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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL  
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**BUILDING TRUST IN EU-WIDE JUSTICE  
A NEW DIMENSION TO EUROPEAN JUDICIAL TRAINING**

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**1. INTRODUCTION**

The European Union is built on the rule of law combining Union law and national legal systems. Both are applied by national judges who work within different legal systems and traditions. The creation of a European judicial culture that fully respects subsidiarity and judicial independence is central to the efficient functioning of a European judicial area. Judicial training is a crucial element of this process as it enhances mutual confidence between Member States, practitioners and citizens.

*The objective of the European Commission is to enable half of the legal practitioners in the European Union to participate in European judicial training activities by 2020 through the use of all available resources at local, national and European level, in line with the objectives of the Stockholm Programme<sup>1</sup>.*

Reaching this goal requires the commitment and full co-operation of stakeholders at all levels. It is essential that Member States, the judiciary, judicial schools and legal professions boost their judicial training activities. As they are best placed to make sure that Union law is integrated in national training, action at European level will complement national activities.

***Union law at national level***

Union law permeates a wide number and diverse range of activities at national level. Its impact on the daily life of people and businesses is high. It creates rights and obligations, which national courts must safeguard. The national judge has become the front-line judge of Union law. With successive changes to the European Union Treaties, the scope and impact of Union law has increased, access to justice was strengthened. The Lisbon Treaty strengthened Union competences especially in the area of Freedom, Security and Justice.

***Mutual trust for mutual recognition***

Mutual recognition is the cornerstone of judicial cooperation in civil and criminal law matters as enshrined in Articles 67, 81 and 82 of the Treaty on the Functioning of the European Union. A good understanding of the different national legal systems is necessary to ensure recognition of judicial decisions, cooperation between judicial authorities and swift execution of decisions. This is also central to building mutual confidence and trust. National judges, at all levels of jurisdiction and all locations from Sicily to Lapland should have an adequate level of knowledge of Union law and national judicial systems.

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<sup>1</sup> [OJ 2010 C 115 p.01.](#)

## *Effective implementation of Union law*

Development of Union law must be coupled with effective implementation<sup>2</sup>, which guarantees legal security and uniform interpretation. To train judges and legal practitioners in Union law is one of the key recommendations of Mario Monti's report<sup>3</sup> to empower citizens and businesses to stand up for their rights and to ensure the effectiveness of the Single Market. In the Stockholm Programme Action Plan<sup>4</sup> and the EU citizenship report 2010<sup>5</sup> the Commission stated this to be a priority. The European Parliament also underlines that proper judicial training contributes significantly towards improving the operation of the internal market and making it easier for citizens to exercise their rights<sup>6</sup>.

## *A clear supporting role for the European Union*

The Lisbon Treaty<sup>7</sup> has given the European Union competence to "support the training of the judiciary and of judicial staff" in matters relative to judicial cooperation in civil and criminal law. The Europe 2020 Strategy<sup>8</sup> calls for efficient investment in training and for a coherent legal context at European level. The Commission will draw on these fresh opportunities to create a strong and legitimate framework for training on the Union *acquis*.

The European Parliament has consistently advocated the development of a genuine European judicial culture as a prerequisite of the European judicial area<sup>9</sup>. The European Council<sup>10</sup> has called for strong Union action to foster a genuine European judicial and law enforcement culture.

Taken together, these elements call for a step change in the way European judicial training is organised in the Union in terms of concept and scale, so that it is systematically accessible for the legal professionals involved in the implementation of the area of Freedom, Security and Justice.

In 2010, the Commission launched a broad consultation of all stakeholders including the European Parliament, Member States, the Court of Justice of the European Union (CJEU), the European Judicial Training Network (EJTN) and its members, Justice Forum<sup>11</sup> members in particular the Academy of European Law (ERA), the Council of Bars and Law Societies of Europe (CCBE), the Council of the Notariats of the European Union (CNUE), the European Network of Councils for the Judiciary (ENCJ), the Network of the Presidents of the Supreme Judicial Courts of the European Union, the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union. Their input<sup>12</sup> was used to define core activities and priorities.

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<sup>2</sup> "[A Europe of results – Applying Community law](#)", COM(2007) 502 final.

<sup>3</sup> M. Monti, [A new strategy for the Single Market](#), 9 May 2010.

<sup>4</sup> [COM\(2010\) 171](#).

<sup>5</sup> [COM\(2010\) 603](#).

<sup>6</sup> Resolution on [Judicial training – Stockholm Programme](#), 17 June 2010.

