



Evaluation of the 2011 European Judicial Training Strategy

and preparation of the future strategy

Analysis of the responses received to the public
consultation

May – 2018

*Justice
and Consumers*

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The present analysis of the contributions received in reply to the public consultation cannot be regarded as the official position of the Commission and its services and thus does not bind the Commission.

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Analysis of the replies to the public consultation

This analysis of the replies to the public consultation complement the factual summary published on the consultation website of the European Commission¹.

Introduction

Training of justice professionals on EU law is essential to ensure the correct and coherent application of EU law and smooth cross-border judicial proceedings. In 2011, the European Commission adopted a long-term [strategy on European Judicial Training](#)² which set specific objectives for the training of justice professionals to be reached by 2020.

The aim of the present consultation was to gather interested parties' views on the [2011 European judicial training strategy](#), to assess to which extent it was successful, what were the drawbacks and if the current strategy was still fit for nowadays' challenges and to prepare the future strategy.

The European Commission launched a public consultation³ from 2 February until 26 April 2018. This online consultation was available in English, French and German and published on the public consultation website of the European Commission⁴. Contributions could be made in any of the 24 official EU languages. This public consultation was complemented by a targeted consultation.

In complement to the factual summary of the 572 replies received to this public consultation¹, the analysis of the replies is presented below. Additional information about the analysis of the replies to the targeted consultation is also available online⁵.

Respondents

The respondents to the public consultation represent only a small part of the total justice professionals in the EU. As a consequence, the replies to the questionnaire can only be taken as indications to feed in the evaluation of the European judicial training strategy and the preparation of the future strategy and not as representative replies for all the justice professions in the EU.

Moreover, in view of the fact that almost half of the respondents represented EU judges and prosecutors, the replies can be taken as mostly indicative for these professions, and partly for court staff and lawyers.

In details [Graphs available in annex in section "[About you](#)"]:

572 replies to the public consultation were received. 28% of those replies emanated from an individual person and 72% of the replies were provided by people replying in their professional capacity or replying on behalf of an organization [[Graph question 1](#)].

78.7% of the respondents were justice professionals (450). 5.4% of the respondents were a national, regional or local body representing a specific justice profession (31). 2.4% of the respondents were a professional consultancy / law firm (14). 2% of the respondents were trainers (12). 1.4% were an NGO (8). 1.2% were a ministry or a national public body (7). 1% was a European level body representing a specific justice

¹ https://ec.europa.eu/info/consultations/training-justice-professionals-eu-law-evaluation_en

² 2011 Commission Communication "Building trust in EU-wide justice - A new dimension to European judicial training": <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52011DC0551>

³ https://ec.europa.eu/info/consultations/training-justice-professionals-eu-law-evaluation_en

⁴ http://ec.europa.eu/info/consultations_en

⁵ https://ec.europa.eu/info/law/cross-border-cases/training-legal-practitioners-and-training-practices_en

profession (6). 1% was citizens (6). The other respondents represented less than 1% of the total respondents [[Graph question 13](#)].

The justice professions represented by the respondents who replied to this question were: judges (42.8%); court staff (14.3%); lawyers (12%); prosecutors (11%); prison management and staff (4.1%); bailiff or enforcement officers (2.9%); mediators (1.2%); legal translators or interpreters (1%); probation officers (1%); insolvency practitioners (0.6%); court experts (0.2%) [[Graph question 16](#)].

Their areas of work were covering all aspects of EU law: criminal law, administrative law, civil law, fundamental rights.

The geographical coverage of the reply is uneven. The replies originated from: Germany mainly (29.9%); Italy (19.7%); Spain (9.2%); Belgium (7.2%); Austria (5.1%); Czech Republic (2.8%); France (2.6%); Croatia (2.3%); Lithuania (2.3%); United Kingdom (2.1%); Cyprus (1.6%); Ireland (1.6%); Romania (1.6%); Portugal (1.4%); Estonia (1.2%); Latvia (1.2%); Luxembourg (1.2%); Finland (1.1%). Each of the following countries represented less than 1% of the replies: Greece, Hungary, Netherlands, Poland, Slovenia, Sweden, Switzerland, Bosnia-Herzegovina, Bulgaria and Norway. No reply was received from the following EU countries: Denmark, Malta and Slovakia [[Graph question 21](#)].

Training needs of justice professionals on EU law and EU instruments

[Graphs available in annex in section "[Training needs of justice professionals on EU law and EU instruments](#)"]

88.8% of the respondents considered that the professions they represented were in **need of training on EU law** and **86.2%** thought these professions needed **training on EU judicial cooperation instruments** either to some extent, to a large extent or to a great extent [[Graph question 1](#)]. Further, 65.4% considered that justice professionals involved in cross-border cases / judicial cooperation had specific training needs on EU law [[Graph question 12](#)]. The results are more mixed regarding the training needs on the law of other Member States: 61% of the respondents thought that the professions they represented needed **training on the law of other Member States** either to some extent, to a large extent or to a great extent while 34,6% disagreed [[Graph question 1](#)]. **Roughly half** of the respondents estimated that they had a **good level of mutual trust** in civil and in criminal **cross-border judicial proceedings** [[Graph question 6](#)].

Respondents indicated having a **fair knowledge of EU law** (61% replied correct / good / very good) and of EU judicial cooperation instruments (54.5%) but a **poor knowledge of the law of other Member States** (20%) [[Graph question 3](#)].

The main **reasons indicated for this persisting lack of knowledge** were: the lack of time to attend training (52.8%), the lack of understanding of the relevance of EU law for the daily practice (48.2%), the fact that EU law is not integrated systematically into the national trainings (38.4%), the lack of training offer at national level (37%) and the fact that they find EU legislation too complex (33.8%) [[Graph question 4](#)]. Among the "other" individual reasons were mentioned: the fact that domestic law is applied in the first instance courts; the lack of training for court staff, who can nevertheless be intensively involved in judicial procedures; the lack of EU level court staff training; a generation gap in terms of knowledge of EU law; the fact that prison staff do not need a thorough knowledge of EU law; resistance against EU law standards; the role of the publishers, who should insert links to EU legislations in their collection of laws and other manuals; the lack of codification of EU law and the lack of codes to which to refer oneself to; the lack of guidance, for example in the form of notes from the European Commission, on how to apply the instruments; cost of the training courses or the lack of information about the training offer. Also 34.4% of the respondents considered that some topics were missing from the training on EU law offered to their profession [[Graph question 8](#)].

62.2% of the respondents considered that training for justice professionals at the EU-level should be completed with **training on judicial skills, judge craft and non-legal topics** [[Graph question 10](#)].

Indeed, some considered that training on topics other than EU law topic is "even more important than knowledge in specific field of law. Among the other topics mentioned we can list: communication, case management and writing judgements. According to the respondents, better knowledge of the judge-craft abroad may both help to understand systems abroad and avoid misunderstandings.

As regards the possible existence of problems stemming from **differences in knowledge of EU law between the justice professionals of different Member States**, roughly a third of the respondents considered that these differences could be an issue [[Graph question 16](#)]. The main solutions considered to reduce these differences were: transnational training with participants of different nationalities (71.5%), cross-border exchanges of justice professionals (58.9%) and more training activities on EU law in the Member States (52.6%). Less than half of the respondents thought that improved training on EU law in the Member States or common curricula or training modules or repositories or cooperation between training providers would be solutions to this issue [[Graph question 18](#)]. Among the individual additional ideas to reduce differences in knowledge of EU law were mentioned: the need for cross-professional training (different professions together); improve EU law training in universities; the need to know English or another language; the need for training of lawyers abroad to be recognised in one's country or the need to reduce differences of interpretation.

46.3% of the respondents considered that there should be a **prerequisite regarding knowledge of EU law at different times of the career** of a justice professional [[Graph question 21](#)].

There is general consensus on the need to train on EU law as from the outset of the career. Also when changing speciality or sector e.g. from family law to criminal law or when becoming a team leader e.g. president of a chamber or head of public prosecution office were identified as potential stages where EU law should be regarded as a prerequisite.

76.2% considered that the **lack of language skills** was a barrier when it comes to working with peers of another Member State to some extent, to a large extent and to a great extent [[Graph question 14](#)]. 48.8% thought that the **knowledge of a foreign language** should be a **prerequisite** for appointment to some professions of justice [[Graph question 23](#)].

As many respondents pointed out: it is undeniable that knowledge of additional languages is broadening and helps understanding cross-border cooperation and foreign law. Indeed, adequate foreign language skills facilitate cross border communication, as phone call / Video conferences become possible and time consuming translations can be reduced.

The vast majority of respondents indicated that this language should be English, however French and German as other EU working languages were also mentioned.

Training activities on EU law

[Graphs available in annex in section "[Training activities on EU law](#)"]

56.6% of the respondents had **followed training on EU law** in the past two years [[Graph question 1](#)], which correspond mostly to one or two training activities [[Graph question 2](#)], and that **almost all of the respondents found useful** [[Graph question 4](#)]. Continuous training on EU law usually lasted less than a day (54%) [[Graph question 14](#)]. **85.6%** of the

respondents remember having subsequently **used in their daily practice** what they had acquired during the training [[Graph question 5](#)]. In general the answers showed a positive sentiment about the usefulness of the training followed. Among the reasons, were mentioned that: it spared a lot of working time, it helped fulfilling forms and helped understanding concepts that are regularly applied.

Nevertheless, **more than two thirds** of the respondents considered that **training on EU law they attended was not enough for their needs** [[Graph question 15](#)] and **half of the respondents considered that the training on EU law offered in their country did not correspond to their needs** [[Graph question 17](#)]. Among the **main reasons** were mentioned: there is not enough training offer on or including EU law (55.5%), there is not enough information about available training on EU law (52.3%) and the justice professionals do not have the time to attend any training (47.3%) [[Graph question 19](#)]. The length of the training was also mentioned among the reasons why the training they received was not fitting their needs..

According to the respondents, most justice professionals **attended training on EU law** because it was needed to perform one's duties (53%) and/or because the topic of the training was a regular topic of one's work (51.2%). Nevertheless, 25.5% would follow the training because the topic of the training was a rare topic of their work [[Graph question 7](#)]. Curiosity to see how different people from different Member States work and personal interest were also mentioned among the reasons to attend training on EU law.

