



**COUNCIL OF  
THE EUROPEAN UNION**

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**COVER NOTE**

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from : Mr Pierre VIMONT, Permanent Representative of France  
date of receipt : Brussels, 10 November 2000  
to : Mr Javier Solana, Secretary-General of the Council of the European Union

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Subject : Communication from the Government of the French Republic  
Initiative of the Government of the French Republic for the Council to adopt a  
draft Decision on setting up a European judicial training network <sup>1</sup>

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Dear Secretary-General,

Pursuant to Article 34(2) of the Treaty on European Union, I enclose a proposal from the Government of the French Republic for the adoption by the Council of a Decision on setting up a European judicial training network.

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<sup>1</sup> The French delegation has already announced that an explanatory note will be submitted on this initiative soon. That note will be an addendum to this document.

I should be most obliged if you would arrange for it to be published in the Official Journal, pursuant to Article 17 of the Council's Rules of Procedure, and forwarded to the European Parliament for its Opinion.

(Complimentary close).

(s.) Pierre VIMONT

**DRAFT COUNCIL DECISION**  
**SETTING UP A EUROPEAN JUDICIAL TRAINING NETWORK**

**The Council of the European Union,**

Having regard to Title VI of the Treaty on European Union, and in particular Articles 31 and 34(2)(c) thereof,

Having regard to the initiative of the French Republic,

Having regard to the Opinion of the European Parliament,

Whereas:

1. Following on from the Treaty of Amsterdam, the Vienna action plan and the Tampere European Council conclusions confirmed that the creation of an area of justice, freedom and security must be given utmost priority in the European Union.
2. Full and unreserved cooperation among judicial authorities of the Member States is based on mutual understanding and trust. This therefore requires the practitioners concerned to have a better knowledge of the judicial systems of the Member States and the legal instruments on which judicial cooperation within the European Union is based.
3. Training for members of the judiciary in the Member States is a *sine qua non* for the success of the European judicial area; it makes the use of existing legal instruments more effective and facilitates the practical implementation of new cooperation instruments.
4. Training also helps to create a genuine European judicial culture.

5. The national bodies responsible for training the judiciary in the States of the European Union have already acquired a certain amount of experience in training exchanges and in jointly-run training activities, but these exchanges must be structured; they must have greater coherence and offer a degree of continuity.
6. The setting up of a European judicial network meets this concern.
7. This network, the activities of which will initially be confined to matters covered by Article 31 of the Treaty on European Union, shall be made up of national schools and institutions of the Member States responsible specifically for training professional judges and prosecutors who are members of the judiciary.
8. The network must also be open to exchanges with third States, and in particular with the bodies responsible for legal training in the States applying for membership of the European Union.
9. The network must be organised and financed in such a way as to enable the training institutions in the Member States to work towards attaining common objectives, in close cooperation with the European institutions, in particular the European Commission,

**Has adopted this Decision:**

## **CHAPTER I: CREATION AND COMPOSITION**

### Article 1

#### *Creation*

A European judicial training network, hereinafter "the Network" is hereby created.

### Article 2

#### *Composition*

1. The Network shall be made up of national schools and institutions of the Member States specifically responsible for training professional judges and prosecutors for the States in which the latter form part of the judiciary.
2. Each Member State shall appoint up to three training officers to represent it in the Network.

## **CHAPTER II: TASKS AND ACTIVITIES**

### Article 3

#### *Tasks*

1. In the areas referred to in Article 31 of Title VI of the Treaty on European Union, the purpose of the Network shall be to foster consistency and efficiency in the training activities carried out by the members of the judiciary of the Member States.

2. To this end the Network shall pursue the following objectives in particular:

- further mutual knowledge of the legal and judicial systems of the Member States;
- develop knowledge and improve the use of European and international instruments in force within the European Union;
- analyse and identify training needs;
- exchange experience on judicial training;
- encourage the coordination of judicial training programmes within the European Union;
- provide the European institutions, the judicial authorities of the Member States, members of the European Judicial Network created by the Joint Action of 29 June 1998 and any other body responsible for judicial cooperation in criminal matters within the European Union with consistent and regularly updated training tools;
- develop training measures for members of the judiciary who are called upon to participate in activities in third countries to restore the rule of law;
- help structure the judicial training arrangements of the States applying for membership of the European Union, open up access to training programmes to members of the judiciary from those States and, where appropriate, to their counterparts from third countries.

#### Article 4

##### *Activities*

1. In order to accomplish the tasks set out in Article 3, the Network shall draw up each year a programme of its activities, under the conditions laid down in Chapter III.

2. This programme shall comprise, in particular, activities which encourage:

2.1. understanding of European judicial systems:

- knowledge of judicial cooperation mechanisms;
- language skills.

2.2. the organisation of training courses and exchanges between members of the profession:

- the dissemination of good practices and of the results obtained from research.

2.3. the creation of innovative training programmes:

- the development of common training tools, in particular by drawing on new technologies;
- training of trainers.

### Article 5

#### *Training aids*

1. The Network shall disseminate the results of its activities among its members; it shall create and up-date training aids intended to support the training activities referred to in Article 4.
2. These training aids shall be made available to the members of the Network, who shall ensure that they are disseminated further at European level and within the Member States which they represent.