<sup>7</sup> Articles 81.2.h and 82.1.c [TFEU](#).

<sup>8</sup> [COM\(2010\) 2020 final](#).

<sup>9</sup> Report [2010/2080\(INI\)](#).

<sup>10</sup> See note 1, page 2.

<sup>11</sup> [Justice Forum](#).

<sup>12</sup> The summary of the findings of the consultation may be found [here](#).

## 2. CHANGING GEAR: TRAINING HALF OF THE LEGAL PRACTITIONERS IN THE EUROPEAN UNION BY 2020

There are a large number of legal practitioners in the European Union, including judges, court staff and legal professionals of various kinds<sup>13</sup>.

### *Legal practitioners in the 27 Member States*

Professional judges	79 100
Prosecutors	35 032
Lawyers, solicitors, barristers	868 615
Court staff	351 220
Bailiffs	29 060
Notaries	38 269
<b>Total</b>	<b>1 401 296<sup>14</sup></b>

European judicial training on the Union *acquis*, whether at national or European level, remains modest. In May 2011, 51% of judges and prosecutors declared that they had never participated in judicial training on Union or another Member State's law while 74% declared that the number of cases involving Union law had increased over the years. 24% of judges and prosecutors had never attended training on Union law because no such training had been available<sup>15</sup>. Activities vary greatly from one Member State to another with the yearly number of judges or prosecutors trained ranging from 240 to 13 000. The Commission funded or co-funded 162 projects encompassing close to 26 000 participants between 2007 and 2010.

**Priority** is given to **judges and prosecutors** as they are responsible for the enforcement and respect of Union law, but judicial training is also essential for other legal practitioners. Court staff needs to assist victims in line with the European framework. European citizens exercising their right to free movement may encounter situations where they need the services of lawyers or notaries with expert knowledge of Union legislation. All legal practitioners have a role to play to ensure that participation of children in judicial systems is optimal<sup>16</sup>.

Training of law enforcement officers is also important and the Commission will present a Communication mid 2012 on the development of a European Training Scheme (ETS) for law enforcements officials.

*The objective is to target all legal practitioners whether judges, prosecutors, court staff, lawyers or other legal professionals.*

<sup>13</sup> Articles 81.2.c and 82.1.c TFEU explicitly target "Judiciary and Judicial staff". Lawyers, while constituting an autonomous profession, are an integral and necessary part of judicial activity and they play a central role in the implementation of Union law. As for notaries, they are less involved in judicial activity but in several Member States they have some competence in the judicial field, which also leads them to contribute to the implementation of Union law. Taking into account the spirit and the aims of the Treaty's provisions, it is possible to extend these provisions to these two professions.

<sup>14</sup> [European judicial systems 2010](#), CEPEJ, Council of Europe (Germany: 2006 data).

<sup>15</sup> Preliminary statistical data; European Parliament study "[Judicial training in the EU Member States](#)", to be published, October 2011.

<sup>16</sup> [COM\(2011\) 60](#).

### 3. TRAINING TARGETED AT PROFESSIONALS

#### *A practical approach to European judicial training*

European judicial training should be practice oriented to attract the practitioners necessary to the running of justice systems. It should be relevant for their everyday work, take place during short periods of time and use efficient learning methods. In May 2011, 19% of judges and prosecutors had not attended any training on Union law due to lack of time<sup>17</sup>.

European judicial training should encompass **initial and continuous training**. Every new lawyer should be aware of Union law from the outset. Initial training, delivered before or on taking up duties, must be complemented by lifelong learning to help legal practitioners to stay up-to-date and to know where and how to acquire new skills and information.

Member States should look upon the **time** away from the courts in the evaluation of judges and prosecutors' workload as an investment in the **quality of justice**.

#### *Defining priority areas*

The body of the Union *acquis*, including substantive and procedural law, judicial cooperation instruments and the corresponding jurisprudence of the CJEU, should be at the centre of European judicial training.

During the consultation, stakeholders identified training needs in the following **policy areas**, which could be considered as priorities for training: environmental law; civil, contract, family and commercial law, competition law, intellectual property rights; criminal law (in particular the implementation of the European arrest warrant), crime against Union financial interests; fundamental rights and data protection. Priorities may also be set where the EU has identified low compliance with some sectoral legislation or where sectoral legislation is highly complex and technical.