More than half of the respondents didn't know how to find good and ready-to-use (online) training material on EU law or law of another Member State (55.8%) while 37.7% did know [[Graph question 9](#)] and found it mostly easy to find (75.5% of the ones who replied) [[Graph question 10](#)]: on the European e-Justice Portal (66.8%) or on one's professional intranet (40.5%) mainly [[Graph question 11](#)]. Other individual websites mentioned were the websites of the Court of Justice of the EU, of the European Judicial Training Network (EJTN), of the European Lawyers' Foundation (ELF), of the Academy of European Law (ERA); EUR-Lex; teaching books of legal publishers. Among the barriers to accessing online training material are the facts that longer texts or documents are uncomfortable to read on a screen; that the material needed is too specialised and not available online; that one needs to know where to look; that it is in a foreign language; that what is available is not always what one needs.

Cross-border / transnational training activities are offered to 50.3% of the respondents [[Graph question 21](#)] and for the ones who replied, **71.9% found this type of training useful** to some extent, to a large extent and to a great extent [[Graph question 22](#)]. Less than half of the respondents to the questionnaire indicated whether training abroad was recognized as fulfilling the training needs of their professions and among those who replied, more than half answered yes [[Graph question 23](#)]. The **main obstacles to participation in cross-border training** mentioned were: knowledge of a foreign language (48.3%), the justice professionals do not have the time (47.9%) and there are not enough places for all the people willing to participate (30.1%) [[Graph question 25](#)]. Additional individual obstacles mentioned were: the cost, the need to travel abroad, the lack of time, the need of hierarchical approval, the need to reconcile work and family life and the late advertising.

74.8% of the respondents found that **cross-border exchanges** were **useful** for their profession [[Graph question 28](#)]. 35.4% of the respondents thought that cross-border exchanges should be made **compulsory for all new judges and prosecutors** and an additional 27.5% also agreed to make it compulsory albeit only if some conditions were met: 62.9% in total [[Graph question 29](#)].

Scope of the European judicial training strategy

[Graphs available in annex in section "[Scope of the European judicial training strategy](#)"]

Staff of prosecutors' offices' was mentioned as part of the target audience of training, which is a good point: though not mentioned in the list of practitioners indicated in the questionnaire⁶, staff of prosecutors' offices' is indeed part of the target audience. Additional practitioners were mentioned as in possible need of training on EU law but are not in the strict sense justice professionals and as such are not covered by the European judicial training strategy: staff of ministry of justice, ombudsmen, auctioneers, labour inspectors, people training to become a judge or a lawyer, asylum officers, staff members of civil society organizations providing legal aid and representation to individuals, staff representatives, staff of national human rights institutions, staff of land registrars, law practitioners working in companies. These additional practitioners would need training on EU law possibly at all levels: local, national and EU-level [[Graph question 4](#)].

66.9% of the respondents agree that training of justice professionals should cover respect of **fundamental rights** as enshrined in the Charter of Fundamental Rights of the EU and of the jurisprudence of the EU Court of Justice on the **rule of law** [[Graph question 5](#)]. This training should address mainly judges (87.2%), prosecutors (68.5%) and lawyers (62.1%) and to a lesser extent court staff (29%) and other justice professions [[Graph question 7](#)]. It could be provided at all levels: local, national and EU levels [[Graph question 9](#)]. One respondent added that all skills attributed to "judgecraft" make a very strong contribution to the development of the European judicial culture. Some respondents further specified that these issues were not addressed sufficiently in the area of training of judicial staff and that the Charter was not part of the training for prison staff.

A third of the respondents provided further comments and explained that **such training is necessary** notably because the protection of fundamental human rights is the core of the rule of law; these topics are still not enough known and even in danger in some countries; some practitioners do not remember that fundamental rights are above national law; some practitioners do not keep these topics in mind during their daily work; it is not enough covered in the training offer; applying the Charter is still rare and many questions are still open; the case law and reasoning of the Court of Justice of the EU (CJEU) is often different from the national judicial reasoning and must be explained to practitioners who must accept the CJEU decisions and because these topics are still rather new concepts in EU law and not always obvious to handle in particular cases.

They also specified what were the **topics** on which training was required and notably: **the Charter as such and the case law of the CJEU and how to apply it in practice in different situations and how these issues apply to national court proceedings and when applying cross-border cooperation instruments**. Some specific **topics** were mentioned such as: end of life, immigration, competition, protection of working time, health, new data protection rules, hate speech, the principle of proportionality, basic knowledge of the respective national constitutions, family law, labour law, enforcement, service of documents, detention, the concrete application of the principle of proportionality, how to find the case law. Some specific **rights** were mentioned as topics where training was needed such as the right to privacy, freedom of speech, minorities' rights, asylum, liberty and security, prohibition of torture and inhumane treatment, non-discrimination.

Eighteen respondents underlined that training was needed on **fundamental rights in criminal proceedings** such as access to justice, legal aid, right to an effective remedy,

⁶ Judges, prosecutors, Court staff, bailiffs or enforcement officers, lawyers, notaries, mediators, insolvency practitioners, legal translators, legal interpreters, Court experts, prison management and staff, probation officers.

right to a fair trial, right of the defence, victims' rights. One respondent also mentioned the prevention of ill-treatment in cross-border procedures and the promotion of non-custodial measures. Many mentioned the rights of vulnerable people, and especially **children's rights** as an area of focus of training.

Seven respondents also underlined the importance of training not only on the Charter and its case law, which are restricted to the implementation of EU law, but also on the **relation between the Charter and national laws** and on the nature of the dialogue with the **European Court of Human Rights** (ECHR) of Strasbourg. Several respondents also insisted on the need for the most recent case law of the CJEU and the ECHR and its implications for national legislation to be explained; one respondent suggested to do so in decentralised one-day training.

Regarding the **organisation of such training**, one respondent suggested that it is organised in cooperation with the Council of Europe and on the basis of real life cases to ensure that the training is operational and not only about theory. Another respondent advised against the organisation of general courses but rather on the types of human rights in criminal procedure for example. Several lawyers reminded of the importance to train lawyers, and especially legal aid lawyers, on ensuring fundamental rights, to ensure the equality of arms but also because they need to bring the arguments in the courts. Several respondents advised to organise the training and the topics in relation to the targeted justice professionals and their area of work.

Any other feedback

Some additional feedback was offered. For example, that it will be important that the new strategy maintains a balance as regards EU financial support to European level training networks and the possibility for national (and European level) training organisers/providers to develop targeted activities fulfilling specific needs and/or to develop new innovative training activities/methodologies. Other comments insisted on the need to increase the training offered on EU law and other ones on the need for the EJTN to increase the number of places available for cross-border training activities and for exchanges, which are extremely useful to create personal networks between practitioners. A few comments indicated that basic training on EU law was needed and one respondent explained that this was because EU law training at university was not sufficient. One judge wished that a national training and a transnational training per year was made obligatory. Another respondent underlined that theory could be easily taught at national level and that the practice was enriched by exchange with peers of other Member States in transnational training. Another respondent suggested that the exchanges for judges and prosecutors should include meetings with local bar associations / lawyers, as an additional source of information on how judicial systems function.

The simplification of the funding programmes was requested. Another advice was to consider carefully the interests of different legal professions and how their various interests and professional development can be best promoted. For example, in 2003, a European level network for mediators (GEMME) was established, but it does not receive any operational grants from the EU. On the other hand, a new European level (training) network has relatively recently been established for prison staff with EU financial support. Currently, it is being explored whether to establish such a network for court staff or whether to include it as a sub-committee of the EJTN. While efficiency reasons could speak for integrating court staff training into an existing network, there are also risks of monopolising representation of all categories of court officials within a single network, unless there are certain safeguards ensuring equal treatment for all categories of court staff and officials.

Another comment underlined the particular usefulness of training in another Member State and inside the CJEU for personal professional development and the importance to continue these types of training. It was also advised to give access to justice

professionals to well organised, updated and translated training material in one virtual place, which would be available centrally to all staff in the judiciary. Along a similar idea, a request was made to have a special web page to be informed about training activities. Other respondents also asked for improved information about available training. Another respondent asked for improved information on case law of national courts applying EU regulations. The cooperation between judicial training bodies and law enforcement bodies was also advised, for example so that online training can be compatible between CEPOL, EJTN and national training platforms. One respondent asked the European Commission to take into consideration the implementation of a certification procedure at EU level for potential trainers.

Another comment noted that training at EU level involving practitioners from 28 MS has to remain fairly theoretical because it is impossible to take into consideration the specificities of 28 different legal systems and the EU framework. Regional or thematic cooperation involving 4 to 6 MS should be encouraged so that training sessions have the time to address the day to day issues faced by the practitioners. It would also allow reduce the costs of the logistics and linguistic issues.

The importance of legal language skills was repeated several times, including in relation to their role for improved cross-border cooperation. Moreover, a few requests were made to offer training in languages other than English or French. The necessity of a sufficient exemption of judges and prosecutors from their daily work to attend training was underlined as well as the recurrent issue of workload, which prevents some from going to training activities. A request was made for more national and local seminars. The importance of working on concrete cases between participants of different nationalities was mentioned, so as to make one another discover new possible solutions to cases. Another request was made for training on the case law of the CJEU (understanding of the case law, consequences on national decision).

One idea of type of training was given: training activities involving several different justice professions with a view to training participants on the whole chain of procedures from start of legal case to execution of a court decision. For instance, a mix of judges, lawyers and bailiffs, so that these professions can discover the issues faced by the others in the course of a crossborder civil or commercial European Payment Order. Another respondent underlined that mixed training would be interesting only on some topics as training needs are specific.

The importance of the relation between staff planning and training was also underlined insofar as a practitioner should be informed well in advance of any future change of duty and area of work, so that she/he can plan in advance to follow the required training, otherwise the person will be so overloaded when taking up her/his new duties that she/he will not have any time to attend any training after.

It was also underlined that when more and more activities of judges and prosecutors are transferred to judicial and court staff, their training needs will automatically increase and that court staff training should be increased in any case. A respondent also indicated that in the framework of the preparation of the future training strategy, it would be necessary to consider the definition of "court staff", which covers many professions. Indeed, according to the Member States, the tasks of court personnel are very different. Another respondent asked for exchange of good practices between bailiffs regarding enforcement in practice.

