



EUROPEAN COMMISSION

## **European Commission 2010 Consultation on European judicial training**

### **General synthesis of responses**

**Disclaimer: This document summarises the responses received and opinions expressed by stakeholders only. It does not necessarily represent the views of the European Commission and in no way anticipates any future policy decisions.**

In preparation for a communication on European judicial training, the European Commission launched a consultation at the end of 2010 to gather the views and comments of EU-level stakeholders.

Responses were received from 21 Member States and/or national judicial training institutions, namely from Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

Seventeen members of the Justice Forum also answered: Academy of European Law (ERA), Association of European Administrative Judges (AEAJ), Association of the Councils of State and Supreme Administrative Jurisdictions of the EU, Council of Bars and Law Societies of Europe (CCBE), Council of the Notariats of the EU (CNUE), European Institute of Public Administration (EIPA), European Judges and Prosecutors Association (AMUE), European Judicial Training Network (EJTN), European Network of Councils for the Judiciary (ENCJ), European Land Registry Association (ELRA), European Union of Rechtspfleger (EUR), Fair Trial International, European Legal Interpreters and Translators Association (EULITA), International Union of Judicial Officers (UIHJ), Network of the Presidents of the Supreme Judicial Courts of the EU.

The European Data Protection Supervisor (EDPS) and the Court of Justice of the EU (CJEU) also provided input.

The European Commission would like to thank all stakeholders for their replies.

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## Executive summary of responses

### 1) Scope of European judicial training activities

- The primary responsibility to deliver initial and continuous training of legal practitioners lies with the Member States and the respective legal professions.
- The scope of European judicial training activities should integrate EU substantive and procedural law as well as national legal systems.
- EU law should be part of university curricula and of initial and continuous judicial training.
- There was no consensus with regard to EU law as a prerequisite for appointment.
- The need for EU support (including financial) was widely acknowledged in order to strengthen judicial cooperation among Member States.

### 2) Target audience of European judicial training activities

- Priority should be given to the training of judges and prosecutors.
- The target audience should include other legal professions: a majority of respondents includes lawyers, solicitors, barristers and court judicial staff; most include notaries; some mention mediators, bailiffs.
- Training of legal translators and interpreters is essential, but given its specificities it should be carried out separately.

### 3) Training needs of the different legal practitioners

- Judicial training should be practice-oriented and adapted to the specific needs of the different legal professions and to their respective fields of law.
- Practical tools should be developed to facilitate training activities, e.g. checklists, forms, handbooks on good practice.
- While there was no agreement on basic training on EU law, there was consensus on the need for specialised seminars. Some added the need for training on national judicial systems.
- Numerous possible priority areas for training were identified, notably how to apply EU law in national cases in civil and criminal law, but also: data protection, environment law, competition, free movement of services, tax and customs fraud, intellectual property, etc.
- Practical topics were also indicated: how to know when EU law must be applied, how to find information sources and EU wide e-tools, etc.
- Training should also enhance mutual trust and mutual recognition of judicial decisions and tackle EU judicial cooperation instruments.
- To strengthen the European culture of legal practitioners, interaction with colleagues from other Member States is of high importance: to meet and exchange experiences, to create networks and build mutual trust and to practise skills on how to solve concrete problems.
- IT training tools should be developed.
- The [European Judicial Training Network \(EJTN\)](#) has a primary role concerning the training of judges and prosecutors.

### 4) Increase the number of European judicial training activities

- Increased funds both at national and EU level would increase the number of participants. However, the current budgetary context must be taken into account.
- Grant procedures should be simplified. Funding should be granted according to certain criteria (quality, training needs, content, etc) to ensure that funds are well allocated.
- Time constraints and human resource issues are the major obstacles for judges and other legal practitioners to participate in training. Costs of salaries for judges and other participants during training should be recognised as part of eligible costs.
- Monitoring is crucial to control the quality of training.

### **5) Increase participation in European judicial training activities**

- European judicial training should be considered as part of in-service training by Member State authorities and professional associations.
- Training courses should be of high quality and address the concrete needs of the audience. They should not be too time-consuming and should be advertised well in advance. Trainers/speakers should preferably be practitioners themselves.
- Courses should be offered in multiple languages or interpretation should be provided, with EU financial help to cover the corresponding costs.
- New technologies should be promoted to increase participation in judicial training. The European e-Justice portal should be used to publicise and disseminate information.
- The different types of activities involving practitioners from different nationalities may include: seminars, training courses, exchanges, internships, study visits, regional activities, train the trainer, etc., organised at national, regional or European level.
- The essential tool to increase participation of judges and prosecutors in European judicial training activities is the EJTN, which should further develop its activities: exchanges, training sessions organised jointly with the national judicial schools, train the trainer and benefit from a more active involvement of Member States.
- Use existing judicial networks and European level associations.
- Financial support from the EU was widely acknowledged as essential.

### **6) Improve the quality of EU co-financed projects**

- Further promotion of the opportunities for EU co-funding is needed together with additional assistance on how to submit a grant application.
- Procedures should be simpler, less bureaucratic, harmonised and more transparent; this would help to manage more and higher quality projects and favour diversification of beneficiaries.
- The minimum threshold to co-fund projects should be lowered, to increase cooperation between Member States on specific topics, including via smaller projects.
- The applicant's financial contribution in projects for training of judges and prosecutors should be facilitated by considering some costs eligible, such as salaries of participating judges and prosecutors. The Commission should increase its co-funding share to 90% or even consider full funding. A specific financial programme could be devoted to European judicial training.
- The profile of project promoters and training providers should be strictly evaluated.
- Longer-term projects should be allowed.
- There should be greater visibility on the schedules of calls for proposals (date of publication, extended submission deadlines, duration of the evaluation phase, publication of results, etc).
- Calls for tender should be published on a more regular basis.
- The European Commission should publish booklets with best and worst practices/projects, indicators, applicants' guides. It should better communicate on its award decisions.
- The Commission could elaborate non-binding recommendations on training of legal practitioners, with the help of an expert group.
- Projects should be assessed, evaluated and monitored, according to quality criteria.

### **7) Common curricula on EU legislation**

- The current work of the EJTN on curricula for training of judges and prosecutors should be further developed and regularly updated.
- For some respondents, common curricula for different legal professions could enable a common approach and a consistent interpretation and implementation of EU law. Each legal profession would make use of the common curricula according to its needs.
- Common curricula could cover: core EU legislation, EU institutions' roles, EU decision-making, case law of the Court of Justice of the EU, instruments of judicial cooperation, etc.
- Responsibility of defining training curricula lies with the Member States and the legal professions themselves.