*The European Commission will take into consideration these **priority areas** when designing its **financial programmes for training**.*

#### *Short term exchanges*

Beyond the knowledge of Union law, it is essential for a European judicial area built on trust and on the application of the principle of mutual recognition that legal practitioners improve their knowledge of judicial systems across Europe.

Exchanges are **one of the best ways** to obtain hands-on **knowledge of Union instruments and other legal systems**, to **exchange experience** and thus increase mutual **trust** and understanding.

The Commission wishes to develop exchanges, **starting with newly appointed judges and prosecutors**. Exchanges should be organised during initial training by national judicial training institutions. From the outset, it would enable judges and prosecutors to appreciate and fully engage in the European aspect of their role.

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<sup>17</sup> See note 15 page 4.

*The European Commission aims to initiate a two-week exchange programme for new judges and prosecutors from 2014 onwards. The objective will be that ultimately all newly appointed judges and prosecutors (about 2 500 per year) take part in an exchange organised in national judicial training institutions.*

### ***Technology in support of training: European e-Justice Portal and e-learning***

The European e-Justice Portal is a one-stop-shop, targeted at citizens, businesses and legal practitioners. It provides a **wealth of information in 22 languages** that serves as a **reference tool in the context of judicial training**. The Portal will be further developed to provide information about training providers and training events, to ensure easy access to legal databases and high quality training material and also to function as an **entry point regarding the co-funding possibilities** made available by the Commission.

Investment in **e-learning** is also necessary, particularly to address the time constraints faced by legal practitioners.

*The European Commission will ensure that the **European e-Justice Portal** supports European judicial training.*

*It will promote the development of **e-learning** as a flexible tool to reach more end-users.*

*It will draft **practical guidelines**, regarding specific learning behaviours in the judicial world and the best adapted **training methodologies**, which will also cover **evaluation** of quality and impact and the use of common **quality criteria** and indicators.*

### ***Development of language skills***

Mastering a foreign language and its legal terminology is important and should form part of the continuous training of legal practitioners. It is a precondition to effective contacts across Member States, which are in turn the cornerstone for judicial cooperation.

*It is essential that all stakeholders pay attention to training on legal terminology of foreign languages.*

## **4. BUILDING ON EXISTING STRUCTURES AND NETWORKS**

To train half of the legal practitioners in the European Union by 2020 is a shared challenge. It will best be tackled by building **on the strengths and experience of existing structures, actors and networks whether national or European**. In this context, and to ensure the necessary respect of judicial independence and the self-organisation of the professional associations of lawyers, notaries and bailiffs, it would not be appropriate to create a monopoly structure at European level.

The best option is to **support the development of European judicial training activities by all stakeholders**, while ensuring that its framework meets all actors' needs, promotes synergies and improvement of training results.

### ***Building on existing strengths at national level***

There is already a large training capacity **in the Member States**, which bear the main responsibility for the **quality and scale of judicial training**. Judicial schools dealing with initial and continuous training exist in 17 Member States. In others, training is organised by the ministry of Justice, the Council for the judiciary or court services. Bar or notaries' associations set up national requirements for continuous training of their members and organise training activities.

**Existing structures** at national, regional and local level are crucial to ensure that judicial training activities include sessions on Union law and procedures and to develop their frequency, effectiveness and impact on daily work.

*In 2001 the Ecole Nationale de la Magistrature (France), the Centro de Estudos Judiciários (Portugal) and the Escuela Judicial del Consejo General del Poder Judicial (Spain) initiated a close cooperation involving the exchanges of future judges and prosecutors in training activities taking place in these three countries which were focused on Union law related subjects and their own national legal systems. This activity continued uninterruptedly since then, being enlarged with the participation of other training institutions; in 2010, already involving 13 countries, it has been integrated into the EJTN framework.*

*For several years, the Bar associations of Perpignan and Barcelona have organised annual joint seminars to discuss recurring difficulties in implementing the Union legal framework in the cross-border cases.*

**Initial training** does not exist in all Member States. In May 2011 43% of judges and prosecutors declared that they had not studied Union law, the European Convention on Human Rights or another Member State's law as part of their law degree and 63% did not have any initial training in Union law prior to taking up their functions<sup>18</sup>. Yet new legal practitioners should have sufficient **knowledge** of Union judicial cooperation instruments and acquire built-in **reflexes** to refer regularly to European-level jurisprudence, to verify national transposition and to use the Court of Justice of the European Union's preliminary ruling procedure.

**Continuous training** is available in all Member States but is not always obligatory. It does not always cover the Union *acquis* and judicial cooperation instruments.