Regarding lawyers' training, a request was made for exchange of information regarding how credit and official training systems were put in place in different Member States and regarding exchange of good training practices.

A request was also made for the introduction of harmonised curricula or training courses for legal interpreters / translators across Member States because currently the level in terms of qualifications and experience is set too low due to a lack of understanding on the part of other legal professionals of the exacting nature of legal translation/interpreting. Another suggestion was made to promote training between

judicial and land registration authorities because many judicial decisions are made based on previous land registry information or require being registered in land registries

The Council of Bars and Law Societies (CCBE) also inserted a statement: the CCBE fully agrees that the Training of justice professionals on EU law is essential to ensure the coherent application of EU law and smooth cross-border judicial proceedings. The CCBE supports the efforts to strengthen the European judicial culture and an area of shared values and fundamental rights and principles. Lawyers play an essential role in this context defending citizens and ensuring the rule of law and the confidence in the European judicial area. This requires the continuing development of lawyers' skills and knowledge, which the CCBE strongly supports. The CCBE has always advocated for high-quality training of legal practitioners, as well as development of the mutual understanding of different legal systems in Europe. At the same time, the organisation of training must fully respect the independence of lawyers and the diverging systems of training under national law since continuous training is not mandatory in all Member States. Mutual recognition of continuous legal education has been a key issue that the CCBE has been working on in the past years. In February 2017, 40 Bars and Law Societies signed the CCBE Memorandum on Mutual Recognition of Lawyers' Cross Border Continuing Professional Development. The aim of the Memorandum is to promote and facilitate the free movement of lawyers within the CCBE member countries where Continuing Professional Development (CPD) is mandatory or recommended. The CCBE welcomes the efforts of the European Commission to further develop the strategy on judicial training for justice professionals, especially for lawyers.

Annex: Graphs of the replies to the closed questions of the public consultation

Introduction

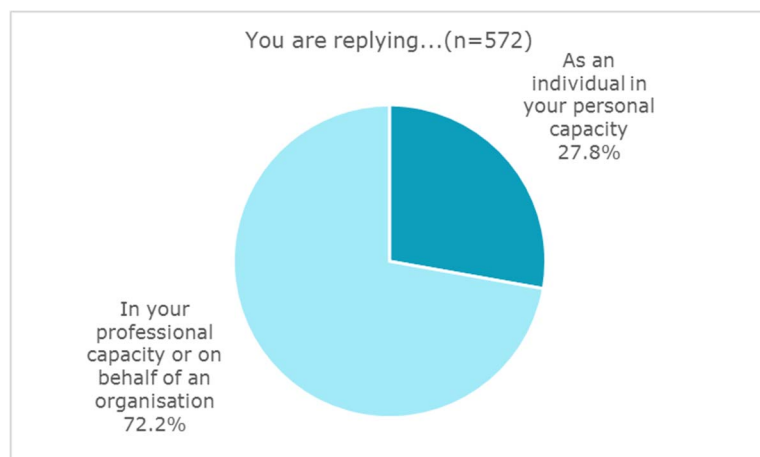
This annex includes graphs for all the closed questions of the public consultation of the open public consultation on European judicial training.

The annex contains headings indicating the sections and question numbers in the original order of the public consultation. Only the closed questions for which graphs are prepared are included.

Each graph includes the wording of the original question as a title followed by the number of respondents who replied to a certain question ("n").⁷ The number or percentage represented by "no answer" is not displayed.

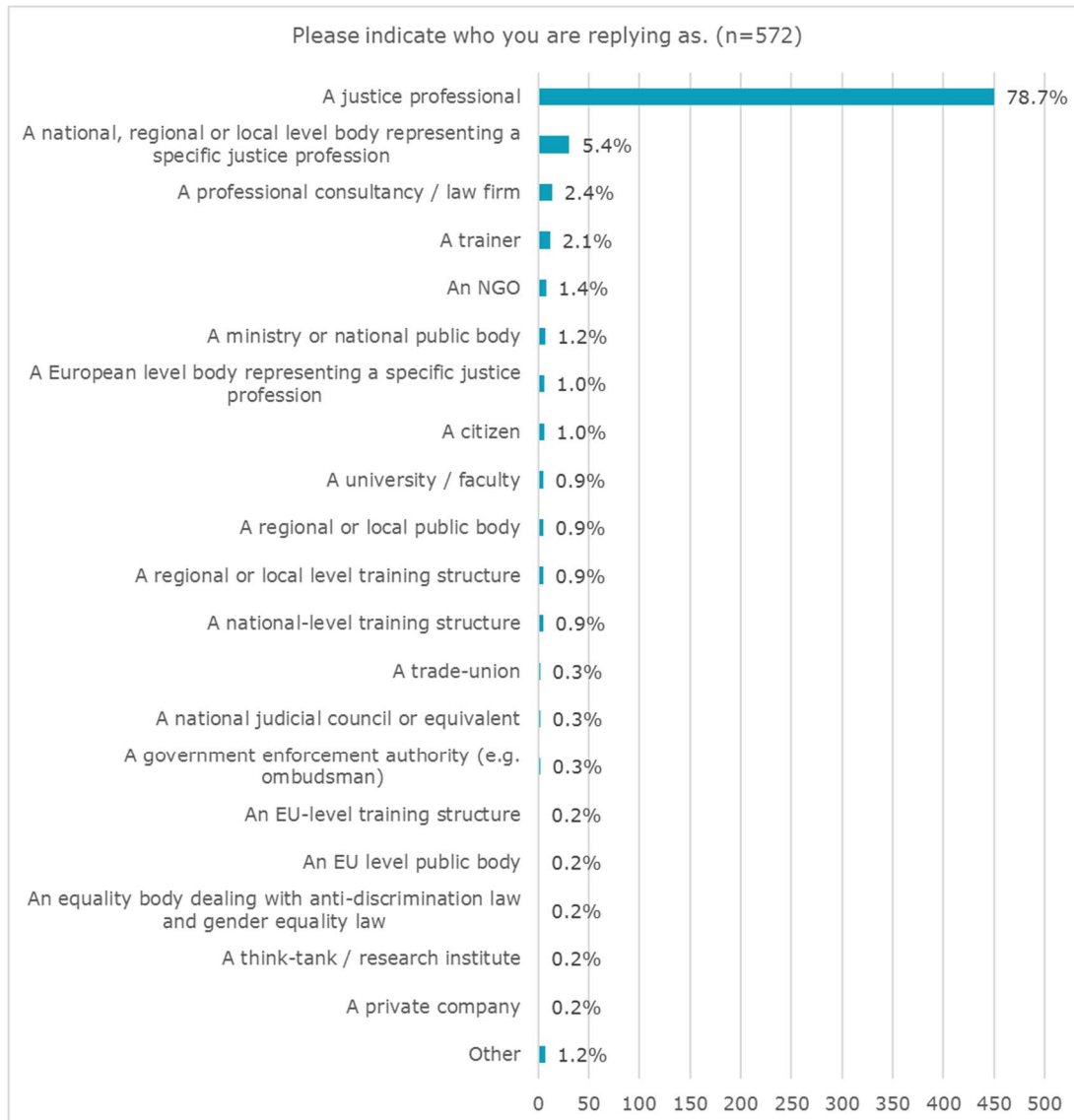
About you

Question 1



⁷ It was possible for respondents to skip certain questions. Thus, the number of respondents to individual questions may differ from the overall number of respondents for the individual questionnaires.

