



Judicial training structures in the EU

Italy

Entity name: **Consiglio Superiore della Magistratura, CSM (High Council for the Judiciary)**
Scuola Superiore della Magistratura (School for the Judiciary) June, 2012

General remarks

Judicial training in Italy has been a task of the High Council for the Judiciary (Consiglio Superiore della Magistratura, CSM) before the School for the Judiciary was established by Legislative Decree 30 January 2006, n. 26 as amended by Law 30 July 2007, n. 111. This task will be performed until the School becomes fully operational in 2013.

The High Council for the Judiciary, up to September 2012 and January 2012:
CSM has been responsible for training of “magistrates” belonging to the judicial order, comprising both judges and public prosecutors. Training has been offered to judges, prosecutors and trainees.

The School for the Judiciary, starting in September 2012 and January 2013:
The Board of Directors of the School for the Judiciary took office in November 2011; the first training activities, in the area of initial training, will be delivered starting in October 2012. Continuous training will be available at the School starting in January 2013.

The School ensures the implementation of the right to, and duty of, professional training of members of the judiciary; the School also performs other tasks in the areas of training and research, as provided for by the law and the School’s own charter. The School is an independent body with legal personality under public and private law, as well as full capacity vis-à-vis organizational, functioning, management, contractual and accounting aspects of its activity. The charter of the School – which represents the expression of its autonomy – was adopted on February 6, 2012.

The Board of the School is composed of twelve members: the High Council for the Judiciary appoints six judges and prosecutors and one university professor. The other members (one judge or prosecutor; two university professors; two defence lawyers) are appointed by the Minister of Justice. In adopting or amending its annual training programme the School takes account of the guidelines regarding judicial training it receives from the High Council for the Judiciary and the Ministry of Justice.

The High Council for the Judiciary and the School for the Judiciary cooperate in general activities connected with initial training of judges and prosecutors. Practical training is performed solely by the School, within the guidelines issued by the High Council for the Judiciary and taking into account proposals by the local judicial councils.

The School will participate in European and international activities; the High Council for the Judiciary will maintain a role in the European and international context, supporting the School and co-operating with it.

Target group

Judges, prosecutors and trainees

Initial /induction period training

- Existence of initial/induction training period Yes
- Length of such period 18 months
- Existence of a curriculum Yes
- Language training English and French (Not compulsory)
- Internship periods Yes

Continuous training

- Compulsory Yes
Judicial training in Italy is compulsory according to Legislative Decree 30 January 2006, n. 26 (art. 25) as amended by Law 30 July 2007, n. 111. Each judge or prosecutor has to attend a training session at least every 4 years.
- Existence of a yearly programme Yes
- Average number of persons trained each year 5800

International partnerships/agreements

- High Council for the Judiciary up to 2012
CSM has often organised training initiatives in collaboration with other European institutions. CSM is a founding member of the European Judicial Training Network and member of the Lisbon Network and the Euro-Arab Judicial Training Network.
- The School for Judiciary starting in 2012
The School for the Judiciary already succeeded and/or joined in some of the activities so far implemented by CSM; e.g. it has been admitted to the European Judicial Training Network; some other activities will be performed in some months.
- Participation of foreign professionals in some training sessions possible Yes

History and good practices

- Date of creation of judicial training entity:

The High Council for the Judiciary up to January 2013

A stable structure for judicial training was started in Italy in 1992, when a pool of experts in training (Scientific Committee) was established to support the activities of the High Council for the Judiciary. The first training courses had been realized some years before.

This panel was made up of 16 members (12 judges or prosecutors and 4 university professors) appointed by the CSM. The Scientific Committee has had the task of suggesting training initiatives, to be approved by the competent Commission (IX Commission) and the by the Plenary of CSM.

The aim of CSM in the area of training, being the body safeguarding the autonomy and independence of all members of the judiciary, has been to provide training enhancing professionalism as well as sensitivity for professional ethics of judges and public prosecutors, thus ensuring that judicial functions are performed in conformity with judicial independence.

The School for the Judiciary, starting in January 2013

This model will be effective until the end of 2012, as in 2013 the School for the Judiciary will become fully operational.

The School for the Judiciary will also have some innovative tasks: e.g. providing a residential training for judicial trainees (not provided before). It will also offer courses for judges and prosecutors aiming at being appointed chief judges or prosecutors, or chairs of chambers or adjunct prosecutors.

- Past and current milestones

The High Council for the Judiciary up to 2012

During the initial training period for judicial trainees, a number of training actions on EU law are offered at a decentralised level, while at a central level the initial training programme provides for a week's course entirely devoted to EU law. In general, the programme for this course emphasises topics such as the sources of EU law, the integration of national and European systems, mutual recognition, and implementation of human rights.