***Training on Union acquis should be systematically integrated into initial training for legal practitioners, reflecting how national and Union legislation interact and influence their everyday practice.***

***The European Commission calls on Member States and the legal professions to ensure that legal practitioners, in particular judges and prosecutors, benefit from at least one week's training on Union acquis and instruments during their career.***

***The European Commission seeks to reinforce cooperation between stakeholders and actively encourage consortia or regional groups of national judicial schools to develop common training.***

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<sup>18</sup> See note 15 page 4.

### ***Building on existing strengths at European level***

Existing judicial training providers and European networks of legal practitioners provide a reliable tool to ensure a significant increase of European judicial training. It is still necessary to bridge gaps in training content, frequency of activities and number of participants.

#### *Role of European-level professional organisations*

**European associations** of legal professions such as the CCBE, the CNUE, the ENCJ, the Network of Presidents of Supreme Judicial Courts, the European Union Forum of Judges for the Environment, etc. have an important coordination role.

**They are key partners** to promote European judicial training, evaluate the relevance of training content and methodologies, disseminate information on training resources available and ensure better uptake.

European legal professional organisations should further develop training activities and common curricula and share best practices with their members. Their continued involvement in European judicial training is essential.

#### *Actions by ERA and other European level training providers*

**Judicial training providers** at European level are well placed to provide training for participants of different nationalities.

ERA<sup>19</sup> provides continuous training for legal practitioners (1 303 trained in 2010). It has extensive experience in successfully organising Union law seminars for multicultural audiences. ERA's role is important for instance to develop judicial training in accession and candidate countries.

*ERA organises summer courses on European criminal justice for judges, prosecutors and defence lawyers from all Member States, using active methods, including IT tools, to train participants in the use of judicial cooperation instruments in criminal justice cross-border cases.*

Other European training bodies with training of legal practitioners amongst their activities include: the European Centre for Judges and Lawyers of the European Institute of Public Administration (EIPA), the European University Institute of Firenze (EUI), the College of Europe, etc.

*The European Commission will work with ERA and European judicial training providers, taking account of public and private sector contributions, to ensure the availability of high quality training for a greater number of legal professionals.*

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<sup>19</sup> [ERA](#).



## *The European Judicial Training Network*

The **EJTN**<sup>20</sup> is the network of the national judicial training structures and ERA. It coordinates their actions, shares best practices, develops common curricula for **judges and prosecutors** for use at national level and organises seminars using active training methods. Almost 2 000 judges, prosecutors and trainers take part in its activities every year. Between 2005 and 2010, the EJTN organised **exchanges in courts** for 2 175 judges and prosecutors, enabling experienced practitioners to exchange best practices and solutions.

The EJTN should commit to the **reinforcement of the sustainability of its structure and develop** a strategy to reach greater numbers of legal practitioners from more Member States. The EJTN should consolidate what it has achieved so far and expand by supporting national and local level trainers; organising training activities in partnership with the judicial schools; developing training modules including e-learning modules and striving for excellence in training methodologies. The EJTN can also be an agent for change by ensuring that training projects presented by **consortia of national structures** for co-funding at European level meet criteria and are of high quality.

*The EJTN should reach 1 200 exchanges in courts per year.*

*All Member States should commit to reinforcing their financial contribution and the participation of their national judicial training structures in the EJTN to ensure that it has the capacity to play an active role.*

*Provided that it demonstrates a reinforced capacity to organise and coordinate judicial training activities, the European Commission will consider even further support.*

## **5. THE EUROPEAN COMMISSION AS AN ACTIVE PARTNER**

The Commission will be an **active partner** of Member States to achieve ambitious targets for training of legal practitioners. It will bring added value to the activities undertaken by national training structures through concrete actions to improve the quantity, quality, impact and outreach of the European judicial training scheme, which will include training sessions, cross-border exchanges and complementary measures.

### **5.1. Designing new strategies for expansion**

#### ***Public-private partnerships***

Training is not the prerogative of the public sector as demonstrated by the activities of the Bar associations in this respect. Public-private partnerships can create additional means to answer the challenges of a fast-changing European judicial area. New joint arrangements building on good practices would allow additional training activities while ensuring that the independence of the target audience would not be jeopardized. Language training and e-learning could be concerned.

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<sup>20</sup>

[EJTN](#).

*For example, the Finnish Bar Association organises training courses for lawyers, judges and prosecutors on legal matters in cooperation with the Universities of Turku, Helsinki and Lapland as well as the ministry of Justice.*

Bodies such as ERA could be central in promoting public-private cooperation.