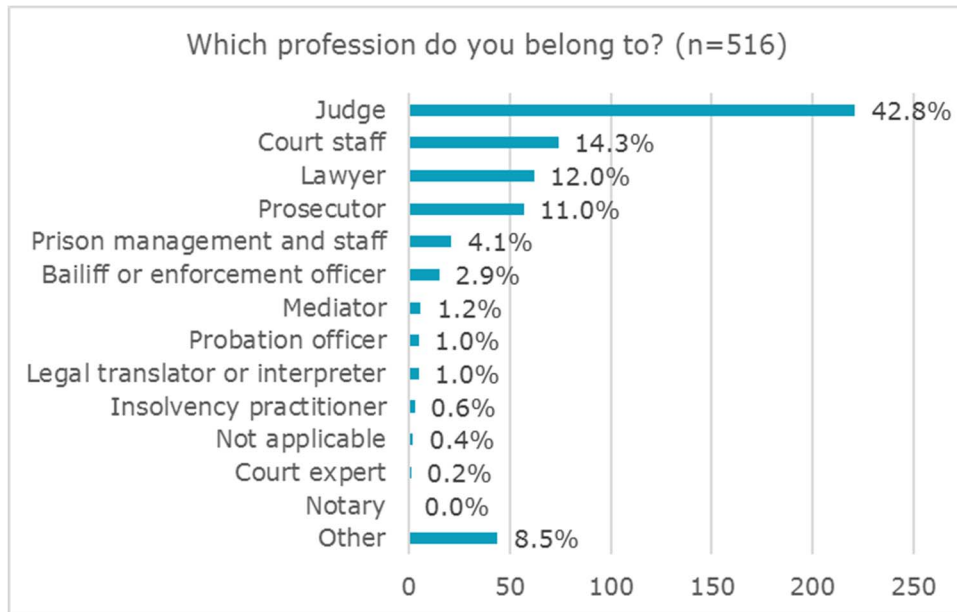
Question 13



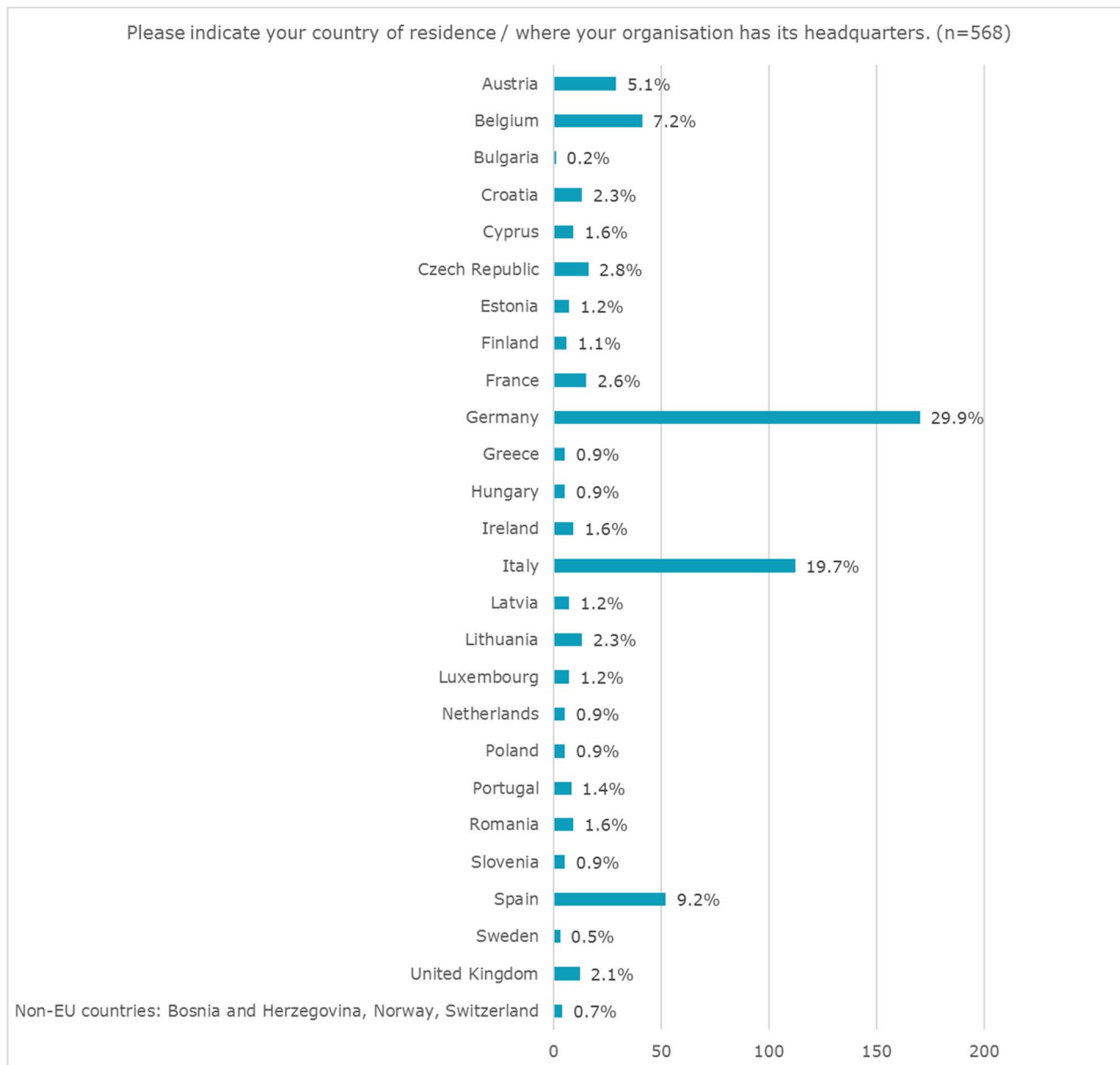
Question 15



Question 16

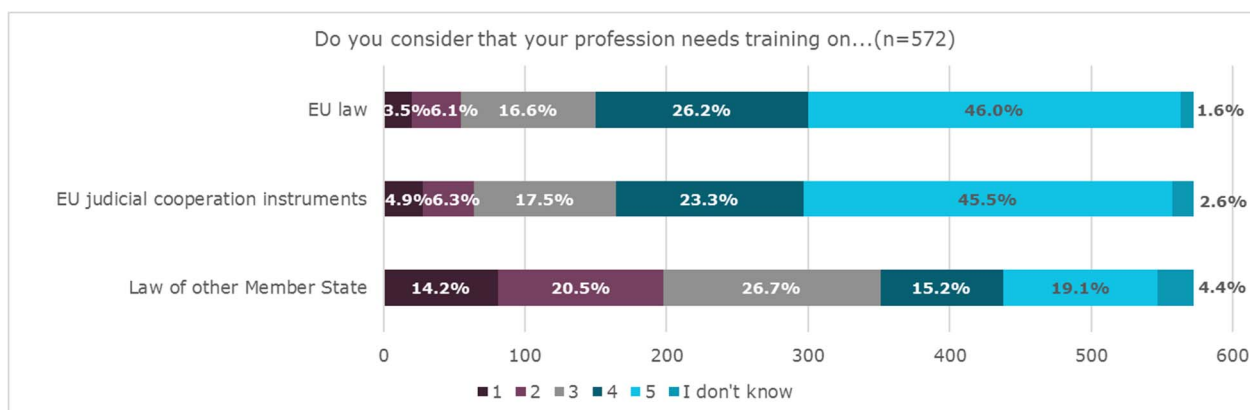


Question 21

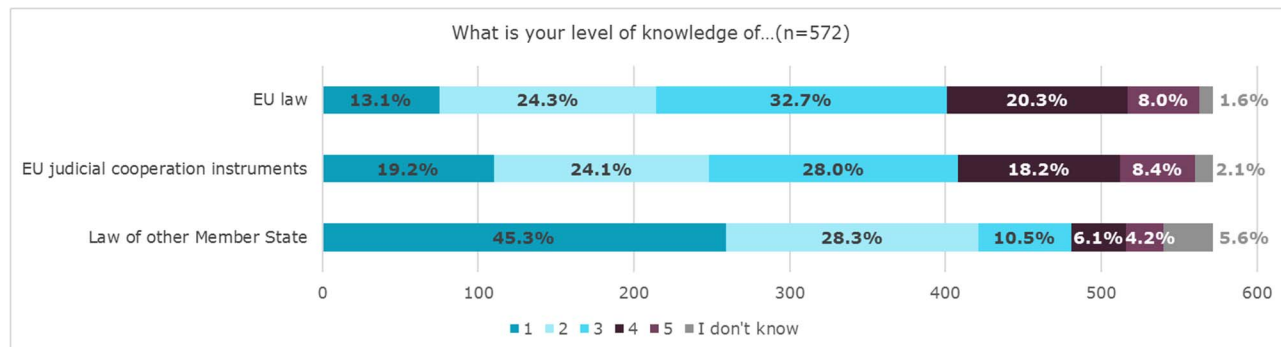


Training needs of justice professionals on EU law and EU legal instruments

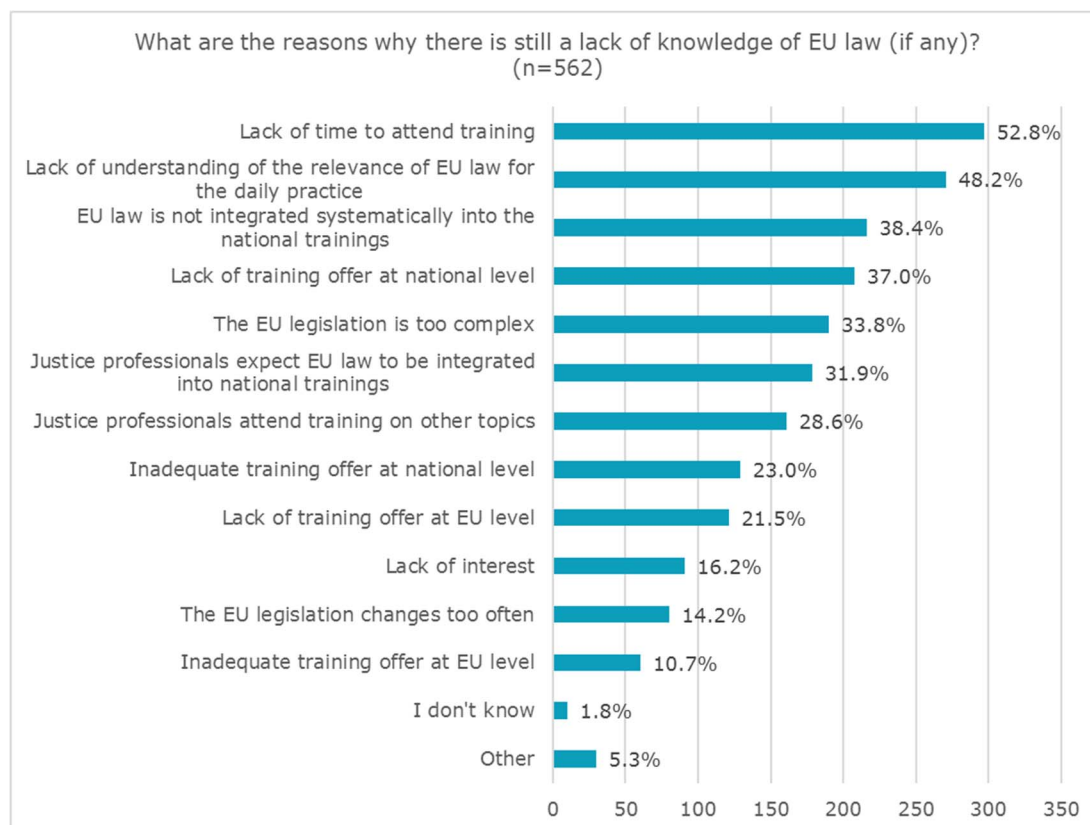
Question 1



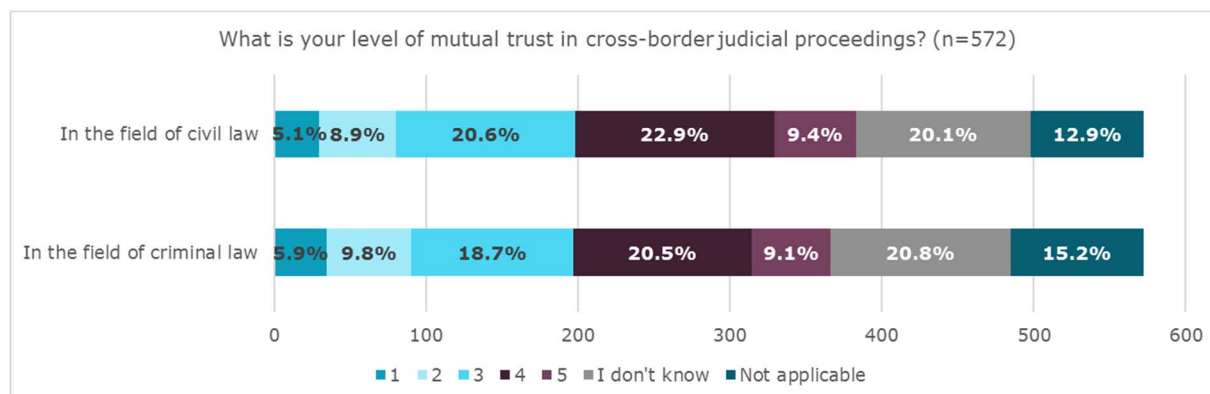