## 8) Training methodologies

- Choice of methodology should be made taking account of the target audience and the training objectives.
- No one-size-fit-all methodology exists. Courses should be practically-oriented, interactive and comprise different types of activities. Recommendations: activities in small groups, seminars, lectures combined with workshops, group discussions, round tables, role-plays, moot courts, case studies, internships, etc.
- Train the trainer activities are considered to be of great value.
- New technologies should be used as a cost-effective way to meet training needs while respecting time and budgetary constraints: e-learning courses, videoconferences, websites, e-libraries, databases, etc. Nevertheless, face-to-face training remains essential to enhance mutual trust. Recognised best practice is to use blended learning – the combination of face-to-face courses with e-learning.

## 9) Language training

- Knowledge of a second language is extremely important; it is considered a prerequisite of a good command of EU legislation as well as efficient cooperation between Member States.
- English is a possible common foreign language or possibly English and French.
- Priority should, however, be to direct resources to training in law rather than languages.
- The responsibility for language training lies with the Member States. It could be complemented by some EU level schemes. For example, the EJTN could develop language projects for judges and prosecutors at European level.
- Language training should build on previously acquired knowledge and focus on legal terminology, but never start from scratch.
- There was no consensus with regard to whether a second language should be a prerequisite for appointment or on the level at which any language objectives could be set.

## 10) Exchanges

- Exchanges between legal practitioners should be developed and enhanced: to help acquire knowledge of EU law and different national judicial systems as well as to deepen mutual trust.
- Types of exchanges: between experienced judges/prosecutors in courts/prosecution services, between newly appointed judges/prosecutors, between national judicial training institutions.
- The EJTN is highly appreciated for its organisation and management of exchanges in courts.
- Duration of exchanges: two weeks for short-term exchanges in courts; one to two weeks for exchanges between national judicial training institutions.
- Other possible forms of exchanges are: European classes, exchange of trainers, European twinning programme, Erasmus-style exchanges, etc. Other means of interaction between legal practitioners: in European level professional networks.
- More opportunities for exchanges between national judicial training institutions will contribute to increased numbers of participants.
- Financial support from the EU is fundamental.
- Programmes for lawyers could comprise placements in law firms, in courts, in EU institutions or short study visits, of different durations, for junior and senior practitioners. Some stakeholders indicated that exchanges for lawyers should be organised by the bar associations themselves. Other stakeholders recommended the inclusion of their profession in exchange programmes: Rechtspfleger, judicial officers, notaries.

## 2010 Consultation on European judicial training

### Synthesis of responses

#### 1) Scope of European judicial training activities

Member States have the primary responsibility regarding judicial training and its content at national level. Should Member States include training on EU law, EU cross-border cooperation legal instruments and national judicial systems in university curricula? Should Member States include this type of training as prerequisite for appointment to some professions of justice? As far as initial and continuous training of legal practitioners on EU matters are concerned, primary responsibility also lies with Member States. The Commission's action and financial support would serve as a complement to help fill in gaps.

Most answers to the consultation underlined that the **primary responsibility for initial and continuous judicial training of judges and prosecutors lies with the Member States**. In the majority of Member States, judicial schools or academies are in charge of this training. In the other Member States, any learning on substantive national or EU law issues is via self-study or by attending regular or ad hoc training courses organised by the national court authorities or by other providers (e.g. the trade unions, trade associations, universities or international organisers of EU law training and education). At European level, the European Judicial Training Network plays an essential role. The other **legal practitioners organise their training independently** as it pertains to their respective professions, in a framework that may be regulated by law. Thus, for continuing training of lawyers, primary responsibility is with local bars and law societies.

There was **consensus** that the **scope** of European judicial training activities should integrate **EU substantive and procedural law**, as well as possibly **national legal systems**.

**For the vast majority of respondents, EU law should be part of university curricula** as well as of **initial and continuous training**. EU law is **already part of university law curricula in most Member States and is sometimes compulsory**, which enables recent law graduates in particular to have received automatically some training in EU law. Possible gaps are filled in by continuous training.

A minority of respondents added that **national judicial systems** or the presentation of the differences between judicial systems should also be part of **university curricula**.

Whether EU law is a **prerequisite for any appointment** in the judicial career and in a legal profession is a matter of **Member State responsibility**. **A few** answers were **in favour of making EU law a prerequisite** for appointment in a judicial career and in legal professions; whereas a **smaller minority** did not support this idea arguing that the need for knowledge in EU law varies depending on the profession and fields of law.

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**EU measures** are expected to comprise **(financial) support to judicial training** in the Member States in order to **strengthen judicial cooperation between EU Member States** while paying attention to coherence with national trainings. The support of the European Commission would also be welcomed by some to facilitate continuous training in European law.

## 2) Target audience of European judicial training activities

While priority should be given to training of judges and prosecutors, would you agree that it is necessary for the proper implementation of EU legislation that additional support should be given to the training of lawyers who, in many court cases, are the ones to raise issues relating to the proper implementation of EU legal instruments? Should other legal professions be targeted as well: court judicial staff, notaries, mediators? Should the training of legal translators and interpreters be considered part of European judicial training?

Regarding the target audience of European judicial training, there is **consensus** among all respondents to give **priority** to the training of **judges and prosecutors**, even more so in a context of budgetary constraints. Some pointed out that judicial training must be carried out at the cost of Member States with appropriate support from the EU. Only a couple of stakeholders added lawyers to the **priority** target audience. A few others also included court judicial staff in the **priority** target audience.

A **great majority** of respondents **included other legal practitioners in the general target audience** of European judicial training, while specifying that the **responsibility** for their training lies with the **respective professions**. Most included in these professions: **court judicial staff** and **notaries**. Some added **mediators**. Others mentioned **bailiffs**, who are more and more on the front line of the European legal scene with the circulation of enforceable titles and the new European instruments for payment of debts. A few indicated that it could be interesting to organise some joint training sessions among different legal professions.

One stakeholder was doubtful about the added value of specific training for court judicial staff or mediators. Another answer specified that the complex and multifaceted character of the profession of mediator implied that further training organised by the state on a centralised basis was neither feasible nor expedient.

A **large majority** of respondents mentioned the **importance of training for lawyers, solicitors, barristers**, since in many court cases they are the ones raising issues relating to the proper implementation of EU legal instruments. Nevertheless, a couple of respondents indicated that the training of lawyers should not be considered as judicial training as such and should be carried out separately, even if this approach did not preclude any EU financial support. Another stakeholder pointed out that since lawyers' training costs could normally be recovered by charging the client and/or deducting the costs for tax purposes, no priority should be given to subsidising the training of private practising lawyers.

In any case, no training scheme could be imposed, the specific needs of each profession should be recognised and additional funds would be welcome.

Training of **legal translators and interpreters** was widely recognised both as **necessary** and as **specific** to answer their need for knowledge of the peculiarities of the different judicial systems and of European legal vocabulary. Some indicated that their training could be

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considered as part of European judicial training as such. In view notably of the directive on the right to interpretation and translation in court proceedings, a proper understanding by legal translators and interpreters is necessary and would contribute to the expedient conduct of proceedings (and thus to a reduction in litigation costs). One focus of this training could be on the interaction between legal interpreters and translators on the one hand, and judges, prosecutors, judicial staff, and lawyers on the other hand. One stakeholder added the need to train sign-language interpreters and another highlighted the value of a common glossary.

