groups	<ul style="list-style-type: none"> Ensure that all professions in the judicial system have adequate information about and access to training 	<ul style="list-style-type: none"> Offer training to all professions in the judicial system 	<ul style="list-style-type: none"> Provide funding for training programmes for hitherto neglected professional groups Provide funding for a study on the EU law training of lawyers in private practice 	<ul style="list-style-type: none"> Offer training to all professions in the judicial system
Work/life balance		<ul style="list-style-type: none"> Take account of work/life balance in the design of training programmes 	<ul style="list-style-type: none"> Provide funding for training projects that take work/life balance into account 	<ul style="list-style-type: none"> Take account of work/life balance in the design of training programmes

**7.2.5. RECOMMENDATION 5:
IMPROVE EU SUPPORT FOR JUDICIAL TRAINING**

Objective	Member States or their judicial authorities	National judicial training actors	EU institutions	EU-level judicial training actors
Simplify	<ul style="list-style-type: none"> Provide a contact person to assist applicants in the application process 		<ul style="list-style-type: none"> Simplify and standardise application procedures for EU funding Provide a contact person to assist and inform applicants before, during and after the application process 	
Increase	<ul style="list-style-type: none"> Take up EU funding in order to fill national budgetary gaps 	<ul style="list-style-type: none"> Take up EU funding in order to fill national budgetary gaps 	<ul style="list-style-type: none"> Increase the amount of funding available for judicial training and exchanges Include the main providers of judicial training at EU level (ERA and EJTN, including the national judicial training actors) in the legal basis for future EU funding programmes in order to ensure long-term, stable support for judicial training programmes 	
Multiply			<ul style="list-style-type: none"> Lower the threshold for funding projects or develop another mechanism such as a funding pool to allow more small-scale projects to be funded 	
Adapt needs to	<ul style="list-style-type: none"> Report regularly to EU institutions on insufficiencies and new challenges 	<ul style="list-style-type: none"> Report regularly to EU institutions on insufficiencies and new challenges 	<ul style="list-style-type: none"> Update the present study at regular intervals to monitor progress in overcoming the obstacles identified and in improving and increasing access to judicial training Adapt funding programmes and procedures to overcome insufficiencies and respond to new challenges 	<ul style="list-style-type: none"> Report regularly to EU institutions on insufficiencies and new challenges Provide programmes responding to new challenges

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