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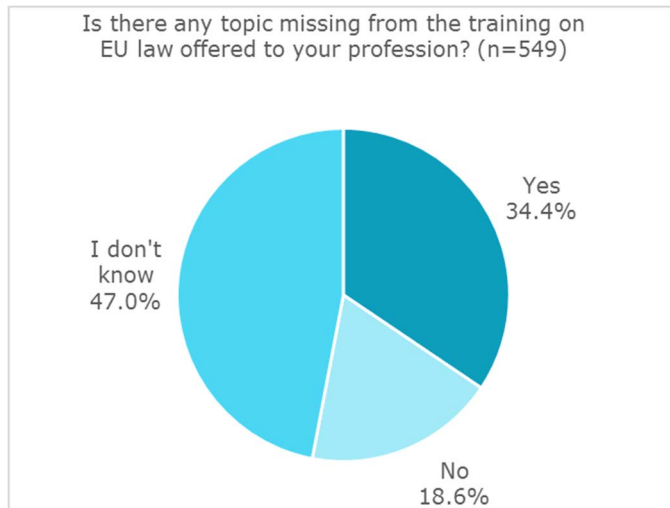
Question 4



Question 6



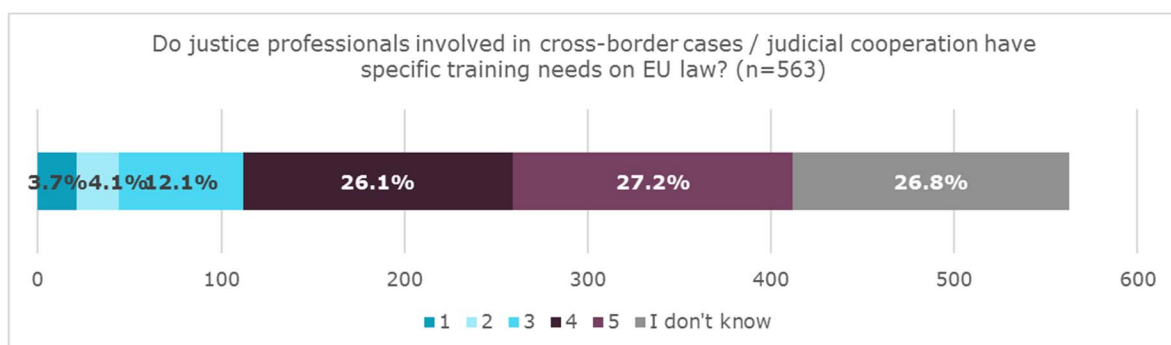
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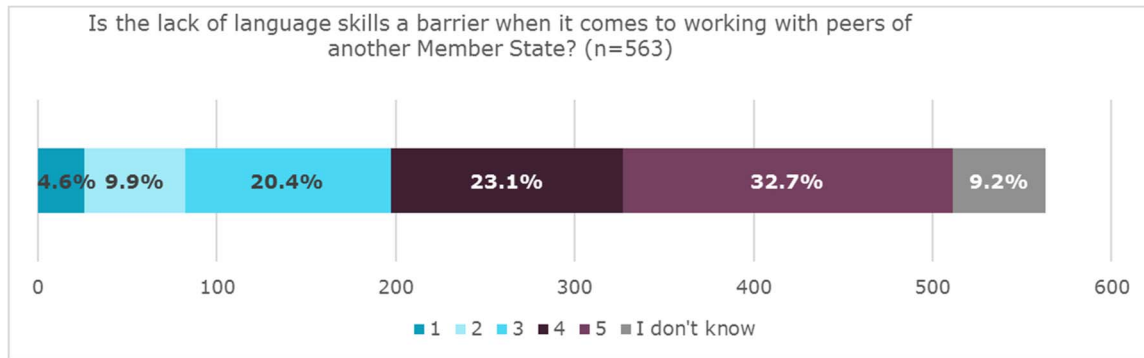
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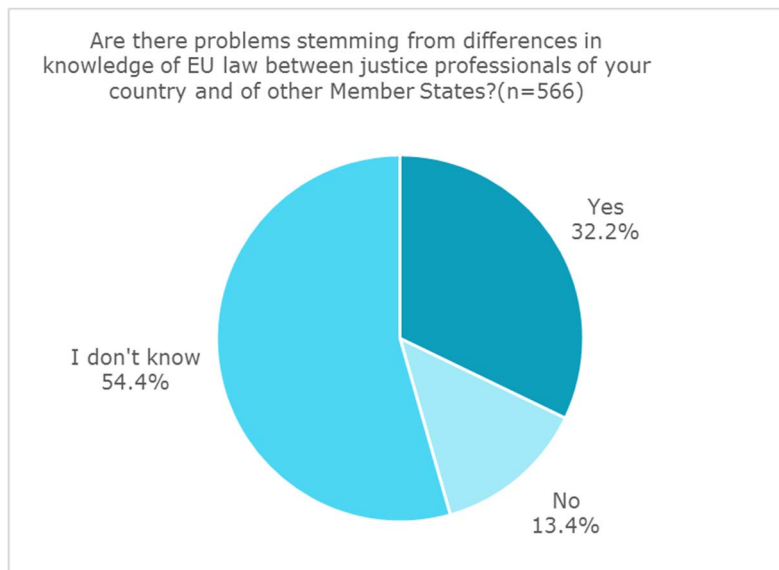
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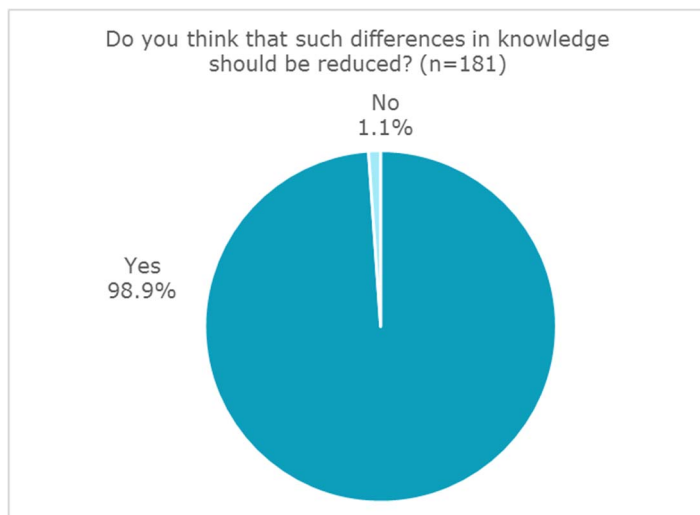
Question 14