A consequence of the specificity of the training of legal translators and interpreters is that their training should be organized separately.

A few stakeholders questioned the integration of the training of legal translators and interpreters in European judicial training, because the translation work in Member States concerns mostly national law, even if their training is important notably to ensure the right to a fair trial.

While a few mentioned the importance of training for civil servants or quoted the role of law enforcement officers, this is outside of the scope of this consultation.

### 3) Training needs of the different legal practitioners

What are the training needs in EU legislation and EU legal instruments of the different types of legal practitioners involved in European judicial cooperation? Within the EU acquis, should there be any areas of priorities? What are the training needs that are not yet covered and which would be necessary to support the development of the European Area of Justice? What are the training needs of legal practitioners that could be best covered by training activities organized at the European level?

#### Training needs

European judicial training should be directed at **meeting the daily needs** of legal practitioners in initial and continuous training and therefore be **practice-oriented**, while recognising the low frequency of cases in which judges must apply European law. Focus should not merely be on theoretical knowledge, but rather on its **practical application** (for example via case-studies), as that would make these training activities effective and worthwhile. It is important to become familiar with experiences, good practices and note problems that have arisen in the application of EU law in other Member States. Content and methodology should also be **adapted to the specific needs of each profession**. The particular needs of each practitioner also depend on the **field of law** in which she/he is working. One respondent suggested the elaboration of "checklists" for use by participants after the training. Another respondent requested practical "manuals" and forms to make the use of EU legal instruments easier and more "user-friendly" for practitioners and which could be more easily disseminated among them via "train-the-trainers". One stakeholder added the idea of handbooks of good practices covering the EU law and judicial cooperation instruments, available in national languages. Another underlined the importance for trainers to be drawn from the field of practitioners. One respondent added that so far the problem is not the quality of training but the quantity in order to reach more legal practitioners.

As training in EU legislation is already integrated in the training of judges and prosecutors in some Member States, **some** respondents pointed out that training on substantive **EU law in general should not be a priority** of European judicial training.

However, **other** respondents recommended **basic training on EU law** complemented by **specialist seminars**. Another respondent indicated that a compulsory curriculum on EU law could be considered for continuous training. For example, European judicial training activity should cover: an overview of the EU institutions, the EU decision-making process and the EU *acquis*, the general principles of EU law, the procedure of preliminary ruling, the jurisprudence of the Court of Justice of the EU, the context of EU judicial cooperation and the relevant instruments that seem to be in growing demand from the legal practitioners. According to some respondents, training on the **differences between national judicial systems** and practices would also be an asset.

### Priority areas

As far as **priority areas** for training are concerned, a recent analysis of judges' and prosecutors' training needs provided evidence of their insufficient knowledge of the application of EU law especially in the area of **civil law**. The area of **criminal law** was also indicated quite often. Other areas of law mentioned by some of the respondents include: the **recognition and enforcement of judgments, legal aid, the service of court documents, EU consumer protection, EU competition law, commercial law, family law, successions, company law and contract law, European data protection**; fields where violations or lack of implementation of EU law in a Member State would have effect in other Member States, such as: **environmental law, food safety and control, intellectual property, financial services and competition law, the free movement of (public) services, tax and customs fraud**, etc. The **European Convention of Human Rights** was sometimes mentioned. One respondent also advised a focus on the administration and quality of justice.

**Practical types of topics** of training were also identified: **how to know or be aware that EU law must be applied** in a national case; how is EU law applied by judges in the EU; how to determine which **information sources** on EU law must be consulted, and **where to find them** – for instance court rulings in other Member States; how to prepare interventions before the EU courts and draft questions for preliminary ruling; **EU-wide e-tools and instruments**, such as the European e-Justice Portal, European Judicial Atlas.

A focus on training on **mutual trust and mutual recognition of judicial decisions** was advised by a majority of respondents. The following **EU judicial cooperation instruments**, on which to concentrate training efforts, were mentioned: combating cross-border crime, fraud and corruption; drugs; terrorism; judicial cooperation in criminal matters, European arrest warrant, European investigation order, European supervision order in pre-trial procedures, European enforcement order, European payment order, European small claims procedure; judicial cooperation in civil matters, Brussels I Regulation<sup>1</sup>, Brussels Iia Regulation<sup>2</sup>, Rome I Regulation<sup>3</sup>; human rights-related instruments.

### Training activities at EU level

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<sup>1</sup> "Brussels I": Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

<sup>2</sup> "Brussels Iia": Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility.

<sup>3</sup> "Rome I": Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations.

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To strengthen the “European culture” of legal practitioners and raise awareness of the impact decisions could have in other Member States, **interaction with colleagues from other Member States** was recommended by many. It is considered important to organise **activities at the European level** where legal practitioners can meet and exchange experiences, create **networks** and **build mutual trust**, but also where they can **practice their skills** on how to solve practical difficulties. **Exchanges**, study visits or internships were also recommended by several as EU level types of judicial training activities. One respondent pointed out that the training needs of legal practitioners in the area of judicial cooperation in civil and criminal matters could best be covered by training activities organised at European level. A couple of respondents mentioned that interaction between legal professions could also be relevant, notably between legal translators and interpreters and other professions. Another indicated that projects co-funded by the European Commission's financial programmes have demonstrated the effectiveness of exchanges, internships, work visits, international conferences and seminars as effective forms of training at EU level. The possible issue of language in this context was mentioned.

The development of **electronic means** in the European judicial training field was mentioned in several answers, in view of the long distances and travel issues. It was also mentioned because of the fact that specific IT training tools are not yet available in many areas relevant for the European area of justice. Electronic means could comprise for example: e-learning courses, recorded trials that can be analysed through fora, online demonstrations on the use of search tools, etc.

A couple of stakeholders recommended the promotion of current EU tools, notably: the e-Justice Portal, the European Judicial Network in civil and commercial matters.

Many answers also emphasised in this section the **primary role of the European Judicial Training Network (EJTN)** for the training of judges and prosecutors, since it can coordinate the elaboration and updating of common **curricula** and training material; it can promote the **sharing of best practices** and **train the trainer activities**; it can encourage **national judicial training institutions to host other EU judges and prosecutors**, which reinforces networking and deepen the knowledge of other judicial systems; it can promote **exchanges**; it can coordinate **e-learning** projects.

One respondent also suggested developing at EU level opportunities for practitioners to build-up information networks on areas with trans-national aspects or on emerging areas of work.