Cooperation with universities has always been supported by the European Parliament. The Commission could promote in the future "knowledge partnerships" between universities, judicial schools and bar associations as encouraged by the Europe 2020 Strategy<sup>21</sup>. Lessons will be learnt from the ongoing pilot project<sup>22</sup> bringing together businesses and training institutions to design and deliver new curricula and courses, to develop innovative training methods and to facilitate the flow of knowledge between higher education and the private sector.

The European Law Institute<sup>23</sup> will bring together academics and legal practitioners in research projects with practical applications. Therefore, it may be able to give useful input about the topics to be covered by training bodies to help bridge gaps.

*The European Commission intends to **encourage further public-private partnerships** to develop innovative training solutions.*

### ***Mutual recognition of training activities***

Schemes should be envisaged so that training followed in another Member State is validated in one's home country. An example is the partnership between the French, Luxembourgish and Belgian bars: their members can participate in common activities, which count towards their yearly training obligations.

### ***Drawing on experience***

Know-how and expertise gained in other areas of vocational training should be used in judicial training. Duplication of efforts can thus be avoided and the re-use of quality training products can be promoted.

*The European Commission could organise an **annual gathering** with the participation of all legal professions to develop new outlooks on activities and facilitate exchanges of good practice.*

## **5.2. Providing financial support**

From 2007 to 2010, European judicial training was supported through funding or co-funding of projects to a total amount of EUR 35.5 millions. Until now, this has facilitated the training of between 4 000 and 9 000 legal practitioners per year. However, this is not enough given the size of the target audience and the need to keep up-to-date with Union *acquis*.

<sup>21</sup> "Knowledge alliances" or "partnerships" are promoted by the 2010 [Innovation Union Communication](#), one of the flagships of the Europe 2020 Strategy.

<sup>22</sup> [Pilot project for the development of knowledge partnerships.](#)

<sup>23</sup> [European Law Institute.](#)

To reach more legal practitioners and to build on the strengths of all existing stakeholders, additional funding will make a difference in terms of scale and volume of activities that can be supported.

Under the current financial framework, the Commission will boost European judicial training by reinforcing it as a **priority** in its existing work programmes, using all possible tools **to increase financial support**. The Commission will actively encourage, notably through its **grants**, the development of training targeted at several Member States on the Union *acquis* and on national judicial systems<sup>24</sup>. Award criteria will focus on the development of practice-oriented, large-scale and long-term projects, which use active training methodologies, produce sustainable results and reach a large target audience. The Commission will also make available training modules on the Union *acquis*, such as those successfully developed on EU environment law.

The Commission is also working to improve the coherence and stability of its calls for proposals and to enable **easier access to European funds** for project promoters. The Commission is **assessing how to promote the participation** in European judicial training projects of **Croatia<sup>25</sup>, candidate, potential candidate and neighbourhood countries**.

*The European Commission will concentrate its funding towards training within the existing programmes to support high-quality European judicial training projects with a greater European impact.*

*Under the new multiannual financial framework, European judicial training should be a major priority to support training of more than 20 000 legal practitioners per year by 2020.*

## 6. CONCLUSION

Improving judicial training is essential to build a European judicial area to the benefit of people and businesses. The European Commission wants to take European judicial training to a new dimension by building on current proven activities and the possibilities of the Lisbon Treaty.

The future European training scheme will be based on actions of:

1. the **Member States**: building on existing strengths to boost training activities developed by judicial schools or legal professions on the Union *acquis*;
2. the **European-level partners**: enhancing their cooperation, increasing the number of activities and exchanges, whether through European-level professional organisations, training providers or the EJTN;
3. the **European Commission**: increasing its financial support to quality training projects, promoting consortia of judicial schools, aiming at reaching 20 000 legal practitioners trained at European level per year by 2020, boosting the use of modern technologies and in particular the European e-Justice Portal.

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<sup>24</sup> Applications from notaries will be considered if they concern the Union *acquis* in those areas where notaries perform judicial activities.

<sup>25</sup> [European Council of 24 June 2011](#).

Strong commitment is needed to ensure that judicial training reaches the level of excellence required for a true European judicial culture. The European Commission calls upon all actors to take appropriate action: budgets must be allocated; time must be made available, incentives developed and clear commitments taken.

The European Commission envisages that these combined ambitious actions would lead to over 700 000 legal practitioners taking part in at least one European judicial training session or exchange by 2020.