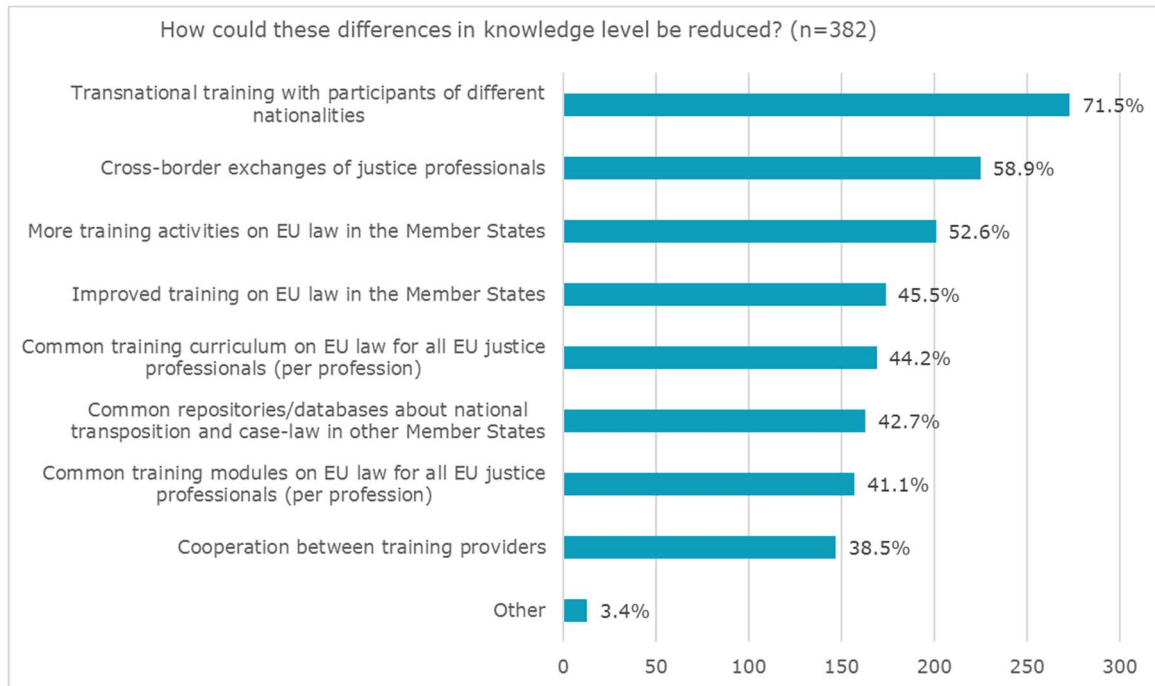
Question 16



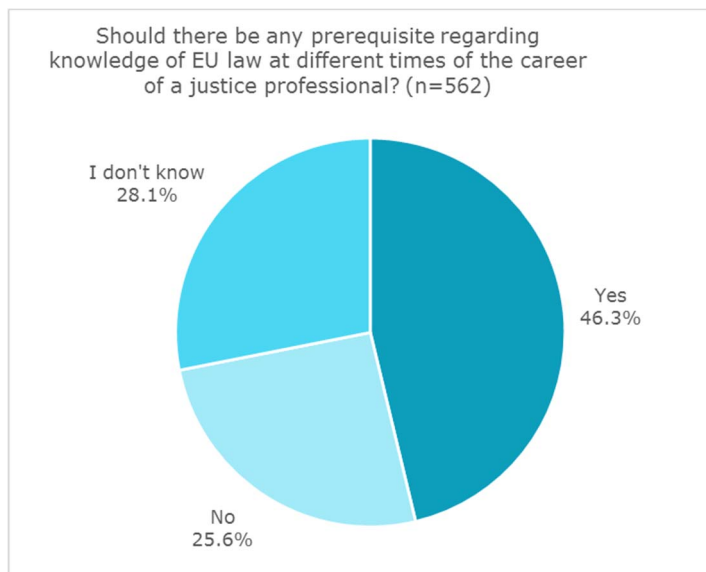
Question 17



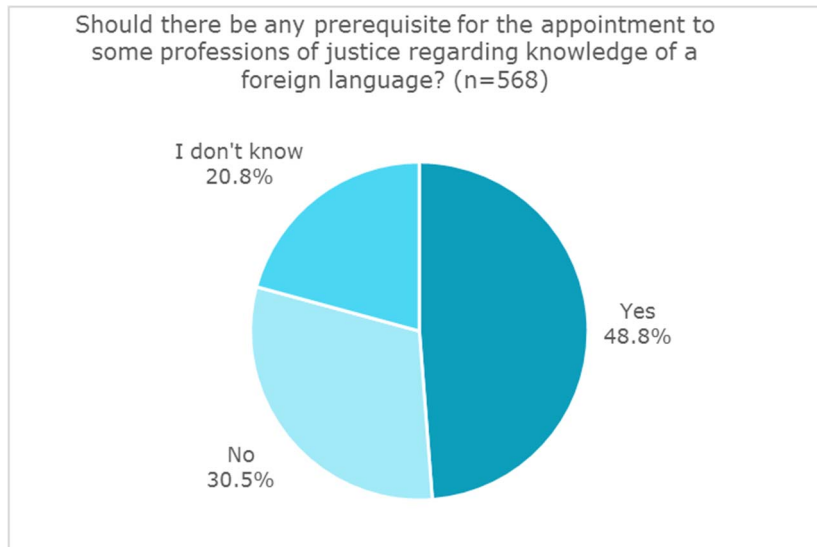
Question 18



Question 21

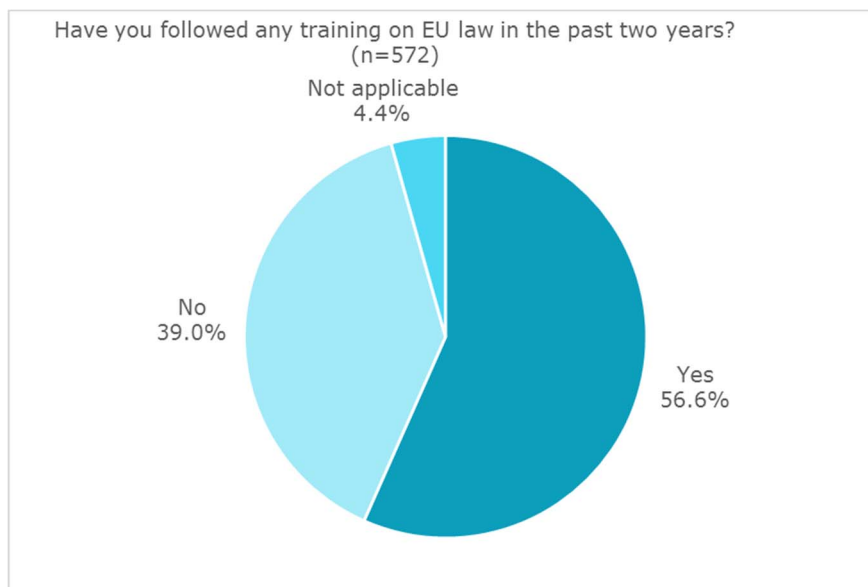


Question 23

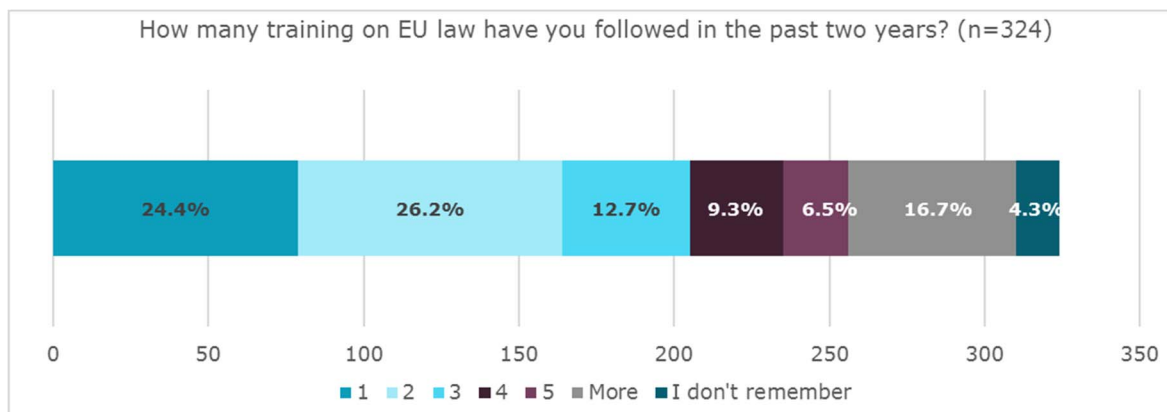


Training activities on EU law

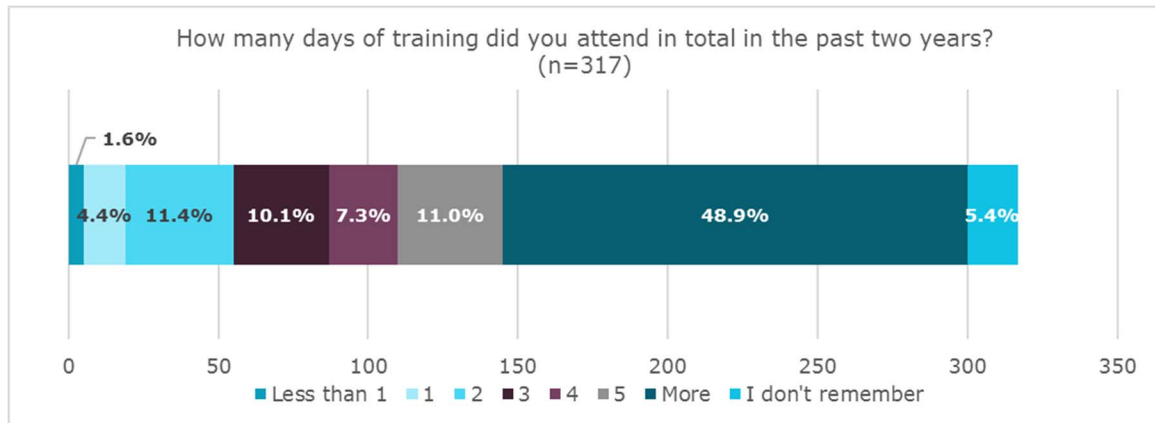
Question 1



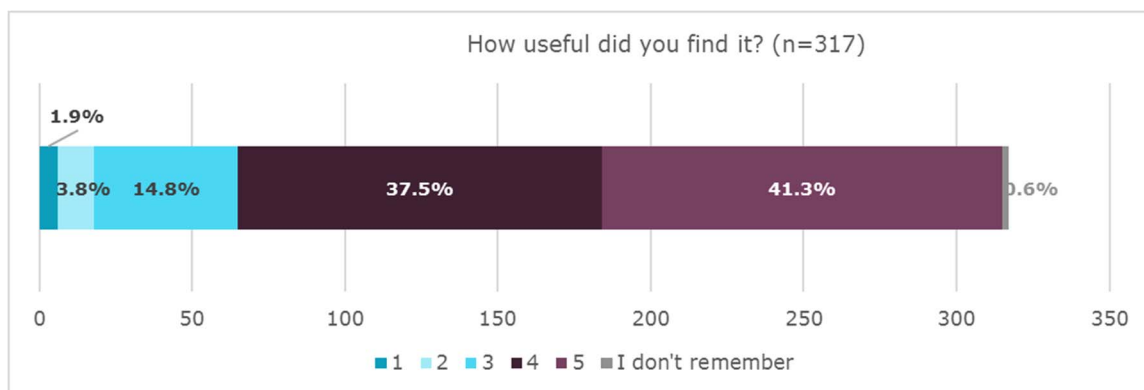
Question 2