**Financial support from the EU** is considered important to ensure the participation of legal practitioners from different Member States in courses held at national, regional or EU level, in bilateral or multilateral settings. One respondent suggested that to receive funding, participants in such seminars/conferences might be asked to provide training to fellow legal practitioners in turn.

#### **4) Increase the number of European judicial training activities**

Would an increase of funds at national and EU levels dedicated to European judicial training activities be part of the answer? Would monitoring and follow-up of implementation by Member States of

obligations and/or recommendations regarding continuous training of legal practitioners be a step in the right direction?

## Funding

A **vast majority** of respondents agreed that an **increase of funds at national and EU levels** dedicated to European judicial training activities would be **part of the answer** to the ambitious training goals of the Stockholm Programme.

Nevertheless, **most stakeholders** also pointed out that **national budget restrictions** would not allow for substantial additional efforts in the judicial training field, which increases the **importance of strengthening EU support**. One answer quoted Articles 81 and 82 of the Treaty on the functioning of the EU, which gives a legal basis to judicial training in civil and criminal matters, as an argument for strong financial EU support, while a few stakeholders recalled that Member States are under an obligation to provide adequate means for judicial training.

**Financial support from the EU** would **help** to increase the **participation of legal practitioners of different nationalities** in training activities organized at different (national, regional or EU) levels, because it would notably help cover the travel costs. One answer mentioned that funds should be directed at training activities and at exchanges in the framework of initial training. One stakeholder pointed out that it could also help increase the diversity of training forms and courses. Another requested a specific increase notably in favour of language training.

**Recommendations** accompanied the request to increase funds. Several stakeholders underlined that such increases should be accompanied by **increased added value** of the training activities or that **funding must be granted according to quality criteria**, content (EU law), analysis of training needs, specific goals, evaluation instruments, etc., or that funding must be used in a cost-effective way. Two stakeholders underlined that it would be more important to try and increase the quality of training than the number of activities, especially in the current budgetary ambience.

Other recommendations concerned **EU funding programmes**. One stakeholder requested the **simplification** of EU grant procedures for judicial training, to lower the minimum grant level, to pay attention to the timeframe within which to apply and to allow for one Member State to present projects. Another stakeholder warned against developing too much bureaucratic financial and organisational support. Several answers pointed out that EU open calls should be open and transparent and should provide readily available necessary information. A respondent recommended better spending of existing funds via a more targeted approach in terms of funding recipients and length of funding. Another pointed out that European judicial activities should include several MS to be called "European" activities.

## Constraints

Several stakeholders pointed out that additional EU funds would not automatically mean an increase in participation in training activities, in view of the existing limitations regarding the **time** available for legal practitioners to take part in training or regarding **human resources** issues, when a judge away from the bench means too much backlog to allow her/him to attend training. A stakeholder added that motivation is an important factor: legal practitioners need

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to want to engage with and commit to training on EU law; therefore it is also important to raise awareness and understanding of European impact on national judicial proceedings.

A few respondents explained the consequence of national budget constraints and the **difficulty they create for project promoters, especially national judicial training institutions, to co-fund activities**. One stakeholder underlined the importance of allowing an adequate allocation of funds that will benefit magistrates of every single EU Member State and not only of those Member States with better financial resources. In practice some Member States have the ability not only to support on their own both the usual 20% or 30% of the full costs involved, but also to advance the difference between the full grant given and the pre-financed amount which, despite being reimbursed to them later, is not normally paid out in the same period as the expenses are incurred. Some Member States lack the administrative structure to administer and implement such procedures. One stakeholder suggested that the **EJTN** may play a decisive role allowing the issue of financial applications for projects to cover a wider range of national beneficiaries and thus better dispersing costs amongst them. Another solution brought forward is for the EU to **recognise the salary costs of judges** participating in face-to-face training as part of the eligible costs of the training, as by continuing to pay judges' and prosecutors' salaries even when they are unable to work due to participation in a training programme, Member States are making a very real contribution to increasing the numbers reached by such training programmes and the opportunity cost is reduced.

### Monitoring

The **need for monitoring and following up training activities** was **widely recognised**, in order to control quality, to avoid duplication of funding, etc. However, there was **no consensus regarding the level** at which the monitoring should take place. **All options were mentioned**: by the participants, or by the training provider, or by the legal professions, or by an advisory body composed of practitioners and experts in judicial training, or by the Member States and/or national judicial training institutions, or at EU level. One stakeholder warned against the counterproductive effects of additional bureaucracies and another reminded of the need to respect judicial autonomy and independence. The questions of evaluation criteria, of the quality of reporting, of the comparability of training activities were also raised.

Several stakeholders mentioned the positive role that the **European Judicial Training Network (EJTN)** could play in the field of training of judges and prosecutors to elaborate common monitoring rules and procedures or to set out recommendation-style guidelines on the contents of training and on how to report it – though one stakeholder mentioned that the European Commission could elaborate such recommendations.

A few respondents called for a detailed and comprehensive **survey** of what is available in the field of European judicial training in the UE.

## **5) Increase participation in European judicial training activities**

What should EU policy be in order to promote the training of more legal practitioners in EU legislation and national judicial systems? Can you suggest any ways to increase the participation of legal practitioners in training activities on EU legislation and in activities involving participants from several Member States and in activities taking place in another country?

Answers received for question 5 were very diverse and constructive. They will be mentioned here without necessarily specifying the number of times a particular suggestion was made..

In order to promote the training of more legal practitioners in EU legislation and national judicial systems, a regular recommendation was that **European judicial training** should be **considered as part of in-service training by Member State authorities and professional associations**. Some sort of European accreditation scheme may be required. Another option could be mutual recognition of training activities delivered in the Member States. National judicial training institutions should include European judicial training in continuous training programmes.

To support the national and European judicial training, some respondents indicated that **the European Commission could elaborate non-binding recommendations** regarding the training of legal practitioners, which would include references: to the responsibilities of Member States and EU level, to training methods, to training content, etc. They also indicated that the Commission could set up a monitoring system. Such recommendations should be elaborated with the help of a working group composed of representatives of national judicial training institutions, judicial authorities and the EJTN. **However**, there was some diverging opinion, recalling that the **main responsibility for organising training lies at national level**.

The **quality of the courses provided and the perceived possible benefit to legal practitioners** play an important role in attracting participants. Thus training should convey **practical** knowledge actually needed and utilised by the legal professionals in the course of practising their profession as well as focus on the specific **competences** of the target audience involved. There is a need for careful selection of trainees, to ensure that the topics are correctly aligned with the target audience. High-level speakers should be involved, preferably experienced **practitioners** themselves, but also possibly senior EU representatives who could present the letter and spirit of regulations. Regarding the content of training, an overview of the existing legal framework in a specific field across national, European and international law is an interesting **comparative** law approach. The training itself should be holistic in nature, also taking due account of the technicalities of Member States' legal procedures, structures and roles of the different actors involved, to ensure that it is attractive to and ultimately useful for practitioners from all Member States. Training should include **interactive** workshop sessions to enable sharing of best practice. Nevertheless, prior to participation in training, work needs to be done to raise awareness among legal practitioners to convince them of the impact of European law on their work and of their need to attend training.