Moreover, the curricula for continuous training include a number of courses on the application of EU law, its influence on the national legal system and the relationship with the EU systems and human rights.

Increasing awareness of EU law is done not only through specific courses, but also underlining relevance of EU law in judges' and prosecutors' day-to-day professional activity. Consequently, programmes for courses on specific civil and criminal law subjects are drafted according to models providing a specific insight on the relationship between EU law and the each subject of the course. A significant number of courses are open to judges and prosecutors from the EJTN Member States.

Other Member States' law is usually part of training in terms of discussions about legislative reforms and leading cases, with the aim of throwing light on similar or different solutions found in other systems. Italy has a strong culture of comparative law in both public and private law and a significant number of comparative references is made in conferences and reports. The CSM usually contacts university professors for a comparative analysis.

- Innovative projects that may be of interest

The High Council for the Judiciary up to 2012

1) In 2011 CSM has approved a broad action plan on European law (called "European Gaius") to improve European culture among judges and prosecutots (see <http://www.csm.it/gaius/index.html>). The plan, based on the Dutch experience (Eurinfra project), contains three targeted actions to be implemented with a view to encouraging a major step-change in the knowledge of European law on the part of Italian judges and prosecutors:

- the first action is aimed at increasing the number of central and decentralised courses on European law, with particular regard to language training and, if possible, also supplementing the courses on national law with specific sessions dedicated to European law;
- the second action involves the training of judges having jurisdiction in European law, to be

delivered by a "contact person" in charge of decentralised training, alongside judges with specific skills in the criminal and civil sectors;

- the third action involves the creation, as part of the CSM'S intranet website www.cosmag.it, of a web page (e-G@ius: electronic Gaius) capable of providing quick and easy access to both past and ongoing training courses, the teaching material of the CSM, all the European sources as well as national and supranational legislation.

The European Parliament, in its resolution of 14 March 2012 on judicial training ([2012/2575\(RSP\)](#)), has underlined the relevance of this project as best practise in EU law training (considers, for instance, that the EU should encourage Member States to emulate successful institutions, such as EU law coordinators of the kind that exist in Italy and the Netherlands within the national court structure, and promote the training of such coordinators and otherwise facilitate their work at EU level)

2) Language training courses and e-learning projects.

Several courses have been organized on legal language training also with the specific support of the e-learning methodologies.

The main goal of these courses is to encourage participants to make significant progress in their English language skills (both on a general and specific-language basis) by concentrating on both active and passive language learning skills.

Considering e-learning methodologies, the effective implementation is ensured by:

- a) encouraging a learning environment that makes use of specially-designed, innovative teaching materials based on basic and specific issues in European civil law and justice. The use of Web 2.0-based new technologies, such as, for example, Moodle, YouTube, etc. is seen as a crucial part of the methodology of these projects;

- b) providing the judges and prosecutors involved with the necessary tools to utilize and undertake research using a variety of Internet resources (including, importantly, the web pages of the European Court of Justice);

- c) fostering discussion, preparation and dissemination of preliminary questions of law through dialogue with judges from other Member States from both a linguistic and juridical point of view in order to stimulate the Court of Justice's responses.

developing and using a common language (English) to complete all of these objectives, which are aimed at creating common knowledge and know-how among European judges that go beyond the individual countries through the use of language as a means of communication and dialogue

3) Forum on Judicial cooperation in civil matters. <http://www.csm.it/gaius/pagesEN/02.html>

Following the second phase of the project, approved by the European Commission, called "Judicial cooperation in civil matters: European legal systems and language; study for a common vocabulary and language", the High Council for the Judiciary has decided to keep the web platform of this e-learning course open, so as to allow a widespread dissemination of the results of the project.

The project, which adopted English as its working language, aimed to promote judicial cooperation in civil matters for the purpose of creating an genuine European space for justice in civil matters, based on recognition and mutual trust.

The project's priority is to favour a consistent interpretation of the European regulations on judicial cooperation concerning civil matters, with the aim to improve mutual understanding between the authorities and law practitioners, with particular reference to the professional judicial language.

Judges and prosecutors with experience in civil and commercial judicial cooperation are admitted to the forum.

Contact details

The High Council for the Judiciary:

- Address: Piazza dell'Indipendenza, 6 00185 Roma
- E-mail : segreteria generale@cosmag.it
- Website: <http://www.csm.it>
- Number of staff: 24

The School for the Judiciary

- Address: Via Tronto, 2, 00198 Roma
- E-mails: internazionale@scuolamagistratura.it (preferential address for international contacts)
segreteria.scuolamagistratura@giustizia.it
- Website: Under construction
- Number of staff: 5 + 1 Secretary general

Source:

Consiglio Superiore della Magistratura, CSM (High Council for the Judiciary)
Scuola Superiore della Magistratura (School for the Judiciary)