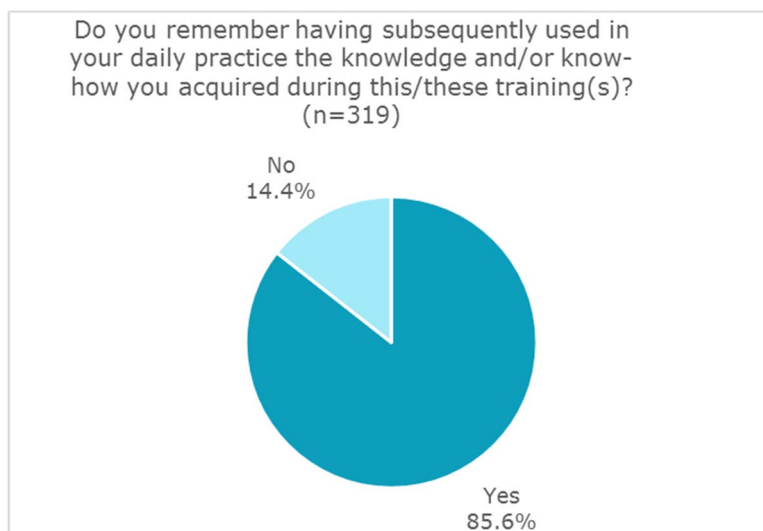
Question 3



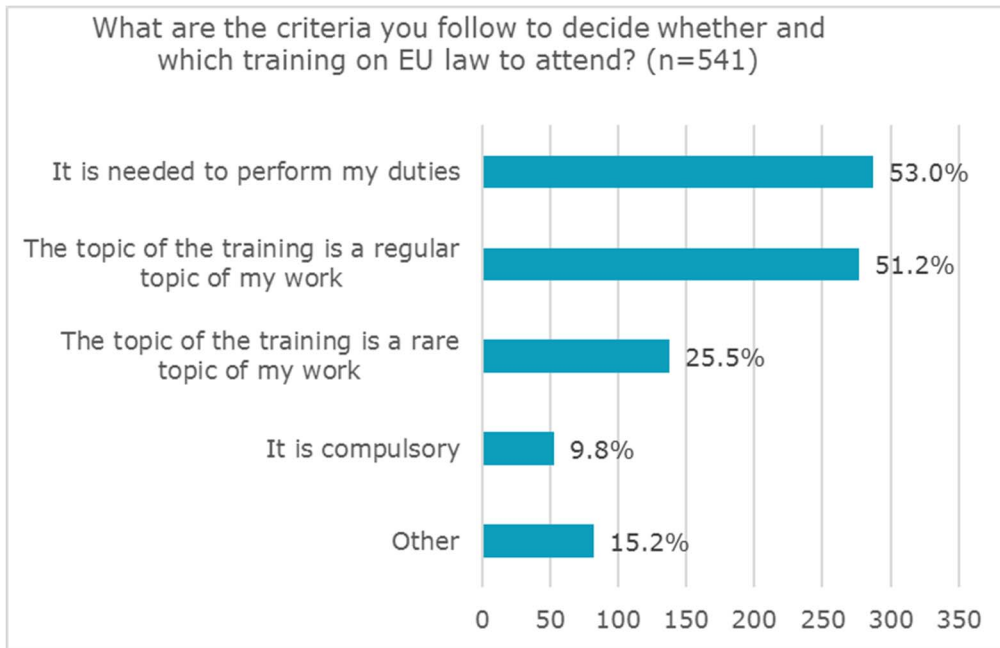
Question 4



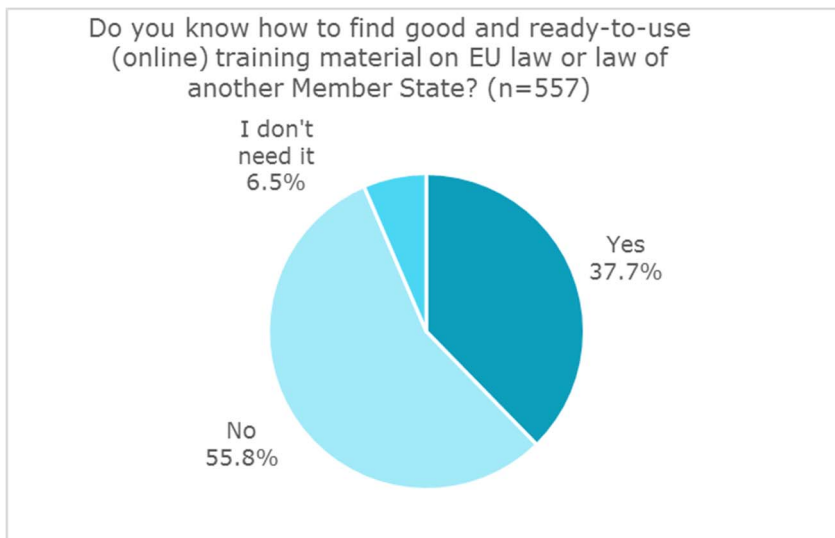
Question 5



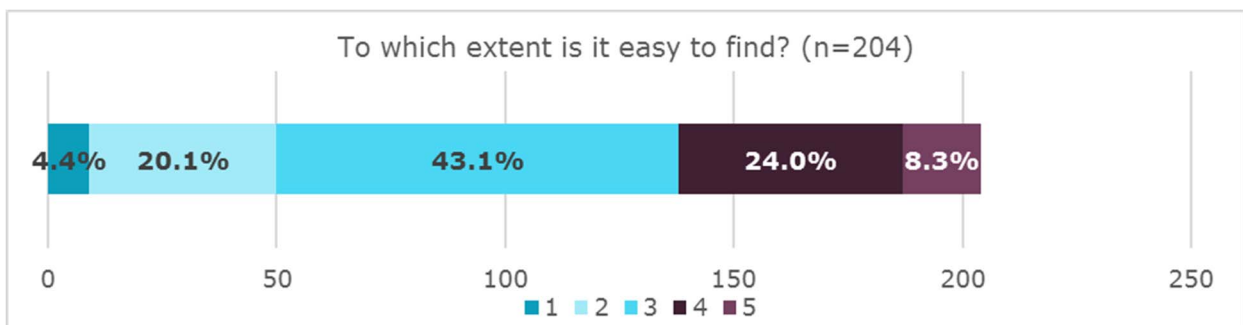
Question 7



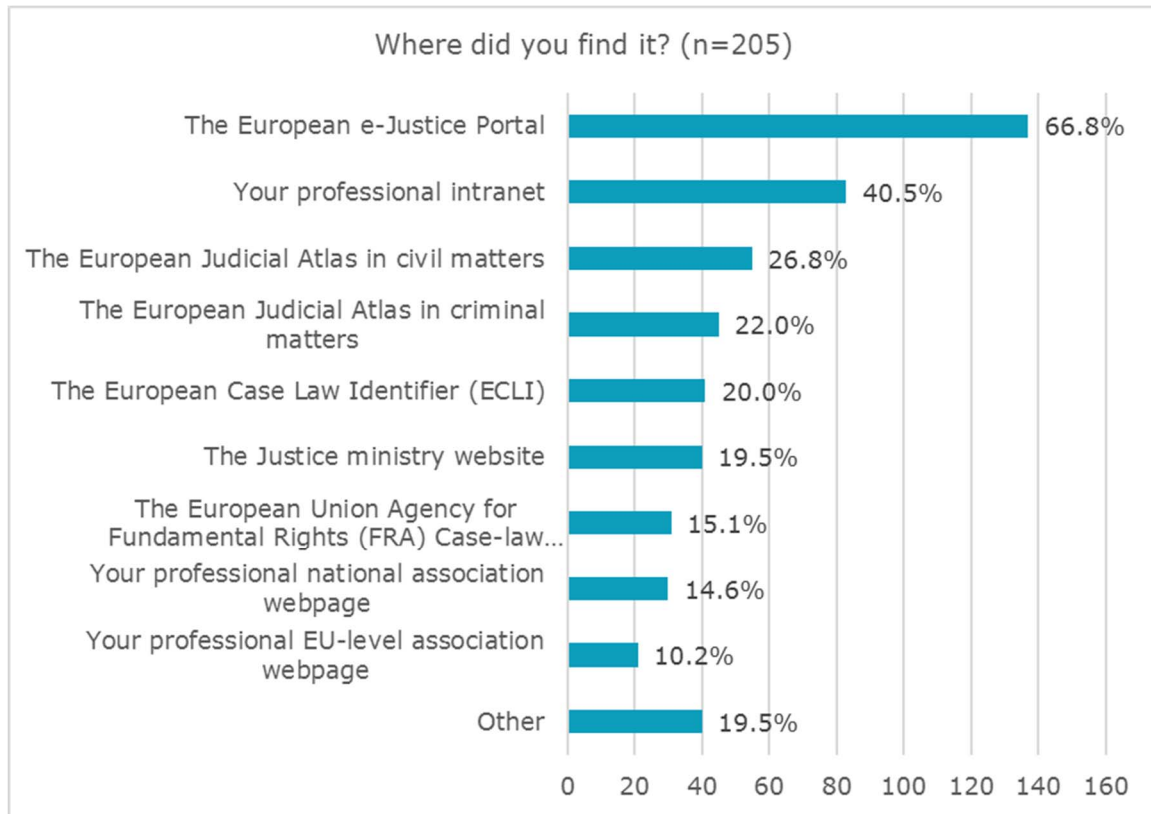
Question 9



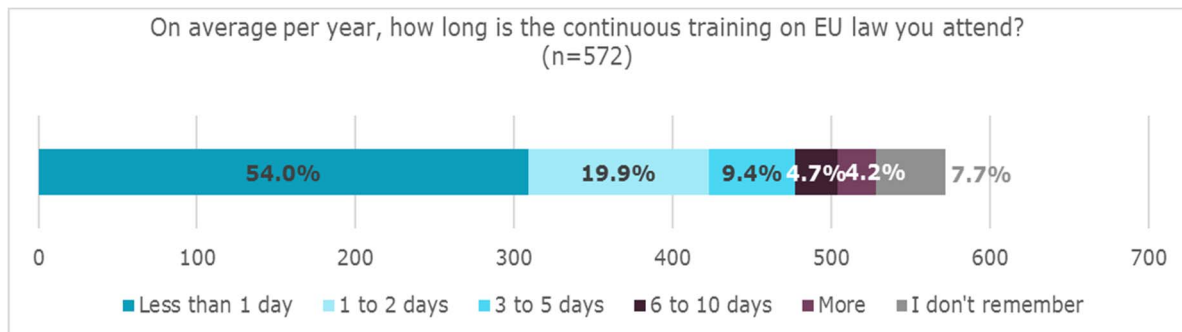
Question 10



Question 11



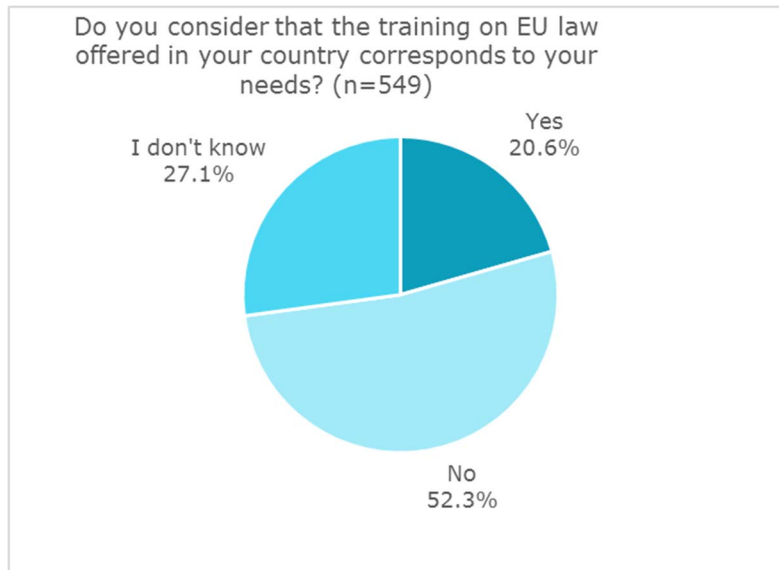
Question 14



Question 15



Question 17



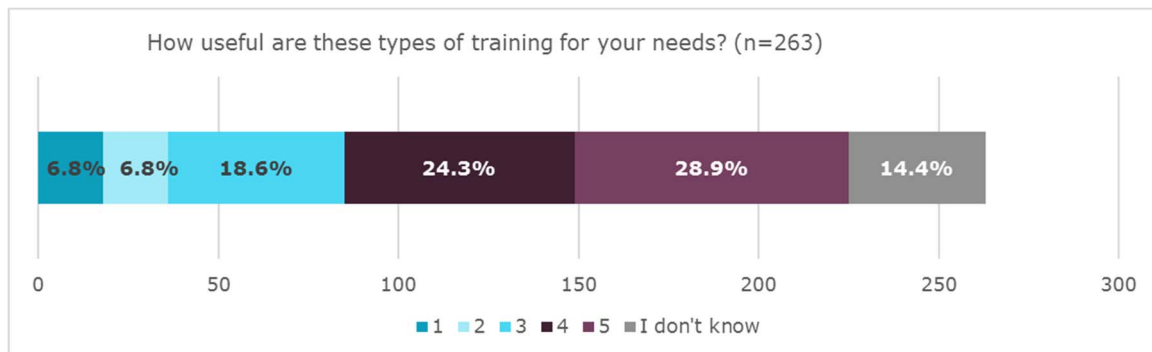