A possible important obstacle to joint training of participants from several Member States is the **language**. Courses should be offered in as many languages as possible and/or provide interpretation. To achieve this, the EU should help to cover corresponding costs.

**Time** constraints can also create a potential obstacle for legal practitioners to attend training, notably because of their ever-increasing workload and of the understaffing of judicial services. So it should be borne in mind that the judicial **training must not be too time-consuming** and that it should be **advertised well in advance**. It could be important for Member States to have a policy of making training a recognised element of professional work or even compulsory.

**New technologies** should be used to promote increased participation in European judicial training. Effective training methods such as quality **e-learning** tools and study materials or videoconferencing should be used. It could be envisaged that practitioners of different professions follow the same e-learning courses. The language issue is also present here for e-learning to be accessible in the whole of the UE. The possibilities opened by the **European e-Justice Portal** must also be explored, notably to **publicise** and disseminate **information** regarding judicial training actions for example. Web-based access to information on EU legislation, to case law, to distance learning material and to training material should be available to national judicial training institutions. Such types of material could also be made available on the website of the European Judicial Training Network (EJTN) as far as the training of judges and prosecutors is concerned.

Other **types of activities involving practitioners from different nationalities** may be: European fora, where legal practitioners share experience and work out good practices on a topic, whether they take the form of seminars, training courses or internships; study visits to the European institutions for recently-appointed judges; regional activities arranged between States in a regional grouping or among States in different parts of the EU; train the trainer activities; a yearly conference on civil and/or criminal judicial cooperation; common training sessions during initial training; specialised training sessions on a topic, for example on the practical application of an EU legislation in a cross-border context.

**The preferred instrument to increase participation of judges and prosecutors** in training activities, while respecting the independence of the judiciary, is the **European Judicial Training Network**. The EJTN should go on organising **exchanges** in EU and national courts for experienced practitioners, **joint judicial training** activities and **train the trainer** programmes. The EJTN's exchange programme between national judicial training institutions should be expanded. A new form of activity could take the form of regional groups. A **more active involvement by all Member States** would undoubtedly bring benefits to the Network's results, not only by increasing the number of participating magistrates, but also in terms of the quality of training provided. Thus, identifying the best national specialists and involving them in EJTN projects can only be done with effective support from the national training entities. Activities could take place on a bilateral or multilateral basis and could be sometimes organised by national judicial training centres, which have the decision-taking power. **The EU should support all these activities, including financially.**

It is important to **promote and make use of judicial networks** created for judges and other legal practitioners in particular the **European level associations**, which, through their interlocutors from the different Member States, provide a direct link with legal professionals and could guarantee a better perception/take-up of training amongst legal professionals.

Training activities involving participants from several Member States and activities taking place in another country are costly. **Adequate EU funding of these activities is vital** in a scenario of national budgetary constraints. The level of funding has a significant impact on participation. Therefore the EU's programmes (co-)funding judicial training at all levels continue to play a central role in its policy to promote training of legal practitioners and also in raising the number of participants in such training. Sometimes partners in European projects had to pull out from co-funded projects despite their formal commitment, because they were unable to pay the minimum contribution required; inversely projects that were **fully funded** or **co-funded with the salaries of participants** being considered as eligible cost contribution were immediately oversubscribed. Consequently, in order to increase the

participation of foreign legal practitioners, **translation** and/or **interpretation** costs, **accommodation** and especially **travel** costs of the participants should be financed. Moreover **salaries of participating judges and prosecutors**, which are paid by the Member States during the time spent on training, should be considered as eligible costs, because it allows a considerable increase of participation levels. To achieve the best results, complementarities between the various players and levels have to be ensured and any duplication of structures and actions should be avoided. One of the recommendations for the EU was to adopt a legal basis for a "European Judicial Academy" (a formalised structure, not an agency) out of EJTN, national judicial training authorities and the Academy of European Law (ERA). One respondent specified that it was not in favour of establishing such a European Academy of Law but recommended to strengthen the central role of the EJTN. Another indicated that it was preferable to build on existing bodies and structures with a track record in delivering training than to create new organisations. Finally, in exchange of increased funding, the Commission may seek to urge improvements in the Member States.

## 6) Improve the quality of EU co-financed projects

What should EU policy be regarding its financial programmes in order to increase the quality of judicial training projects presented for EU co-financing? Would you have any suggestions to help improve the quality of projects, in addition to guidelines and indicators elaborated by the Commission? Apart from the provision of guidelines and quality indicators elaborated by the Commission, what would help project promoters to propose, set up and implement high-quality projects?

Foremost the EU could strive for **greater awareness of the possibilities for EU co-financing**. Simply posting all that information on the Commission's website may be insufficient to urge new players on the European judicial training market to present projects. Moreover, **assistance**, training or information campaigns should be provided regarding how to present a grant application and the steps to follow to get co-funding. This would help to diversify benefiting States and professions as well as create a favourable framework to increase the number of projects co-funded by the EU. Another aspect to improve is the **communication** on Commission's decisions regarding **awarded projects**: partners, description of the projects, marks obtained.

There was wide consensus on the need to adopt **simpler, less bureaucratic, harmonised and clearer rules and procedures of EU financial programmes and co-funding possibilities**. Respondents considered that the **decrease in administrative burdens** related to project implementation could help to **manage more and better projects** and that harmonisation and simplification would also help to **diversify beneficiaries** (from different Member States, including the smaller ones, from different professions). It would also prevent calls for proposals from being reserved for "professionals" who are not necessarily working in the field. The project promoters would benefit from the development of clearer and more distinct annual work programmes, calls for project applications, guidelines for applicants and application forms that would not be annually altered. **Greater coherence between EU financial programmes** regarding conditions and length of projects, forms, level of co-financing, etc., would also help to reduce the administrative burden and allow applicants to focus more on the quality of the project. In the meantime one suggestion would be to condition the final award of a project, once it has been approved, to the submission of the required documents and declarations within a set deadline, thus allowing applicants more time to focus on content and quality. One respondent pointed out that the budget forms are

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complicated and unrealistic and suggested the Commission to get inspired by its own budget proposal forms used for service contracts or the framework contracts used by the Directorate General Human Resources and the European Administrative School. This would allow applicants to spend less time on speculative and time-consuming budget calculations and preparations and to focus on developing appropriate quality indicators and quality control methodologies.

One respondent would want the use of PRIAMOS<sup>4</sup> to be extended to all financial programmes in order to help harmonisation of procedures. Others requested the improvement and simplification of the software.