## Article 6

### *Means of communication*

1. The Secretary-General of the Network shall set up:
  - (a) a secure electronic information exchange network, access to which shall be limited to Network members;
  - (b) a world-wide-web site for the Network, accessible to the public.
2. The full list of the names and addresses of Network members shall be made easily accessible, in particular by making them available to the public on the world-wide-web sites of the Commission and of the Network.

## **CHAPTER III: INTERNAL ORGANISATION OF THE NETWORK**

## Article 7

### *Bodies of the Network*

1. The Network shall have a Governing Board and a General Secretariat. It shall be assisted by a Scientific Committee.  
The General Secretariat shall be provided by the European Commission.
2. The Governing Board shall be made up of Network members, designated by the Member States pursuant to Article 2, a Commission representative, a representative of the General Secretariat of the Council and a representative of the Council of Europe. A representative of the Member State holding the Presidency of the European Union shall act as Chairman of the Governing Board, assisted by a representative of the next Presidency.



3. The Secretary-General of the Network shall be appointed by the Commission from among persons with professional experience in a Member State as a judge or prosecutor belonging to the judiciary, and with specific experience in judicial training. The Governing Board shall give its opinion on the appointment or renewal of the Secretary-General.
4. The Governing Board may decide to involve in its work training institutions at European Union level, in particular for training in Community law, professional judges and prosecutors for the States in which they form part of the judiciary. It may also decide to involve national judicial training schools and institutions from States applying for membership of the European Union.

#### Article 8

##### *Scientific Committee*

1. The Governing Board shall set up a Scientific Committee, made up of experts who are recognised at European level for their knowledge and practical experience of judicial training.
2. The Scientific Committee shall be consulted when the Network's programme of activities is being drawn up.

#### Article 9

##### *Functioning*

1. After having sought proposals from Network members, the Secretary-General shall draw up the draft programme of activities.
2. Each year the Governing Board shall adopt the Network's programme of activities. It shall inform the Council and the European Parliament thereof.

3. The Governing Board shall meet once every six months, and whenever it considers it to be necessary, on the invitation of its Chairman acting either on his own initiative or on a proposal from half of the Board members.
4. The Secretary-General shall assist the Governing Board in the administrative tasks necessary for it to function, for implementing the annual programme and for any additional initiatives. He shall ensure the dissemination of information and the general running of Network.
5. The Chairman of the Governing Board shall set the agenda for meetings. The Secretary-General shall keep minutes of the meetings, which shall be adopted by the Governing Board.

#### Article 10

##### *Rules of Procedure*

1. The Secretary-General shall draw up the draft rules of procedure, which shall be adopted unanimously by the members of the Network. If, pursuant to Article 2, a Member State has designated several training officers to represent it, that State shall nevertheless have only one vote.
2. The rules of procedure shall set out the practical arrangements for convening meetings and the provisions for adopting decisions on matters other than the budget.

### **CHAPTER IV: FINANCING**

#### Article 11

##### *Budget of the Network*

1. The Secretary-General shall draw up a draft budget for the Network.  
The budget shall be managed by the Commission pursuant to the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities.

The Governing Board shall adopt the budget in accordance with the provisions of Article 4 of the Decision of 28 June 1999 laying down the provisions for fulfilling the implementing duties conferred upon the Commission.

2. The functioning of the Network shall be financed from the Community budget; Network activities shall be financed from the Community budget, although Member States may contribute.
3. Expenditure shall be made up of the operating costs of the bodies described in Articles 7 and 8 and, of financing for the activities approved pursuant to Article 4 and for training aids developed pursuant to Article 5.

#### Article 12

##### *Relations with other programmes for financing*

The members of the Network may continue to apply for funding from the relevant European institutions. However, they shall be obliged to inform the Secretary-General of the Network of these applications for funding, and give details of the training activities for which these applications have been lodged.

### **CHAPTER V: ANNUAL REPORT**

#### Article 13

##### *Annual report*

1. Every year the Secretary-General of the Network shall prepare an annual report, which the Governing Board shall adopt.
2. This report shall be made available on the electronic information exchange system described in Article 6, as well as on the world-wide-web sites of the Network and of the Commission. The report shall be forwarded to the Commission, the Council, the Parliament and the Economic and Social Committee.

## **CHAPTER VI: FINAL PROVISIONS**

### Article 14

#### *Review*

Not later than (...) <sup>1</sup>, and every five years thereafter, the Commission shall submit a report to the European Parliament, the Council and the Economic and Social Committee on the application of this Decision. The report shall be accompanied, if appropriate, by proposals to adapt the Decision.

### Article 15

#### *Entry into force and application*

1. This Decision shall enter into force on the twentieth day after its publication in the Official Journal of the European Communities.
2. It shall apply until (...) <sup>2</sup> and may be renewed under the conditions laid down for its adoption.

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<sup>1</sup> Three years after entry into force.

<sup>2</sup> Ten years after entry into force.

3. The Network shall hold its first meeting four months after the entry into force of this Decision.  
At the latest one month before that date the members shall forward to the Commission the list of the names and addresses of the training officers who will represent them, pursuant to Article 2.  
The Commission shall forward this list to the Presidency of the Council, which shall convene the first meeting for the Network.

This Decision is addressed to the Member States.

Done at Brussels,

For the Council  
The President

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