Question 19



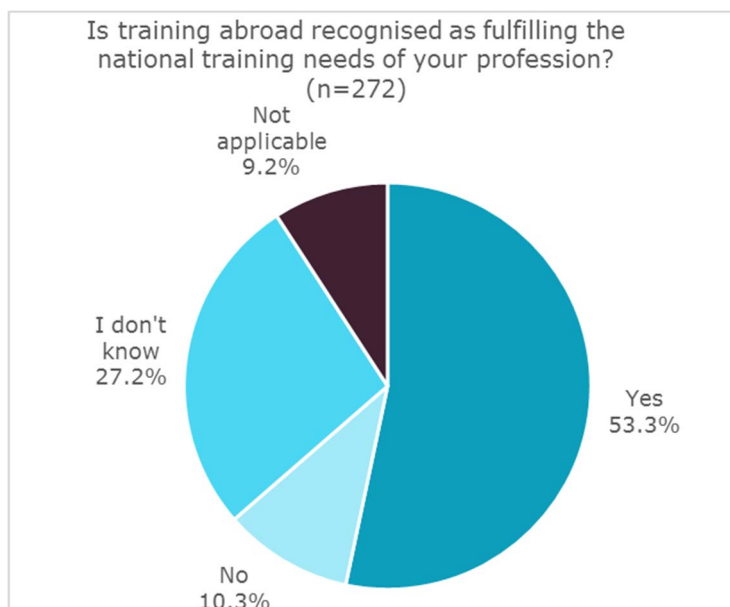
Question 21



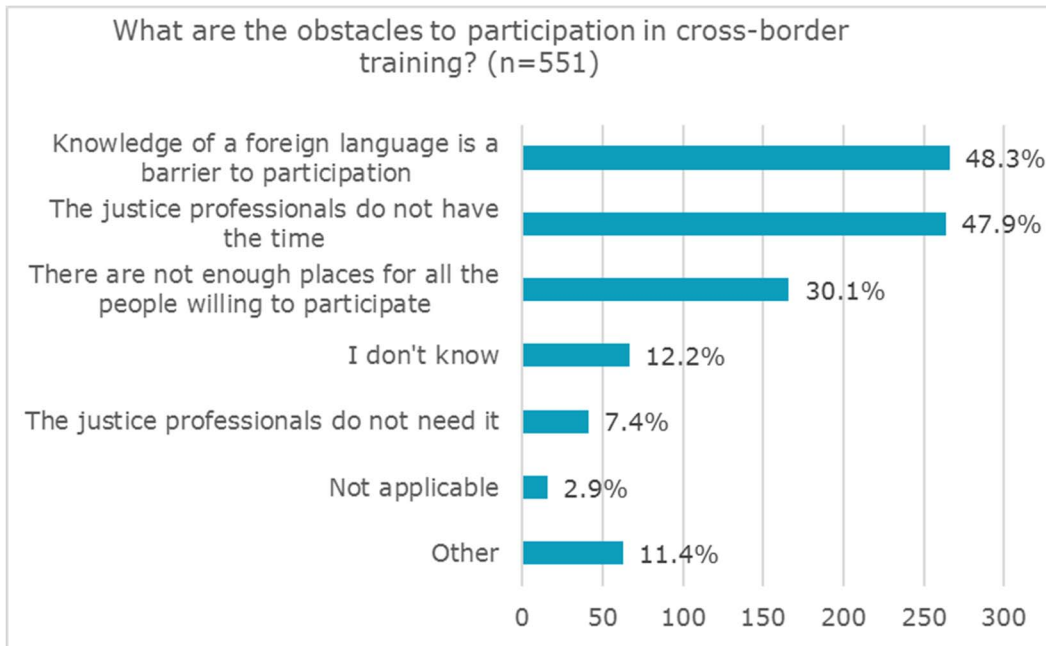
Question 22



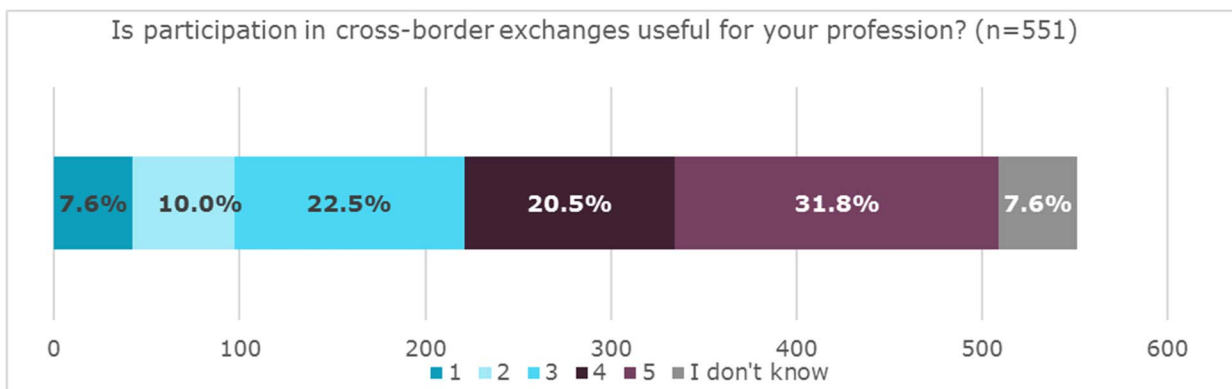
Question 23



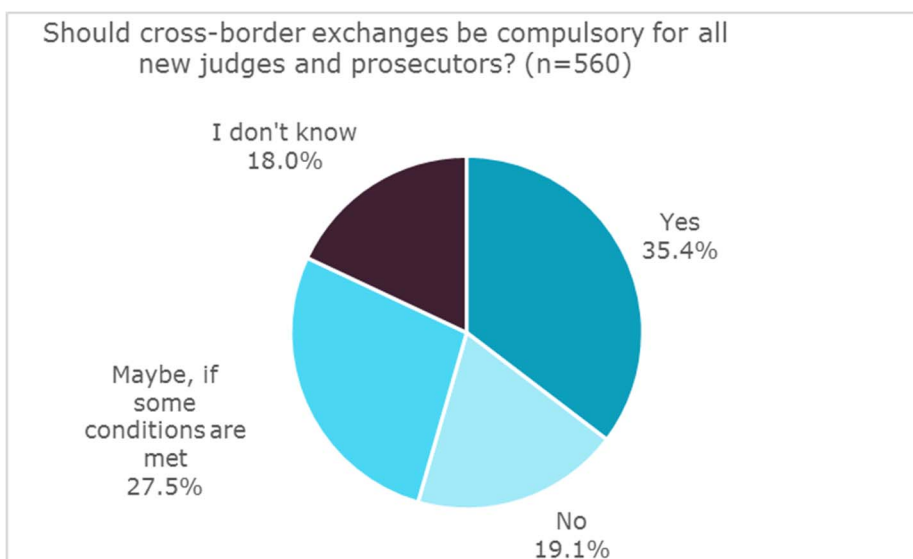
Question 25



Question 28



Question 29

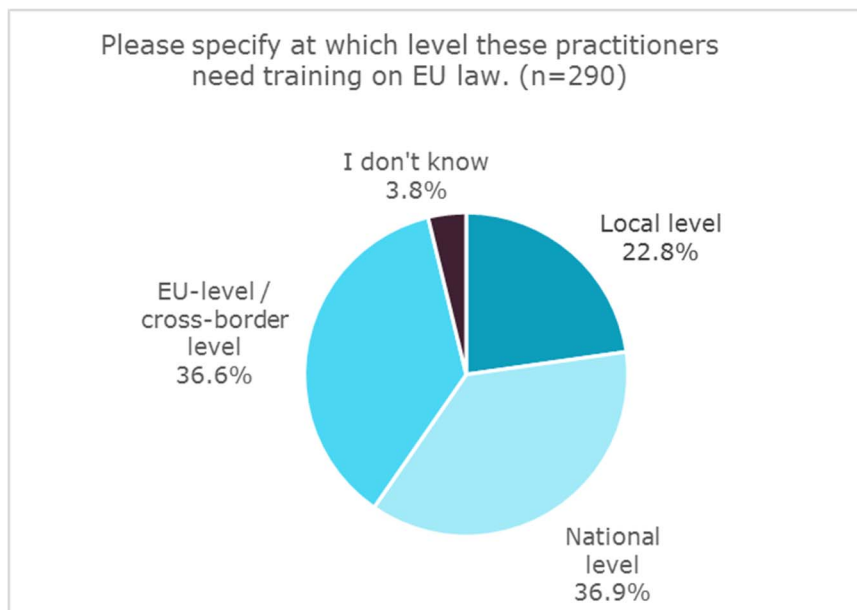


Scope of the European judicial training strategy

Question 1



Question 4



Question 5



Question 7



Question 9