Important efforts should be made towards **greater visibility of the calendar of calls for proposals** to enable planning of activities by applicants: date of publication, period of examination of candidature, date of publication of results, delay between award and delivery of funds. Moreover, if calls for proposals/tenders were **published on a more regular basis** it would help training providers to anticipate and prepare better for the calls and allow both them and sending institutions to integrate this preparation better into their long-term planning. It is essential to avoid publication before holiday period (summer break) with deadlines for submission just after the holiday period, because of the obvious pitfalls. Different funding programmes and DGs should **coordinate better the publication of calls**, which would help to avoid several calls being published in parallel, since it causes further strain on the training provider's resources and capacity to submit good proposals. **Deadlines to submit applications** should be **lengthened** to three to four months to enable proper preparation of proposals together with partners.

Several stakeholders requested that the **minimum threshold to co-fund projects be lowered** because a threshold of 100.000€ does not correspond to the objective of favouring cooperation between Member States on specific topics. European Union funds shall be utilised in a cost-effective way; smaller projects should also have an opportunity to be financed, hence the rate of eligible cost required and also the own contributions shall be as low as possible, or the minimum threshold could even be abolished. Another option would be to issue calls for smaller, medium-sized and larger projects with procedures and rules adapted accordingly.

Another possible criterion that would help improve the quality of co-funded projects concerns the **profile of eligible project promoters**, meaning that applications from **professional organisations** should be better rated than applications from other types of promoters. Otherwise the EU could consider limiting the submission of projects aimed at training judges and prosecutors to parties that include a **judicial training institution** as a partner or a main co-beneficiary. Additionally certain quality criteria could be defined that training providers should meet. Moreover, the quality of the projects would be promoted if also **third countries** could be part of the projects (e.g. regarding judicial cooperation on cross-border criminality and family law). One stakeholder underlined that targeting quality project promoters could be done through an extension of the **Framework Partnership Agreement** model.

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<sup>4</sup> "PRogramme Information and Activity Management Operational System". PRIAMOS is the DG JUSTICE system to operationally manage direct grants. This includes a component which is open for applicants, where they can register, download application forms and submit an application for a grant.

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The **level of co-funding** as well as the **types of eligible costs** are also mentioned as elements that would enable to diversify and improve the quality of projects presented to EU co-funding. The requirement for the application to provide 20% of co-funding severely limits possible participation by some (smaller) Member States, even more in a period of budgetary constraints. The concept of the applicant's financial contribution could be facilitated in training of judges and prosecutors by **considering some costs eligible; salaries of judges and prosecutors** for the duration of their participation in the training were mentioned several times. Possibly other contributions in kind could be accepted, for example use of training rooms. Several stakeholders recommended that the Commission **increase its co-funding share to 90% and even consider full funding**, possibly by restricting this option to judicial training institutions. Others suggested that the Commission could also consider publishing more calls for tenders for training on key EU legal instruments.

Several stakeholders stressed the **importance of the role of the European Judicial Training Network (EJTN)** not only to create financial solidarity between the national judicial training institutions by developing more common activities but also to take on the administrative and management role.

To **increase the quality of co-funded projects** a lot of suggestions were made. The European Commission should publish **best practice/worst practice booklets online**. The Commission could also make the **award of the projects even more transparent** by pointing out the weaknesses of each project after the evaluation phase. This should apply not only to projects not selected but also to projects selected and financed. Moreover, to **allow for more long-term projects** (up to 36 months) would allow training providers to invest more resources in the quality, evaluation and improvement of the training. Another suggestion consisted in dedicating **a specific financial programme on European judicial training** in the framework of the next financial perspectives, which would establish specific guidelines, indicators and priorities. One recommendation was to **consult regularly practitioners and stakeholders** in order to get feedback from the judicial field. Such a consultation could be done before implementing new programmes or it could be done on a more regularly basis via steering committees composed of representatives of the stakeholders, which would follow-up the concrete implementation of projects. One idea consisted in creating an annual prize for training projects. Another suggestion was made to certify at EU level a pool of specialised trainers on specific areas.

Regarding the **evaluation of projects and assessment of the factors** that are involved to ensure the quality of training, several **criteria** were quoted: appreciation of the background, legal nature and experience of the applicants in the development of similar projects, assessment of experts indicated as project managers and training providers, description of the training need, assessment of the project description on the basis of the subject and the innovative methodological techniques to be used, involvement of a great number of national judicial training institutions – when training of judges and prosecutors is concerned, cost-effectiveness, necessity of co-funding for the project to take place.

**Guidelines, indicators, applicants guides, examples of good and bad practices, FAQs**, etc., elaborated by the Commission were considered good ideas. **Guidelines to formulate recommendations concerning the training** of legal practitioners as well as the responsibilities of Member States and at the EU level, were considered as interesting approach; they **should be drafted with the help of an expert group** consisting of representatives of the field; though one stakeholder felt that this was not within the remit of

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the Commission. In addition, some respondents suggested that **training needs assessments** should be regularly carried out.

**Evaluation** is another important element to ensure the follow-up of the quality of projects. Depending on the answers, evaluations may be conducted by the participants themselves, by the training provider, by the Commission, by external monitoring. To evaluate and to assess the impact of training programmes relevant indicators should be established. Regarding training of judges and prosecutors, one stakeholder advised that the EJTN could further develop its work on benchmarks to include guidelines on quality control. One respondent suggested that the Commission could provide guidelines on quality control, or could provide information and training on evaluation via a website. Another respondent indicated that the Commission might wish to consider interim monitoring of awarded projects. Such monitoring could be useful, if the purpose is a) in addition to budget control, also to monitor whether the initially agreed quality indicators are being met, but also whether they are still relevant; and b) to review whether and what revisions of the project could or should be made in view of priorities or circumstances (including e.g. unexpected high inflation rates or new EU-wide taxes on transport, etc.), which may have changed since the project was initially approved.

## 7) Common curricula on EU legislation

Could the definition of common curricula on EU legislation for the different legal professions be useful and, if so, why? What would be encompassed by such curricula?

Regarding judges and prosecutors, the **European Judicial Training Network (EJTN)** has already drafted guidelines for the development of **training curricula in some civil and criminal matters**, which are useful when setting up national training. This work must be **continued to cover all subjects of EU legislation** and regularly updated. One stakeholder indicated that this line of action deserves full awareness and support from the European Commission. Another suggested the help of experts from the EU institutions in this task. One respondent suggested that the EJTN should train trainers in different topics and produce sample teaching material. The work of the Lisbon Network on curricula in the area of human rights or of the European Criminal Law Academic Network (ECLAN) on curricula in criminal law were also quoted.

A **majority** of respondents indicated that the **definition of common curricula for the different legal professions** could be **useful**. It could enable a common approach regarding EU legislation for all the legal professions and help in creating a uniform interpretation and implementation of EU law as well as strengthen mutual trust. It could benefit smaller jurisdictions.

Such curricula should be based on an assessment of training needs. The curricula would represent best practices of minimum standards, to be integrated in EU law courses, rather than compulsory training formats, though one stakeholder indicated that the issue of compulsory training formats could be deferred to a future date. The topics concerned could include for example: EU institutions, EU decision-making, case law of the Court of Justice of the EU and of the European Court of Human Rights, the legal practice of prejudicial questions, instruments of judicial cooperation. A few stakeholders underlined the importance for the topics to be useful for legal practitioners in their work: judicial training, not training in law.

It is also worth bearing in mind that **training needs** may **differ** from Member State to Member State, and from one legal profession to another. However, each could adapt the common curricula to its needs. Thus possibly several sets of training tools should exist.

Differing training needs of legal practitioners led some stakeholders to **question the usefulness of common curricula**. They were concerned that it would lead to insufficient consideration being given to the differences in everyday work life encountered by members of differing legal professions.

Respondents recalled that the **responsibility** for defining training curricula lies with the **Member States** or the **legal professions** themselves, in full respect of their independence. A few stakeholders thus underlined that, if such an activity were to be carried out, it would have to be by bodies such as the EJTN, to safeguard the independence of the courts and judges. Curricula that would not be drawn up by the legal professions themselves could not be accepted.

## 8) Training methodologies

What are the training methodologies that would be the most useful to develop among legal practitioners: the knowledge of EU legislation, the knowledge of national judicial systems and the know-how on implementation and application of EU legislation? Should different training methodologies be envisaged depending on the objective of the training and depending on the target audience?

There was **consensus** about the fact that the **choice of methodology** should be **determined taking account of the target group and the objectives** to be achieved by the training. A couple of stakeholders underlined differences between initial training, where duplication with university studies must be avoided but where people may be more open to theoretical approaches, and continuous training, where participants' professional constraints must be taken into account and where forums of discussions or laboratorial approaches may be preferred. In general, priority should be given to judicial training that meets legal practitioners' practical needs in relation to implementation and application of EU legislation. These needs should be assessed regularly.

Some stakeholders indicated an order of priority regarding the content of European judicial training, by rating knowledge of EU legislation in first or second place alternatively with know-how on implementation and application of EU legislation and by rating knowledge of national judicial systems last. Regarding the respective methodologies, **no “one-size-fit-all” methodology** exists. Regarding knowledge of EU legislation, a combination of lecture and seminars encouraging discussion may be used. E-learning was also recommended. With regard to know-how on implementation of EU legislation, the use of workshops was quoted as a possible training methodology, together with role-plays, simulations and case-studies. Joint working sessions with participants from different Member States, study visits and especially exchanges favour the knowledge of national judicial systems, thus increasing mutual trust - a precondition for a good implementation of the mutual recognition principle. Regarding the latter aspect, the role of the European Judicial Training Network (EJTN) was underlined as far as judges and prosecutors are concerned.

On the subject of **training methodology** preference clearly goes towards **practically oriented courses**. It is important that the participants are convinced that there is practical

value in the subject they are trained in. Courses should **include different types of activities** in order for the participants to get the **information and skills** needed for their daily work. The different types of **methodologies recommended** were: activities in small groups, seminars, lectures combined with workshops, group discussions, round tables, resolution of cases/case-studies, tests, discussions, role-plays, moot courts, internships, prior preparation of courses via briefings, etc. The value of bringing together different types of legal professions was also underlined. **Interactivity** is essential to enable participants to share professional experience and good practices and some advised to move away from lecture-based type of methodology to more hands-on exercises. Others added that the **European dimension should be integrated in the national courses** or training should include modules on how to coordinate EU legislation and legal instruments with national legislation, how to identify issues of EU law. Some respondents recalled that highly skilled speakers were required, notably with hands-on experience of the topic. Another stakeholder indicated that it is essential to **keep track of developments**, concerning new methods and philosophies in adult learning.

Regarding the location of European judicial training, one stakeholder recommended to hold activities close to the practitioners and not necessarily in a central location at European level.

As far as judicial training **at EU level** is concerned, one of the strongest recommendations was to organise **train the trainer** activities. The seminar held in Barcelona in November 2010 by the EJTN was quoted as a good example. One stakeholder also recommended that the European Commission provide “training kits” about EU law instruments. The organisation of **specialised training** at EU level was also encouraged. One suggestion was that European judicial training might usefully be delivered in the form of continuing professional development (CPD) with accreditation given to those who successfully complete the training.

In addition, the **use of new technologies was highly recommended**. Thus e-learning represents a flexible possibility to **reach higher numbers** of legal practitioners, including lawyers from smaller firms, in a **cost-effective** way in view of their time constraints. It represents a complementary measure for the transfer of knowledge of EU legislation. New technologies may **include**: e-learning courses; video-conferencing; electronic dissemination of training material including presentations, explanations, diagrams, relevant case-law, via websites, e-libraries, database, or other means; recording of activities; newsletters; broadcasting programmes, etc. The importance of the **motivation and incentive** for participants was also underlined regarding e-learning. The experience of EJTN in the matter was quoted. Some stakeholders believed that when **e-learning** modules would be created, they could be multiplied and used for **other legal professions** or **multiple languages**. Other tools should be promoted, such as the European e-Justice Portal notably to further disseminate information on national legal and judicial systems and professions, to publicise training programmes scheduled by qualified professional organisations or training providers, to provide training material and access to documents, to enable discussions in forum.

Nevertheless, **to promote mutual understanding** and trust as the basis for a common European judicial culture, some stakeholders reminded that **face-to-face training remained essential**.

Further, the use of **blended learning** – i.e. the combination of face-to-face courses with e-learning – was recommended several times as a best practice. Recourse to e-learning may be

useful either before and/or after a face-to-face course or an exchange or an activity in another country.

## 9) Language training

Is knowledge of a second language necessary for legal practitioners? Should their training in a second language be part of national training schemes or of European judicial training? Could it be possible to envisage that legal practitioners learn a second language from scratch in the course of their initial or continuous training or should it be a prerequisite for appointment? Should any objectives be set for language training of legal practitioners at European level and, if yes, which ones?

A significant **majority** of stakeholders considers it **necessary or very important for legal practitioners to know a second language**, which is seen as a **prerequisite of a good command of EU legislation, of an efficient cooperation between EU judicial systems or of interaction in cross-border training, during exchanges and in European associations**. Some stakeholders indicated that the common foreign language should preferably be **English**, others that knowledge of two European working languages – for instance, English and **French** – was desirable. Another respondent recommended that legal practitioners should also know less frequently used EU languages as well as sign languages, even if legal interpreters and translators may be used in proceedings. Other suggestions were that legal interpreters and translators should be encouraged to acquire additional language skills, especially in less frequently used languages or that practitioners could be trained on working effectively with interpreters, especially in view of the directive on the right to interpretation/translation. However, several stakeholders specified that the priority should be to direct resources to training in law rather than languages.

Nevertheless, some considered that the **knowledge** of a second language was **not necessary** as such for legal practitioners, however possibly desirable or to be encouraged. The necessity may depend on the field or location of the legal practitioner's practice.

Several stakeholders recalled that the **responsibility for language training lies with the Member States**. Most Member States already offer foreign language training or even legal foreign language training as part of initial and/or in-service training, for instance with native speaker lecturers, courses in a foreign language, etc.

**However, more respondents acknowledged that national training might be complemented by some schemes at European level** or by EU financial support to national or European schemes. This offer could be provided via the linguistic project of the European Judicial Training Network (EJTN) for example, as far as judges and prosecutors were concerned. Activities at European level should target legal practitioners most frequently involved in European judicial cooperation. They could take the form of in-depth training on legal vocabulary and judicial cooperation, exchanges programmes or professional study visits. One stakeholder suggested the creation of a judicial “TOEFL®” recognised at EU level.

Several stakeholders pointed out that to learn a foreign language from scratch in the framework of continuous training was hardly desirable nor cost-effective but that language training for legal practitioners should build upon previously acquired knowledge and focus on legal terminology.

There was **no consensus** with regard to the question whether **the knowledge of a second language should be a prerequisite for appointment**. Several Member States and legal professions were against this idea arguing that most of the work of legal practitioners takes place in their language and if necessary legal interpreters may be used and as such a prerequisite may exclude good candidates from appointment. However, a few others were in favour of it.

There was **no consensus** either on whether **objectives** for language training of legal practitioners should be set **at European level**. Some stakeholders were against this as language training is a national responsibility and as training needs differ between Member States. Others indicated that some objectives might be set, such as objectives of level to reach in relation to the Common European Framework Reference (CEF) for languages, or only shared general goals.

## 10) Exchanges

What type of European exchanges between legal practitioners, especially judges and prosecutors, would be most useful to meet their training needs? What would be the best way to increase the number of judges and prosecutors taking part in exchanges? Could exchanges between national judicial schools and other training structures be a way to increase the number of judges and prosecutors taking part in exchanges, since courts are not necessarily designed to host significant numbers of trainees? Could focusing on young and newly appointed judges and prosecutors be a way to ensure the maximum long-term impact of the exchanges? Would a month be the most appropriate length for such exchanges between judges and prosecutors in order to optimise the benefits of the exchange? How might it be possible to promote exchanges between lawyers while not favouring only big practices but also smaller ones and while not financing intra-practice exchanges?

There is a wide **consensus** that **exchanges between legal practitioners are very useful tools** to acquire knowledge of EU law and of national judicial systems, to improve language skills, to deepen mutual trust, which is the true basis for the functioning of mutual recognition and to build a European area of Justice. This is why they **should be developed and enhanced**.

Regarding the **types of most useful exchanges** some stakeholders would recommend strongly **exchanges between experienced judges and prosecutors in courts or prosecution services** while others would underline the **added-value of focusing on newly appointed judges and prosecutors** and on organising exchanges **between national judicial training institutions**. All in all, **both** are **equally recommended**. Exchanges of newly appointed judges and prosecutors represent a longer-term investment by making the new generation aware of the European dimension of its work at an early stage. At the same time, when exchanges take place in courts, more senior participants have a better knowledge and experience of their own judicial system and are able to compare and exchange experience and good practices.

Exchanges between judges and prosecutors are coordinated by the **European Judicial Training Network (EJTN)**, whose know-how and experience were quoted as **very good**. The participants evaluated the exchanges as very useful and the system set up by EJTN is mainly satisfactory for the national judicial training institutions. The exchanges should be developed and improved.

The current **form** taken by exchanges between judges and prosecutors **varies**: more or less important **groups** of people or **individuals**, **newly appointed** or **experienced** trainees, in

**courts** or sometimes in another Member State's **judicial training institutions**, study visits to EU institutions and/or EU-level courts, etc. Some recommendations regarding the programmes of exchanges indicated for example a mixture of presenting the operation of the national judicial system and training at the workplaces of the judiciary.

Regarding the **appropriate duration of exchanges**, very different periods of time were mentioned. Short-term exchanges could last one or two weeks, or one month, or even three months for one respondent. However, the majority of stakeholders indicated that **two weeks** period was preferred for **short-term exchanges in courts** to enable participants to acquire knowledge and experience. The added value of a longer stay would be mitigated by the opportunity cost of backlog in court. Long-term exchanges in courts may last between three months to one year, with varying ranges proposed. **Exchanges between schools could last one to two weeks.**

**Suggestions** were made regarding **other possible types of exchanges**. One stakeholder suggested organising **European classes** in initial and continuous training, for 10 days, with participants and speakers from all EU Member States, where participants would also learn from each others and develop mutual trust. The **exchange of trainers**, in the form of temporary "traineeships" at judicial training institutions in another Member State, was also suggested. Several stakeholders proposed setting up a European court **twinning** programme, where regular exchanges could take place over a period of time. Some exchanges already take place at university level in a number of Member States. The setting up of "**Erasmus**"-style **exchanges** was also suggested as being important by some stakeholders.

In order to **increase the number** of judges and prosecutors taking part in **exchanges**, a few stakeholders indicated that more possibilities of exchanges **between the national judicial training institutions** would contribute to increasing the number of participating judges and prosecutors. Some were in favour of integrating a **foreign traineeship in the initial programme of judges and prosecutors**. Another respondent recommended interpretation to be arranged at the hosting court. Another one recalled the importance of language skills to increase the number of applications. Simplified **procedures** were also mentioned as being part of the solution. Moreover, one stakeholder underlined that Member States themselves should be involved to raise awareness about the programme, to select participants and to make efforts to organise internships.

**Several stakeholders** consider **financial support from the EU** to be fundamental. The EU rule of co-funding and the possible eligibility of salaries of judges were mentioned. Two respondents underlined that funding was especially crucial regarding long-term exchanges at EU-level courts. One stakeholder insisted on the need for national level financial involvement as well.

Several stakeholders underlined the practical and useful work in exchanging knowledge and practice, which is accomplished through **European level professional networks**. They also suggest creating networks of judges in specialised areas within the existing networks.

As far as **exchanges between lawyers** are concerned, several stakeholders indicated that they should be organised by the bar associations themselves. The Council of Bars and Law Societies of Europe (CCBE) considers that placement programmes are important as they are a key tool to improve academic and practical knowledge and skills, as well as languages and to foster mutual confidence and trust in the European legal systems. Such programmes could

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cover placements in law firms, in courts, in EU institutions and bodies or short study visits, of different durations depending on the objectives, for junior and senior practitioners and should be widely publicised.

Other stakeholders recommended the **inclusion of their profession in exchange programmes**: rechtspfleger, judicial officers, notaries.